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# A CASE STUDY OF A FEMALE INCLUSIVE DIVERSION PROGRAMME IN SOUTH AFRICA

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A research project submitted in partial fulfilment of the requirements for the degree of Master of Arts (Diversity Studies), in the Faculty of Humanities, University of the Witwatersrand, Johannesburg.

Signed on 14 March 2017 in Johannesburg

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University of the Witwatersrand, Johannesburg

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## Abstract

This case study research explored a female inclusive diversion programme through the analysis of the lived experiences of the staff and programme participants. The research targeted six staff at the programme and five female participants, between the ages of 14 to 35 years who have completed or are busy completing the iCHOOSE diversion programme. The research is qualitative, drawing on eleven semi-structured interviews, direct observations, and documentation. Five themes were identified using Yin's (2011) five phases of qualitative data analysis, namely: ownership, personal, equality and equity, performativity, and winding road. The first four themes focused on the participants whilst the final theme highlighted the programme itself in terms of advantages, disadvantages, and success. Key findings highlight the difficulties experienced by female youth participants, which mainly consist of societal perceptions of gender norms making their involvement in deviant and criminal acts more problematic than male's involvement. In addition, discourse of equality as sameness hinders social justice. This research aims to expand on the current understanding of female youth offenders and add valuable insights to existing literature.


*Keywords:* diversion, female, youth, offender, crime, case study.

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# List of Abbreviations

| | |
|---|---|
| ACRWC | African Charter on the Rights and Welfare of the Child |
| ADRM | Alternative Dispute Resolution Methods |
| CJA | Child Justice Act of 2008 |
| CJS | Criminal Justice System |
| CDL | Critical Diversity Literacy framework |
| DCS | Department of Correctional Services |
| DJCD | Department of Justice and Constitutional Development |
| DSD | Department of Social Development |
| NYP | National Youth Policy 2015-2020 |
| NGO | Non-Governmental Organisation |
| NICRO | National Institute for Crime Prevention and Reintegration of Offenders |
| SA | South Africa |
| SALRC | South African Law Reform Commission |
| SJT | Social Justice Theory |
| UN | United Nations |
| UNCRC | United Nations Convention on the Rights of the Child |
| USA | United States of America |
| VCI | Valued Citizens Initiative |

# CHAPTER 1: INTRODUCTION

There is a general consensus surrounding the lack of research into female youth offenders. There has been a call for gender-specific (specialises on female youth offenders) and/or gender-responsive (incorporates female youth offenders and their needs into existing, male-dominated programmes) initiatives to address this gap and move away from the construction of female youth offenders as the abnormal abnormal. This is achieved by creating alternatives to incarceration through diversion programmes that address female youth offender's needs.

## Background

Crime has become commonplace to the point of normalisation in South Africa (SA). In the 2015/2016 reporting year alone, approximately 2.1 million persons lodged a report of crime ("South Africa crime", 2016), including a staggering 51 murders each day (Africa Check, 2016). This is particularly alarming as the majority of offenders are young males (Department of Correctional Services [DCS], 2016). These statistics highlight the need for Alternative Dispute Resolution Methods (ADRM) to resolve disputes between people through both informal mediation and diversion programmes. A total of 166 952 cases formed part of the ADRM system in the 2015/2016 reporting year alone (Department of Justice and Constitutional Development [DJCD], 2016). 5 528 child offenders were diverted pretrial and 2 593 post trial in the same period (DJCD, 2016).

Diversion can be defined as the referral of youth offenders away from courts and sets out to achieve a variety of outcomes namely; to encourage child offenders to take responsibility for their actions, to promote reconciliation between the child offender and the victim/s and community, limiting stigma attached to the child offender, the prevention of the child offender receiving a criminal record, and to reduce recidivism (Child Justice Act [CJA], 2008). Diversion programmes are initiatives that divert offenders, usually children, away from the court and prison systems into community-based programmes with the goal of rehabilitation. The iCHOOSE programme at the Valued Citizens Initiative (VCI) is an example of such a diversion programme.

VCI is the innovation of Carole Podetti-Ngono and is currently operating in four provinces in SA,

namely Free State, KwaZulu-Natal, Limpopo, and Gauteng. It aims to develop responsible proud South African citizens through a variety of programmes. iCHOOSE is a programme that diverts both male and female offenders from prison with the goal of rehabilitation. iCHOOSE aims to develop leadership and relationships through a variety of skills such as effective communication and self-reflection. Eight staff members were working at iCHOOSE during the course of this research. There were 46 children sent to the diversion programme in 2016, with 39 male and 7 female. During this period 290 youth/adults were in the diversion programme, with 207 males and 83 female. Diversion programmes are based on the premise that treating offenders in the community, and thus away from the prison system, is beneficial for both the offender and community (Yablonsky & Haskell, 1988). Further benefits include being more cost effective and having greater chances of success than prison systems (Yablonsky & Haskell, 1988). Despite this, SA has had a tumultuous track record with implementing diversion programmes.

Diversion programmes in SA have been practiced since 1990, even though no formal legislative framework existed, which resulted in inconsistent practices. These disjointed practices manifest themselves in treatment and sentencing whereby some youth offenders have been sentenced to jail whilst others have been diverted for having committed the same or similar crimes (Badenhorst, 2011). To combat these inconsistencies a variety of non-governmental organisations (NGOs) looked to peak interest in the diversion of child offenders in 1992, namely NICRO (the National Institute for Crime Prevention and Reintegration of Offenders) in SA (Badenhorst, 2011). These initiatives pioneered and implemented diversion programmes for child offenders nationwide. Organisations had to work around, and eventually contribute to, the following legal framework evolutions:

- The Criminal Procedure Act 51 of 1977, which governed all offenders, including children with minimal provisions made for them;
- The ratification of SA with the United Nations Convention on the Rights of the Child (UNCRC) in 1995 held SA to the rights contained in it and the creation of a new, separate system for child justice;
- The interim Constitution of the Republic of SA in 1993;
- In 1996, the final constitution was adopted that set out separate principles (in section 28)

for dealing with child offenders such as sentencing prison time as a last resort;

- The ratification of SA with the African Charter on the Rights and Welfare of the Child (ACRWC);
- The release of the draft Child Justice Bill in 2000 by the South African Law Reform Commission (SALRC);
- The Child Justice Bill of 2002, (Bill 49 of 2002), not enacted;
- Children's Act of 2005, (Act 38 of 2005);
- The Criminal Justice Act of 2008 (CJA), (Act 75 of 2008), enacted in 2010.

The CJA finally provided a legal framework that made way for diversion programmes.

According to the DJCD 2015/2016 annual report 8, 121 children under the age of 18 years were placed in diversion programmes during 2015/2016, which is a 0.3% drop from the 2014/2015 period (DJCD, 2016). A research report by Smit (2011), focusing on NICRO, indicated that 56.7% of referrals to their diversion programme were between the ages of 13-18 years and if this is extended to those 39 years and younger it goes up to 89.4%, with Gauteng having the highest number of referrals. Racial patterns of diversion referrals seemed to match the demographic profile and distribution of provinces. Referrals came from both formal and informal referral procedures, with prosecutors and probation officers directing most of them. Female referrals accounted for 21.8% of all referrals, with Gauteng once again having the highest number of referrals.

Female-specific legislation takes the form of the White Paper on Correctional Services that identifies female offenders as a vulnerable group but focuses on female offenders with children (DCS, 2005), the White Paper on Families (Department of Social Development [DSD], 2012). The Bangkok Rules (The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders) also highlights female offenders with children, but goes further in ensuring other needs (hygiene) are met as well (United Nations [UN], 2010). In addition, the Bangkok Rules have special provisions for female child offenders highlighting education, sexual and mental health, and their gender-based vulnerability during legal decision-making.

Female offenders constitute approximately one-fifth of all referrals to diversion programmes and thus I will argue in this paper that they need to be catered for in the form of research and gender-specific programmes that will take their needs into account.

**The Research Problem**

Most of the research conducted on both adult and child offenders focuses on boys, which could be argued as legitimate as most offenders in SA are male. However, this leaves a gap in the research and therefore understanding of female offenders and their needs, which deserve to be studied in their own right despite only accounting for approximately a fifth of all referrals to diversion programmes.

According to Van Voorhis, Salisbury, Wight, and Bauman (2008) female offenders have different needs in contrast to male offenders and therefore have unique issues, including:

- Higher rates of trauma, victimisation, and abuse (both physical and sexual);
- Mental health problems such as depression, anxiety, and psychotic symptoms;
- Parental stress as women are usually responsible for the day-to-day care of children, parents, and other dependents;
- Intimate relationships based on women's higher value placed on relationships for their self-worth;
- Empowerment leading to self-esteem and self-efficacy deficiencies.

They also have additional social reintegration needs that differ from male offenders, such as family reunification, financial and housing safety support (escape domestic abuse), and parental stress (Van Voorhis et al., 2008).

In a study based on NICRO, Jules-Macquet (2015) found that 24.6% of offenders in the programme were female, with 17.8% being girls under the age of 18 years. He also found that female offenders have a relatively better education, lower rates of drug abuse, and lower incidences of aggressive crimes than their male counterparts, however, they have higher unemployment rates and account for 70% of NICRO referred child abuse cases.

These papers exploring female offenders by both Van Voorhis et al. (2008) and Jules-Macquet (2015) highlight specialised needs and challenges faced by female offenders. From this, female offenders could therefore benefit from gender-specific interventions addressing these needs and challenges. Jules-Macquet (2015) argues that these specialised interventions take form in terms of more resources being allocated to programmes and services, such as social reintegration and assessment tools, that are oriented towards, and culturally sensitive to, female offenders.

**The Purpose of the Study**

The purpose of this study is to explore a female-inclusive diversion programme based on the lived experiences of the staff and programme participants, in addition to document analysis and direct observations. This study will be looking at how childhood is constructed and specifically deviant female children and youth. This will allow for a critical reflection on the hegemonic processes of a patriarchal SA that not only restrict girls, but their access to adequate resources such as diversion programmes, specifically gender-specific interventions.

**Research Question**

What experiences and views are held by female youth offenders and programme staff surrounding female participants within a female inclusive diversion programme?

**The Objectives of the Study**

The objectives of the study into the chosen female inclusive diversion programme will be to explore the purpose of, and provide accurate information on, the diversion programme. This will include an exploration into the inclusion, access, and accessibility of diversion programmes for female youth in SA and of any gender specific aspects, perceptions, and experiences of these youth regarding this programme. I will explore changes in diversion programmes for female youth since the Child Justice Act of 2008. Additionally, I will identify the experiences and views of the youth and staff of the programme to explore the programme's effects on the behaviour of youth, guardian relationships, and recidivism. Staff views on if, and how community perceptions of girls involved in crime differ from criminal involvement by boys will be explored, as well as the views of youth on the construction of female criminality. Finally, I will aim to establish indicators of success and feedback collection on the programme from staff members and the youth.

**Organization of the Research Report**

As discussed above, Chapter 1 sets out the introduction and background of the study, its aims and objectives, and contextualises the topic providing insight of its value in SA. Chapter 2 expands on the theoretical framework pertaining to social constructionism, specifically the construction of children, the construction of deviant children and youth, and female deviant children and youth as well as the Social Justice Theory (SJT). This provides a background into how female children and youth are shaped by society and the expectations placed on them, how they are perceived when they divert from these societal expectations, and the inequalities faced by them. Chapter 3 explores the literature on deviants and diversion programmes highlighting the female deviant. Chapter 4 details the methodology used in the research, outlining the research design, procedures and analysis, and looks at the diversion programme central to the research as well as the ethical consideration, limitations, and delimitations. Chapter 5 frames the findings and discussion of the triangulated data. Finally, Chapter 6 concludes the research and includes the reflexive evaluation.

# CHAPTER 2: THEORETICAL FRAMEWORK

This section focuses on the theoretical framework and concepts employed in the analysis. It outlines relevant theory and why the research problem is being investigated. The construction of children, deviant children and youth, and female deviant children and youth are examined. The social constructions of childhood, femininity, and deviancy were examined in relation to how femininity and criminality are often considered contradictory and is thus neglected during the development of diversion programmes. Finally, Social Justice is explored in order to justify the need for gender-specific initiatives.

## Social Constructionism

Social constructionism is a belief in the social construction of the human life-world through language (Terre Blanche, Kelly, & Durrheim, 2012). Texts are therefore critically analysed to indicate how these constructions make certain practices possible. The broader pattern of social meaning which is encoded in language is emphasised (Terre Blanche et al., 2012). For example, females are associated with related meanings such as motherhood, sensitivity, caring and not criminality. It thus provides people with a framework on how to understand language, actions, etc. and how to react to them. Burr (1996), in contrast, views social constructionism not as having a single definition, but rather as having four key assumptions namely: being critical of knowledge that is taken-for-granted; contextual and spatial specificity; that our understanding/knowledge is developed through social processes and interactions; and that people's understanding/knowledge of a certain phenomenon will guide social action. Thus, concepts and their implied meanings such as gender and race are identities are socially bestowed, not an essence of the person (Burr, 1996).

### The construction of children

Childhood is "an abstraction, a set of ideas or concepts, which define children's nature and the kinds of relations they have with other members of society" (Wyness, 2012:9). Childhood is linked with historical, political and social contexts (Cregan & Cuthbert, 2014), and is socially constructed, neither being universal nor divorced from the child and their experiences (James & Prout, 1990).

According to Ariés (1986) children have been constructed in the Western tradition through art as miniature adults in the 12$^{th}$ century, progressing to the religious iconography (of a child Jesus) in

the 14th century and the lay iconography in the 15th and 16th centuries (children in pictures with others). The marginalised nature of children in depictions occurred due to the demography and fragility of these centuries. during which many children never reached adulthood and were thus not considered to contain a 'man's personality' (Ariés, 1986). The 17th century showed a move towards children appearing alone in pictures and taking center stage in family portraits. Families wanted portraits of, and with their children, therefore the concept of family came to the fore and childhood was inextricably linked to it. This shift continues today in the form of photography, which took over from portraits in the 19th century. Ariès describes how the inclusion of children in portraits was due to the growing influence of Christianity and the belief of the child having an immortal soul and therefore a personality. This 'discovery' of childhood was further progressed through the differentiation of children's clothing from those of adults at the end of the 16th century. However, the attempt to distinguish children through clothing was largely limited to boys. Therefore, boys became the 'first specialised children' going to school regularly (Ariés, 1986). Clothing also separated class for an extended period as children of lower classes still wore adult clothing until the 18th century when trousers came to the fore.

During this period games were not as restrictive as boys played with dolls and children played games adults played, such as games of chance. This occurred until the 18th century where moral reformations led to a new attitude of childhood, culminating in the desire to safeguard morality and educate by forbidding evil games (gambling) and encouraging good games, thereby constructing the 19th century as 'right-minded people' (a morality still shared today as gambling is often held as a taboo). In the 17th century a distinction between games of adults and those of children and yokels (lower class) occurred. This led to the link between childhood and the lower class.

The moral reformations also started to regulate sexual information and profanity use in front of children, going so far as to lay blame on children if they allowed adults to kiss or touch them. In addition, pedagogues stopped giving children books, which according to Ariés (1986: 107) 'marked the beginning of respect for childhood' thereby moving away from immodesty to a sense of childhood as a period of innocence. This period of innocence became synonymous with weakness where adults were tasked with looking after children by educating them. This moved

away from the concept of coddling to education, safeguarding, and reformation.

The reformation led to the association of children with Christianity. They were thought of as having Jesus Christ residing in them due to their innocence. and angels were often depicted as children, thereby showing their spiritual nature (Ariés, 1986). This protection and education of children led to a doctrine adopted by Jesuits with the following principles: children should never be left alone, children should be accustomed to strict discipline and not pampered (discourses of correction), modesty and decency leading to the social construction of sexual permissibility and the avoidance of being alone with servants to prevent contamination from the lower class, limited participation to educational games as 'good Christians' did not participate in evil games or unethical forms of entertainment, followed by the moderation of language and manners once again enforcing decency and modesty (Ariés, 1986). These principles all led to the safeguarding of children against pollution and strengthening them through the development of character and reason, thus attaining the goal of moral reformation.

The moral reformation moved the concept of childhood from that of coddling in the family to that of safeguard and reformation by the church. In the 18th century both of these processes were held to occur in the family along with the new element of hygiene and physical health. According to Cregan and Cuthbert (2014) the construction of childhood was led by education, law, and medicine, with psychology and sociology coming to the fore in recent times.

Education took place in the form of apprenticeship until the Middle Ages through to the 16th century. During this time there were Latin schools, grammar schools, and the 'school for the instruction of the youth', mainly limited to clerics (Ariés, 1986). However, in France during the 17th century 'little schools' were established, becoming the forefathers of modern primary schools. Schools were separated into colleges for secondary education for middle and upper classes and schools for lower classes that provided primary education only, therefore monopolising higher education for the upper stratum and deeming the lower class fit for shorter schooling and therefore manual labor. This schooling system led to the extension of childhood due to the prolonged time spent in school leading to the separation of childhood and adolescence.

The move separating childhood from adolescence was primarily influenced by Christian salvation in the Middle Ages as it required educational and moral reform, further moving away from the integration of children into adulthood (Cregan & Cuthbert, 2014). The 17th century saw the family take a greater role in the moral and spiritual development of their children when the development of economic prospects grew (Cregan & Cuthbert, 2014). According to Ariés (1986) the modern family has become isolated as they are no longer open to society as societal pressures became unbearable. The modern family is solely focused on equality of both boy and girl children. enhancing the child above the family, due to mandatory schooling and enhanced child rights. Thus, parents are not afforded sole authority as state monitoring and regulation control child rearing to a large extent.

The child has therefore become a material, passive object measured and controlled by society, allowing comparisons between children to be made. This follows the process of the 'becoming construction' of the child whereby both their body and mind are being formed. However, Cregan and Cuthbert (2014) view children as 'being and becoming' simultaneously, allowing for children to have agency and therefore have their opinions valued. This 'being and becoming' construction led to the development of children's rights and responsibilities.

There have been a variety of international social movements for children's rights where children are constructed as needing protection, including save the children funds, international anti-cruelty movements, and the UNCRC. This shows that state regulations have been extended to international regulations as well. The contemporary construction of the normative global child has largely been defined by the UNCRC (UN, 1989) which legislates protection from harm, a restriction of activities to schooling, recreation, and play, and access to tools and materials required for growth and development. In contrast, the ACRWC have included children's responsibilities to their families, community, and the nation as a whole (1990). This gives children a moral framework by which to live, extending rights and responsibilities thereby making a child a moral agent not just an innocent, directed object devoid of duty. Recently there has been a shift away from the rights-based approach to a holistic approach to child well-being (Cregan & Cuthbert, 2014). This takes into consideration the conditions and circumstances of the child instead of merely prescribing universal rights.

Contemporary concerns raised about the circumstances of childhood include the continued colonised status of universities, technological advancements that are keeping children indoors (Cregan & Cuthbert, 2014), fast growing rates of obesity (Cregan & Cuthbert, 2014), and the sexualisation of children due to inappropriate clothing and media (Walkerdine, 1998). According to Postman (1982), the 20th century has seen the boundaries between children and adulthood becoming blurred due to electronic media. Adults are no longer able to supervise and protect children from 'bad' games and content, thus they lose their idyllic innocence. Wyness (2012) on the other hand, contends that there has merely been a shift in the construction of childhood due to these new media forms and not a blurring of boundaries.

