

Youth in Conflict with the Law - A Study on the Psycho-socio and Criminogenic Factors of South African Youth in Detention in Durban

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ABSTRACT The history of South African youths, especially, those from disenfranchised backgrounds, has been characterised by a struggle to become meaningful social actors. Despite the socio-historical context and policy initiatives for youth development, a large section of the youth populace are marginalised and excluded from socio-political and economic opportunities placing them at risk of psycho-socio criminogenic behaviour. The present study attempts to investigate the underlying nature and causes of some of these psycho-socio factors resulting in them coming into conflict with the law. It draws from a situational analysis of 77 youth incarcerated at a youth detention centre in the Metropolitan Area of Durban. The study seeks to provide possible proactive measures drawn from the social reality of incarcerated youth on how intervention at a micro, meso and macro levels can serve as a safety net preventing youth coming into conflict with the law.

INTRODUCTION

Given the history of disenfranchisement and youth marginalisation in South Africa in the apartheid era, who were schooled merely to serve the capitalist needs for cheap labour, upon ascendency to the presidency in 1994, Nelson Mandela in his state of the nation address stated that *"the youth of our country are the valued possessions of the nation. Without them can be no future, their needs are immense and urgent"* (Khan and Hemson 2002: 288). Such an assertion provided hope for both the past and current generation of youth in the country and was translated through political reform into a National Youth Policy (1997). Despite such political accolades accorded to approximately 26% of the youth in the democratic era, it is estimated that 36% of the prison population in South Africa is under the age of 16 years due to coming in conflict with the law for a variety of criminal offences (National Youth Policy 2009 – 2014: 16). Burton, Leoschut and Bonora (2009: xiii) asserted that youth between the age groups of 12 and 21 years are the peak years for offending and victimisation and consequently it may be concluded that a large proportion of South Africa's population falls within this "high risk" age cohort.

"The government must stop focusing on building a future for the youth but start to build the youth for the future"

Hence, youth crime is clearly a priority concern in South Africa. The particular concern is the fact that young people constitute a considerable percentage of both victims and perpetrators of crime, and in particular violent crime, in the country.

With such a large numbers of youth being at risk in coming into conflict with the law, this study aims to analyse the voices of incarcerated youth and ascertain the psycho-social and related factors that contribute to youth criminality. It explored the nature and extent of crimes committed by youth in South Africa. The study takes a cue from national incarceration statistics which revealed that there is a high level of incarcerated youth within South African Correctional facilities. Data for this paper was utilised from personally administered questionnaires with 77 male incarcerated youth attending grades 10 to 12 at the prison school at the Westville Youth Correctional facility in Durban, South Africa.

The structure of the study provides a conceptual understanding on the definition of a youth followed by a brief focus on South Africa's commitment to international protocols on the protection and incarceration of youth. Besides, the study provides a conceptual framework on the factors that predisposes youth into conflict with the law followed by an analysis of some the psycho-social causal factors within the South African context. Data gathered from

field research is, thereafter, analysed and the key findings are highlighted.

METHODOLOGY

Undertaking research in a state institution especially a correctional service requires certain protocols to be followed. For this study, special permission was sought from the Provincial Commissioner of Correctional Services on condition that all information will be kept confidential and respondent's participation in the study should be on a volunteer basis. To ensure that respondents volunteer for the study, permission was granted by the correctional services authority to brief a cohort of 102 respondents at the recreational centre. The nature and purpose of the study was explained to the respondents and they were reassured that there was no compulsion for them to participate in the study and they could decline to participate at any point in time for the duration of the study. A blank card was handed to the respondents in which they had to write their name and detention identity number. A week before the interview could be conducted the 77 respondents in the study were provided with personal invitation cards thanking them for volunteering participation in the study and mention was made of the date and time of the interview. In addition, a list of respondents together with the date and time was provided to the detention centres teachers to remind them individually on the days on which they will be interviewed. Provision was made with the correctional service to use their social workers offices for a period of one month commencing at 8am to 12 noon. The interviews were conducted face to face both in English and isiZulu, the indigenous language of the respondents. Interviews in isiZulu were undertaken through the help of a teacher in the detention centre.

The questionnaire requested the respondents to state their age, race, educational level, place of birth and any occupational activity before coming into conflict with the law. It also sought on their family structure at the time of coming into conflict with the law, information on type of laws violated, the place at which this occurred, history of previous violation of the law and detention, reasons for such violation and whether such violations were committed individually or with some other person or persons. Primary data was captured and analysed

on Statistical Package for Social Sciences Version 17 whilst a select secondary data from the Judicial Inspectorate Corrections Annual Report (2011-2012) on youth crimes was readapted and reanalysed to corroborate with this study.

