



JUSTICE FOR ALL: STOP VIOLENCE AGAINST CHILDREN! CHILDREN IN CONFLICT WITH THE LAW NATURE, SYMPTOMS AND CONSEQUENCES

SOME FACTORS THAT CAUSE CHILDREN TO OFFEND

- **Poverty** is a major factor that puts children at risk of offending. Children may be driven by hunger or desperation to beg or steal, often manipulated by adults.
- Children also tend to offend in the process of going about their **livelihood activities** such as peddling and begging because of poverty.
- Many child offenders come from **broken and troubled families**, have been abused or neglected, suffer physical, psychological and sexual violence, death, separation, abandonment, imprisonment of parents, divorce, and the pressures of child-headed households.
- **Rebellion** is sometimes attributed for children coming in conflict with the law. Rebellion may arise from anger as a result of years of hardship, neglect, and sometimes abuse.
- The road to juvenile crime and incarceration is also often **paved with drugs and alcohol**.
- The **growing presence of gangs** in some communities increases young people's risks both of becoming direct victims of violence and also of being drawn into criminal activities. For many young people in dysfunctional families, gangs provide a sense of acceptance and belonging. The gang, in a sense, becomes the child's family.
- Children who come from families and communities that live on the margins of society, **confronted with stigma, fragmented with violence** and coping with the pressures of urbanisation and disparity are more likely to come into conflict with the law rather than children who have secure, loving and supportive family lives.
- Some children come into contact with the law as they **struggle with learning disabilities and mental health problems** such as depression and schizophrenia.
- The **glamourisation of violence** in the media has also been known to affect children of all ages, of both genders, at all economic levels, and all levels of intelligence. In the United States, some argue that long-term childhood exposure to television is a casual factor behind one half of the homicides committed by juveniles.

CHILDREN MOST AT RISK

- Street children because they lack parental care and guidance and are most likely to commit crimes or be forced to commit crimes for their survival.
- Out of school children because they are the most likely to end up on the streets.
- Indigenous children, and those from various ethnic groups, because they are often directly or indirectly discriminated against.
- Children in institutions because they have limited access to legal services.

TYPES OF JUVENILE OFFENSES

- **Violation of local ordinances:**
begging, vagrancy, runaways, disorderly conduct
- **Offences against property:**
petty theft, snatching and shoplifting; vandalism, motor vehicle theft, larceny
- **Substance abuse:**
drug violations as well as violation against liquor laws
- **Offenses against persons:**
abuses against family, aggravated assault, sex offenses, forcible rape, prostitution, non-negligent manslaughter

NATURE OF VIOLENCE IN DETENTION SETTINGS

- Violence against children in conflict with the law is a disturbing worldwide phenomenon. While data on hidden and illegal acts is hard to come by, the documentary evidence of such violence is overwhelming from reports by national and international human rights organisations.
 - Abuses from law enforcers—verbal, physical and psychological—were common occurrence and the rights of children were often denied or violated, such as their right to bail, privacy and information; there is pressure for children to plea for guilt and representation by public lawyers tend to be superficial and last-minute.
 - Conditions in both police cells and jails were very poor, with basic facilities and supplies essentially lacking.
 - Penalties set by outdated laws tend to be quite stiff in proportion to the offences usually committed by children.
 - Practices and procedures in most of family courts remain hostile or prejudicial to children in conflict with the law.
 - International minimum standards were often not upheld.
 - Non-custodial sentences were seldom used and suspended sentences are usually spent in detention in rehabilitation

MILLENNIUM DEVELOPMENT GOALS

- Legal systems that ignore the child's age and fail to promote reintegration into the community increases the likelihood of their marginalisation and poverty. This will impede realisation of **MDG 1** to eradicate extreme poverty and hunger.
- Achieving universal primary education (**MDG 2**) is hindered as children in detention are often denied quality education.
- Due to the high rates of transmission in prisons, children are vulnerable to HIV infection, obstructing efforts to combat AIDS (**MDG 6**).

MANIFESTATIONS OF VIOLENCE AGAINST CHILDREN IN CONFLICT WITH THE LAW

- Violence against children in conflict with the law happens to children caught up in the criminal justice system in practice (as opposed theory).
- The different stages of the criminal justice system through which these children pass include the following: pre-arrest; arrest; police custody/detention; juvenile or adult court; and adult prison or remand home.
- The experiences children undergo in these different stages, in a way, outlines the kind of violence inflicted on them and generally manifests itself in physical, psychological and sexual violence.
 - **Pre-arrest** – Street children in particular are vulnerable at this stage to harassment including threats of arrest, insults and extortion (money or sexual favours). This is usually committed by the police and in some cases even by the public, for example by property owners or security guards.
 - **Arrest** – The majority of arrests are usually without a warrant and this increases the risks of all forms of violence against children. The manner of arrest may also use force such as beatings, the unnecessary use of handcuffs or restraints and/or degrading or humiliating treatment. Illegal arrests also happen where individual or groups are “rounded up” for no particular reason at all but are simply used as “scapegoats” for a crime committed by someone else.
 - **Police custody/ detention** – Following arrest, children are taken into police custody where abuse is rampant. Intimidation, forced confessions, false accusations and torture are common forms of violence against children. Parents or Guardians are usually not informed of their situation and the assistance of a lawyer is the exception rather than the rule. These children are often held in detention for long periods of time before their case is reviewed.
 - **Juvenile or adult courts** - In general, there are very few courts designated as juvenile courts thus hearings are often held in adult courts. In many cases judges do not have specialised knowledge in handling cases of children and are often not trained along human rights/children’s rights standards. There are also no “children friendly” court rooms or facilities.
 - **Adult Prison or Remand Home** - At this stage, children can spend an extraordinary amount of time in often inhumane and degrading conditions that can include a lack of food and water, overcrowding, no bedding or toilet facilities, poor lighting and extreme temperatures. Mixing of children with adults is common and even in cases where they are separated they are not adequately separated from children of different ages or criminal statuses. Girls are especially likely to be held with adults and inadequately separated from other categories of children because there are often insufficient facilities for detaining girls. As such girls are often prone to sexual abuse. Alternatives to detention are rarely implemented even if they exist as legislative options at the discretion of the judge. There is also a lack of support structures necessary to implement many of the alternatives.