Despite the contemporary construction of childhood, inequalities from the past still persist. These stem from the western patriarchal and christonormative social construction of childhood spread to the rest of the world through colonialisation. The imposition of the global childhood construction on many cultures may also have become infused with more traditional constructions in different parts of the world in the process, limiting the universal picture presented above. Further, not all theorists agree with Ariés's construction of childhood as Cregan and Cuthbert (2014) question the use of art to interpret the construction of childhood. Shorter (1976) prefers the indirect analysis of childhood through the nuclear family and Postman (1982) contends that the construction of childhood came about due to the printing press when reading skills became desired.

### The construction of deviant children and youth

Delinquency and deviance are represented as youthful rejections of hegemonic values, contaminating the idealised image of childhood as a period of innocence (Griffin, 1993). The origins of delinquency have been theorised to be due to biological determination by psychologists such as Norbert Elias in the 1980s, delinquent personality (psychological dimensions) spearheaded by psychoanalysts such as John Bowlby, the social/cultural dimension of the broken home thesis and deprivation, and the control theories in criminology that gave more personal agency to the delinquent. Therefore, delinquent youth are seen as both the perpetrators and victims, leading to many discourses surrounding them.

Griffin (1993) highlights various discourses surrounding youth delinquency which I will discuss below. First, there is a clinical discourse which constructs delinquents as psychologically troubled and different from other children. They are represented as passive subjects who can be cured through therapeutic interventions and medication. Second, discourses of education and training frame deviant youth as deficient due to various forms of deprivation, who need to be rehabilitated with treatments involving parents as well. Third, discourses of disaffection frame deviant youth as rebellious. This view can be problematic as adolescence is often seen as a time of natural rebellious behaviour and it is difficult to differentiate between rebellious actions constituting criminal behaviour and actions that are a 'normal' part of development. Treatment comes in the form of challenging energies into positive, acceptable areas such as sports. Fourth, the discourse of muscular competition describes how catharsis is used to channel male energies into sports and when this fails or is absent delinquency occurs. The key here is appropriate, controlled outlets for aggressive energy. Fifth, the discourses of disease and deviant consumption represents the medical framework of the ill body/mind and disaffection leading to the abnormal consumption of alcohol, drugs, and food. Sixth, the discourse of sexual deviancy which represent delinquents as perverted. This discourse is mainly limited to female prostitution and male homosexuality understood to be caused by moral perversions of hegemonic values. Lastly, there are discourses of resistance, survival, and work which construct deviancy as resistance to hegemonic practices and the inequalities that follow. These discourses have predominantly come about to describe male delinquency thereby neglecting female delinquents, continuously ignoring them.

### The construction of female deviant children and youth

Butler (1988) argues that gender is "a constructed identity, a performative accomplishment which the mundane social audience, including the actors themselves, come to believe and to perform in the mode of belief" (520). This means that gender is a performance directed by social norms, sanctions, and taboos (mostly political) that females learn in order to fit into society and can thus be contested or manipulated, although this may not be easily achieved.

This political nature of gender sparked the study of girlhood in the 1980 when feminist researchers began reconfiguring the construction of girls as visible and valuable (Griffin, 2004). According to Walkerdine (1998) the girl is constructed as unnatural as she is always placed in comparison to the

natural, normal boy. Being a girl is presented as a pathology as girls are expected to 'play work' (look after baby dolls, pretend baking, etc.), be good and follow rules, and behave, but at the same time be irrational. Therefore, being a girl is constructed as being the 'other' in contrast to the rational male child.

Girls are seen as dangerous as they are held to have seductive powers over men (Ariés, 1986) and can thus be construed as seductresses, being constructed as eroticised children (Walkerdine, 1998). These sexualised constructions of girls are prevalent in contemporary societies where advertisements and popular television shows such as Toddlers and Tiaras introduce childhood innocence to adult sexuality. These discourses surrounding girls as protected yet alluring, virgins yet whores (Walkerdine, 1998), objectify girls, continuing patriarchal values of female submissiveness. Griffin (2004) further illustrates the dichotomising of girlhood as an impossible subject as girls are either too fat or too thin, too free or too restricted, etc. which leaves girls in a continual state of dissatisfaction. These longstanding societal pressures of keeping up their appearance to be considered beautiful and to -secure a husband are thus not being alleviated, but are rather intensifying (Jarvis, 2013). In addition, the continual surveillance of girls is tighter, despite an apparent status of equality with boys.

Girls are often seen as passive and in need of protection with limited capacity for active deviancy, which is often limited to sexual perversions as seen in the discussion above. This means that the research into female delinquency is often restricted. Female delinquents are constructed within discourses, and the treatment programmes that emerge out of these discourses, that are centered on boys. Since the 1990s, America has seen an increase in girl violence, which has led to the belief that girls are acting more and more like boys (Chesney-Lind & Irwin, 2004). This once again highlights the ways girls are understood comparatively with boys. According to Chesney-Lind and Irwin (2004), the increasing numbers of girls in the legal system can be attributed to greater social control on girls instead of increased deviancy.

When girls are constructed as deviant they have been imagined as 'gangsters of colour' in the 1990s (also referred to as the "masculinisation of African American girls") and white mean girls in the 2000s (Chesney-Lind & Irwin, 2004, p. 8). Mean girls are said to use relational aggression

to get what they want, a form of verbal torture sensationalised by popular culture, such as the 2004 movie Mean Girls. Fyfe (2011) found that stories such as these portray deviant females as worse than boys, being constructed as "wicked" and "evil", whilst Beals (2014) contends that these sensational stories construct the adolescent 'normal' female as nasty and manipulative. She further describes girls who engage in physical violence as abnormal girls. It is difficult to image how girls can be construed as anything but abnormal when normality is an attribute ascribed to boys and not to girls. This would mean that physically aggressive girls are the abnormal abnormal.

The abnormal girl construction can be traced back to Hall (1904) where he described aggression in boys as a normal developmental phase, whereas in girls it is construed as pathological and against feminine nature. He attributed much of the physical aggression females display as due to mental pathology or hormonal imbalances such as the menstrual cycle, going so far as to say that if aggression occurs during this time that they have limited liability for their actions. Aggression is thus a normal attribute of boys that tends to be valued whereas in girls it is seen as a pathology that contravenes societal needs. Aylsworth's (2010) findings highlight that those female deviants who adhere to and display dominant stereotypes of femininity are considered to be harmless whilst those female deviants who are more masculine are considered harmful. This allows for the maintenance of acceptable gendered behaviour and thus social control. By keeping females in line through the stigmatisation of those who do not conform, they are all aware of any repercussions of deviating.

According to Chesney-Lind and Jones (2010,) the reason girls have not been introduced into the criminal justice system is not because of the aggressive attributes of boys, but rather the zero tolerance policies that have been placed on girls. In fact, they contend that girls' violence has not increased: rather, sexual and racial stereotypes have inflamed panics surrounding female violence thus leading to a misrepresentation of facts, a misrepresentation not without purpose. Males (2010) aptly argues that with the influx of women moving beyond the 'safety of home' to the workforce, those formerly with economic monopoly have become threatened by women's success and new-found assertiveness.

**Social Justice Theory (SJT)**

Social power is often based on dichotomies that create discourses of us versus them, such as male/female, normal/abnormal, deviancy/conformity, in order to maintain power imbalances. SJT attends to these equalities and inequalities by taking a critical stance to societal processes and structures that govern individuals and society with a view to eradicating oppression (Charmaz, 2011). SJT is based on equity and equality, but in fact encompasses more than that as it speaks to fairness as well (Robinson, 2010).

Rawls (2003) describes social justice as an imagined social contract entered by all citizens, in fair positions, in order to promote equal liberty, rights, and opportunities as well as the protection of those marginalised by adhering to social conventions upheld by the state and societal institutions. Miller (2003) defines social justice as the appropriate distribution of both advantages and disadvantages by social institutions, which is context-dependent. It directs equal treatment of and by others, and the consideration of needs and deserts. In other words, both definitions associate justice with fairness. Thus, Robinson (2010) asserts that SJT can be used to assess the CJS. In addition, Hage, Ring, and Lantz (2011) highlight the use of SJT in the development of intervention strategies for youths, which need to take into consideration context, risk and protective factors, as well as change that transcends the individual.

Social justice is often obscured through discourses of equality when discussing gender binaries, framing it as ‘we are the same and thus need to be treated the same’, which neglects inherent inequalities present in society. Gender-responsive initiatives can be likened to placing supports in front of a fence in order to put females on the same level as males, but in reality, it would be more constructive to remove the fence that acts as a barrier to equality and fairness in the first place. Gender-specific initiatives may thus be more effective in both the comprehension and treatment of female youth offenders. From this, SJT will be useful in the exploration of female youth perceptions and the assessment as to whether gender specific diversion programmes are necessary.

Ultimately, both Rawls and Miller’s theories would account for youth and gender differences in treatment as fair and consistent with SJT. However, Robinson’s (2010) examination of extra-legal

factors within the CJS, such as how they promote a discourse of equal opportunity (in terms of sameness) and personal responsibility are used to justify inequalities thereby diminishing the realisation of social justice. He found that the ideals of the CJS in the United States of America (USA) and criminal justice practice are inconsistent.

## Conclusion

This chapter examined children and female youth offenders in regard to how they are constructed in society. It is these uninterrogated constructions that frame gender and deviancy as abnormal that need to be interrogated as well as those discourses that divert form social justice initiatives e.g. those that dictate sameness as synonymous with equality. In the next chapter, I will explore the literature on female offenders and diversion programmes, which ultimately aim to embody social justice.

# CHAPTER 3: LITERATURE REVIEW

This chapter delves into the literature on youth offenders, female youth offenders, diversion, diversion in SA, and female diversion programmes to orientate this research and contextualise the theoretical frameworks discussed above. It highlights the multitude of difficulties faced by female youth offenders and how these affect them within the CJS and their personal lives alike.

## The Youth Offender

The Merriam Webster Online defines juvenile delinquency as the "conduct by a juvenile characterised by antisocial behavior that is beyond parental control and therefore subject to legal action". The term has been in use since 1816 (n.d.). Ultimately juvenile delinquency is a contentious phenomenon and is dependent on a variety of factors, such as context and the society resided within. In SA juveniles generally include both the term child and youth. The National Youth Policy 2015-2020 (NYP, 2015) defines the term child as any person 18 years and younger and youth as a person in the age range of 15-35 (for the purpose of this research I adhered to the NYP delimitation of the term youth). Therefore, the youth offender can be defined as a person between the age of 15 to 35 who displays antisocial behaviour that breaks the law and is thus subject to legal action.

The Merriam Webster Online (n.d) defines antisocial as comprising of unsociable acts or acts that deviate/depart from social norms. According to Hargovan (2013) influences of, and interactions with deviant peers are one of the most salient factors in the development of youth antisocial behaviour: however, Hargovan goes on to argue that this is not a unidirectional process as deviant youth seek out other deviant youth. Further, because youth antisocial behaviour has been conceptualised as a social problem (see Doncabe, 2013; Fourchard, 2011; Leoschut & Mutongwizo, 2012; Pelser, 2013; Smit, 2011), focusing on punishing the individual is not sufficient. Thus, the move made by the CJS going beyond imprisonment to alternative forms of punishment to rehabilitate and reintegrate the youth offender into the community has been vital and theory-driven in itself.

Employing alternative forms of sentencing for youth offenders is important because they comprise 37% of the South African population and are thus an important resource for the economic

development of the county (NYP, 2015). Sentencing these youth offenders to prison can aggravate their involvement in crime, as the White Paper on Correctional Services (DCS, 2005) aptly states that prisons are the 'universities of crime' and produce further damaged individuals, both psychologically and physically, upon release. The White Paper argues that rehabilitation is vital to preventing reoffending. Alternative sentencing options such as diversion thus help to stop deviant acts from forming established behavioural patterns.

To further this aim, the UNCRC highlights the importance of prevention and early intervention strategies, which identify and address a variety of risk factors (Geary, 2013). Risk factors are a variety of characteristics and circumstances that increase a child's chances for engaging in antisocial behaviour such as poverty and peer pressure (Hoge, 2009). Therefore, addressing these risk factors during diversion programmes is vital in ensuring that youth offenders do not reoffend. By focusing on restorative justice, the root causes of offending are addressed and not just the offense in isolation, which would otherwise lead to punishment as a means of retribution.

**The Female Offender**

There has been an increasing appearance of female youth offenders in the CJS (Leve, Chamberlain, Kim, and Smith, 2012). Leve et al. (2012) attribute this shift to policy changes, such as the increased policing of minor offenses and the inclusion of intimate partner violence, meaning that primarily female offender statistics have changed. Cauffman (2008), however, argues that the changing role of females in society and the increasing masculinisation of female behaviour may be the cause of the increase. Schwartz (2013) conducted a study across six countries exploring two competing hypotheses, namely; the behavioural change hypothesis (which attributes the increase to social changes in females' lives, such as increased work responsibilities and more freedom) and the policy change hypothesis (which attributes the increase to a change in social control practices that regulate female violence). He found that females are not more violent, but rather that changes in policy towards the inclusion of minor offenses impact upon females more than males and are especially salient in the early stages of the CJS. In fact, generally, female offenders are in the CJS for economic offences: they tend to be fairly young, single, and have children (Steyn & Hall, 2015). Yet, perceptions of female offenders as violent are prevalent, especially in the USA and United Kingdom (Schwartz, 2013). Media emanating from the USA and UK are problematic as

they are the dominant media gatekeepers disseminating perceptions of an ever-increasing female epidemic of violence throughout the world.

Hoyt and Scherer (1998) argue that female youth offenders acquire deviant behaviour from three factors, namely: vulnerability to sexual abuse, gender-specific developmental modes, and gender-related socialization, which do not form part of the development of male deviancy. Thus, female youth offenders are both different from, and similar to male youth offenders. However, Cauffman (2008) interrogated the assumption that male and female offenders are different and therefore need different treatment methods. She found that female youth offenders have greater mental health problems and have more adversarial relationships than male offenders, arguing that treatment should address this to avoid chronic behavioural patterns from forming. Ultimately, she states that gender-specific treatment is beneficial, but that as female offenders, like males, are not a homogenous group and both have similar primary causes of offending, treatment should be based on more than gender alone and be individualised. She found that gender-specific treatments are few and far between, that the treatment of male and female offenders are the same, and when female offenders are treated differently, they are treated as a homogenised group, therefore impeding further research into female offenders and their diversity. However, a study conducted by Odgers, Moretti, Burnette, Chauhan, Waite, and Reppucci (2007) examined the degree of heterogeneity within high-risk female samples. They profile three subgroups namely; ‘violent and delinquent’, ‘delinquency only’, and ‘low’ offending patterns. Despite this progress, Tripathi (2014) argues that feminist criminology still requires attention as the CJS has been “developed from male subjects, has been validated on male subjects, and focuses on male victimisation” (p. 1).

Research into female offenders and their needs is vital as female offending has a myriad of negative outcomes. These include increased mortality rates, increased psychological disorders, unhealthy interpersonal relationships, academic underachievement, transgenerational passing on of antisocial behaviour, and employment difficulties (Cauffman, 2008). Foy, Ritchie, and Conway’s (2012) meta-analysis of previous studies found that female youth offenders have high rates of exposure to trauma and PSTD, and higher rates of psychological disorders with an increase in comorbidity. This was supported by studies conducted by Ariga, Uehara, Takeuchi, Ishiga, Nakano, and Mikuni

(2008), Odgers et al. (2007), and Dixon, Howie, and Starling (2004). Lederman, Dakof, Larrea, and Li (2004) expanded on this, including various social and psychological problems such as increased drug abuse, family problems, and affiliations with deviant peers. Chen, Lai, and Lin (2013) found that female offenders experience increased stress during imprisonment, but those with sufficient family support recorded less governmental assistance after release. These findings are salient as Scroggins and Malley (2010) found that in the U.S. the lack of psychological treatment is a predictor of female recidivism, highlighting the importance of addressing various needs during reintegration.

Cauffman (2008) questions the use of risk factor and need assessment tools on female youth offenders as they have been designed for male youth offenders with little evidentiary material provided to prove their validity and reliability for the use on female youth offenders. Although the U.S. Department of Justice funded research into risk and need assessments for female youth offenders in an attempt to address this missing gap (Van Voorhis et al, 2008). As female youth offences are established over an extended time period and contexts the identification of risk and need factors, and protective factors are paramount for early interventions (Mullis, Cornille, Mullis, & Huber, 2004). Further, Fields and Abram (2010) found that reintegration perceptions and experiences of youth offenders differ by gender with female youth offenders experiencing greater concerns about family support and reintegration, personal relationships, and psychological needs. Barrett, Ju, Katsiyannis, and Zhang (2015) argue that interventions which include risk management would be ideal as Fields and Abrams (2010) illustrate that perceptions of risks and needs by youth offenders influence their decision-making in regard to recidivism.

Perceptions of females and female deviancy have impacted on the sentencing of female offenders. Competing theories on whether these perceptions have been beneficial or not to female offenders include; the chivalry theory (lenient treatment received by female offenders due to a protective attitude by, usually male, criminal justice officials), the evil women theory (the breaking of societal expectations and gender norms by females are considered more grievous than if broken by males), and the family-based theory (females who have children, are married, and adhere more to gender norms are shown leniency) (Lu, Liang, & Liu, 2013). Lu et al's (2013) study found that the first two theories held merit in China, suggesting that crimes in China are perceived as more masculine

than feminine. This shows that there has been little change since Chesney-Lind's (1986) review, which found that if a female offender is assessed as beyond patriarchal control she is harshly punished amidst fears that any deviation from gender norms will end women's subordination, exclaiming that "both the construction of women's defiance and society's response to it are coloured by women's status as males' sexual property" (96). She found that females who commit 'manly crimes' are treated less chivalrously (considerate and courteously) than females who conform to gender norms such as being married, economically dependent, and respectable. This leads to double deviance of females who deviate from gendered social norms whereby they are punished twice, once for their crime and again for their departure from the gendered social norms resulting in greater stigmatisation of both the female offender and her family (vicarious stigmatisation) (Mankarious, 2013).

These findings of unfair treatment are supported by research in Nigeria (Ebeniro, 2011), Taiwan (Hsu & Wu, 2011), China (Heidenson, 2011), and India (Mili, Perumal, & Cherian, 2015) where female offenders are expected to show restraint in body language, be submissive, and adherence to gender norms. Dastile's (2013) research in SA found that female offenders found themselves within the CJS because they challenged/transgressed gender norms and attributed their incarceration largely due to the failure of the CJS in intervening during earlier intimate partner violence incidents. According to Hsu and Wu (2011) "social power and patriarchal control is the primary mechanism through which justice is gendered" (p. 12). Thus, when female offenders adhere to gender expectations and stereotypes of femininity, successfully performing their gender, they are construed as harmless. Deviation from this (being masculine) is likened to danger. This dichotomous conceptualisation of females who engage in criminalised behaviour assists in the maintenance of social control by outlining the boundaries of appropriate gendered behaviour. By scrutinising and stigmatising women who engage in conduct that defies social standards of appropriate and desirable female behaviour, all women are made aware of the consequences of both gender and legal deviancy (Aylsworth, 2010). This social power over females has moved beyond the classic home context in recent years to include financial productivity placing further burdens on them (Zeng, 2016).