Defining the Concept Youth and Children In Conflict With the Law

Defining who is a youth is a sociologically and psychologically precarious task as it varies between nation states and a strong divide exists between developed and underdeveloped countries in determining this population segment of society. Each typically defines youth to fit into its own societal parameters. Cultural factors also influence the way youth are defined. Sociologist, Vladimir Kulygin (1987: 13), a specialist in international youth movements, has noted that, although, youth is universal as a definite stage in life, its social status has a concrete historical and class nature and depends on the social system, culture, socialisation processes and mechanisms intrinsic to a given society as a whole, and also on the concrete class and stratum to which this category of the populace belongs.

Despite variations on the definition of youth, the United Nation (UN) defines 'youth' as those persons who are between 15 and 24 years of age. This definition was accepted by a meeting in 1985 that was especially held to mark it as 'International Youth Year' and was endorsed by the General Assembly (see A/36/215 and resolution 36/28. 1981). Notwithstanding such an international definition of youth, its members are restricted in abiding to this categorisation for reasons due to their peculiar social, political and economic circumstance that precludes them from abiding by such a prescription

In so far as youth in South Africa is concerned, the definition is contained in the National Youth Commission Act of 1996 which defines it as a subsection of the population between the age of 14 and 35. The main rationale for proposing such a broad definition of youth was the negative impact that apartheid had on deferring the transition of many young South Africans to adulthood due to a myriad number of disadvantaging psycho-social and economic factors. The high levels of political engagement of the youth in the eighties and nineties in a quest to liberate the country resulted in high levels of disturbance in the school achievements

exacerbated by poor quality education, followed by high levels of unemployment which excluded the youth from becoming financially independent, and establish stable family lives (Mathoho and Ranchod 2006: 1; Naidoo 1991: 150; Race Relations Survey 1987: 427-429). The political militancy of the youth against apartheid can be witnessed in the 1976 national student revolt against apartheid education that caused the martyrdom of Hector Peterson, the first child to be shot by apartheid forces in the sprawling working class township of Soweto in Johannesburg. Hector Peterson's death was a turning point in political attitudes of the international community hardening against the apartheid regime. The case of fourteen year old Andrew Zondo resonates the political consciousness of the youth amongst this generation on the structural conditions within the apartheid state on their personal development and advancement in becoming meaningful members of South African society. Zondo was hanged in 1986 aged nineteen, for an act of sabotage in which civilians were killed in the name of liberation (Naidoo 1991: 150).

It is undoubted that African youth in particular faced the greatest challenge within the period before democracy causing them to be confined to the periphery of South African society. In this respect, Mark Swilling aptly asserts that the new generation of African youth was the product of the alienated environment of the sprawling impoverished townships; a system of education that was designed to train them for wage labour; an economy that could no longer provide them with sufficient job opportunities; and a culture of political quiescence that they had begun to reject (Swilling 1988: 4).

To overcome South African youth challenges of the past, the democratic government set out to correct the social-economic disadvantage of youth defined in the subcategories of children and youth. The White Paper on Social Welfare (1997) addresses youth as 16 to 30 year olds whereas the South African Constitution, the Child Care Act and the Children's Act, define children as those persons under the age of 18 years. Such a distinction is based on the assumption by the NYC that the needs of 14 to 18 year olds will differ to that of 18 to 25 year olds and from a youth policy perspective it needed to be addressed differently with varying levels of intervention programmes. For purposes of the

present study both sub-categories will be merged in the analysis as constituting youth.

In so far as youth coming into conflict with the law, the United Nations Children's Fund (UNICEF) provides a standardized version for member states to use as a benchmark. UNICEF (2006: 1) define children in conflict with the law as those under the age of 18 years who fall within the justice system as a result of being suspected or accused of being in breach of the law. Notwithstanding such an international provision defined by age to be considered in conflict with the law, it is not uncommon to find children in transgression of the law for having committed petty crimes or offences considered minor. Vagrancy, truancy, begging or alcohol use notwithstanding the socio-economic status of their respective nation states are some of the behavioral aspects regarded by UNICEF for youth to be in conflict with the law. Ironically such a definition is wrought with deficiency for the simple reason when adults engage in such behavior, it is not considered criminal. Prejudices arising from racial discrimination, ethnic factors and the social and economic status of the child may have a predisposing effect in labeling youth to be in conflict with the law even when no crime has been committed or harsh response from law enforcement officials are meted out (UNICEF 2005).