Leve et al. (2012) argue that female-specific interventions are required to alleviate and treat

burdens created by societal expectations, as well as the effects of entering the CJS but limited research into female offenders hamper their establishment. This is largely due to the 'add-and-stir' method of interventions and research whereby a male orientated model of criminal justice is used for female offenders without consideration into differences (Kelly, Peralez-Dieckmann, Cheng, & Collins, 2010) leading to limited diversion initiatives for female youth offenders and resulting in fewer alternatives to incarceration (Cauffman, 2008). Ultimately, these findings highlight the lack of general consensus in research of female youth offenders and should prompt further research into this field.

**Diversion**

The UNCRC has had almost global success in regulating how child offenders are dealt with in the CJS. It directs CJSs to focus on rights-based intervention methods giving child offenders special considerations, ensuring that children are not subject to violence and that they continue to grow, develop, and thrive in order to meet their potential (Geary, 2013). The UNCRC defines a child as any person under the age of 18 (Geary, 2013). Restorative justice for child offenders aims to increase non-custodial alternatives to sentencing, such as diversion programmes.

The UNCRC defines diversion as the channeling of children away from the CJS, usually before sentencing is announced (Geary, 2013). Children, like adults, are presumed innocent unless they admit guilt, thus diversion is only considered when they have acknowledged committing the offense. Diversion programmes must take a child's age, level of maturation, and other circumstances into consideration before channeling and include initiatives such as writing a formal apology, attending life-skills programmes and/or counselling (Geary, 2013).

Assessing the success of diversion programmes is problematic due to the variety of diversion programmes available (Wilson & Hoge, 2013). Further limitations include; negative social perceptions of diversion as a soft sentence (Skelton, 2005), a lack of follow up procedures and ineffective training/knowledge of role-players (Badenhorst, 2011). However, diversion programmes are cost effective compared to imprisonment, improve school and work performance (Hoge, 2009), reduce recidivism by up to 70% (Geary, 2013), and reduce stigmatisation (Davis, 2009). Diversion initiatives had successful outcomes not only for children but youth and adults as

well, as diversion has been extended to these groups through initiatives such as the ADRM in SA.

**Diversion in South Africa**

Criminalisation in Europe evolved over three centuries, from the workhouse to the prison and reformatory, adapting to the change in social and economic relationships brought about at the end of feudalism and the start of capitalism in the 19th century. The USA institutionalised criminals, delinquents, and the insane as a form of rehabilitation and finally developed separate courts for juveniles in the 1920s. Both England and the USA (amongst other countries) followed a welfare system, which was structured on the well-being of the child who was considered vulnerable and thus needed to be separated and treated differently to adults (Skelton, 2011). However, SA's development of criminalisation policy (reformatory, prison, and compound) differed from the North as it only started in the 1870s (Chisholm, 1985) and was not based on the welfare system. This was largely due to its late introduction into industrialisation, which can be attributed to colonialism and the social consequences that followed (Chisholm, 1985). To address these social consequences, such as obtaining adequate labour, delinquent children and youths were apprenticed, usually on farms, as no formal schooling existed until 1905 except for a few missionary schools. This saw many white poor youths and black youths being placed in reformatories with the aim of changing their environmental conditions instead of innate dispositions and obtaining farm labour. In order to maintain the South African cheap workforce and follow with the emergence of racial segregation, poor white youth were moved to industries whilst black youth remained in farm employ.

In the 1890s, SA followed the general shift of child-saving as in the North, from religious conversion and salvation to the psychological, medical, and social theories in the 1920s: however, this was limited to white children due to the country's colonial stance. The Children's Act of 1937 was established to regulate child and youth delinquency, based on welfare services but mainly focused on disciplining urban children as well as urban youth (Fourchard, 2011). Delinquents, particularly white delinquents, were transferred to the Union Education Department from reformatories with the aim of development, education, and rehabilitation instead of repression (Chisholm, 1989). Chisholm (1989) asserts that criminality/delinquency was associated with backwardness and feeble-mindedness. However, this was largely restricted to poor whites, where

the subnormal (IQ score (between 65 and 80 according to the Stanford-Binet intelligence test) were placed in semi-skilled or unskilled work and their criminality was attributed to a lack of parenting support. Black children, on the other hand, were considered delinquent solely due to their colour and thus delinquency was ascribed to biology in terms of heritability (associated with primitiveness, greedy appetites, etc.) leading to their placement in institutions and thus collective treatment, whilst coloured people still received individual interventions (Chisholm, 1989). The Children's Act of 1960 called for the elimination of child labour in favour of becoming more punitive in nature once again. Thus, the large inequalities of the treatment of youth delinquents in the legal system continued and even worsened during Apartheid, especially for black youth involved in politics.

Reform only started taking place in the 1990s with the South African child justice movement, driven by a variety of NGO's focusing on children detained for common criminal offences and, after apartheid, political offences (Skelton and Gallinetti, 2008). NICRO championed the development of diversion programmes in 1992 despite not having formal legislative procedures (Badenhorst, 2011) making way for the investigation of juvenile justice by the SALRC in 1996 (Skelton & Gallinetti, 2008). The aim was to align South African juvenile justice with the 1993 Interim Constitution of the Republic of SA, the 1995 UNCRC, and Section 28 of the South African constitution, which made provisions for dealing with child offenders, as well as ACRWC. The SALRC released the delayed draft Child Justice Bill in 2000 and the Child Justice Bill of 2002 (Bill 49 of 2002), although it was not enacted. Finally, the Bill was reviewed and the CJA was enacted in 2010 finally departing from the Criminal Procedure Act 51 of 1977, which had provided legislation for child, youth, and adult offenders with minimal provisions for children.

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The CJA was developed to cater for children who transgressed the law within the CJS. It demarcates the age limit for children's criminal capacity and how to legally deal with them in terms of assessment, court attendance, sentencing, diversion, and highlights restorative justice. The objectives of the CJA (2008) are:

- Follow the constitution in regards to the protection of children's rights;
- Promote Ubuntu by fostering children's dignity, worth, and responsibilities/respect for others and support reconciliation;

- Ensure the CJS treats children differently to ensure breaking the cycle of violence and crime;
- Limit children's exposure to the CJS and its adverse effects through a variety of initiatives such as diversion;
- Promote the holistic implementation of the CJA by fostering co-operation between government departments both in house and with NGOs and civil society at large.

It further sets the minimum age of criminal capacity at 14, unless proven otherwise for child offenders over the age of 10.

The CJA defines diversion as the "diversion of a matter involving a child away from the formal court procedures in a criminal matter" (CJA, 2008) with the following objectives:

- When appropriate, deal with the child outside the CJS;
- Encourage a child to take accountability for their offense and meet the child's needs;
- Promote reintegration with the child's family and community;
- Allow those affected by the child's offense to express the harm caused;
- Encourage compensation to the affected person in the form of a symbolic benefit or object;
- Foster reconciliation between the child and those affected (individual and/or community);
- Limit the child's exposure to the CJS and its adverse effects as well as their stigmatisation;
- Reduce recidivism;
- Stop the child from getting a criminal record;
- Fostering the child's dignity, well-being, and self-worth.

Diversion initiatives set out by the CJA vary according to three levels, ranging from a formal caution on level 1 to attendance in a residential programme on level 3, which allows for a wider range of options available to the CJS when dealing with child offenders.

Steyn (2010) discussed the differences between diversion programmes mainly signified by the clientele that they deal with and the methodologies that they use to approach diversion.

- Life skills: These focus on the personal skills and competencies needed to respond successfully to societal expectations. These skills and competencies include communication skills, conflict management, and self-reflection.
- Mentoring: These highlight the need for motivation and guidance from an experienced

adult.

- Outdoor interventions: They use nature-based experiences to bring about behavioural changes through awareness of both physical and mental achievements.
- Family-group conferencing: They refer to the mediation between the offender, affected parties, and the offender's family and community. This is done to create a mutual remedy fostering closure.

These different programmes highlight the importance of sending offenders to the appropriate programme based on their needs and context. Thus, in placing offenders, the types of offenses and motivations should be considered.

The range of offences most commonly resulting in diversion programmes include; assault with the intent to do grievous bodily harm, shoplifting, common assault, theft or attempted theft, and the possession of controlled substances such as alcohol and drugs (Leoschut & Mutongwizo, 2012). Hargovan (2013) found that youth referrals were topped by theft, assault with the intent to do grievous bodily harm, and then common assault. The range of risk factors/reasons for the above offenses include; unemployment, poverty, peer pressure, psychological rationales and disorders, and other societal factors (Smit, 2011). Hargovan (2013) found that the youth themselves attributed their offenses to poverty, peer pressure, and anger when provoked.

Diversion can only be considered if the child accepts responsibility for their offense and consents to it, and the prosecutor deems it appropriate and in accordance with current legislation. Further, the diversion programme must be accredited and matched to the child's age, mental capacity, culture, religion, and not negatively influence the child's schooling. The child is required to check in with their probation officer to ensure that they are complying with the diversion order and once completed have their attendance registered with the court.

According to Badenhorst (2011), the CJA has made significant achievements in terms of reducing the number of children in prison whilst awaiting trial but has had a variety of challenges with its implementation. These challenges include; insufficient awareness of the CJA (benefits and provisions) by the public, inadequate training of police officers on the CJA and thus fewer arrests made due to the misinterpretation of procedures to be followed, lack of consistency of legal

documentations courts use, inadequate training of all CJS role-players, and a lack of available statistics. Mbambo (2005) also highlights challenges facing its implementation, reiterating Badenhorst's conclusions in regards to inadequate statistics and training of relevant role-players, and adds the lack of available programmes, inconsistent standards and quality of diversion programmes, and inadequate financial resources. Hargovan's (2013) also highlights funding problems and inadequate evaluation procedures. From this it is clear that despite the progress made by the CJA much work still remains to be done.

In addition to the CJA, diversion for youth and adults are governed by the ADRM. The ADRM was implemented as part of the CJS 7-Point Plan in 2008, which aims to address blockages in the CJS and overcrowding in prisons by finding alternative ways of dealing with minor offences such as diversion and informal mediation (Justice Crime Prevention and Security Cluster Departments, 2010). Minor offenses (Schedule 1 and some Schedule 2 offenses) include theft, fraud, possession of dependence-producing drugs amongst others (CJA, 2008). This has broadened the scope for diversion and increased the need for the development beyond those tailored for children.

Despite this broadened scope, research usually limits the definition and use of diversion programmes to children despite discussing youth as well (see Leoschut & Mutongwizo, 2012; Roestenburg & Oliphant, 2012; Swanzen & Harris, 2012). Pelser (2013) argues that youth crime in SA is the reproduction of Apartheid's "culture of violence" where violence and crime have been normalised, especially amongst excluded and negatively socialised youth. Roestenburg and Oliphant (2012) also found that social factors contribute to youth offences in SA, highlighting the need for a more integrated approach to rehabilitation. Thus, the inclusion of youth in diversion initiatives is vital to address historical inequalities and embrace social justice.

Further considerations for both child and youth offenders include family and community involvement. Rutere and Kiura (2009) highlight the importance of the community taking ownership for their roles in the safeguarding of children's rights through diversion initiatives. Leoschut and Mutongwizo (2012) stress the importance of family and community involvement during rehabilitation, which is essential to diversion. They explored the perceptions of community members toward diversion programmes and the youths involved in them finding that community

members are hesitant to engage with youth offenders partly due to their insecurity of becoming their victims (attributing 73% of crime to youth) and their perception that diversion programmes are a light sentence, even for first time offenders over the age of 15. However, they found that family support and cohesion was practiced and thus aided in the youth offender's rehabilitation and reintegration into the community. This finding was reinforced by Hargovan's (2013) research that found most youth had a positive relationship with their parents, however, Abdulla and Goliath (2015) assert that this relationship can be strained during parental monitoring of their youth during the diversion process due to economic and financial strain. Leoschut and Mutongwizo (2012), Roestenburg and Oliphant (2012), and Save the Children Sweden (2005) argue that family and community involvement in diversion, and other restorative programmes, are essential to the successful reintegration and rehabilitation of youth offenders. Mason (1995) further this argument indicating that the most successful programmes in terms of low recidivism rates are those with high levels of role-player collaboration, which not only includes family and community, but other role-players such as schools and police officers as well.

While reintegration and rehabilitation of youth offenders can be achieved through diversion programmes, these programmes are not without their own challenges. Gxubane (2010) and Skelton (2011) highlight the neglect of probation officer's involvement within diversion and thus they are not adequately informed and equipped to deal with divertees. Due to the infrastructure within SA simple logistical issues arise such as transportation to and from the diversion programmes (Hargovan, 2013) and a lack of rural representation (Smit, 2011). Further, Badenhorst (2011) found that fewer children and youth were being sent to diversion programmes since the implementation of the CJA, which was reinforced by organisations providing diversion, and attributed this to inefficiency within the court system, an unwillingness of children and youth to acknowledge guilt, and the decision of prosecutors not to send children and youth to diversion programmes for schedule 2 and 3 offenses. This differs from pre-implantation of the CJA where Naudé and Prinsloo (2005) found that most prosecutors and magistrates viewed diversion as a sufficient penalty and highlighted their need for education of diversion as well.

Research into diversion programmes have their limitation as most research has focused on diversion programmes form NICRO (see Abdulla and Goliath, 2015; Leoschut & Mutongwizo,

2012; Muntingh, 2001; Smit, 2011) and Khulisa (see Doncabe, 2013; Hargovan, 2013; Monyatsi, 2003) leading to a limited scope. However, this research has shown that diversion programmes are cost effective, and reduce rates of recidivism and stigmatisation. Further research into other diversion programmes could help verify and expand on these benefits.

**Female Diversion Programmes**

There has been an increase in the number of female offenders in the CJS with the 2015/2016 reporting year seeing 4 105 (DJCD, 2016) with 18% being under the age of 18 going up to 84% for those under the age of 39 (Jules-Macquet, 2015). This ever-increasing number of female offenders highlights the importance of addressing gender-specific risks and needs and thus the relevance of both researching and implementing gender-specific diversion programmes in line with the CJA and ADRM.

Historically, no provisions were made for female youth offenders in SA until 1987 when the Female House of Correction set aside a dormitory in Cape Town for female youths (Chisholm, 1989). Both males' and females' sentencing was based on what was considered 'natural' behaviour. Female delinquency was ascribed to their sexuality and rebelliousness (biological construction) thus white females were seemingly placed on par with black people (Chisholm, 1989). However, Chisholm asserts that the colonial government believed that white female delinquents could be removed from the offending situation and taught morals, whilst black female delinquents, who were considered representations of society out of control, could not. The government sought to represent delinquency as a social threat by stigmatising it and segregating those considered delinquent. This had a largely political motive as it controlled all black people placing them in semi-skilled or unskilled work and white females by limiting their movement, and who they could and could not interact with (Chisholm, 1989). This is not isolated within SA as similar findings were present in other countries during this time, such as the USA, where the majority of female youth offenders were placed within the CJS for immorality or waywardness (Chesney-Lind, 1989).

These concerns are still prevalent today as Bloom and Covington (1998) highlight issues of sexism, economic oppression, and racism in the CJS and the importance of their consideration during the

effective design of interventions for female offenders. They argue that these social issues have a profound effect on female youth offender's lives and experiences in the CJS and thus the CJS should remain cognisant of, and address, problems located at the societal level as well as the individual one. Dastile (2013) argues that the lack of female offender's perspectives during policy development limits the applicability of interventions.

Hargovan's (2013) research studied both males and females, finding that most participants who deteriorated six months after the programmes ended were females. Hearing from females themselves is vital as "the true experts in understanding a woman's journey home are women themselves" (Covington, 2004). Miller, Miller, & Broadus (2014) did just this by studying female youth offenders' perceptions of gender-specific initiatives. They found that the majority, at least partly, attributed their successful completion and reintegration back into their family and community to the female exclusive nature of the programme.

Kerig and Schindler's (2013) metanalysis found that there are in fact gender differences between male and female youth offenders and thus gender specific-treatments are needed. However, they argue that because of economic difficulties it may be more feasible for the current evidence-based interventions to be adapted to accommodate female youth offenders thus becoming gender-responsive instead of gender-specific. Covington (2004) further discusses barriers to the development of gender-specific and gender-responsive initiatives citing theoretical, structural, and administrative decisions involving both policy and funding deficits. The Girls Study Group (2009) evaluated 61 gender-responsive initiates in the USA finding that none met the guidelines outlined by the Juvenile Justice and Delinquency Prevention Act of 1992 (directing gender-responsive reform). Despite this, there are a few gender-specific initiatives which, upon evaluation, provide evidence of success (see Bloom and Covington, 1998; Miller, Miller, & Broadus, 2014; Pollard, Schuster, Lin, & Frisman, 2007; Smith, Tew, & Patel, 2015). This highlights that gender-responsive programmes may not be as effective as gender-specific programmes as the 'add-and-stir' method may miss taken for granted social norms/conventions.

**Conclusion**

Overall, gender remains more complex than explanations of patriarchy, legislative inequalities,

and political motivations. Robinson (2010) asserts that the CJS should embrace the concept of social justice that promotes equality. In striving for this diversion programmes should base their interventions on realistic expectations and integrate social constructions of gender identity.

# CHAPTER 4: METHODOLOGY

This section focuses on the methods used in this research paper. I used a qualitative research design to undertake a case study. Yin (2003) defines a case study as an empirical enquiry which studies a contemporary phenomenon in context. It illuminates a specific context in order to get a first-hand understanding of it through the use of multiple sources, such as direct observations and the collection of data in natural settings (Yin, 2006). This differs from many other approaches that limit the researcher to derived data, however, this may limit generalisability and leaves room for possible biases during data interpretation (Yin, 2003). Additionally, Zainal (2007) argues that case studies are useful as they not only describe data in real-life environments but also help explain the complexities that come with these real-life environments that survey and experimental research may not. This point is salient as it aligns with the aims and objections of this research. This chapter also examines the ethical considerations made during the conduction of this research as well as methodological limitations and delimitations.

## Methodological Framework

I used the critical approach as my research paradigm to contest power inequalities created through assumed realities that are taken for granted (Prilleltensky & Fox, 1997). The critical approach seeks to evaluate the factors maintaining power imbalances and inequalities through the examination of individuals and the way they interact with the social world (Prilleltensky & Fox, 1997). It further questions the social processes, encouraging social justice by empowering those who are marginalised and redressing oppression and the power imbalances it creates (Prilleltensky & Fox, 1997).

The Critical Diversity Literacy (CDL) framework was utilised in order to interrogate the above social processes and the common held assumptions about gender along with how it intersects with deviancy. Steyn (2015) describes CDL as “an ethical sociopolitical stance in a world increasingly characterised by heterogeneous spaces” (379). It aims to understand reality as a multilayered and shifting space, critiquing power and uncovering assumptions in order to recognise differing possibilities and constraints on the different positionalities held within specific contexts (Steyn, 2015). According to Bührmann (2015), gender is one of the foremost categories studied in diversity studies and is thus a central dimension in describing diversification. However, it is

important to remember that gender is still predominantly a socially constructed binary between male/female. She asserts that a women's normalised position is at home as a wife and mother, embodying passivity. It is thus not expected for a female to contravene the 'natural order' and be deviant, meaning that female deviants are not only neglected in research, especially youths in SA, but highly stigmatised as well. Against this context, I explored how deviant girls are represented, becoming intertwined with political and patriarchal agendas and how these processes impact on females in diversion programmes.

## Data Collection Techniques

### Semi-structured interviews.

Kelly (2012) asserts that interviews are a more natural means of collecting data and interacting with people than questionnaires or tests, giving the researcher an opportunity to get to know the participant and understand how they think and feel. Interviews are two-way conversations with a purpose (Nieuwenhuis & Smit, 2012). In social constructionist research, linguistic patterns can come to the fore in interviews, and these patterns and meanings are considered to be co-constructed between the researcher and participant as well as remaining products of societal systems (Kelly, 2012). This is aligned with the metaphor of research as travel, where the researcher travels with the participants and may be changed in the process guided through reflexivity (Kvale & Brinkmann, 2009). According to Kajornboon (2005) the major advantage to semi-structured interviews is the ability of the researcher to prompt the interviewee for more information and explore a topic in greater detail, whilst retaining the ability to explain or rephrase questions if needed. The major disadvantage of semi-structured interviews is inexperienced interviewers, who may not be able to prompt or ask questions of the interviewee (Kajornboon, 2005).

The interviews were semi-structured interviews guided by an interview schedule (see Appendix A) that had been drawn up based on the research question and objectives. These interviews lasted about twenty minutes with each participant and were audio-recorded. Field notes were taken during the interviews and observations were noted. It was audio-recordered to ensure all the information was recorded without being distracted by excessive note taking.

The data was managed by electronically recording all notes and transcribing the interviews before moving onto the coding, which is discussed further in the data analysis section below. However, limitations include the participant and/or researcher performing for the recorder (Kelly, 2012) and reliability of interview responses, especially with children, due to factors such as leading questions and power imbalances (Kvale & Brinkmann, 2009).

### Direct observation

Direct observation is the observation of participants without interaction in the setting with the participants' awareness of the observation (Kawulich, 2012). According to Kawulich (2012), observation can verify what is learned during interviews or illuminate factors not disclosed in the interview and aids in learning how people behave in the setting as well as how things are prioritised/organised. Simons (2009) asserts that direct observation allows the researcher to gain a "sense of the setting", allows those that are less articulate to be heard, and provides a means of cross checking. Limitations of direct observations include the Hawthorne effect (Kelly, 2012) and researcher bias, and it is thus important to have an observation guide and/or write field notes to limit these errors (Kawulich, 2012).

Direct observations of the staff and youth participants occurred during the Saturday classes that constitute the youth and adult programme studied. These observations were focused and field notes were taken in order to record what I observed. Focused observations ask more specific questions during events (Kelly, 2012), such as how the females in the group interact with one another. This extended time frame allowed me to get a more accurate picture than if data collection was limited to occurring solely during the interview process.

### Documentary sources

Kelly (2012) asserts that documentary sources can be useful in qualitative research as they are constructive by nature and circulate ideas and discourses in society. Documents act as "a point of intersection for social meanings" (Kelly, 2012, p. 316) and corroborate evidence (Yin, 2003). Yin (2003) further notes that documentation is unobtrusive as the data was not originally gathered for the study, however, he questions the accessibility and potential bias during the selection of the

documents. According to Silva (2012) there are four criteria for assessing document quality, namely: authenticity, credibility, representativeness, and meaning. Documents were gathered from VCI concerning their policies, purpose, and procedures, specifically from the iCHOOSE programme. These include printed material from their website, pamphlets, and the iCHOOSE programme activity booklet.

This triangulation of varied data sources provided a better understanding of the case afforded by intersecting lines of investigation. It enables a unique layering of data making the study robust (Yin, 2006) and strengthened the research findings through collaboration (Yin, 2011).

**Data Analysis and Interpretation Techniques**

Data analysis is the process of examining and categorising evidence with the goal of recombining data to address the research question (Yin, 2003). As mentioned previously, I utilised a case study approach focusing on a single case, which allowed me to study the organisation in depth. According to Yin (2006), "the processes of data collection and data analysis often overlap when conducting a case study". Further, the case study was explorative in nature aiming to explore the iCHOOSE programme in relation to female youth offenders' experiences and views of the programme. Explorative research is useful when the situations or interventions have no clear outcomes or are not properly understood (Yin, 2003). My analysis was guided by my research questions and addressing my research objectives. I then transcribed my raw data. I followed Yin's (2011) five phases of qualitative data analysis.

- The first phase, compiling.

  This step entailed the placement of the raw data into storage through a rigorous process of organisation. This was completed through electronic means and was subjected to ongoing revision to maintain a high level of accuracy with the data, as well as familiarity.
- The second phase, disassembling.

  This phase involved the placement of data into smaller categories for convenient labelling. This labelling process was continual as to ensure that accuracy was achieved.
- The third phase, reassembling (and arraying).

  After the second phase, emerging trends were identified and highlighted, and placed into themes. This process was also continual as to maintain accuracy.

- The fourth phase, interpreting.

  Interpretations from the collected and reassembled data was used in the formation of themes and narratives. This was completed in order to guide the analysis and identify the significance of the research.

- The fifth phase, concluding.

  This is the final phase and consists of drawing conclusions based on the preceding phases.

According to Yin (2011), in order to ensure thoroughness and accuracy, it is important to check and recheck, complete comprehensive analysis tasks, and consider and account for personal unwanted biases. The above acted as a guide in ensuring that the research was successfully completed within the allocated research period.

**Site**

The research took place in a non-governmental organisation in Randburg that provides youth diversion, among other initiatives and services. VCI was founded by Carole Podetti-Ngono in 2001 and currently operates in four provinces within SA, namely Free State, KwaZulu-Natal, Limpopo, and Gauteng. The mission aims to develop citizenship through a variety of initiatives both within public schools and the communities served at large. Initiatives include Citizenship education (Values in Schools and Open Dialogues in Schools), Leadership (iNSPIRE and Bridging for life), and Social justice (iCHOOSE, iCHANGE, and ISIQALO).

iCHOOSE diverts both male and female offenders from prison with the goal of the rehabilitation of divertees back into the community as proud responsible South African citizens. Diversion programmes are based on the premise that treating offenders in the community and outside of the prison system is beneficial (Yablonsky & Haskell, 1988). iCHOOSE is a holistic programme that was developed in 2008 at the request of the Gauteng Department of Social Development. It targets youth offenders along with supporting their parents/guardians and educators by developing divertees' leadership and relationships through a variety of skills such as effective communication, emotional intelligence, and self-reflection. It has diverted over 1 410 children, youths and adults with only eight re-offending as of December 2014 (VCI, 2016).

During the iCHOOSE diversion programme the child is accompanied by a parent/guardian to the

VCI offices in Randburg. Each child is assessed to establish the child's needs, and they are then placed in the iCHOOSE programme. Parents/guardians commit to two parenting skills workshops, which promote positive change and strengthen relationships. The programme is facilitated either at the VCI offices for 36 hours, two days a week over two months or at the schools (iCHOOSE to change a life) for 24 hours, one day a week over a quarter. Youth and adults attend the programme for 8 hours on a Saturday once a month for two months.

The programme is divided into two parts, namely the Holistic Empowerment Approach with Love (H.E.A.L.) which focuses on self-refection, emotional intelligence, and communication strategies, and Proudly Responsible Individual Dedicated to Empowerment (P.R.I.D.E.) which aims at restoring the divertee's dignity as a proud South African citizen. Each part is followed with art therapy, namely drawing and presenting one's lifeline and drawing oneself according to touch not sight. Divertees may go for counselling provided by the in-house social worker if assessed as necessary either during the initial screening or during the programme. Although the programme is not gender-specific, VCI has two other gender-specific programmes.

VCI has established female-specific initiatives namely iNSPIRE and iSIQALO. iNSPIRE is a school enrichment programme, targeting grade nine female learners with the aim of promoting leadership and pride in girls so that they can become positive agents of change both in their school and community. iSIQALO focuses on social workers' professional development in regards to the female child. It aims to develop social workers' skills in treating the female child holistically and developing managing programmes catering specifically to the female child. These female-specific programmes show consideration for female needs and risk factors, which may benefit the iCHOOSE diversion programme.

**Sampling**

The National Youth Policy 2015-2020 (NYP, 2015) delimits the age range of youth as 15-35 and states that the youth comprise 37% of the South African population with an unemployment rate of 36.1%. I identified organisations involved in diversion programmes online and then contacted them to conduct a case study screening procedure, ascertaining whether they would be willing to participate in the study and get their permission, not only for the organisation to participate, but its

staff members and youth participants as well. Individuals who met the research criteria were then identified and contacted by the organisation. I was then put in contact with those who showed interest in participating in the research. As consent is required, random sampling was not possible, thus purposeful sampling was utilized. They were provided with a brief outline of the proposed research to assess whether they would be interested in participating. As some of the potential research participants were under the age of 18 their legal guardians were contacted before they were. Once interest in participating in the proposed research was expressed, a more comprehensive participant information form and consent form was distributed to the potential participants. If the potential participant was under the age of 18 this information was first be sent to their legal guardians and upon signing of the consent form, assent forms were given to the minors. Once the participant had signed the consent form I contacted them to organise the interview and direct observations. Permission to record interviews was included in the organisational and participant consent forms. All recordings and transcripts were treated as my other raw data and were thus stored by myself and the SARCHI chair under secure conditions.

I conducted six semi-structured interviews with staff of the iCHOOSE diversion programme and five semi-structured interviews with the female youth who have participated, or are currently participating, in the diversion programme. This dual focus of interviews allowed me to successfully meet my research objectives. I used an interview schedule (see Appendix A) that had been drawn up based on the research question and objectives. Appointments with the respondents were made and the interviews were conducted in English at the organisation's premises or at a nearby coffee shop if requested by the participants. The interviews were audio-recorded. Documents gathered from the organisation concerning the policies, purpose, and, procedures were analysed to gain a broader understanding of the diversion programme. Direct observations were conducted by observing the staff and youth participants during their two Saturday classes.

**Ethical Considerations**

Ethics are the guiding principles of conduct during the interaction between participant and researcher as well as professional ethics that guide against plagiarism and fabrication of data (amongst other considerations). The research was carried out with sensitivity due to the nature of the diversion programme and the individuals they serve. The challenges faced are two-fold as some

of the participants were under the age of 18 and have transgressed the legal system, therefore making these individuals highly marginalised. Working with minors involves unique ethical challenges that had to be taken into consideration to ensure no harm is done to them. These included providing information sheets to all participants (see Appendix B) and obtaining not only the organisation's informed consent for participation but guardian informed consent and the minors' assent as well (see Appendix C). I also had to ensure as little intrusion and disruption as possible to the daily lives and activities of the participants and the programme itself. Therefore, the research process was carried out with due sensitivity and respect. However, should any unintentional harm occur during the research process, participants will be referred to the organisations social workers or to private counsellors. The rights of the participants in the study were respected and observed by maintaining confidentiality as well as voluntary participation, which incorporates the right of the participant to leave the study if they choose, even after the study commences. The ethical considerations of the University of Witwatersrand in terms of the research protocol were observed. Therefore, the fieldwork was completed only after obtaining the ethics clearance. I provided a bottle of water or beverage of equal value (when in the coffee shop) during the interview. Anonymity was maintained by keeping the names of the participants confidential through the use of pseudonyms, unless otherwise specified by the participant. I removed non-pertinent (for my research) information told to me by the participants and further ensured confidentiality by limiting any identifying characteristics and information.

My position as a researcher posed further challenges in that I had to remain cognisant of how my positionality, attitudes, and potential biases may influence the research process and in particular the interview process. The mutual benefit of the researcher and participating organisation was imperative, which was achieved through the identification of strengths and weaknesses within the current legal framework for diversion programmes. To this end the research findings were made available to the organisation and any other interested party.

**Limitations of Research Methodology**

The research did not aim to include males and can therefore not be generalised to males. Yin (2003) argues that case studies may be generalised to theoretical propositions with limited generalisability to populations. He further describes the difficulty of conducting case studies due to varied data

analysis procedures and the time-consuming nature of both data gathering and data analysis due to the large volume of data needed to ensure a rigorous case study.

Due to the self-report nature of interviews possible errors exist in terms of the participants' limited ability to express themselves in English, inexact reflections of participant feelings and perceptions, and distorted responses due to dishonesty, anger, anxiety, politics, and/or personal bias. Further, interview data may be subject to self-serving bias, recall error, and reactions between the interviewer and interviewee. Despite this, the researcher used triangulation and followed Yin's (2011) data analysis method to ensure rigor. The extended time-frame spent with the participants established rapport reducing errors during interviewing. Therefore, the researcher is assured that the findings are reflected accurately.

**Delimitations**

The delimitation parameters of the research related to gender, age, and location. The case study utilised a sample of five female youth participants and six members of the VCI staff directly involved in the iCHOOSE programme in Randburg. The research was explorative in nature, aiming to provide insights instead of having a generalising quality, thereby falling within expectations of case studies and qualitative research in general. The research did not delve into what offenses were committed by the participants, nor did it aim to reduce recidivism, or influence the successful transition in the programme and community thereafter. The overall findings of this research may pertain to other diversion programmes, but the specific details of the programme, participants, and context are restricted to this research. However, this is not considered a minimising threat to the significance and relevance of the research.

# CHAPTER 5: FINDINGS AND DISCUSSION

This section presents an analysis of the triangulated data. Five themes emerged, giving insight into the female youth participants and staff participants' perceptions and experiences of the iCHOOSE diversion programme. The five interrelated themes identified are: ownership, personal, equality and equity, performativity, and winding road. Abbreviations were used when quoting, for example, staff participant one was referred to as S1 and female participant one was referred to as P1. Each transcript was analysed in full, but only a few quotes were selected for presentation. These quotes were selected to represent the themes discussed whilst some quotes were left out to avoid redundancy. A discussion of each theme follows, which includes a critical reflection of previous findings discussed in the literature review.

## Ownership

The taking of ownership is essential to placements within a diversion programme in South Africa and is paramount as diversion can only take place once the potential divertee has admitted their guilt. Ultimately participation within the diversion programme is intended to foster responsibility and accountability outside the CJS, thereby giving the potential divertee a second chance.

### Female youth participants

There is a dual layer to ownership within the participant responses namely: direct ownership and distancing ownership. Firstly, there is direct ownership with regards to the diversion programme and their participation within it, where participants are quick to emphasise their effort and their commitment to the programme. This is characterised by the use of the first person such as "I", showing that they directly relate to this and seem to own it. In general, this is reserved to the positive aspects of their experiences, especially within the programme.

- P1: Um I think my participation was a positive one. Um I tried my best to engage as much as possible and, um, yeah.
- P3: I think uh… I participated well because um… I interacted with everybody. I answered questions. I asked relevant questions so it was it was fine.
- P4: Um as I've said like I've uh doing this I've learnt from my mistake.
- P5: I think I participated a lot. I think I've um shared a lot. I think I asked questions if I wasn't sure. I didn't refuse any activity, so I think I participated.

Muntingh's (2001) study found that 80% of divertees complied with the diversion programme, indicating their commitment to finishing the programme with the aim of avoiding re-arrest.

Secondly, distancing ownership was evident in the use of second and third person narratives. Second-person narratives were possibly used to avoid being singled out and blend into the group thus diffusing responsibility and distancing themselves from their emotions.

- P3: I think everybody has a different perspective of everything, whether you are doing right or you're doing wrong, so we are there because we we've done our mistakes, we need to learn and move on, and start a new chapter so…
- P5: … if we could choose um obviously we wouldn't have done what we've done and we wouldn't have wanted to be there so we are there so to scrape our um names from um, so we are there so might as well make it like, don't make us feel like hard criminals…

In addition, Monyatsi (2003) found the use of second-person narratives ascribing it to the distancing of emotions in order to remain safe. Further, third-person narratives further distanced the participants from both the group and deviant acts committed.

- P2: Because this one they have done something wrong or something like that.
- P5: … when people speak about what they did and don't really go into detail because they've just had an half hour discussion with the group about what they've done…

This shift between distancing and direct ownership, between positive and negative, is clear in the following quotes:

- P3: So you find yourself, if you're a person with temper you are able to deal with situations in a different way if you've got whatever problems situations, if you are able to handle it so I think it has because… your tone of how you talk to people, you analyse that, um your gestures your anger so yeah… I think I've actually grabbed quite a lot in my first day.
- P5: Yes I think so. I think it's been an experience and I think um like anything else if you go through something um like a bad experience you either learn from it or you or you don't and you, obviously I think if you don't learn from it, it will always leave a worse mark in your life because you haven't worked through it like any emotional thing, because obviously to be arrested it's an emotional experience and you don't, you don't learn from it you you you, I I don't think you grow as a person at all. So I think so I think I've made the made the choice for it to have. I don't know develop me as a person. So I think so, yes.

The above shows the unconscious switch from second and third person when discussing the negatives to first person when discussing the positive achievements and participation within the programme.

Further, when dealing with ownership there is a sense of mistaken deviancy or a deviation from the socially accepted path these female youths are supposed to be on.

- P2: It just happened, it was not in my line.
- P3: Um, I think going forward um like I'm saying it's a chapter that will close and you'll move forward but you are not going to forget your past mistakes because the mistake that you did is not going to, your not going to repeat it again in the future because of all the things that you have learnt

> the time that you've put aside for all of this it's been like a hinder you couldn't wait for it to get over and yeah.

The sentiment shared by P3 of concluding her participation in the programme and moving forward past the criminal act is shared by most of the participants.

### Staff participants

Ownership as expressed by the staff participants was distinct from the female youth participants as ownership of the crime and programme was synonymous. Ownership at both levels was viewed as all-encompassing and essential to the successful navigation of the programme. In this regard, the staff participants indicated that the female youth participant's sense of ownership must be sincere.

- S2: Um, mam, once a mistake has been done you need to learn from it.
- S3: … they [female youth participants] have understood that they have to commit to their goals in life, they have to have a map, ah being goal driven, they have to understand ah that they can't blame the rest of the world for what happen in their life.
- S3: So, after the assessment its clear if the child doesn't even ah acknowledge their responsibility towards what happened, what is the point of taking that child? Yeah, you need to have to accept yours sense of responsibility towards what you chose.
- S5: Yes, as long as they are sincere that they are changing behaviour.

While the female youth participants are expected to take ownership, they are not alone as role players play an essential function in helping them take full ownership, or distance themselves by making excuses, or aiding in the circumvention of the female youth participants taking responsibility and ownership.

- S2: … other people are covering for their children, other family members they will cover for their children, they will go and pay for whatever that the child has broken so that they get over and done with it, out of the Criminal Justice System which is not helping the children.
- S3: The problem is that schools do not, do not report these children…
- S3: So for instance if a child, if the mother come back to us and say w I mean ah, I'm not so sure it seem that my child went back into ah the habit of smoking dagga ah can you help? So we will then call the child and the mother…

These quotes reinforce the findings of Leoschut and Mutongwizo (2012) and Roestenburg and Oliphant (2012), who found that the influence and support of family and community members are essential to the successful rehabilitation of the youth offenders. Further, Rutere and Kiura (2009) highlighted the importance of role players taking a sense of ownership to ensure sustainability of diversion programmes, while Mason (1995) argued that the successful completion of diversion programmes is a team effort with diversion programmes with the highest collaboration having the

lowest recidivism rates.

Ownership of the programme is extended to the staff participants as well. They feel that it is their responsibility to aid in the full participation of the female youth participants in the programme. Facilitating the programme in a manner that is approachable and relatable is viewed by the staff participants as essential in conducting a programme that will lead to successful diversion.