Given the grey area and challenges posed in defining what acts of behaviour amongst youth can be considered to be in conflict with the law necessitating the intervention of the justice system, key international conventions have been ratified on youth justice to provide such clarity. The 1989 United Nations Convention on the Rights of the Child (UNCROC) seeks to provide a number of key principles that are vital for a measured and dispassionate response to child offending and the maintenance of the rights of children and young people. UNCROC is acclaimed to be the most universally accepted child and youth human rights document in history. Ratified by 192 countries, of which South Africa is a signatory, gives the rights of children and young people a central place within international law. It enshrines in Article 40.1 of UNCROC that every child who has infringed the penal law is entitled to treatment that promotes their sense of dignity and worth that takes into account their age and aims at their reintegration into society. Placing children in conflict with the law in a closed facility should be a last measure to be

avoided whenever possible. The convention prohibits the imposition of the death penalty and sentences of life imprisonment for offences committed by persons under the age of 18 (Becroft 2006: 1).

In the African continent, where youth are most vulnerable to socio-economic and political volatility due to a myriad number of factors that impedes on their transition to adulthood, it is more than likely that they will be at risk in coming into conflict with the law. The African Charter on the Rights and Welfare of the Child (African Children's Charter), which was adopted in July 1990 and entered into force on 29 November 1999, is a derivative instrument aligned to international standards to protect the rights of children and youth in conflict with the law. It forms part of a long line of international and regional instruments aimed at the promotion and protection of human rights of children and youth (Kaime 2009: 43).

Although South Africa had already signed and ratified the United Nations Convention on the Rights of the Child, alignment to the first democratic Constitution came into effect much later. South Africa had not yet complied with every aspect of the Convention as required as a signatory. Only much later, the South African Law Commission on behalf of the state was mandated to investigate child justice in the country. Less than a decade later, the South African Law Commission helped facilitate the *Child Justice Act* 75 of 2008 which proposes the establishment of a criminal justice system for children found to be in conflict with the law (Terblanche 2012: 1).

Conceptual Comparison of International and South African Prevalence of Psycho-socio and Criminogenic Risk Behaviour amongst Youth and Conflict with the Law

Leoschut and Burton (2006: 6) asserted that a dearth of international research has been conducted into the various factors that increase the vulnerability of youth to crime and consequently come into conflict with the law. The circumstances which place young people at risk either as victims or as offenders, or which exclude them from mainstream society, are now widely recognized and appear to be similar across both in North and South divide of the globe (Shaw and

Tschiwula 2002: 6). Broadly, factors frequently identified include individual, family and community factors (micro, meso and macro) are believed to place youth at increased risk of crime and criminality. The most common risk factors identified include family composition (adolescents from single-parent families are significantly more likely to be exposed to crime), exposure to crime and violence, inconsistent and harsh parenting styles, poverty and a quest for materialism, unemployment, inadequate housing and health conditions, absence from school and early drop-out, association and influence from delinquent peers, substance and alcohol use and the quality of human settlements and neighbourhoods (Leoschut and Bonora 2007: 91-101; Dahlberg 1998: 261-267; Redpath 2007: 3; McAra and McVie 2010: 184; Shaw and Tschiwula 2002: 61). Basically, all of these factors excludes the youth from becoming active and contributing members of society as it causes strain on their ability to aspire in respect of their personal growth, development and psycho-social and economic advancement.

Sociologist Robert Merton (1938: 680) in his classic strain theory avers that common symbols of success for the population which the social structure rigorously restricts or completely eliminates access to approved modes of acquiring these for the same population is a source of considerable anti-social behaviour. For Merton the quest for material advancement in society is an essential human desire and the most positive way to achieving this is mainly through sound education leading to career-orientated employment. The cultural goals of society is often expressed in material possessions, symbols of status, accomplishments and esteem that established norms and values encourage social actors to aspire to. However what is important is the distribution of opportunities to achieve these goals in socially acceptable ways, which in its absence can only result in devious ways of achieving these. Basically, it is the inequality reflected in the structure of society and lack of opportunity to achieve desired goals leads to crime and deviancy.

Beyond psychologists and sociologists, criminologists have analysed the relationship and interaction between the social context and individual criminality. When one looks at Sutherland's (1883-1950) criminological theory of differential association and Albert Bandura's (1925-

present) social learning theory which explains that criminality is learnt through exposure, modelling or imitation and both internal and external reinforcement of behaviour which expose people to criminogenic risk factors, suggests that the human environment plays an important role in shaping people's lives (Pelser 2008: 7). Hence, being exposed to crime and violence, consistently within institutions of socialization, (family, schools and immediate social environments within neighborhoods) results in youth learning and internalizing this behavior which replicates itself over time.