- S1: And we also noted that sometimes parents they are lacking parenting skills and that being the case it is our professional duty, it is it is also our professional obligation as professionals to to meet them halfway and e try to make sure that together with our pare with our parents collaboratively and to instill values, morals, norms, and the acceptable I mean behaviour into these children yeah I think that's what I can say.
- S1: … they need to be helped to to forget the past and yeah and map the way forward for the future. Ah so we we assist them to reshape their goals, to reshape their vi, I mean, their their dreams.
- S3: Our programme is about self-development, we invest into you [female youth participants], into the human capital.

**Conclusion**

Both the female youth participants and staff participants refer to the taking of ownership, however, unlike the staff participants, the female youth participants use pronouns to diffuse responsibility. Further, the staff participants included the importance of other role-players' role in the taking of ownership whilst the female youth participants rarely mentioned this.

There is a shared sentiment between staff participants and female youth participants that they have merely stepped off track and need to move past the incident and close the chapter. This seems to indicate that once they leave the diversion programme that their criminal past is for all practical purposes erased. This is in line with the fact that they do not receive a criminal record and the statements, discussed later, concerning the personal, hidden nature of their criminal behaviour means that there are likely no further social sanctions or repercussions, despite their concerns about it.

In summary, themes of ownership have few direct references in literature, rather adhering to the importance of family and community support in general, with little reference to the ownership and responsibility felt by staff. The importance placed on taking ownership as a criterion for diversion placements in the CJS of SA makes this seem counter-intuitive and may indicate a need for further research into this aspect.

## Personal

The personal theme offers insight into the perceptions and experiences that the female youth participants have of sharing their participation in the diversion programme and the criminal acts that got them placed there. It also provides the staff participants' insights into the above.

### Female youth participants

The female youth participants discuss a dual layer of trust, where they do not discuss their participation in crime or the diversion programme as they do not want to lose trust, but at the same time they do not trust society in general. This lack of trust in society not to other them is portrayed by words such as "confidential", "personal", and "judging". This is problematic as it limits their support systems: many of the participants are reluctant to share it even with the closest people in their lives. This is substantiated by research conducted by Fields and Abram (2010), which showed that female youth offenders are more concerned about successful reintegration and support than male youth offenders. This heightened concern may explain their reluctance to risk reintegration and support systems by disclosing their deviancy. None of the female youth participants shared their deviancy and involvement with their school/work or community, while few told very close friends and/or family. The only people they felt comfortable being open with were those that they were sure would not judge them and would be able to understand their circumstances. This is portrayed in the following excerpts:

- P1: Um, the people that I have chosen to involve and tell are people that I know won't judge me in uh in a negative light they, they'll delve into why I did it rather than the fact that I just did it…
- P1: I said trust issues would be a big thing because you know they would be second guessing what I said or what I did or if you know so I chose not to tell anyone mostly because it was very personal experience and personal journey and also I didn't want to be judged.
- P4: No you know how friends they are, when you start telling them about things they will like, start laughing at you. Yeah that the problem that I didn't want, then how they they will start judging me, that's why I didn't feel like telling them.
- P5: I don't have to put in leave so that helps and nobody asks questions because it's on a Saturday so nobody knows about it, so it does help.

### Staff participants

Staff participants share similar views regarding the personal nature of disclosure, also referring to words such as "confidential", "personal", and "judging", but included words such as "ashamed" and "embarrassed". This personal nature of disclosure means that participants often view the staff

as their only confidants, highlighting the importance of having someone trustworthy to turn to and thus the importance of having a support structure aiding rehabilitation.

- S2: Hence, most of them wouldn't even tell a soul about their situation once they they they are arrested, only family will know of of of what had happened, especially with children and with adults they will take it to their graves.
- S3: We have children, we are their spine, they trust us, they come back to us, if they are in trouble they don't go to their family or they don't go to the school. They they come here and they share with us and for me it's like you destroy your child.
- S6: …generally most of them won't even let their parents know about it eh because it's it's shameful.

The staff participants also view it as part of their duty to ensure that the female youth participants have the skills and motivation to manage any negativity and judgements that may occur upon disclosure. This is needed to ensure that the female youth participant's support network remains intact and can even be broadened. Having adequate support structures aids in reintegration and rehabilitation of youth offenders (see Leoschut & Mutongwizo, 2012; Mason, 1995; Roestenburg & Oliphant, 2012; Save the Children Sweden, 2005).

- S2: … we motivate our our participants to focus on themselves instead of what other people are saying, and there is motivation again to interact accordingly.
- S4: I think that our beneficiaries when they leave have got personal strength and self-confidence, well I would hope so, that they've gained from the programme so that if they come across somebody that is judgmental they will actually they'll actually know how to manage that.

An example of this preparation is a moral dilemma that involves making judgement calls about several characters in a story. The observed interaction and discussions in the groups showed the participants that judgments are based on different perspectives, values, and belief systems and thus vary greatly from person to person. This exercise gave the participants insights into how people form judgements.

### Conclusion

Both female youth and staff participants emphasised the personal nature of the involvement in crime and the diversion programme alike, with fear of judgement and isolation being the main concerns. Despite the staff participants' attempts to address these concerns during the programme, the female youth participants remained reluctant to divulge information to people outside their entrusted circle.

### Equality and Equity

Gender binaries became apparent in this theme with discourses of equality as synonymous with

sameness being prominent. This discourse diverts social justice in that it proposes that everyone be treated the same, ignoring differences that may hinder rehabilitation if not addressed.

### Female youth participants

Female youth participants framed the gender binary as irrelevant, yet simultaneously gave reasons why gender-specific programmes may be beneficial. There seemed to be a concern not to offend and to be politically correct. This is portrayed in the quotes below:

- P1: I think it would be a good idea because you know girls can feel more, um, open and safe kind of. Um, not that not that I ever felt unsafe with boys, but often I think that it happens that boys are a distraction or you know, it, yeah.
- P5: I think we fought really hard to be equal and I think there was a time where where men was seen as more superior to women and I think we fought really hard to be equal and I think we should just leave it at that now that we are equal.

Despite discussing gender equality, many felt that a gender-specific programme would be beneficial in terms of comfort levels, dealing with shyness, and openness. One girl even equated this separation as a means to freedom. This is significant as despite the gender neutrality discussed above they still feel oppressed. This is evident in the quotes below:

- P3: Um, I'm sure there's other girls that are, you know you find introverts and extroverts, so I find myself as an extrovert I participate with any kind of people boys or girls. So then maybe for girls that are extroverts that want that are comfortable around other girls I think that would be nice because these other girls that are still shy and they feel maybe very uncomfortable around guys. So I think it would be very nice. It would be a new experience.
- P4: I think it would be a good idea, uh as because of you know sometimes us girls like other things we we we just can't speak through with other boys. We are just, but if we are as girls we are free to say anything, yeah.

The major concern in implementing gender-specific programmes was practicality, showing that they are aware of the limited resources available to diversion programmes.

### Staff participants

Staff participants stressed the fact that they do not discriminate between genders and treat them equally, often using co-ed school integration as the justification for the mixture. This becomes problematic as diversion programmes and the schooling system are their own unique entities with different challenges, including the perceptions of the female youth participants and the judgement that follows that is absent in the schooling system. Further, the difficulties in comparing law-abiding students and those that have deviated from the law is also impractical as it neglects individuality, societal pressures, and context that differentiates them, assuming these factors are

irrelevant. This furthers discourses of equality as sameness without empirical evidence to support these assumptions. None of the literature reviewed supported this discourse.

- S1: Yeah, our programme doesn't discriminate it it it is a programme for for girls it is also a programme for for a boys child … very few girls come to our programme more of the diver I mean divertees they are males as compared to females but rather eh the programme is for everybody.
- S4: I think maybe if you only had women um they might speak more freely maybe um its quite interesting it's almost like saying do you send your kid to an all-girl school or a mix school.

Staff participants had conflicting opinions of the comfort levels of females within the mixed programme. Several felt that female youth participants were as comfortable as boys: other staff participants felt this was not the case and that girls would benefit from gender-specific programmes. Two of the staff participants felt that gender-specific programmes would not be beneficial as society is not gender isolated. S6 felt that gender differences were more salient in child participants thus advocating for child gender-specific programmes only. Further, there are clearly more males involved in the diversion programme than females, often leaving a ratio of one or two females to a group of 13 males. From observations and general discussions, it was evident that females felt more comfortable and participated more when the ratio was more equal.

- S5: Uh, because most of the time uh… women are few in the diversion group and then they are not that comfortable. So I've seen where they're a lot of women, in diversion they get to be open and but if there's few of them in the group it will tend to withdraw and then they are not comfortable in the open, about what they committed.
- S6: I think, I think when we talk about girls under 18 yeah you can yeah but as soon as people get through some age of maturity I don't think that it's necessary.

### Conclusion

The theme of equality and equity can be tied to social justice as it deals with issues of fairness in the CJS. This is often problematic when discussing gender binaries as fairness is often equated to sameness, thus neglecting specific differences in needs and inequalities in society. This was seen in the responses, as both staff participants and female youth participants were quick to describe gender as neutral, despite many discussing the lack of comfort and freedom when groups were mixed. Discourses of equality as sameness and the "add-and-stir" method in the CJS keeps female youth participants in a position of subversion, further hindering the development of understanding female youth participants and their needs, and the programmes that may be more enriching for them.

## Performativity

This theme explores the social expectations and views of children and female youth offenders. Discourses constructing deviant girlhood as an act against their feminity date back from Hall, still remaining in circulation in the society we live in today. These uninterrogated constructions frame both gender and deviancy as abnormal, making the combination in girl offenders the abnormal abnormal.

### Female youth participants

Girls are expected to perform their gender and adhere to the social expectations of girlhood. This is portrayed in words like “ladylike”, “good girl”, and “perfect”. Many have accepted the subject role casting off their individuality and trying to live up to the expectations going so far as belittling difficulties attached to their gender-specific roles. In general, these are caregiver roles with statements such as “happy little pregnant soul” and “mommy”. Any deviation from these roles is considered a waste of time.

- P1: Um, I think that it’s a lot more shocking to see a girl, especially considering that diversion is associated with, you know, adolescent crime that its quite shocking to see, you know, a girl who is supposed to be polite and ladylike and all of that…
- P2: Because they are saying I’m wasting my time for something, I did stupid things.

These roles were even displayed in their artwork as the female youth participants focused on family, rarely discussing work whilst the inverse of this was displayed for the male youth participants. Another display of these gender roles was the outward appearance of the participants. During observations and interviews all the female youth participants were dressed in very ‘feminine’ clothing, usually wearing dresses and always adorning makeup and jewellery. This display of gender performance may be a means of maintaining the illusion of gender essentialism spoken about by Butler (1988) and avoiding further punishment and marginalisation by society. Chesney-Lind (1986) found that females who conform to gender norms are treated better as they avoid double deviance and the dual stigmatisation that follows. Aylsworth (2010) maintains that this societal stigmatisation keeps females in line, maintaining social control. Performing one's gender wrongly makes a girl a lesser person, according to P5, and P1 describes this deviation as shocking to society. This break from their assigned gender roles can make them feel like they are not true girls and lead to additional social sanctions.

While girls are confined to the caregiver role, boys in diversion programmes are more accepted.

They live up to the social expectations of being unruly and getting into trouble as it is 'normal' for them. By implication this places girl who commit deviant acts as 'abnormal'. The following quotes highlight this:

- P1: … with boys it's, I think in some people's eyes, more acceptable, um, because you know boys are unruly, you know, the stereotypical teenage boy.
- P4: You're even a girl, these things are stuff for boys and what that's what I told you like.

### Staff participants

Staff participants highlighted the fact that there are fewer girls in diversion programmes as they generally conform to societal expectations such as being more sociable, accommodating, law abiding, nurturing, and remain at home more than males. Female youth offenders are considered different, with five of the six staff participants exclaiming that deviant and criminal acts committed by females are not expected and thus more shocking and are seen in greater negative light. In line with this, Bührmann (2015) contends that it is not expected for a female to depart from their normalised position at home. They are also judged and labelled more than male youth offenders. Males' deviant and criminal behaviour is expected on the other hand, with variations of the common saying 'boys will be boys' reiterated by the staff participants. These types of statements that suggest males should be allowed to do what needs to be done normalises their criminal and deviant behaviour whilst simultaneously stigmatising and othering female youth offenders. This is portrayed in the quotes below:

- S1: I think uh as a [clears throat] as a girl child when you commit a crime you you the community start to stigmatise you, they are being labelled…
- S3: Um girls doing crime is something that yeah seem not to be normal to to communities and society. Um and also because in in communities girls are also the second give caregivers after mothers.
- S6: It is expected for boys to be bad and I I don't mean it in a harsh manner. You you you sort of believe that boys are boys, boys will be naughty and eh it's a shock [emphasised] when girls are are are are seen to be doing crime because it's eh an ungirly thing.

### Conclusion

Gender roles are still evident in society with many females seeking to perform their gender and display their femininity by dressing in feminine clothing, amongst other things, as a means not to become the abnormal abnormal and lessen the stigma attached to their deviancy. Both female youth participants and staff participants discussed the societal expectation of females being caregivers and abiding by the law. They also both highlighted the shock and judgements by society when females deviate from gender norms. Deviancy is considered a normal attribute of males,

which is valued, whereas it is seen as a pathology that contravenes societal needs in females.

## Winding road

When looking at the diversion programme, it is essential to examine two aspects namely: the advantages and disadvantages of the programme as viewed by the participants, and the perceived successes and hindrances. The advantages and disadvantages theme came directly from the question about advantages and disadvantages whilst the successes and hindrances theme came about through other questions. It was differentiated as a means to explore what the participants emphasised versus other salient factors that came up during other questions.

### Female youth participants

#### *Advantages and disadvantages*

Consensus of the female youth participants on the advantages of the programme was limited as they largely emphasised different aspects of the programme that affected them on a personal level. It is likely that they shared many of the experiences, but when directly asked about what they viewed as the advantages, it differed despite many similar experiences coming up during other parts of the data collection. These advantages included dealing with emotions, better decision-making, the sharing of opinions and advice, and general reflections and introspection.

There was a general reluctance or hesitation to speak about any disadvantages/negative aspects of the programme as many of the female youth participants deflected the question by saying that they never personally experienced any bad parts.

- P1: Um I wouldn't say that there are predominately any bad parts that I've experienced, um yeah other than yeah no I wouldn't say there were any bad parts…
- P3: I um I haven't seen any bad sides with the diversion…

Two participants mentioned that their own shyness was the main disadvantage thereby ascribing any difficulties inwardly. However, P5 felt that the sessions could go quicker and one particular facilitator could have been more enthusiastic. Ultimately, there were many more advantages than disadvantages discussed.

#### *Successes and hindrances*

The main consensus regarding the success of the programme is the fact that the female youth

participants did not get a criminal record because of their participation in the programme. Additionally, many discussed the positive effect that the programme had on their relationships, communication skills, and emotional awareness. This is indicated by the following quotes:

- P1: I definitely think it's helped me in that it's, hopefully prevented me getting a criminal record…
- P3: … your tone of how you talk to people, you analyse that, um your gestures your anger so yeah.

This is in line with CJA and ADRM objectives of preventing children and youth first time offenders from getting criminal records, thereby giving them a second chance.

All the participants discussed the fear of judgement as the main reason why they keep their deviancy and participation in the programme largely to themselves, which ultimately leads to limited support from community and family alike (see discussion in the personal theme).

### Staff participants

#### *Advantages and disadvantages*

As with the female youth participants, staff participants emphasised different aspects of the programme that they believe effected the female youth offenders on a personal level. Additionally, similar experiences also came up during other parts of the data collection. The behavioural and emotional changes in the female youth offenders was emphasised. There was also a variety in the disadvantages/negative aspects of the programme highlighted. These included the lack of funding, small training room, non-compliance, and the community perception that diversion is not a deterrent factor thus leading to judgement and labelling. This aligns with Skelton's (2005) assertion that the communities view diversion programmes as a 'soft option'.

#### *Successes and hindrances*

The iCHOOSE diversion programme was initiated by the Department of Social Development in 2008 when the CJA was billed: however, during its enactment in 2010 the staff participants noticed a reduction in divertees. These statements align with Badenhorst's (2011) findings of fewer children and youth diverted since the implementation of the CJA. This was mostly ascribed to a lack of training of police officers and their lenient disposition towards youth offenders. The lack of advocacy and public knowledge of diversion programmes was also a factor. Additionally, the

staff participants discussed community judgement and female youth offenders' shame as a factor limiting rehabilitation.

There were a variety of successes mentioned during the interviews with many overlapping. The positive change in familial relationships was highlighted by all the staff participants, often ascribed to the collaboration between parents and staff during the programme, especially for child offenders. Additionally, behavioural changes, improved communication skills, and self-discovery of the divertees was emphasised. Staff participants reported low rates of recidivism, mentioning that they did not see divertees re-entering the diversion programme: however, follow-ups were admittedly difficult to enact. However, Badenhorst (2011) also found this in her research indicating that this problem is not isolated to the iCHOOSE diversion programme.

In evaluating the success of the programme staff participants rely on both formal evaluations and personal feedback from the youth participants in the programme. Four of the participants discussed the evaluation sheets, which assess the facilitators' presentation skills and the values learnt by the youth participants. The majority of the staff participants highlighted personal feedback in the form of success stories, former youth participants volunteering, and expressions of gratitude towards them as the most important measure of success.

- S1: When eh eh when we see positive, I mean, success stories then it it it speaks volumes to the fact that the programme was was was was of huge impact to that particular individual…
- S2: Um, we do we do have an evaluation form, which consists of questions such as: What are your three values that you have been empowered with?
- S4: You know, so I think that there's a level of um trust and excitement and gratefulness that comes from the programme and they [divertees] want to, they actually want to assist and help.

During the interviews and observations, the success stories seemed to hold personal significance to the staff participants and act as a motivating factor.

**Conclusion**

Both female youth participants and staff participants mentioned a variety of advantages of the

diversion programme with little overlap between the two groups. When asked directly, however, during the interviews and observations many similar successes were pointed out. Notably, improved communication skills were emphasised by both female youth participants and staff participants. While the female youth participants were reluctant to mention any disadvantages/negative aspects of the programme, the staff participants were primarily concerned with administrative difficulties. Greater potential successes may have been hampered by the lack of training of relevant role-players and societal judgements, which impede rehabilitation.

# CHAPTER 6: CONCLUSION AND EVALUATION OF RESEARCH

## Conclusion

This study explored the experiences and views of female youth offenders and the staff of female participation in a diversion programme. The five phases of qualitative data analysis set out by Yin (2011) were used to analyse the triangulated data, which was guided by the critical paradigm and the critical diversity literacy approach. Five themes were identified, namely ownership, personal, equality and equity, performativity, and winding road. The five themes explored highlighted the challenges faced by female youth offenders in rehabilitation and dealing with societal expectations and pressures, which are gender-specific. The assumption that gender plays no role in rehabilitation needs dominated these themes, despite participants providing evidence to the contrary.

Ultimately, gender is, and will continue to be, a sensitive yet important topic for diversion initiatives that currently remains marginalised. This marginalisation is particularly evident when social justice takes a back seat to discourses of equality as sameness, leading to neither gender-responsive nor gender-specific diversion programmes. Therefore, it cannot simply be attributed to legislative inequalities and political motivations as the perceptions of broader society impact directly on the lives of female youth offenders. It is these experiences and views that are held by female youth offenders and programme staff surrounding female participants that was evident in the research that need to be considered and addressed. Teaching female youth offenders to manage societal perceptions should be included in the focus. In addition, the reality of funding or rather the lack of it, places serious constraints on those working on much-needed rehabilitation for youth offenders in South Africa. In short, striving for rehabilitative success means that diversion programmes should base their interventions on realistic expectations and integrate social constructions and perceptions of gender. This ultimately means that female youth offenders would not only be more comfortable with, but would receive much greater benefits from female only diversion programmes designed to help them through their unique situation.

## Reflexive Evaluation of the Study

It is crucial to acknowledge limitations and biases within this research, as within all research

studies. It is therefore important that I acknowledge how my subjective experiences influenced my analysis and conclusions in this study. According to Simons (2009), reflexivity is an active process, a continual reflection of decisions made and actions taken during the research. Willig (2008) asserts that personal reflection describes how a researcher's personal subjectivity (background, beliefs, and values) may shape a study, thus acknowledging that this brings credibility to the research. Simons (2009) further asserts that reflectivity is crucial in qualitative studies where others' experiences are re-presented, observations and people's stories told are interpreted. Therefore, by making my reflexivity transparent I tried to resolve this thereby making my study more credible.

My experiences and background as a white, 28-year-old female born, raised, and residing in South Africa probably influenced the analysis of the data sources and my conclusions drawn. My interpretation was therefore likely different to what other individuals may have found, making my personal subjectivity a strength and simultaneously a weakness. It was a strength in the sense that I may have had alternative interpretations of female youth offenders' experiences and views of diversion programmes, and a weakness as my personal subjectivity could have led to biases.

The sampling during my research was difficult, and so methodological reflexivity is necessary. This was largely due to time and length limitations inherent in postgraduate studies. Therefore, I refined the research topic and limited my case study to one site to make the sample manageable. Recommendations for future research include conducting multiple case studies, including more sites, to expand the contextualisation. Future research could consider how female youth offenders are perceived by society in South Africa. Additionally, finding more than one or two female youth offenders within the same diversion programme class is difficult, thus making it necessary to obtain data for extended periods. There is limited research conducted on the views and experiences of participants and staff at a female inclusive diversion programme, particularly from non-western perspectives. Research has primarily focused on the experiences of boys, especially in western-based diversion programmes. According to a variety of researchers, as far back as the 1990s, there is a need for gender-specific interventions (see Barrett et al., 2015; Chesney-Lind, 1989) yet little has been achieved in both research and practice since this, indicating the need for further research. My research therefore provides a new perspective to the literature, despite the above noted

limitations. Additionally, it provides needed insight into the experiences and views of female youth offenders. While I recognise that these experiences and views may not present solutions, they frame these difficulties meaningfully, providing insight not otherwise gained from more statistical research.

I conclude with a quotation from Miller, Miller, & Broadus (2013, p.1).

> Gender-specific programming for juvenile offenders adheres to the principles of therapeutic jurisprudence and restorative justice by striving to understand why young females become delinquent, helping them develop coping skills, recognising the interdependence between the community and the offender, and increasing the offender's overall wellbeing.

# References

Abdulla, Z., & Goliath, V. (2015). Parents' experiences of monitoring their adolescents' compliance with diversion orders. *Social Work/Maatskaplike Werk, 51*(1), 205-220. Retrieved from http://socialwork.journals.ac.za/pub/article/view/443/424

Africa Check. (2016). *Factsheet: South Africa's 2015/16 crime statistics.* Retrieved from https://africacheck.org/factsheets/factsheet-south-africas-201516-crime-statistics/

African Committee of Experts on the Rights and welfare of the Child. (1990). *African Charter on the Rights and Welfare of the Child.* Retrieved from http://pages.au.int/acerwc/documents/african-charter-rights-and-welfare-child-acrwc

Antisocial [Def. 2]. (n.d.). In *Merriam Webster Online*, Retrieved December 20, 2016, from https://www.merriam-webster.com/dictionary/antisocial

Ariga, M., Uehara, T., Takeuchi, K., Ishige, Y., Nakano, R., & Mikuni, M. (2008). Trauma exposure and posttraumatic stress disorder in delinquent female adolescents. *Journal of Child Psychology & Psychiatry, 49*(1), 79–87. doi:10.1111/j.1469-7610.2007.01817.x

Ariés, P. (1986). *Centuries of Childhood.* Bungay, Suffolk: Penguin Books.

Aylsworth, L. (2010). *Harmless victims or harmful villains: The representation of criminalized women in public discourse* (Unpublished master's thesis). Carleton University, Ottawa, Canada.

Badenhorst, C. (2011). *Overview of the implementation of The Child Justice Act, 2008 (Act 75 OF 2008): Good intentions, questionable outcomes*. Retrieved from http://pmg-assets.s3-website-eu-west-1.amazonaws.com/docs/110622overview_0.PDF

Barrett, D. E., Ju, S., Katsiyannis, A., & Zhang, D. (2015). Females in the juvenile justice system: Influences on delinquency and recidivism. *Journal of Child and Family Studies, 24,* 427–433. doi: 10.1007/s10826-013-9853-8

Beals, F. (2014). Sugar, spice and everything nice: Just what are deviant girls made of? *Women's Studies Journal, 28*(2), 57-67. Retrieved from www.wsanz.org.nz/journal/docs/WSJNZ282Beals57-67.pdf

Bloom, B. E., & Covington, S. S. (1998, November). *Gender-specific programming for female offenders: What is it and why is it important?* Paper presented at the 50th Annual Meeting of the American Society of Criminology, Washington, D.C. Retrieved from http://stephaniecovington.com/~sschost/assets/files/13.pdf

Bührmann, A. D. (2015). Gender: A central dimension of diversity. In S. Vertovec (Ed.), *Routledge*

*international handbook of diversity studies* (pp. 23-32). New York, NY: Routledge.

Burr, V. (1996). *An introduction to social constructionism.* New York, NY: Routledge.

Butler, J. (1988). Performative acts and gender constitution: An essay in phenomenology and feminist theory. *Theatre Journal, 40*(4), 519-531. doi:10.2307/3207893

Cauffman, E. (2008). Understanding the Female Offender. *Future of Children, 18*(2), 119-142. doi:10.1353/foc.0.0015

Charmaz, K. (2011). Grounded theory methods in Social Justice Research. In N. K. Denzin, & Y. S. Lincoln (Eds.), *The SAGE handbook of qualitative research* (pp. 359-380). Thousand Oaks, CA: SAGE Publications.

Chen, Y., Lai, Y., & Lin, C. (2013). Dimensions and predictors of treatment needs for female inmates: An exploratory study in Taiwan *International Journal of Comparative and Applied Criminal Justice, 37*(2), 119–142. doi:10.1080/01924036.2012.760216

Chesney-Lind, M. (1986). Women and crime: The female offender. *Journal of Women in Culture and Society, 12*(1), 78-96. Retrieved from http://www.jstor.org/stable/3174358

Chesney-Lind, M. (1989). Girls' crime and woman's place: Toward a feminist model of female delinquency. *Crime & Delinquency 35*(1), 5-29. doi:10.1177/0011128789035001002

Chesney-Lind, M., & Irwin, K. (2004). All about the Girl: Culture, Power, and Identity. In A. Harris (Ed.), *Popular construction of contemporary girlhood* (pp. 45-58). New York, NY: Routledge.

Chesney-Lind, M., & Jones, N. (2010). Introduction. In M, Chesney-Lind & N, Jones (Eds), *Fighting for girls: A new perspective on gender and violence* (pp. 1-12). Albany, NY: State University of New York Press.

Child Justice Act, South Africa. (2008). Retrieved April 17, 2016 from http://www.justice.gov.za/legislation/acts/2008-075_childjustice.pdf

Chisholm, L. (1985, April). *The Pedagogy of Porter: The Origins of the Reformatory in the Cape Colony, 1882-1910.* Paper presented at WISER: The African Studies Seminar, Johannesburg, South Africa. Retrieved from http://wiredspace.wits.ac.za/handle/10539/8524

Chisholm, L. (1989, April). *Aspects of child-saving in South Africa: Classifying and segregating the delinquent 1917-1934.* Paper presented at WISER: The African Studies Seminar, Johannesburg, South Africa. Retrieved from http://wiredspace.wits.ac.za/handle/10539/8522

Covington, S. C. (2004). A woman's journey home: Challenges for female offenders. In J. Travis, & M. Wau (Eds.), *Prisoners once removed: The impact of incarceration and reentry on children,*

*families, and communities.* Washington, DC: Rowman & Littlefield Publishers.

Cregan, K., & Cuthbert, D. (2014). *Global childhoods*. Thousand Oaks, CA: Sage.

Dastile, N. P. (2013). What's her story: Understanding the life story of a female offender within the South African context. *Gender & Behaviour, 11*(1), 5297-5309. Retrieved from http://hdl.handle.net/10520/EJC136360

Davis, K. L. (2009). *Restorative justice experiences of juvenile female offenders: School, community, and home* (Unpublished master's thesis). Drake University, Ann Arbor, Ml.

Department of Correctional Services. (2005). *White paper on corrections in South Africa.* Retrieved from http://www.dcs.gov.za/AboutUs/COE/Documents/WhitePaper/WHITE%20PAPER%208.doc

Department of Correctional Services. (2016). *Annual report 2015/2016.* Retrieved from http://www.dcs.gov.za/docs/2016%20doc/DCS%20Annual%20Report%202015-16.pdf

Department of Justice and Constitutional Development. (2016). *Annual report 2015/2016.* Retrieved from http://www.gov.za/sites/www.gov.za/files/Deparment_Justice_CD_Annual_Report_2015_2016.pdf

Department of Social Development. (2012). *White paper on families in South Africa.* Retrieved from http://www.dsd.gov.za/index.php?option=com_docman&task=cat_view&gid=33&Itemid=39

Dixon, A., Howie, P., & Starling, J. (2004). Psychopathology in female juvenile offenders. *Journal of Child Psychology & Psychiatry, 45*(6), 1150–1158. doi:10.1111/j.1469-7610.2004.00307.x

Doncabe, S. P. (2013). *The Implementation of the Child Justice Act 75 of 2008: A case study of the diversion programme (vocational, educational or therapeutic) offered by Khulisa in the Ugu District* (Unpublished master's thesis). University of KwaZulu-Natal, Durban, South Africa.

Ebeniro, C. D. (2011). The problems of administration of justice on female offenders in Nigeria. *African Journal of Criminology & Justice Studies, 4*(2), 28-36. Retrieved from http://www.africaknowledgeproject.org/index.php/ajcjs/article/view/941

Fields, D., & Abrams, L. S. (2010). Gender differences in the perceived needs and barriers of youth offenders preparing for community reentry. *Child Youth Care Forum, 39,* 253–269. doi:10.1007/s10566-010-9102-x

Fourchard, L. (2011). The limits of penal reform: Punishing children and young offenders in South Africa and Nigeria (1930s to 1960). *Journal of Southern African Studies, 37*(3), 517-534. doi:10.1080/03057070.2011.602891

Foy, D. W., Ritchie, I. K., & Conway, A. H. (2012). Trauma exposure, posttraumatic stress, and comorbidities in female adolescent offenders: Findings and implications from recent studies. *European Journal of Psychotraumatology, 3*, 1-13. doi:10.3402/ejpt.v3i0.17247

Fyfe, A. (2011). *Mean girls in the press: A content analysis of two Toronto newspapers* (Unpublished master's thesis). University of Ontario Institute of Technology, Ottawa, Canada.

Geary, P. (2013). *Creating a Non-Violent Juvenile Justice System.* Retrieved from http://resourcecentre.savethechildren.se/library/creating-non-violent-juvenile-justice-system-report-2013

Girls Study Group. (2009, March). *Girls and Delinquency: Using Research to Develop Good Practice.* Paper presented at the National Conference on Juvenile Justice, Orlando, FL. Retrieved from http://girlsstudygroup.rti.org/docs/2008_GSG_National_Conference_Juvenile_Justice.pdf

Griffin, C. (1993). *Representations of youth: The study of youth and adolescence in Britain and America.* Cambridge, MA: Polity Press.

Griffin, C. (2004). Good girls, bad girls: Anglocentrism and diversity in the constitution of contemporary girlhood. In A. Harris (Ed.), *All about the girl: Culture, power, and identity* (pp. 29-44). New York, NY: Routledge.

Gxubane, T. (2010). A developmental approach to dealing with young offenders: An imperative for probation practice and policy framework. *Social Work/Maatskaplike Werk, 46*(1), 35-43. doi:10.15270/46-1-181

Hage, S. M., Ring, E. E., & Lantz, M. M. (2011). Social Justice Theory. In R. J. R. Levesque (Ed.), *Encyclopedia of Adolescence* (pp. 2794-2801). New York, NY: Springer.

Hall, G. S. (1904). *Adolescence: Its psychology and its relations to physiology, anthropology, sociology, sex, crime, religion and education* (Vol. 1). New York, NY: Appleton and Co.

Hargovan, H. (2013). Child Justice in practice: The diversion of young offenders. *SA Crime Quarterly, 44*, 25-35. doi:10.17159/2413-3108/2013/v0i44a816

Heidenson, F. (2011). New perspectives and established views. In F. Heidenson (Ed.), *Gender and justice: New concepts and approaches* (pp. 1-10). New York, NY: Routledge.

Hoge, R. (2009). Advances in the assessment and treatment of juvenile offenders. *Criminology & Social Integration, 17*(2), 49-70. Retrieved from http://nbn-resolving.de/urn:nbn:de:0168-ssoar-284306

Hoyt, S. & Scherer, D. G. (1998). Female juvenile delinquency: Misunderstood by the juvenile justice system, neglected by social science. *Law and Human Behavior, 22*(1), 81-107.

doi:10.1023/A:1025728822468

Hsu, H., & Wu, B. (2011). Female defendants and criminal courts in Taiwan: An observation study. *Asian Criminology, 6,* 1–14. doi: 10.1007/s11417-010-9098-z

James, A., & Prout, A. (Eds.). (1990). *Constructing and reconstructing of childhood: Contemporary issues in the sociological study of childhood.* Bristol, PA: The Falmer Press.

Jarvis, C. (2013). The Twilight of Feminism? Stephenie Meyer's Saga and the Contradictions of Contemporary Girlhood. *Children's Literature in Education, 45*, 101–115. doi: 10.1007/s10583-013-9212-9

Jules-Macquet, R. (2015). *Exploring female offender profiles and social reintegration service delivery*. Retrieved from http://press.nicro.org.za/images/PDF/Exploring-Female-Offender-Trends-and-Dynamics.pdf

Justice Crime Prevention and Security Cluster Departments. (2010). *Briefing by the Justice Crime Prevention and Security (JCPS) Cluster Departments to the Portfolio Committee for Correctional Services regarding correctional centers' overcrowding.* Retrieved from pmg-assets.s3-website-eu-west-1.amazonaws.com/docs/101027jcps_0.ppt

Juvenile delinquency [Def. 1]. (n.d.). In *Merriam Webster Online*, Retrieved December 20, 2016, from https://www.merriam-webster.com/dictionary/juvenile%20delinquency

Kajornboon, A. B. (2005). *Using interviews as research instruments.* Retrieved from http://www.culi.chula.ac.th/research/e-journal/bod/annabel.pdf

Kawulich, B. B. (2012). Collecting data through observation. In C, Wagner, B, Kawulich, & M, Garner (Eds), *Doing social research: A global context* (pp. 150-160). Maidenhead, Berkshire: McGraw-Hill.

Kelly, K. (2012). From encounter to text: Collecting data in qualitative research. In M, Terre Blanche, K, Durrheim, & D, Painter (Eds), *Research in practice: Applied methods for the social sciences* (pp. 285-319). Cape Town, South Arica: University of Cape Town Press.

Kelly, P. J., Peralez-Dieckmann, E., Cheng, A., & Collins, C. (2010). Profile of women in a county jail. *Journal of Psychosocial Nursing, 48(*4), 38-45. doi:10.3928/02793695-20100302-02

Kerig, P. K., & Schindler, R. S. (2013). Engendering the evidence base: A critical review of the conceptual and empirical foundations of gender-responsive interventions for girls' delinquency. *Laws, 2*, 244–282. doi:10.3390/laws2030244

Kvale, S., & Brinkmann, S. (2009). *Interviews: Learning the craft of Qualitative research interviewing.*

Thousand oaks, Ca: Sage publications.

Lederman, C. S., Dakof, G. A., Larrea, M. A., & Li, H. (2004). Characteristics of adolescent females in juvenile detention. *International Journal of Law and Psychiatry, 27*(4), 321–337. doi:10.1016/j.ijlp.2004.03.009

Leoschut, L., & Mutongwizo, T. (2012). *Returning to a reluctant sender: An exploration into community attitudes toward diversion and reintegration in South Africa.* Cape Town, South Africa: Centre for Justice and Crime Prevention.

Leve, L. D., Chamberlain, P., Kim, H. K., & Smith, D. K. (2012). Female juvenile offenders. In E. L. Grigorenko (Ed.), *Handbook of juvenile forensic psychology and psychiatry* (pp. 555-568). New York, NY: Springer Science and Business Media.

Lu, H., Liang, B., & Liu, S. (2013). Serious violent offenses and sentencing decisions in China: Are there any gender disparities? *Asian Criminology, 8*, 159–177. doi:10.1007/s11417-012-9155-x

Males, M. (2010). Have "girls gone wild"? In M, Chesney-Lind & N, Jones (Eds), *Fighting for girls: A new perspective on gender and violence* (pp. 13-32). Albany, NY: State University of New York Press.

Mankarious, G. (2013). *Double deviance and the bad woman.* Retrieved from https://georgamankarious.wordpress.com/2013/07/22/double-deviance-and-the-bad-woman-representations-of-amanda-knox-in-the-tabloid-media/

Mason, M. D. (1995). *A qualitative evaluation of four juvenile diversion programmes conducted by the University of Nebraska Cooperative Extension* (Unpublished master's thesis). University of Nebraska-Lincoln, Lincoln, Nebraska.

Mbambo, B. (2005). Diversion: A central feature of the new child justice system. In T, Maepa (Ed.), Beyond retribution: *Prospects for restorative justice in South Africa* (pp. 76-88). Pretoria, South Africa: Institute for Security Studies/ Restorative Justice Centre.

Mili, P. M. K., Perumal, R., & Cherian, N. S. (2015). Female criminality in India: Prevalence, causes and preventive measures. *International Journal of Criminal Justice Sciences, 10*(1), 65-76. Retrieved from http://www.sascv.org/ijcjs/pdfs/milietalijcjs2015vol10issue1.pdf

Miller, D. (2003). *Principles of social justice.* Boston, MA: Harvard University Press.-

Miller, M. K., Miller, L., & Broadus A. D. (2014). Female juvenile offenders' perceptions of gender-specific programs. In M. K. Miller, J. Chamberlain, & T. Wingrove (Eds.), *Psychology, law, and the wellbeing of children* (pp. 83-102). New York, NY: Oxford University Press.

Monyatsi, T. (2003). *Identifying the needs of participants in the Khulisa diversion programme* (Unpublished master's thesis). University of the Witwatersrand, Johannesburg, South Africa.