Shaw and Tschwula (2002: 59-60) asserted that in the past ten years, countries in the South, especially in urban areas, have experienced significant increases in population, in crime and in prison populations. There have been large increases in the numbers of street children, in the incidence of youth gangs, in alcohol and drug use, in truancy and school dropout rates, and in physical and sexual violence by and towards children and young people. This is in contrast to trends over the same period in many countries in the North, where levels of crime by young people began to decline from the mid-1990s. There is no universal agreement on the causes of the escalating youth crime and violence in the South, but inequality and social exclusion have been identified as two of the most significant factors (White cited in Legge 2008: 3) explains that, the social ecology of poverty, and prevalence of youth employment in particular, is crucial for understanding the precise nature and extent of youth offending in particular localities. Youth unemployment is the foundation for criminality since access to community resources, especially income opportunities, is a key factor in youthful offending. Hence, access to the labor market is a crucial factor since work opens new opportunities to realize personal needs such as starting a family, autonomy, recognition, and participation in society for the youth. However, with globalization and increasing economic exclusion of young people reveals evidence of the increasing economic vulnerability of children and youth. A child born in the twenty-first century has a four in ten risk of living in extreme poverty (White cited in Legge 2008: 3). The effects of globalization and unemployment amongst youth have become more prevalent in the developing countries of the South.

In so far as South Africa is concerned youth have been and are excluded from participation as effective social actors due to the debilitating effects of poverty, dysfunctional home environments, poor education, lack of appropriate skills and unemployment. One finds that this "underclass" cannot access the dominant or mainstream culture of reconstruction and development programme (RDP) unfolding in different forms as part of post-apartheid socio-economic reform despite being made part of it by different forms of youth policy programs and national symbolic importance accorded to them. These programs such as the National Youth Development Program (NYDP) constantly makes South African youth aware of and seeks to achieve its goal by creating conditions for wealth formation and consumption. Despite this, a vast majority of youth lack access to legitimate pathways of achieving program goals and as consequence a significant proportion of South Africa's youth has "normalised" illegitimate means – crime and violence – in acquiring the prevailing symbols of "success", demonstrate cultural compliance, individual status and "control" over their environments (Young 1999). Hence, crime and violence has become normalised mainly through "cultural acceptability" through consistent experience and exposure in the key institutions of their socialisation (homes, their schools and their neighbourhood). Hence, it is inevitable that South African youth will be come into conflict with the law.

ANALYSIS OF RESULTS AND DISCUSSION

The extent of youth coming into conflict with law as analysed from the South African Judicial Inspectorate of Corrections Annual Report (2011-2012: 25) is illustrated in Figure 1. It suggested that, although, sentenced and un-sentenced trends for female crimes appear constant for the periods 2007 – 2011 for the age cohort ranging between 14 – 25 year olds, the same cannot be observed for their male counterparts. It will be noted that for male youth offenders for the same age cohort there is a consistent decline in trends for the number of sentenced and un-sentenced offenders.

This inconsistency in sentencing and un-sentencing male youth offenders may be partly attributed to delays in police investigations, lack

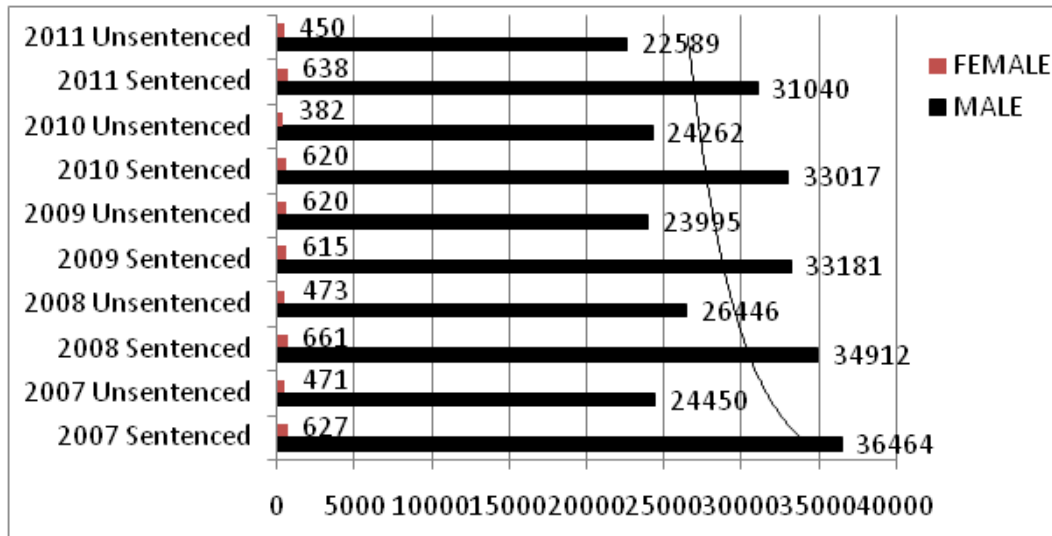


Fig. 1. Trend in sentenced and un-sentenced youth between the ages 14 - 25 for the periods 2007 - 2011
 Source: Adapted from Judicial Inspectorate of Corrections Annual Report (2011-2012: 25)

of officials within the judiciary to deal with such cases and a lack of correctional facility for their incarceration. During this period some of the incarceration centres have been temporarily closed due to poor physical standards of physical care whilst overall there is a massive diversity in terms of size, minimum standards and facilities across the South African correctional centres for youth. Given the time periods which they were built, the purposes for which they were built and the political landscape that prevailed when they were built has an indirect impact on the rate and pace of rehabilitation of youth offenders (Judicial Inspectorate for Correctional Services 2011-2012: 24).

The demographic profile of respondents indicated that their ages ranged from 17 years to 31 years. In terms of their educational levels there were 18 grade tens, 34 grade elevens and 25 in grade twelve. Respondents were convicted for a wide range of crimes, but most were convicted for robbery. The longest sentenced youth was 15 years and the lowest 2 years with a median of 10 years imprisonment for the majority of the respondents. 13% of the respondents committed multiple crimes while 87% committed single crimes. Only 21% of the respondents committed crimes whilst at school. Of the 13% who committed multiple crimes, 60% had been in prison previously and 20% had committed crimes

whilst at school. 45% of the respondents were repeat offenders and of these, 34% had committed crimes at school. 73% of the respondents lived in urban areas. Rural-to-urban migration crime trends did not feature amongst respondents as there was no difference between the localities where the respondents were born and resided at the time of their arrest. Most respondents (73%) resided in historically disadvantaged urban townships created by the former apartheid regime.

The racial profile of respondents was overwhelmingly African (94.9%) as compared to the remaining 5.1% who were classified as Coloured. In the present study, Indian and White youth offenders did not feature in the detention centre. Despite the trend suggesting that predominantly African youth were perpetrators of crime, it does not necessarily mean that Indian and White youth escape the scrutiny of the law in the country. Considering that African and Coloured youth are more economically disadvantaged compared to their Indian and White counterparts, they have lesser opportunities to defend their sentences through privately engaged attorneys considering legal costs. African youth in conflict with the law also have lesser family support structures to re-integrate them into the family system upon release, parole or when they qualify for bail.

Notwithstanding the almost homogeneous composition of the study cohort, the mean age of respondents at the time of incarceration was 21.9 years and the actual age at which they were found to be in conflict with the law was 18. It will be noted from Figure 2, the differences in age from the time the respondents were found to be in conflict with the law to their present incarceration in the youth detention centre. The finding suggested that on the average respondents spent approximately four years in incarceration having appeared before the criminal justice system.

In so far as the place of origin of respondents is concerned, 73% originated from urban localities in the city as compared to 27% from adjacent small towns in the Province. This suggests that youth who are in urban contexts are more at risk in coming into conflict with the law.

Within the study cohort it will be observed from Table 1 that cumulatively 92.3% of the respondents were in possession of educational qualifications below Grade 12. Only 7.7% of the respondents had completed Grade 12. This finding suggests that amongst youth offenders early school dropout is one of the major disadvantages in finding a positive pathway in life and society as a whole.

Table 1: Educational qualification levels amongst respondents

Educational Level	%
No schooling	2.6
Grade 1	3.8
Grade 4	2.6
Grade 6	2.6
Grade 7	1.3
Grade 8	3.8
Grade 9	16.7
Grade 10	29.5
Grade 11	29.5
Grade 12	7.7
Total	100.0

Whilst at school 21.5% of the respondents reported having engaged in some form of criminal activity as compared to 78.5% who had no exposure to crime. Although, approximately one fifth of the respondents were engaged in some form of criminal activity, it is likely that those who did not engage in criminal activity did so after having dropped off from school with little or no opportunity for economic advancement considering the shrinking labour market absorption rates for young people who are out of school with little or no skills. This finding is strongly supported by the number of respondents engaged in meaningful occupational activities.

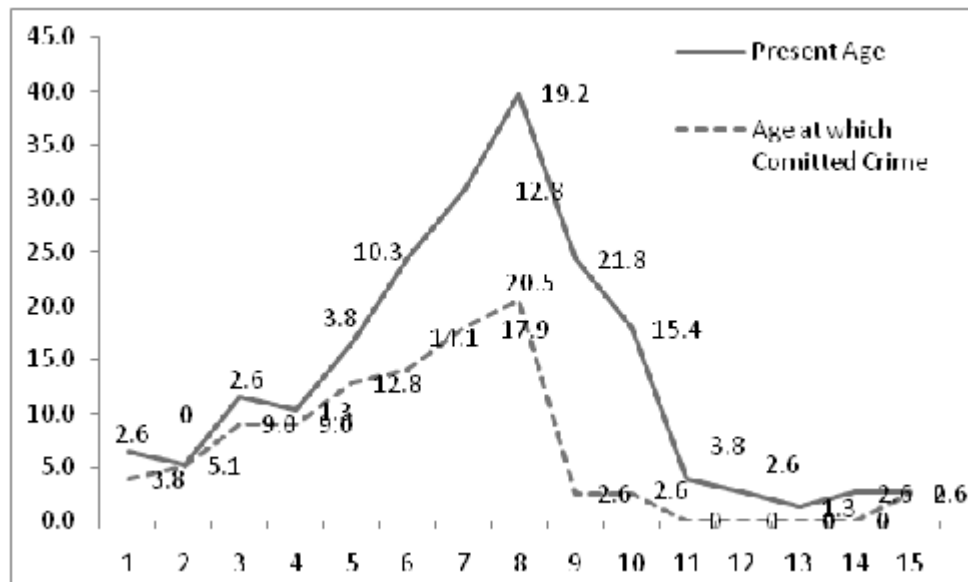


Fig. 2. Comparison of present male youth offender age and age at which crimes were committed

Note: On the horizontal axis 1 is equal to 10 years and so forth until 15 which equal 25 years.

Only quarter (24.4%) of the respondents reported that they were engaged in some form of occupational activity before committing a crime as compared to the vast majority (74.4%) who were excluded from participation in the labour market due to lack of employment opportunities. The financial position of youth in conflict with the law is further exacerbated by significant levels of poverty at the household level. This finding is corroborated with the household income levels of youth. A significant 27% of the respondents reported that no adult members of their household were employed at the time of committing a crime as compared to 48% who had one person in the household who was employed. Only a quarter (25%) of the respondents reported that more than one member in their household was employed.

The types of crimes committed by respondents varies significantly in nature, with robbery making up more than half (53.2%) of crimes committed as depicted in Figure 3. A significant number of respondents (13%) were incarcerated for murder whilst 3.9% for attempted murder. Cumulatively, material crimes (fraud, hijacking, theft, housebreaking and robbery) comprise 72.7% of crimes committed by respondents.

Of these crimes, 13% of the respondents were found guilty of committing multiple crimes as compared to 77% for single crimes. Peer influence is highlighted in the study as an important determinant predisposing youth to criminal activity. A total of 61% of the respondents reported that they have committed crimes whilst in the

company of friends as compared to 39% on their own.

In looking at the role of the family as a socialising agent for youth in conflict with the law, the study provides insight into the role of a diverse number of social actors within the family who are perceived to be a source of authority for the structure of the family and a source of social cohesion and stability. Given such diversity of social factors contributing to the socialisation of the youth within the family as depicted in Table 2, it comes as little surprise for this study in affirming that the traditional role of parental authority and supervision is somehow compromised for a variety of circumstances (divorce, single parent, widow, widower, step-parents and significant others).

Table 2: Source of youth supervision within the family

<i>Person responsible for supervision</i>	<i>%</i>
Aunt	5.1
Father	17.9
Grandfather	2.6
Grandmother	15.3
Mother	38.5
Parents	3.8
Self	2.6
Sister	9
Stepfather	1.3
Stepmother	1.3
Uncle	2.6
Total	100

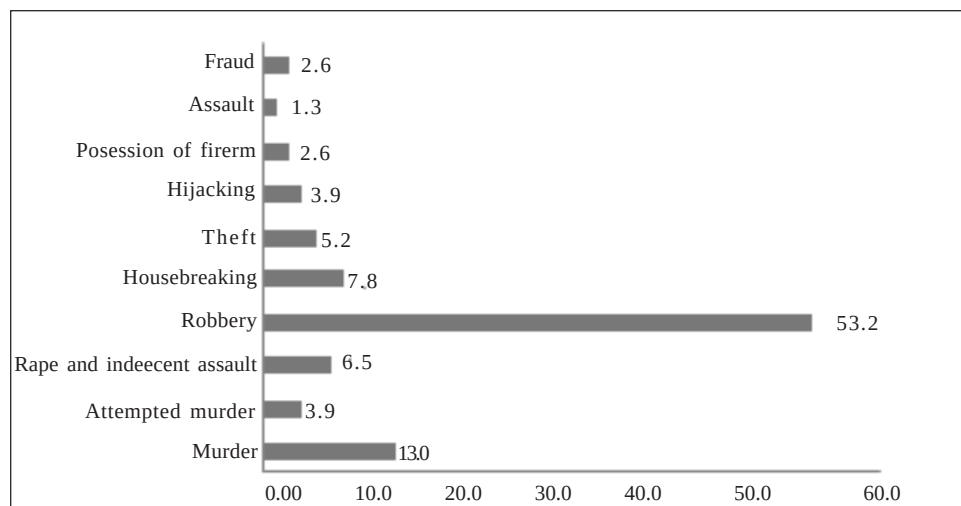


Fig. 3. Types of crimes committed in percentages

CONCLUSION

The paper highlights that youth are exposed to a wide range of psychological, sociological and criminogenic factors that predisposes them to be at risk and come into conflict with the law. From the analysis of the cohort of youth that have been incarcerated in the South African context, suggests that some of the challenges experienced by them are no different to their counterparts in parts of the world as highlighted in the conceptual framework. Youth in the developing countries have much in common in terms of challenges while making a transition to adulthood so that they may become contributing and meaningful actors in society. Structural conditions, at a macro level in a way puts youth in problems as they are excluded from resources for the advancement of their well-being. In this study primarily, poverty and unemployment feature as key sociological factors in perpetuating violence and crime amongst youth. This has a cyclical effect on their school performance resulting in poorly acquired skills to advance themselves in a rapidly shrinking labour market demanding diversified and specialised skills. At a meso-level the family as a primary institution of socialisation is virtually absent within this study cohort with only 3.8% of the respondents being cared for by both parents. Breakdown in the family system whether natural or by sociological explanations would appear to be a central psychological factor denying youth the necessary safety net to make the transition into adulthood with the least amount of psychological aberration predisposing them to criminogenic behaviour patterns. Considering the fact that 45% of the respondents were repeat offenders suggests that they have already become accustomed to criminogenic behaviour which predisposes them to higher levels of recidivism later in life.

RECOMMENDATIONS

Poor family stability, peer pressure, weak parenting skills, low household income levels, liveable human settlements, support within educational institutions for youth that are predisposed to crime risk factors, the forms of safety nets provided by the state and civil society through programmes and projects for positive youth development are issues that needs to be looked at in an integrated way to unleash the

full potential of the youth. At a micro-level, incarceration of youth in youth detention centres should ideally be used as a temporary measure to contain the youth from both self-harm and society as a whole. In the long term, youth in conflict with the law needs to be engaged in a variety of positive youth development programmes at a localised level through the support of the state and organs of civil society. South Africa has to a certain extend has experimented with diversion programmes for youth at risk, but this has been largely been at the level of NGOs and CBOs with minimal state support in terms of resources. Such programs suggested that where youth are found to be at risk, are removed temporarily from such situations until the social-psychological condition of the family or household stabilizes. Whilst such a programme could be one way to protect youth at risk within their home and community environment, another challenge that needs to be explored is how to contain youth who are already at risks. One of the challenges in South Africa is that much emphasis is placed on integrated planning of new human settlements from a technical perspective. Very little emphasis is placed on the planning of integrated human settlements from a social perspective that provides a wide range of resources for youth to engage in positive youth development programmes such as sports, social clubs, participation in community programs and other personal enrichment activities.

In the case of South Africa extending the definition of youth to age thirty-five perhaps requires a policy rethink for the simple reason the needs of younger persons demands greater protection from the state for reasons that they are more vulnerable to the structural conditions in the country and are both psychologically and sociologically susceptible to criminogenic behaviour. The broad definition of youth, it might be questioned to be politically motivated to provide stability to an emerging democracy, but at the same time it may be asserted that it has come at the expense of youth at a tender age whose needs are wanting given the high rates of poverty and unemployment in the country.

REFERENCES

- Becroft AJ 2006. 'Children and Young people in Conflict with the Law'. From <www.justice.gov.nz/courts/youth/publications-andmedia/speeches/belfastcongress-2006/4.-a-principled-approach-to-children-in

- conflict-with-the-law> (Retrieved on 12 January 2008).
- Burton P, Leoschut L, Bonora A 2009. Walking the Tightrope: Youth Resilience to Crime in South Africa. Centre for Justice and Crime Prevention, *Monograph Series*, No 7, Cape Town.
- Dahlberg LL 1998. Youth violence in the United States: major trends, risk factors, and prevention approaches. *American Journal of Preventive Medicine* 14(4): 259-272.
- Judicial Inspectorate of Correctional Services Annual Report 2011/2012. From <<http://judicialinsp.pwww.gov.za>> (Retrieved on 10 September 2013).
- Kaime T 2009. *The African Charter on the Rights and Welfare of the Child: A Socio-legal Perspective*. Pretoria University Law Press (PULP): Pretoria.
- Khan S, Hemson D 2002. Youth participation in the labour force: Globalisation and some critical junctures for youth employment policies in the Post-Apartheid South Africa. In: G Szell, D Chetty, A Chouraqui (Eds.): *Participation, Globalisation and Culture*. Frankfurt: Peter Lang.
- Kulygin V 1987. *Youth Tabloid Politics*. Moscow: Progress Publishers.
- Legge S 2008. Youth and Violence: Phenomena and International Data by New Directions for Youth Development, No. 119, Fall 2008 © Wiley Periodicals, INC. Published online in Wiley Inter Science. From <www.interscience.wiley.com> (Retrieved on 2 September 2013).
- Lezanne L, Burton P 2006. How Rich the Rewards? Results of the 2005 National Youth Victimisation Study. Centre for Justice and Crime Prevention, *Monograph Series*, No.1, Cape Town.
- Lezanne Leoschut, Angela Bonora 2007. Offender perspectives on violent crime. In: Patrick Burton (Ed.): *Someone Stole My Smile an Exploration into the Causes of Youth Violence in South Africa*. Centre for Justice and Crime Prevention, *Monograph Series*, No 3, Cape Town.
- Mathoho M, Ranchod K 2006. Identity crisis? Youth, Social and Political Identity in South Africa. *Policy: Issues and Actors*, 19: 4. Johannesburg: Centre for Policy Studies.
- McAra L, McVie S 2010. Youth crime and justice key messages from the Edinburgh Study of youth transitions and crime. *Criminology and Criminal Justice*, 10(2): 179-209.
- Merton R 1938. Social structure and anomie, *American Sociological Review*, 3(5): 672-682.
- Naidoo K 1991. The politics of youth resistance in the 1980s: The dilemmas of a differentiated Durban. *Journal of Southern African Studies*, 18(1): 143-165.
- National Youth Commission Act 1996. President's Office No.19 of 19 April 1996. From <www.info.gov.za/gazette/acts/1996/htm> (Retrieved on 1 January 2013).
- National Youth Policy (NYP) 2009-2014. National Youth Policy 2009-2014. South Africa Pretoria. From <www.thepresidency.gov.za> (Retrieved on 30 August 2013).
- Organisation of African Unity 1999. African Charter on the Rights and Welfare of the Child. OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999. From <www.youthACRWC.htm> (Retrieved on 4 December 2012).
- Pelser E 2008. Learning to be Lost: Youth Crime in South Africa. *Discussion Paper for the HSRC Youth Policy Initiative*, Reserve Bank, 13 May 2008 Centre for Crime Prevention and Justice, Cape Town.
- Redpath J 2007. Parallel Lines Policies Relevant to Child Safety in South Africa. Centre for Justice and Crime Prevention, *Monograph Series*, No 2, Cape Town.
- Shaw M, Tschiwula L 2002. *Developing Citizenship among Urban Youth in Conflict with the Law Environment and Urbanization*. 14: 2 Safer Cities Programme of UN-HABITAT, DOI: 10.1177/095624780201400205. London: Sage Publication, pp. 59-69.
- South African Race Relations Survey (SAIRR). 1987. South Africa Survey Online. From <www.sairr.org.za/services> (Retrieved on 10 September 2013).
- Swilling M 1988. The politics of stalemate. In: P Frankel (Eds.): *State Resistance and Change in South Africa*, Kent, UK: Croom Helm Ltd.
- Tereblanche SS 2012. The Child Justice Act: A Detailed Consideration of Section 68 as a Point of Departure with Respect to the Sentencing of Young Offenders. Potchefstroom Electronic Law Journal. 2012 PER 58. From <www.youth.2013/JuvenileTereblanche.ss.com> (Retrieved on 2 August 2013).
- United Nations Children's Fund (UNICEF) 2006. Children in Conflict with the Law'. From <www.unicef.org> (Retrieved on 5 June 2013).
- UNICEF 2005. Integration and The Well-Being of Children in The Transition Economies Innocenti Research Centre. From <<http://www.unicef.org/publications>> (Retrieved on 8 September 2013).
- White R 2002. Youth crime, community, development, and social justice. In: M Tienda, WJ Wilson (Eds.): *Youth in Cities: A Cross-national Perspective*. Cambridge: Cambridge University Press, pp. 138-164.
- Young J 1999. *The Exclusive Society: Social Exclusion, Crime and Difference in Late Modernity*. London: Sage.