Mullis, R. L., Cornille, T. A., Mullis, A. K., & Huber, J. (2004). Female juvenile offending: A review of characteristics and contexts. *Journal of Child and Family Studies, 13*(2), 205–218. doi:10.1023/B:JCFS.0000015708.71295.2a

Muntingh, L. M. (2001). *The effectiveness of diversion programmes: A longitudinal evaluation of cases.* Retrieved from https://www.unicef.org/tdad/nicroevaluation01(1).pdf

Naudé, B., & Prinsloo, J. (2005). Magistrates' and prosecutors' views of restorative justice. In T. Maepa (Ed.), *Beyond retribution: Prospects for restorative justice in South Africa* (pp. 53-65). Pretoria, South Africa: Institute for Security Studies.

National Youth Development Agency. (2015). *The National Youth Policy 2015-2020.* Retrieved from file:///C:/Users/Schvaughn/Downloads/NYP%20Policy%202020%20Report.pdf

Nieuwenhuis, J & Smit, B. (2012). Qualitative research. In C, Wagner, B, Kawulich, & M, Garner (Eds), *Doing social research: A global context* (pp. 124-139). Maidenhead, Berkshire: McGraw-Hill.

Odgers, C. L., Moretti, M. M., Burnette, M. L., Chauhan, P., Waite, D., & Reppucci, N. D. (2007). A latent variable modeling approach to identifying subtypes of serious and violent female juvenile offenders. *Aggressive Behavior, 33*(4), 339–352. doi:10.1002/ab.20190

Pelser, E. (2013, May). *Learning to be lost: Youth crime in South Africa.* Paper presented at the meeting of the HSRC youth policy initiative, Pretoria, South Africa. Retrieved from http://www.cjcp.org.za/uploads/2/7/8/4/27845461/hsrc_youth_crime_discussion_paper2.pdf

Pollard, J. M., Schuster, J., Lin, H., & Frisman, L. K. (2007). Evaluation of a gender and trauma specific jail diversion program for female offenders: Part II. *American Jails, 21*(5), 53- 63. Retrieved from http://connection.ebscohost.com/c/articles/28387943/evaluation-gender-trauma-specific-jail-diversion-program-female-offenders-part-ii

Postman, N. (1982). *The disappearance off childhood How TV is changing children's lives*. London, Britain: Comet.

Prilleltensky, I., & Fox, D. (1997). Introducing critical psychology: Values, assumptions, and the status quo. In D. Fox & I. Prilleltensky (Eds.), *Critical psychology: An introduction* (pp. 3-20). Thousand Oaks, CA: Sage.

Rawls, J. (2003). *Justice as fairness: A restatement* (2nd ed.). Boston, MA: Belknap Press.

Robinson, M. (2010). Assessing criminal justice practice using Social Justice Theory. *Social Justice*

*Research, 23,* 77–97. doi:10.1007/s11211-010-0108-1

Roestenburg, W., & Oliphant E. (2012). Community-based juvenile offender programs in South Africa: Lessons learned. *Journal of Community Practice, 20,* 32–51. doi:10.1080/10705422.2012.644226

Rutere, S. K. & Kiura, C. M. (2009). *The diverson program in Kenya.* Retrieved from http://www.sida.se/contentassets/da322fb86bb04e60b611a10600fe2e2f/the-diversion-program-in-kenya_1768.pdf

Save the Children Sweden. (2005). *Case study: Diversion of children in conflict with the law in community-based program centers, Ethiopia.* Retrieved from http://resourcecentre.savethechildren.se/library/case-study-diversion-children-conflict-law-community-based-program-centers-ethiopia

Scroggins, J. R., & Malley, S. (2010). Reentry and the (unmet) needs of women. *Journal of Offender Rehabilitation, 49*(2), 146–163. doi:10.1080/10509670903546864s

Schwartz, J. (2013). A "new" female offender or increasing social control of women's behavior? Cross-national evidence. *Feminist Studies 39*(3), 790-821. Retrieved from http://www.jstor.org/stable/23719437

Shorter, E. (1976). *The making of the modern family.* Harmondsworth, London: Penguin.

Silva, A. S. F. (2012). Document analysis. In C, Wagner, B, Kawulich, & M, Garner (Eds), *Doing social research: A global context* (pp. 140-149). Maidenhead, Berkshire: McGraw-Hill.

Simons, H. (2009). *Case study: Research in practice.* Thousand Oaks, CA: Sage.

Skelton, A. (2005). The Child Justice Bill from a restorative justice perspective. In T. Maepa (Ed.), *Beyond retribution: Prospects for restorative justice in South Africa* (pp. 127-135). Pretoria, South Africa: Institute for Security Studies

Skelton, A. (2011). From cook county to Pretoria: A long walk to justice for children. *Northwestern Journal of Law & Social Policy, 6*(2), 413-427. Retrieved from http://scholarlycommons.law.northwestern.edu/njlsp/vol6/iss2/9

Skelton, A., & Gallinetti, J. (2008). A long and winding road: The Child Justice Bill, civil society and advocacy. *SA Crime Quarterly, 25,* 3-9. Retrieved from https://issafrica.s3.amazonaws.com/site/uploads/CQ25SKELTON.PDF

Smit, A. (2011). *Research report a quantitative statistical presentation of cases diverted to NICRO programmes by courts in South Africa from June 2009 to May 2010.* Retrieved from

http://www.nicro.org.za/category/research-papers/diversion-research-papers/

Smith, N., Tew, J., & Patel, P. (2015). The CARE programme: An accredited offending behaviour programme specifically for female offenders at risk of violence. *Journal of Aggression, Conflict and Peace Research, 7*(4), 275-286. doi:10.1108/JACPR-02-2015-0164

South Africa crime stats 2016: Everything you need to know. (2016, September 2). *BusinessTech.* Retrieved from https://businesstech.co.za/news/general/135321/south-africa-crime-stats-2016-everything-you-need-to-know/

Steyn, F. (2010). *Approaches to diversion of child offenders in South Africa: A comparative analysis of programme theories* (Unpublished master's thesis). University of the Free State, Bloemfontein, South Africa.

Steyn, F., & Hall, B. (2015). Depression, anxiety and stress among incarcerated female offenders. *Acta Criminologica: Southern African Journal of Criminology Special Edition No 1: Change in African Corrections: From incarceration to reintegration*, 82-100. Retried from http://repository.up.ac.za/bitstream/handle/2263/50936/Steyn_Depression_2015.pdf?sequence=1&isAllowed=y

Steyn, M. (2015). Critical diversity literacy: Essential for the twenty-first century. In S. Vertovec (Ed.), *Routledge international handbook of diversity studies* (pp. 379-388). New York, NY: Routledge.

Swanzen, R., & Harris, T. (2012). Restorative juvenile justice in South Africa. *Revista de Asisten Social, 3*, 5-23. Retrieved from www.revistadeasistentasociala.ro

Terre Blanche, M., Kelly, K., & Durrheim, K. (2012). Why qualitative research? In M, Terre Blanche, K, Durrheim, & D, Painter (Eds), *Research in practice: Applied methods for the social sciences* (pp. 271-284). Cape Town, South Africa: University of Cape Town Press.

Tripathi, B. (2014). Feminist criminology: Some reflections. *Vidhigya: The Journal of Legal Awareness, 9*(1), 1-6. Retrieved from http://www.indianjournals.com/ijor.aspx?target=ijor:vidhigya&volume=9&issue=1&article=001

United Nations. (1989). *Convention on the rights of the child.* Retrieved from http://www.humanium.org/en/convention/text/

United Nations, 2010. *United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (the Bangkok Rules).* Retrieved from http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf

Valued Citizens Initiative. (2016). *Be the change you want to see* [Brochure]. Randburg, South Africa: Valued Citizens Initiative.

Van Voorhis, P., Salisbury, E., Wight, E., & Bauman, A. (2008). *Achieving accurate pictures of risk and identifying gender responsive needs: Two new assessments for women offenders*. Retrieved from http://static.nicic.gov/Library/022844.pdf

Walkerdine, V. (1998). Popular culture and the eroticization of little girls. In H. Jenkins (Ed), *The children's culture reader* (pp. 254-264). New York, NY: New York University Press.

World Health Organisation. (n.d.). *Informed consent form template for qualitative studies*. Retrieved from http://www.who.int/rpc/research_ethics/informed_consent/en/

Willig, C. (2008). *Introducing qualitative research in psychology: Adventures in theory and method.* Buckingham, UK: Open University Press.

Wilson, H. A., & Hoge, R. D. (2013). The effect of youth diversion programs on recidivism: A Meta-Analytic Review. *Criminal Justice and Behavior*, *40*(5), 497-518. doi:10.1177/0093854812451089

Wyness, M. (2012). *Childhood and society* (2nd ed.). New York, NY: Palgrave Macmillian.

Yablonsky, L., & Haskell, M. R. (1988). *Juvenile Delinquency* (4th ed.). New York, NY: Harper & Row.

Yin, R. K. (2003). *Case study research: Design and methods* (3rd ed.). Thousand Oaks, CA: Sage.

Yin, R. K. (2006). Case study methods. In J. L. Green, G. Camilli, & P. B. Elmore (Eds.), *Handbook of complementary methods in education research* (pp. 111-122). Mahwah, NJ: Lawrence Erlbaum Associates Publishers.

Yin, R. K. (2011). *Qualitative research from start to finish.* New York, NY: Guilford Press.

Zainal, Z. (2007). Case study as a research method. *Jurnal Kemanusian*, *9*, 1-6. Retrieved from http://psyking.net/htmlobj-3837/case_study_as_a_research_method.pdf

Zeng, Z. (2016). *Public perceptions of female criminality in China and the United States* (Unpublished master's thesis). Tennessee State University, Tennessee, United States of America.

## Appendix A1 - Interview schedule for staff

1. Could you tell me why your diversion programme was launched?
2. How available are diversion programmes for girls?
3. Would you say that diversion programmes for girls are easily accessible for those in need?
4. What changes did the Child Justice Act of 2008 bring about for your diversion programme compared to previous legislation?
5. Who specifically would you say does your programme cater for?
6. Has this programme led to any behavioral changes of the participants?
7. Would you say this programme has had any positive or negative effects in the relationship between the youth participants and their guardian/parent?
8. What would you say is the rate of recidivism in this type of diversion programme?
9. Is there a difference on how the community views girls involved in crime compared to how boys involved in crime are viewed? If yes/no could you elaborate?
10. What do you think are the opportunities girls involved in diversion programmes have?
11. How, if at all, does involvement in this programme affect how people see your participants' capabilities, abilities, and dreams at school? And anywhere else?
12. How, if at all, has participants' involvement in this programme changed over time? Are people's opinions changing?
13. What is the measure for success of this diversion programme?
14. What would you say are the positive and/or negative aspects of this programme?
15. Is there anything you wanted to tell me that we haven't spoken about yet?

## Appendix A2 - Interview schedule for youth participants of this study

1. How would you describe your participation in the programme?
2. Do you think a girl's only programme is a good idea and why?
3. Has this programme had an effect on your behaviour and how?
4. Has the programme bought about any changes in your relationship with your guardians/parents?
5. -Do you think there is a difference in the way people see you as a girl in a diversion programme compared to the way they see boys in diversion programmes?
6. How are girls involved in crime seen differently to girls not involved in crime?
7. How do you think this programme will affect your life?
8. What would you say are the good and/or bad parts of this programme?
9. How, if at all, has your involvement in the diversion programme come up for you at school?
10. How, if at all, has involvement in this programme affected you, and your opportunities, at school?
11. Does the diversion programme 'spill over' at school?
12. Is your involvement in the programme something that is discussed at school? If so, what do they say?
13. How, if at all, does your involvement in this programme affect how people see your capabilities, abilities, and dreams at school? And anywhere else?
14. What do you think are the opportunities girls involved in diversion programmes have?
15. How, if at all, has your involvement in this programme changed over time? Are people's opinions changing?
16. Is there anything you wanted to tell me that we haven't spoken about yet?

# Appendix B1 – Organisation

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**

**University of the Witwatersrand, Johannesburg** tel:

011 717 4418 email:info.wicds@wits.ac.za

## Participation information form[1]

### Introduction

Good day. My name is Schvaughn Lesage and I am a master's student at the University of Witwatersrand in Johannesburg. The research I wish to conduct for my master's research involves the exploration and description of diversion programmes for girls in South Africa. This project will be conducted under the supervision of Prof. Melissa Steyn (Head of the Department of Diversity Studies and the South African National Research Chair (SARChI) in Critical Diversity Studies, Wits, South Africa).

I would like to invite you to be part of the study. The aim of the study is to conduct a case study of an organisation involved in diversion programmes for girls in order to assess the availability of diversion programmes in the country and explore the views and experiences of girls within these programmes. Your institution has been selected because of your involvement with diversion programmes and dedication to empowering youth.

My research will entail a case study of your organisation, looking at the role of diversion programmes for youth and in particular their views and experiences. This will be achieved through interviews with staff and youth involved in the diversion programmes, as well as direct observations for the duration of the research. Interviews with staff and youth within your programme will be solely on a voluntary basis, and with parental consent where applicable. The identity of participants will be protected at all times. The university complies with strict ethical guidelines ensuring the privacy of all participants, including your organisation.

1. Adapted from World Health Organization (WHO, n.d.).

I wish to assure you that I am fully cognisant of the sensitivity of diversion programmes involving the youth. For this reason, I will ensure that the feedback procedure will entail ongoing communication between the organisation and myself, and the research paper will be made available to your organisation at the end of the study.

**Purpose: Why are you doing this research?**

I want to look into diversion programmes and explore how girls view and experience these programmes.

**Choice of participants: Why are you asking me?**

I am doing this research on girls who are 14 and above and who are currently involved in a diversion programme. In addition, I will be conducting interviews with staff members in order to gather additional information about the programme and the children in it.

**Procedures: What is going to happen to me?**

I am going to interview staff and children to ask them about their views and experiences of this programme. Each interview will take about an hour and I will be recording the conversation, if permitted to. I will also be using direct observation to see how the programme works. I will appreciate access to appropriate documentation that may aid in my research goals.

**Risks: Is this bad or dangerous for me?**

I have no concerns about the research. If you feel concerned at any time I would like you to talk to me about them.

**Benefits: Is there anything good that happens to me?**

The benefits of this study are the further development of programmes such as yours, which could lead to the extension of such programmes for the improvement of the youth and the community as a whole. Such a study could also lead to the identification of strengths and weaknesses within the current legal framework for diversion programmes and in particular for girls in diversion programmes.

**Confidentiality: Is everybody going to know about this?**

The research is confidential and will be discussed with you once completed. Your organisation's name will not be used in the research (a pseudonym will be used), unless otherwise agreed upon. Any information received from you will be stored securely on a password-protected computer. The access to the information will be limited to me, the researcher, the DST-NRF SARChI Chair in Critical Diversity Studies and the researchers involved in the chair's research.

**Sharing the Findings: Will you tell me the results?**

Once the research is completed, I will provide the findings to you in a written report or email the report in the form of my master's research report as well. The research may be used in conferences and may be published in an academic journal.

**Right to Refuse/Withdraw: Can I choose not to be in the research? Can I change my mind?**

Participation in this research is voluntary and there will be no repercussions if you decide not to participate. If you consent to participate now you may change your mind and withdraw from the study at any stage of the research.

**Who to Contact: Who can I talk to or ask questions to?**

Should you require any further information, please do not hesitate to contact me, my supervisor and/or the research ethics committee at the University of Witwatersrand.


| | | |
|---|---|---|
| Schvaughn Lesage | Prof Melissa Steyn | Lucille Moorgan |
| 061 306 3425 | 011 717 4418 | 011 717 1277 |
| slesagewp@gmail.com | melissa.steyn@wits.ac.za | lucille.moorgan@wits.ac.za |


**If you choose to be part of this research I will provide a copy of this for your perusal.**

# Appendix B2 - Adult

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**

**University of the Witwatersrand, Johannesburg** tel: 011 717 4418 email:info.wicds@wits.ac.za

## Participation information form[2]

### Introduction

Good day. My name is Schvaughn Lesage and I am a master's student at the University of Witwatersrand in Johannesburg. The research I wish to conduct for my master's degree involves the exploration and description of diversion programmes for girls in South Africa. This project will be conducted under the supervision of Prof. Melissa Steyn (Head of the Department of Diversity Studies and the South African National Research Chair (SARChI) in Critical Diversity Studies, Wits, South Africa).

I have completed this information to give you an idea of the research I will be conducting. This is an invitation for you to be part of the research. You may elect not to participate in the research. You do not have to decide immediately and, if you want to, you can discuss this information with anyone you feel comfortable talking to.

If there is anything that you do not understand or that concerns / worries you, you can ask me and I will explain it and talk to you about it.

### Purpose: Why are you doing this research?

I want to look into diversion programmes, in order to see how girls view and experience these programmes.

2. Adapted from World Health Organization (WHO, n.d.).

**Choice of participants: Why are you asking me?**

I am doing this research on girls who are 14 and above and who are currently involved in a diversion programme.

**Participation is voluntary: Do I have to do this?**

Participation for this research is voluntary and even once agreed upon you may decline to participate at a later stage. If there are any questions you are uncomfortable with, you do not have to answer them.

**Procedures: What is going to happen to me?**

I am going to interview you to ask you about your views and experiences of this programme and how you believe it affects the children at school and at home. The interview will take about an hour and I will be recording our conversation, if permitted to. I will also be spending about two weeks here to see how the programme works through direct observation.

**Risks: Is this bad or dangerous for me?**

I have no worries or concerns about the research. If you feel concerned or worried at any time we would like you to talk to me about your concerns, or you can speak to the following social worker at the organisation:

Laurence Tagwireyi

011 781 9462

**Benefits: Is there anything good that happens to me?**

This research may not benefit you directly, but this research may help girls in diversion programmes in the future.

**Confidentiality: Is everybody going to know about this?**

The research is confidential and will be discussed with you once completed. Your name will not be used in the research (a pseudonym will be used). Any information received from you will be stored securely. The access to the information will be limited to me, the researcher, and the DST-NRF SARChI Chair in Critical Diversity Studies and the researchers involved in the chair's

research.

**Sharing the Findings: Will you tell me the results?**

Once the research is completed I will provide the findings to you in a written report or email the report in the form of a master's research report as well. The research may be used in conferences and may be published in an academic journal.

**Right to Refuse/Withdraw: Can I choose not to be in the research? Can I change my mind?**

Participation in this research is voluntary and there will be no repercussions if you decide not to participate. If you consent to participate now you may change your mind and withdraw from the study at any stage of the research.

**Who to Contact: Who can I talk to or ask questions to?**

If you have any questions, either now or at a later stage, I am available to answer them and have provided my contact details below as well as my supervisor and the research ethics committee at the University of Witwatersrand.

| | | |
|---|---|---|
| Schvaughn Lesage | Prof Melissa Steyn | Lucille Moorgan |
| 061 306 3425 | 011 717 4418 | 011 717 1277 |
| slesagewp@gmail.com | melissa.steyn@wits.ac.za | lucille.moorgan@wits.ac.za |

**If you choose to be part of this research I will also give you a copy of this paper to keep for yourself.**

*You can ask me any more questions about any part of the research study, if you wish to. Do you have any questions?*

# Appendix B3 – Parent/Guardian

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**

**University of the Witwatersrand, Johannesburg** tel: 011 717 4418 email:info.wicds@wits.ac.za

## Participation information form[3]

### Introduction

Good day. My name is Schvaughn Lesage and I am a master's student at the University of Witwatersrand in Johannesburg. The research I wish to conduct for my master's research involves the exploration and description of diversion programmes for girls in South Africa. This project will be conducted under the supervision of Prof. Melissa Steyn (Head of the Department of Diversity Studies and the South African National Research Chair (SARChI) in Critical Diversity Studies, Wits, South Africa).

I have completed this information to give you an idea of the research I will be conducting. This is an invitation for your child/ward to be part of the research or not. The purpose of the research will be explained to your child/ward and they will also be asked if they wish to participate. You do not have to decide immediately and, if you want to, you can discuss this information with anyone you feel comfortable talking to.

If there is anything that you do not understand or that concerns / worries you, you can ask me and I will explain it and talk to you about it.

### Purpose: Why are you doing this research?

I want to look into diversion programmes, in order to see how girls view and experience these programmes.

3. Adapted from World Health Organization (WHO, n.d.).

**Choice of participants: Why are you asking me?**

I am doing this research on girls who are 14 and above and are currently involved in a diversion programme.

**Participation is voluntary: Do I have to do this?**

Participation for this research is voluntary and even once agreed upon you may decline for your child/ward to participate at a later stage. If there are any questions your child/ward is uncomfortable with, they do not have to answer them.

**Procedures: What is going to happen to me?**

I am going to interview your child/ward to ask them about their views and experiences of this programme and how they believe it affects them at school and at home. The interview will take about an hour and I will be recording the conversation, if permitted to. I will also be spending about two weeks at the diversion programme to see how the programme works through direct observation.

**Risks: Is this bad or dangerous for me?**

I have no worries or concerns about the research. If you feel concerned or worried at any time, I would like you to talk to me about your concerns, or you can speak to the following social worker at the organisation:

Laurence Tagwireyi

011 781 9462

**Benefits: Is there anything good that happens to me?**

This research may not benefit you or your ward directly, but this research may help girls in diversion programmes in the future.

**Confidentiality: Is everybody going to know about this?**

The research is confidential and will be discussed with you and your child/ward once completed. Your child's/ward's name will not be used in the research (a pseudonym will be used). Any information received from them will be stored securely. The access to the information will be

limited to me, the researcher, and the DST-NRF SARChI Chair in Critical Diversity Studies and the researchers involved in the chair's research

**Sharing the Findings: Will you tell me the results?**

Once the research is completed I will provide the findings to you and your child/ward in a written report or email the report in the form of a master's research report as well. The research may be used in conferences and may be published in an academic journal.

**Right to Refuse/Withdraw: Can I choose not to be in the research? Can I change my mind?**

Participation in this research is voluntary and there will be no repercussions if you or your child/ward decides not to participate. If you consent for your child/ward to participate now you may change your mind and withdraw them from the study at any stage of the research.

**Who to Contact: Who can I talk to or ask questions to?**

If you have any questions, either now or at a later stage, I am available to answer them and have provided my contact details below as well as my supervisor and the research ethics committee at the University of Witwatersrand.

| | | |
|---|---|---|
| Schvaughn Lesage | Prof Melissa Steyn | Lucille Moorgan |
| 061 306 3425 | 011 717 4418 | 011 717 1277 |
| slesagewp@gmail.com | melissa.steyn@wits.ac.za | lucille.moorgan@wits.ac.za |

**If you choose for your child/ward to be part of this research I will also give you a copy of this paper to keep.**

*You can ask me any more questions about any part of the research study, if you wish to. Do you have any questions?*

# Appendix B4 – Child/Ward

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**

**University of the Witwatersrand, Johannesburg** tel:

011 717 4418 email:info.wicds@wits.ac.za

## Participation information form[4]

### Introduction

Good day. My name is Schvaughn Lesage and I am a master's student at the University of Witwatersrand in Johannesburg. The research I want to do for my master's research is to see how diversion programmes, such as this one, helps girls your age. This research will be done under the supervision of Prof. Melissa Steyn (Head of the Department of Diversity Studies and the South African National Research Chair (SARChI) in Critical Diversity Studies, Wits, South Africa).

I have made this form to tell you about my research. This is an invitation for you to ask if you want to be part of the research or not. I have told your parents/guardian about the research and they have said you may be involved in the research, only if you want to. You do not have to decide now and, if you want to, you can discuss this with anyone you feel comfortable talking to, like your parents or friends. If there is anything that you do not understand or that worries you, you can ask me and I will explain it and talk to you about it.

### Purpose: Why are you doing this research?

I want to look into diversion programmes, in order to see how girls view and experience these programmes.

### Choice of participants: Why are you asking me?

This research is on girls who are your age, 14 and above, who are in a diversion programme.

4. Adapted from World Health Organization (WHO, n.d.).

**Participation is voluntary: Do I have to do this?**

It is completely up to you whether you want to be a part of this research or not. If you do not want to, there is no problem and everything will stay the same in the diversion programme. If want to be in the research now, you can always change your mind later and stop.

**Procedures: What is going to happen to me?**

I am going to interview you to ask you about your views and experiences in this programme and how it affects you at school and at home. The interview will take about an hour and I will be recording our conversation (only your voice not video), if you agree to it. I will also be spending about two weeks here to see how the programme works and how everyone acts around each other.

**Risks: Is this bad or dangerous for me?**

I have no worries about the research. If you feel worried at any time, I would like you to talk to me or any adult you trust about your concerns. If this research upsets you, can speak to the following social worker at the organisation:

Laurence Tagwireyi

011 781 9462

**Benefits: Is there anything good that happens to me?**

This research may not help you directly, but this research may help girls in diversion programmes in the future.

**Confidentiality: Is everybody going to know about this?**

I will not be telling other people about you and about you being in the research. The people at the organisation and your parents/ guardian may know that you are in the research though. I will collect the information and no one will have access to this information (it will be locked away) except me, the researcher, and the DST-NRF SARChI Chair in Critical Diversity Studies and the researchers involved in the chair's research. Once the research is done you, your parents/ guardian, and VCI can get a copy of the research report, which will not have your name or any other personal or harmful information in it. I will make sure that your anonymity is protected as far as possible.

**Sharing the Findings: Will you tell me the results?**

At the end of the research I will talk to you and your parents /guardian about the findings. I will give you a written report or email the report of the results in the form of a master's research report as well. After this I will be writing an article and will be sharing the results with an academic journal. We will also have a discussion with people interested in diversion programmes about the results.

**Right to Refuse/Withdraw: Can I choose not to participate? Can I change my mind?**

If you choose not to be in the research or decide later on that you want to stop the research there will be no problems. This is completely up to you and nobody will be angry or upset with you if you decide not to do the research or change your mind later.

**Who to Contact: Who can I talk to or ask questions to?**

If you want to ask questions you can ask me. We can talk now or later if you want. The staff are also here to talk to and you can also talk to your family or friends. Here are contact details for myself, my supervisor and the research ethics committee at the University of Witwatersrand:

| | | |
|---|---|---|
| Schvaughn Lesage | Prof Melissa Steyn | Lucille Moorgan |
| 061 306 3425 | 011 717 4418 | 011 717 1277 |
| slesagewp@gmail.com | melissa.steyn@wits.ac.za | lucille.moorgan@wits.ac.za |

**If you decide that you want to be in this research you will get a copy of this information that you can keep.**

*Do you have any questions?*

# Appendix B5 - Staff

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**

**University of the Witwatersrand, Johannesburg** tel:

011 717 4418 email:info.wicds@wits.ac.za

## Participation information form[5]

### Introduction

Good day. My name is Schvaughn Lesage and I am a master's student at the University of Witwatersrand in Johannesburg. The research I wish to conduct for my master's research involves the exploration and description of diversion programmes for girls in South Africa. This project will be conducted under the supervision of Prof. Melissa Steyn (Head of the Department of Diversity Studies and the South African National Research Chair (SARChI) in Critical Diversity Studies, Wits, South Africa).

I have completed this information to give you an idea of the research I will be conducting. This is an invitation for you to be part of the research. You may elect not to participate in the research. You do not have to decide immediately and, if you want to, you can discuss this information with anyone you feel comfortable talking to.

If there is anything that you do not understand or that concerns / worries you, you can ask me and I will explain it and talk to you about it.

### Purpose: Why are you doing this research?

I want to look into diversion programmes, in order to see how girls view and experience these programmes.

### Choice of participants: Why are you asking me?

I am doing this research on girls who are 14 and above and who are currently involved in a

5. Adapted from World Health Organization (WHO, n.d.).

diversion programme. In addition, I will be conducting interviews with staff members in order to gather additional information about the programme and the children in it.

**Participation is voluntary: Do I have to do this?**

Participation for this research is voluntary and even once agreed upon you may decline to participate at a later stage. If there are any questions you are uncomfortable with, you do not have to answer them.

**Procedures: What is going to happen to me?**

I am going to interview you to ask you about your views and experiences of this programme and how you believe it affects the children at school and at home. The interview will take about an hour and I will be recording our conversation, if permitted to. I will also be spending about two weeks here to see how the programme works through direct observation.

**Risks: Is this bad or dangerous for me?**

I have no worries or concerns about the research. If you feel concerned or worried at any time we would like you to talk to me about your concerns, or you can speak to the following social worker at the organisation:

Laurence Tagwireyi

011 781 9462

**Benefits: Is there anything good that happens to me?**

This research may not benefit you directly, but this research may help girls in diversion programmes in the future.

**Confidentiality: Is everybody going to know about this?**

The research is confidential and will be discussed with you once completed. Your name will not be used in the research (a pseudonym will be used). Any information received from you will be stored securely. The access to the information will be limited to me, the researcher, and the DST-NRF SARChI Chair in Critical Diversity Studies and the researchers involved in the chair's research.

**Sharing the Findings: Will you tell me the results?**

Once the research is completed I will provide the findings to you in a written report or email the report in the form of a master's research report as well. The research may be used in conferences and may be published in an academic journal.

**Right to Refuse/Withdraw: Can I choose not to be in the research? Can I change my mind?**

Participation in this research is voluntary and there will be no repercussions if you decide not to participate. If you consent to participate now you may change your mind and withdraw from the study at any stage of the research.

**Who to Contact: Who can I talk to or ask questions to?**

If you have any questions, either now or at a later stage, I am available to answer them and have provided my contact details below as well as my supervisor and the research ethics committee at the University of Witwatersrand.

| | | |
|---|---|---|
| Schvaughn Lesage | Prof Melissa Steyn | Lucille Moorgan |
| 061 306 3425 | 011 717 4418 | 011 717 1277 |
| slesagewp@gmail.com | Melissa.Steyn@wits.ac.za | Lucille.Moorgan@wits.ac.za |

**If you choose to be part of this research I will also give you a copy of this paper to keep for yourself.**

*You can ask me any more questions about any part of the research study, if you wish to. Do you have any questions?*

# Appendix C1 - Organisation

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**

**University of the Witwatersrand, Johannesburg** tel:

011 717 4418 email:info.wicds@wits.ac.za

## Consent Form[6]

I, _____ (name), hereby give consent for *the organisation* to participate in _____ with Schvaughn Lesage on this day _____ (date) at _____ (place).

I understand that these interviews form part of a research project on "A case study of a female diversion programme in South Africa" for the DST-NRF South African Research Chair in Critical Diversity Studies at the University of the Witwatersrand, Johannesburg and that information collected may be used at a later stage in the broader project.

I understand the rationale and nature of the research and I understand the costs and benefits of the organisation's participation.

I understand that my staff and wards who agree to participate will engage in one, one-hour interview and direct observations for the duration of the research.

I understand that the Research Chair may use the information in further publications from these interviews and direct observations.

I understand that the organisation will be given a pseudonym (if requested) and that its identity will remain anonymous if required.

6. Adapted from World Health Organization (WHO, n.d.).

I agree that the interviews will be recorded so that the researcher may more accurately reflect the views of the organisation, staff, and wards in the report.

□ YES

□ NO

I agree that direct quotes may be used.

□ YES

□ NO

I understand that the transcripts will not be shared with other participants in this study.

Should I wish, the researcher will share the findings with *the organisation*. I understand that I need to give the researcher *the organisation's* phone number so that she can contact me when the findings are available. I also understand that the findings will not be available immediately.

I understand that *the organisation* may discontinue its participation at any stage of the research.

I understand and agree to the above terms and conditions.

Signature (Participant) _____ Date: _____

Signature (Researcher) _____ Date: _____

# Appendix C2 - Adult

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**

**University of the Witwatersrand, Johannesburg** tel: 011 717 4418 email:info.wicds@wits.ac.za

## Consent Form[7]

I, _____ (name), agree that I am participating willingly and voluntarily in _____ with Schvaughn Lesage on this day _____ (date) at _____ (place).

I understand that these interviews form part of a research project on "A case study of a female diversion programme in South Africa" for the DST-NRF South African Research Chair in Critical Diversity Studies at the University of the Witwatersrand, Johannesburg and that information collected may be used at a later stage in the broader project.

I understand the rationale and nature of the research and I understand the costs and benefits of my participation for myself.

I understand that I will participate in one, one-hour interview and direct observations for the duration of the research.

I understand that the Research Chair may use the information in further publications from these interviews and direct observations.

I understand that I will be given a pseudonym and that my identity will remain anonymous, as far as is possible.

7. Adapted from World Health Organization (WHO, n.d.).

I agree that the interviews will be recorded so that the researcher may more accurately reflect my views in the report.

□ YES

□ NO

I agree that direct quotes may be used.

□ YES

□ NO

I understand that my transcripts will not be shared with other participants in this study.

Should I wish, the researcher will share the findings with me. I understand that I need to give the researcher my phone number so that she can contact me when the findings are available. I also understand that the findings will not be available immediately.

I understand that I may discontinue my participation at any stage of the research.

I understand and agree to the above terms and conditions.

Signature (Participant) _____ Date: _____

Signature (Researcher) _____ Date: _____

# Appendix C3 – Parent/Guardian

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**

**University of the Witwatersrand, Johannesburg** tel: 011 717 4418 email:info.wicds@wits.ac.za

**Consent Form**[8]

I, _____ (name), hereby give consent for my child/ward to participate in _____ with Schvaughn Lesage on this day _____ (date) at _____ (place).

I understand that these interviews form part of a research project on "A case study of a female diversion programme in South Africa" for the DST-NRF South African Research Chair in Critical Diversity Studies at the University of the Witwatersrand, Johannesburg and that information collected may be used at a later stage in the broader project.

I understand the rationale and nature of the research and I understand the costs and benefits of my child's/ward's participation.

I understand that my child/ward will participate in one, one-hour interview and direct observations for the duration of the research.

I understand that the Research Chair may use the information in further publications from these interviews and direct observations.

8. Adapted from World Health Organization (WHO, n.d.).

I agree that the interviews will be recorded so that the researcher may more accurately reflect my child's/ward's views in the report.

□ YES

□ NO

I agree that direct quotes from my child's/ward's interview may be used.

□ YES

□ NO

I understand that my child's/ward's transcripts will be not be shared with other participants in this study.

Should I wish, the researcher will share the findings with me and my child/ward. I understand that I need to give the researcher my phone number so that she can contact me when the findings are available. I also understand that the findings will not be available immediately.

I understand that my child/ward may discontinue their participation at any stage of the research.

I understand and agree to the above terms and conditions.

Signature (Participant) _____ Date: _____

Name of child/ward _____

Signature (Researcher) _____ Date: _____

# Appendix C4 – Child/Ward

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**
**University of the Witwatersrand, Johannesburg** tel: 011 717 4418 email:info.wicds@wits.ac.za

## Assent Form[9]

I, _____ (name), hereby give assent for myself to participate in _____ with Schvaughn Lesage on this day _____ (date) at _____ (place).

I understand that these interviews form part of a research project on "A case study of a female diversion programme in South Africa" for the DST-NRF South African Research Chair in Critical Diversity Studies at the University of the Witwatersrand, Johannesburg and that information collected may be used at a later stage in the broader project.

I understand the research is about girls in a diversion programme.

I understand the benefits and risks of being a part of it, as explained to me.

I understand that I will participate in one, one-hour interview and direct observations for the research.

I understand that the Research Chair may use the information in further publications from these interviews and direct observation.

I understand that I will be given a nickname and that my identity will remain anonymous, as far as

9. Adapted from World Health Organization (WHO, n.d.).

is possible.

I agree that the interviews will be recorded so that the researcher may more accurately reflect my views in the report.

□ YES

□ NO

I agree that direct quotes may be used.

□ YES

□ NO

I understand that the transcripts will not be shared with other participants in this study.

I understand that my parents/ guardians and the organisation may get a copy of the research report.

I understand that I can get access to the research report if I want to. I understand that I need to give the researcher my or my parent's/guardian's phone number so that she can contact me when the research report is available. I also understand that the research report will not be available immediately.

I understand that I may stop participating at any stage of the research.

I understand and agree to the above terms and conditions.

Signature (Participant) _____ Date: _____

Name of parent/guardian _____

Signature (Researcher) _____ Date: _____

# Appendix C5 - Staff

**DST-NRF South African National Research Chair in Critical Diversity Studies**

**Wits Centre for Diversity Studies**

**University of the Witwatersrand, Johannesburg** tel: 011 717 4418 email:info.wicds@wits.ac.za

## Consent Form[10]

I, _____ (name), agree that I am participating willingly and voluntarily in _____ with Schvaughn Lesage on this day _____ (date) at _____ (place).

I understand that these interviews form part of a research project on "A case study of a female diversion programme in South Africa" for the DST-NRF South African Research Chair in Critical Diversity Studies at the University of the Witwatersrand, Johannesburg and that information collected may be used at a later stage in the broader project.

I understand the rationale and nature of the research and I understand the costs and benefits of my participation for myself.

I understand that I will participate in one, one-hour interview and direct observations for the duration of the research.

I understand that the Research Chair may use the information in further publications from these interviews and direct observations.

I understand that I will be given a pseudonym and that my identity will remain anonymous, as far as is possible.

10. Adapted from World Health Organization (WHO, n.d.).

I agree that the interviews will be recorded so that the researcher may more accurately reflect my views in the report.

□ YES

□ NO

I agree that direct quotes may be used.

□ YES

□ NO

I understand that my transcripts will not be shared with other participants in this study.

Should I wish, the researcher will share the findings with me. I understand that I need to give the researcher my phone number so that she can contact me when the findings are available. I also understand that the findings will not be available immediately.

I understand that I may discontinue my participation at any stage of the research.

I understand and agree to the above terms and conditions.

Signature (Participant) _____ Date: _____

Signature (Researcher) _____ Date: _____

# Appendix D – Ethical Clearance

Research Office

**HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)**
R14/49 Lesage

| | |
|---|---|
| **CLEARANCE CERTIFICATE** | **PROTOCOL NUMBER: H16/06/17** |
| **PROJECT TITLE** | A case study of a female diversion programme in South Africa |
| **INVESTIGATOR(S)** | Ms S Lesage |
| **SCHOOL/DEPARTMENT** | Centre for Diversity Studies/ |
| **DATE CONSIDERED** | 24 June 2016 |
| **DECISION OF THE COMMITTEE** | Approved unconditionally |
| **EXPIRY DATE** | 27 July 2019 |

**DATE** 28 July 2016 **CHAIRPERSON** J. Knight
(Professor J Knight)

cc: Supervisor : Professor M Steyn

**DECLARATION OF INVESTIGATOR(S)**

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10005, 10th Floor, Senate House, University.

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

Signature

30/07/2016
Date

**PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES**