Section 2
A training manual for the police on child rights & child protection

1. Welcome & introduction
2. Attitudes towards children & police
3. Policing in the overall context of juvenile justice
4. 5 Guiding Principles for policing & child protection
5. Basic child development
6. Street children
7. Coping under pressure
8. Step by step process: how to handle children
9. Identifying and overcoming obstacles
10. Wrap-up
1. Welcome & introduction

**OBJECTIVES**

By the end of this section the participants should be able to:

- Identify their fellow students and feel relaxed;
- Identify what they can contribute and what they want to get out of the training;
- Have a clear understanding of the aims of the training;
- Document their current level of knowledge and their attitudes and practice in relation to child rights and child protection.

### a. Welcome, expectations and aims

Welcome participants and explain that you will start the session with a quick game to get to know each other better.

#### ACTIVITY 1

**ENERGISER – ‘ME TOO!’**

**Aim:** To break the ice, encourage participants to get to know each other; to create a relaxed learning atmosphere.

**Time:** 15 minutes

**Materials:** None

**Task:** One person says her or his name and starts to describe herself or himself. As soon as another person hears something in common, that person interrupts, describes herself or himself. As soon as another person hears something in common and interrupts in turn. Continue until everyone in the group has been introduced.

See also: Section B.3.c for other ideas for energizers.

Explain to participants that it is important that they take an active part in the training and that the information sharing should go in all directions. Everybody has something to contribute as well as something to learn. You will explore this quickly through ‘the Contribution and Expectation Tree.’

#### ACTIVITY 2

**THE CONTRIBUTION & EXPECTATION TREE**

**Aim:** To make participants think about what they can contribute to and what they want to get out of the training course; to encourage a participatory learning atmosphere.

**Time:** 10 minutes

**Materials:** Small pieces of paper in two different colours; outline drawing of a tree showing roots and branches on flipchart or board; sticky tape.

**Task:** Give each participant two pieces of paper – one of each colour (or more, depending on time available). Tell participants to write (or draw) one thing they can contribute to the training session on (e.g.) the brown piece of paper, and one thing they want to get out of the training session on (e.g.) the green piece of paper.

At the end of this section the participants should be able to:

- Develop the knowledge, understanding, attitudes and skills of police officers so that every child who comes into contact with them is treated as we would want our own child to be treated;
- Give police a better understanding of national and international laws that relate to children and how they should be applied;
- Bridge the gap between theory and practice relevant to policing and child rights / child protection so that police are able to act in the best interests of children;
- Enable police to distinguish between a child in need of care and protection and a child who is in conflict with the law;
- Motivate the police to take an active part in bringing about positive changes in the lives of children in difficult circumstances.

#### ACTIVITY 3

**CHILD RIGHTS AND CHILD PROTECTION – POLICE KNOWLEDGE**

**Aim:** To explore participants’ knowledge of child rights and child protection; to act as a baseline test to assess changes in knowledge as a result of the training.

**Time:** 5-10 minutes.

**Materials:** Photocopy of the knowledge self-assessment grid overleaf for each participant.

**Task:** Each participant fills out the left hand column (knowledge before training) according to their honest personal opinion.

#### ACTIVITY 4

**TRUE OR FALSE? CHILD PROTECTION – POLICE ATTITUDES AND PRACTICE**

**Aim:** To explore participants’ attitude and practice in relation to child rights and child protection; to act as a baseline test to assess changes in knowledge as a result of the training.

**Time:** 15 minutes.

**Materials:** Photocopy of the true or false questionnaire overleaf for each participant.

**Task:** To complete the true or false questionnaire.

---

**b. Pre-training assessment: knowledge & attitudes in relation to child protection**

**TRAINERS’ NOTES FOR ACTIVITIES 3 & 4**

The aim of the knowledge self-assessment grid and the true and false questionnaire is to measure participants’ knowledge, attitudes and practice in relation to child rights and child protection. Participants should return to these questionnaires at the end of the training course to see if the training has changed their knowledge and attitudes in any way. For this reason, the suggested answers for the true and false questionnaire provided here should not be shared with participants at this stage. (1) T; 2) F; 3) F; 4) T; 5) F; 6) T; 7) F; 8) T; 9) F; 10) F; 11) F; 12) F; 13) F; 14) F; 15) F; 16) F; 17) T; 18) T; 19) F; 20) F; 21) T; 22) F; 23) T; 24) F; 25) T; 26) F; 27) T; 28) F;

- The questionnaire should be completed individually / anonymously. Encourage participants to be very honest. Explain that this is not a test; that it is for their own personal benefit and that they do not have to show their answers to anyone else.

- At the end of the overall training session you are encouraged to ask participants to fill out the same questionnaires again (using a different coloured pen) to see if the training has succeeded in changing participants’ knowledge and attitudes towards child rights and child protection.

- The examples here can be adapted or added to according to local needs / circumstances.

- As long as the answers are kept anonymous, the facilitator can collect in the worksheets at the end of the training for evaluation. If you do this, make sure that participants know that their answers are anonymous and that this is only to help you improve training in the future. It will not reflect badly on them as individuals.
Activity 3: How do you rate your knowledge of the following? Complete only the left hand columns at this stage (knowledge before training).

<table>
<thead>
<tr>
<th>KNOWLEDGE BEFORE TRAINING ON CHILDREN</th>
<th>KNOWLEDGE AFTER TRAINING ON CHILDREN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very poor</td>
<td>Poor</td>
</tr>
<tr>
<td>a. Your knowledge of children’s rights</td>
<td></td>
</tr>
<tr>
<td>b. How to correctly handle children in all circumstances</td>
<td></td>
</tr>
<tr>
<td>c. The difference in how to treat child offenders and child victims</td>
<td></td>
</tr>
<tr>
<td>d. National and international laws in relation to children</td>
<td></td>
</tr>
<tr>
<td>e. Social support / referral services available for children</td>
<td></td>
</tr>
<tr>
<td>f. Children’s backgrounds (e.g. their psychosocial &amp; economic problems)</td>
<td></td>
</tr>
<tr>
<td>g. The different needs and circumstances of boys and girls, and the differences in the way they are treated</td>
<td></td>
</tr>
</tbody>
</table>

Activity 4: In your opinion, do you think the following statements are true or false?

<table>
<thead>
<tr>
<th>TRUE</th>
<th>FALSE</th>
<th>DON’T KNOW</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. All street children are criminals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. A child who has stolen someone’s wallet for the first time should be sent to prison</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. A child who is begging and bothering people should be arrested</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Most children who commit crimes are poor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Most street children like to be on the street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Many street children have run away from home because they were abused or neglected at home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Most crimes committed by street children involve violence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. If a male policeman searches a girl’s body, she minds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Children belonging to other ethnic groups or religions should be treated differently to children from your own community / religion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. A child with a physical or mental disability is cursed and will bring bad luck to others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. It is useful to collaborate with NGOs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. It is wise to physically punish flagrant child offenders on the spot rather than taking the case to court</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. Attitudes towards children & police

OBJECTIVES

By the end of this section the participants should be able to:

- Understand the importance of treating every child as if he or she was their own;
- Understand the definition of a ‘child’;
- Know under what circumstances they will come into contact with children and the duty they have towards those children;
- Understand that street children have both good and bad experiences of the police;
- Appreciate ways in which they can be a positive influence in the lives of children;
- Understand a basic definition of human rights.

a. The police and children are very important people!

Write the following statement on the board.

Ask participants if they agree or disagree and why. Try to elicit some roles and responsibilities of the police and write these on the board.

Next, write this second statement on the board.

Ask participants if they agree or disagree and why. Ask participants to close their eyes and think of a child that they love, for example their own child, or the child of someone they know. Ask:

- How do you feel when you think about this child?

Elicit some adjectives from participants. Encourage them to be honest. They are allowed to include negative comments. It is possible that these words will be more negative than previously, e.g. ‘angry’, ‘impatient’, ‘frustrated’, ‘responsible’, ‘sometimes angry / kind’. Write the participants’ words to the right of the statement ‘children are very important people.’. Compare the two sets of feelings about children.

- What are the similarities and differences? Why?

- What conclusions can you draw from this? (If the participants have equally positive feelings for both of the groups, then praise them and explain that this training course will help to strengthen and reinforce those positive feelings about all children they encounter).

DISCUSSION SUMMARY

- It is easy to say that “children are very important people” about our own children and children we know personally and whom we love – our sons and daughters, nieces and nephews and children of friends. We know that they are unique human beings with distinct, individual characteristics, filled with great potential, energy and a huge capacity for joy and kindness.

- However, it can be difficult to understand and feel the same way about boys and girls we do not know personally – children who are ‘different’ in some way; children who are ‘difficult’, ‘troublesome’ or sometimes even violent and disruptive; children in conflict with the law who grow up in difficult circumstances which we may not understand but which contribute to the way they are; children who have suffered and survived terrible neglect, abuse and exploitation. And yet these are the children who actually need our help and understanding the most.

- How do you feel when you think about this child?

Elicit some adjectives from participants. Encourage them to be honest. They are allowed to include negative comments. It is possible that these words will be more negative than previously, e.g. ‘angry’, ‘impatient’, ‘frustrated’, ‘responsible’, ‘sometimes angry / kind’. Write the participants’ words to the right of the statement ‘children are very important people.’. Compare the two sets of feelings about children.

- What are the similarities and differences? Why?

- What conclusions can you draw from this? (If the participants have equally positive feelings for both of the groups, then praise them and explain that this training course will help to strengthen and reinforce those positive feelings about all children they encounter).

b. Who is a ‘child’?

Key learning points: Treat all children as if they were your own because all children are very important people, even those who experience difficulties or who are in conflict with the law. The police are very important people because they are uniquely placed to help, support and guide these children when they need that guidance the most.

See also: Section 2 on the police as friends of children, and Sections 4, 5 and 6 on ways in which to support children in difficult circumstances.

Key learning points: Throughout this toolkit, and in the context of international standards, child rights and implementing the best possible practice in policing, a ‘child’ means every human being below the age of 18 years. However, we all recognise that children acquire different capacities and degrees of maturity as they grow older. We therefore give children greater autonomy, independence and responsibility as they mature even before their 18th year. Children in your country may therefore be able to marry, vote, join the army and work etc. under the age of 18. However, this does not mean that they should receive less protection. We want to give the very best protection, opportunities and help to our young people for as long as possible in order to ensure them the best start in life on their journey to adulthood. Therefore all people under the age of 18 are entitled to all of the standards and rights outlined in this training.

See also: Section 5 on basic child development, Section 3.c on children’s rights and Section 8.a on practical tips on how to determine a child’s age.

The police are very important people!

Ask participants if they agree or disagree and why.

Ask participants to close their eyes and think of a child that they love, for example their own child, or the child of someone they know. Ask:

- How do you feel when you think about this child?

Elicit some adjectives from participants. It is likely that these words will be positive, e.g. ‘happy’, ‘proud’, ‘friendly’, ‘kind’, ‘responsible’ and ‘sometimes angry / kind’. Write the participants’ words to the right of the statement ‘children are very important people.’. Compare the two sets of feelings about children.

- What are the similarities and differences? Why?

- What conclusions can you draw from this? (If the participants have equally positive feelings for both of the groups, then praise them and explain that this training course will help to strengthen and reinforce those positive feelings about all children they encounter).

DISCUSSION SUMMARY

- It is easy to say that “children are very important people” about our own children and children we know personally and whom we love – our sons and daughters, nieces and nephews and children of friends. We know that they are unique human beings with distinct, individual characteristics, filled with great potential, energy and a huge capacity for joy and kindness.

- However, it can be difficult to understand and feel the same way about boys and girls we do not know personally – children who are ‘different’ in some way; children who are ‘difficult’, ‘troublesome’ or sometimes even violent and disruptive; children in conflict with the law who grow up in difficult circumstances which we may not understand but which contribute to the way they are; children who have suffered and survived terrible neglect, abuse and exploitation. And yet these are the children who actually need our help and understanding the most.

- This is particularly true of police officers. The police have a duty to protect the most vulnerable members of society and to make sure that children who do break the law are treated fairly and with respect, and are given a second chance and a guiding hand to lead them away from the negative choices they have made.

- This training course aims to develop the knowledge, understanding and skills of police officers so that every child who comes into contact with the police is treated as we would want our own children to be treated: as very important people.

- However, it can be difficult to understand and feel the same way about boys and girls we do not know personally – children who are ‘different’ in some way; children who are ‘difficult’, ‘troublesome’ or sometimes even violent and disruptive; children in conflict with the law who grow up in difficult circumstances which we may not understand but which contribute to the way they are; children who have suffered and survived terrible neglect, abuse and exploitation. And yet these are the children who actually need our help and understanding the most.

- How do you feel when you think about this child?

Elicit some adjectives from participants. Encourage them to be honest. They are allowed to include negative comments. It is possible that these words will be more negative than previously, e.g. ‘angry’, ‘impatient’, ‘frustrated’, ‘responsible’, ‘sometimes angry / kind’. Write the participants’ words to the right of the statement ‘children are very important people.’. Compare the two sets of feelings about children.

- What are the similarities and differences? Why?

- What conclusions can you draw from this? (If the participants have equally positive feelings for both of the groups, then praise them and explain that this training course will help to strengthen and reinforce those positive feelings about all children they encounter).

DISCUSSION SUMMARY

- It is easy to say that “children are very important people” about our own children and children we know personally and whom we love – our sons and daughters, nieces and nephews and children of friends. We know that they are unique human beings with distinct, individual characteristics, filled with great potential, energy and a huge capacity for joy and kindness.

- However, it can be difficult to understand and feel the same way about boys and girls we do not know personally – children who are ‘different’ in some way; children who are ‘difficult’, ‘troublesome’ or sometimes even violent and disruptive; children in conflict with the law who grow up in difficult circumstances which we may not understand but which contribute to the way they are; children who have suffered and survived terrible neglect, abuse and exploitation. And yet these are the children who actually need our help and understanding the most.

- This is particularly true of police officers. The police have a duty to protect the most vulnerable members of society and to make sure that children who do break the law are treated fairly and with respect, and are given a second chance and a guiding hand to lead them away from the negative choices they have made.

- This training course aims to develop the knowledge, understanding and skills of police officers so that every child who comes into contact with the police is treated as we would want our own children to be treated: as very important people.

- However, it can be difficult to understand and feel the same way about boys and girls we do not know personally – children who are ‘different’ in some way; children who are ‘difficult’, ‘troublesome’ or sometimes even violent and disruptive; children in conflict with the law who grow up in difficult circumstances which we may not understand but which contribute to the way they are; children who have suffered and survived terrible neglect, abuse and exploitation. And yet these are the children who actually need our help and understanding the most.

- How do you feel when you think about this child?

Elicit some adjectives from participants. Encourage them to be honest. They are allowed to include negative comments. It is possible that these words will be more negative than previously, e.g. ‘angry’, ‘impatient’, ‘frustrated’, ‘responsible’, ‘sometimes angry / kind’. Write the participants’ words to the right of the statement ‘children are very important people.’. Compare the two sets of feelings about children.

- What are the similarities and differences? Why?

- What conclusions can you draw from this? (If the participants have equally positive feelings for both of the groups, then praise them and explain that this training course will help to strengthen and reinforce those positive feelings about all children they encounter).

DISCUSSION SUMMARY

- It is easy to say that “children are very important people” about our own children and children we know personally and whom we love – our sons and daughters, nieces and nephews and children of friends. We know that they are unique human beings with distinct, individual characteristics, filled with great potential, energy and a huge capacity for joy and kindness.

- However, it can be difficult to understand and feel the same way about boys and girls we do not know personally – children who are ‘different’ in some way; children who are ‘difficult’, ‘troublesome’ or sometimes even violent and disruptive; children in conflict with the law who grow up in difficult circumstances which we may not understand but which contribute to the way they are; children who have suffered and survived terrible neglect, abuse and exploitation. And yet these are the children who actually need our help and understanding the most.
Advise people of their rights in any investigation
Deal with any crimes that they come across
Interview victims, witness and suspects as part of the evidence collection process (may be the prosecutor or investigating judge that directs the police investigation)
To ensure the rights of victims, witness and suspects/offenders are upheld
Give evidence to the court of their investigation and answer any questions put to them
Enforce court orders

Please note: If the participants mention that it is the role of the police to ‘decide whether someone is guilty’ or to ‘punish criminals,’ gently correct them and point out that this is not the role of the police, but of the courts. The police may have conclusive evidence to show the person is guilty but it is the function of the court to make the finding.

Ask participants:
Which of these roles and responsibilities apply to children?
The answer should be ‘all of them’:

Police have an obligation to adults and children to be peacekeepers, to be reliable, just and calm, and to try to do what is in the best interest of people, (the community) and children in accordance with the law
The role of a police officer is one of active peacekeeping, support of vulnerable groups and maintaining law and order. Children are one of the vulnerable groups that police officers should be watching out for.

Ask participants:
Under what circumstances do the police come into contact with children?
Children who come into contact with the law may be:
- at risk / in need of care and protection
- suspected offenders
- victims of crime
- witnesses of crime

This manual looks at the each of these groups.

Key learning points: You have a duty to protect all children, including those in conflict with the law, and to treat suspected child offenders fairly and with dignity.

See also: Section 3 for more detail on the roles and responsibilities of the police in relation to other actors in the juvenile justice system and Section 8 for a step by step guide to good practice when dealing with different categories of children who come into contact with the police.

d. Police & children: enemies or friends?

Explain that we all know that some police have a good reputation and some police have a bad reputation.
Unfortunately, the ones with the bad reputation often get all of the media attention and this can give all police a bad name. (If this is relevant to your country / area, then you can give a local example of a high profile media case about police corruption / violence to illustrate this point and express sympathy that all police are often put in the same category).
Explain that street children experience both the positive and the negative side of the police, as shown by Activity 6. Hand out the quotations in Activity 6 and ask the participants:
- How do you feel about these statements?
- Why do you think different police officers act / react differently to children?

Answers might include:
- ‘Because some children are good and some are bad.’
- ‘Because some police do not have training on how to deal with children properly.’
- ‘Because some police are under a lot of pressure from local / national governments to keep the city streets free of street children / to round them up etc.’
- ‘Because some police believe that you have to teach bad children a lesson so that they won’t commit crimes again.’

Respond to these points as best you can using the following information:
- Some children grow up in more difficult circumstances than others, with more challenges to face, but with less guidance and support from loving adults. All children make mistakes at least once. It is our duty to give them the support and second chance so that they don’t make the same mistakes again.
- Acknowledge that a small minority of children do actually commit serious offences and they have to be dealt with seriously in order to protect the public. However, the vast majority – especially of street children – are either first time or petty offenders, or they are not in conflict with the law at all: in November 2001, 85% of cases passing through the Juvenile Court in Nairobi, Kenya were ‘children in need of care and protection’ – i.e. street children who had been rounded up and taken to remand homes in the criminal system simply for being homeless.
- There are over 1 million children deprived of their liberty in the world;
- 80% of children come to police notice for only one offence, but if not given appropriate guidance, they may go on to commit more offences as adults;
- There is an 80% likelihood of deterring first time offenders which represent 90% of children who come into contact with the law;
- The majority of serious crime is committed by adults who were once badly treated children;
- We all understand that the police are under a lot of pressure – financial, political and time pressure – but this training will look at ways to overcome some of these obstacles and develop new skills in order to raise the level of police professionalism in relation to child protection;
- The way to help and guide children is not by beating them but by supporting them: “I want to be a policeman so I can beat others just as they beat us” (Romania). Is this the result we are looking for? Activity 7 (A police officer is a friend) looks at ways in which the police can support children in difficult circumstances.
Key learning points: Some police have a good reputation and some have a bad reputation. Each police officer is an individual who must take responsibility for his or her own actions. This training toolkit will help equip you with the knowledge and skills to implement good, professional child protection practice, to better understand the situation of the children you come into contact with, and to identify and overcome obstacles.

See also: Section 6 which is aimed at breaking down barriers and increasing understanding between street children and the police, and which includes – amongst others – an activity that examines what the police think of street children and what street children think of the police.

e. Friends

See Activity 7.

WAYS IN WHICH A POLICE OFFICER CAN BE A FRIEND12

- Help when a child is lost
- Direct children to NGOs and other help
- Find people who have stolen something from children
- Protect children from people who hurt them
- Maintain peace, law and order

Key learning points: You are an important person in the community and you have the opportunity to be an important person in the life of a child who really needs a friend.

See also: Section 6 on support systems for children and 5 on the crisis / chance model of understanding the choices that children make.

f) What are ‘human rights’?

See Activity 8.

Key learning points: Human rights are about treating people – including children – as we would wish to be treated ourselves: with dignity, respect, equality and justice. Human rights are the rights people are entitled to simply because they are human beings, irrespective of their citizenship, nationality, race, ethnicity, language, sex, sexuality, abilities or any other status.

See also: Section 3.c on international human rights laws, standards and guidelines in relation to policing and juvenile justice, including information on the UN Convention on the Rights of the Child.
3. Policing in the overall context of juvenile justice

OBJECTIVES

By the end of this section the participants should be able to:

- Know how the juvenile justice system works as a whole, its overall purpose and their place within the system;
- Know who else makes up the system and how they work together to protect children;
- Recognise international standards on juvenile justice and how these relate to national laws;
- Assess to what extent they are putting international standards into practice in their work and identify areas for personal improvement;
- Understand how child ‘rights’ relate to ‘wants’ and ‘needs’ and be familiar with the articles in the UN Convention on the Rights of the Child and how these relate to police work.

a. The purpose and function of the criminal justice system

Criminal justice system and juvenile justice system: what’s the difference?

The term criminal justice system is used to describe the process or processes for those who commit an offence or fail to comply with the criminal law. The criminal justice system can range from the first contact with the police to release from custody after serving a prison or custodial sentence. Even after release from a prison or custodial sentence there may be a period of probation or supervision during which the person is still part of the criminal justice system.

International standards require jurisdictions to develop a separate criminal justice system for children (those under 18 years of age). Juvenile justice is the term used to describe a criminal justice system developed for children. Most countries have a juvenile justice process but often it does not conform to international standards.

THE PURPOSE OF THE CRIMINAL JUSTICE SYSTEM

See Activity 9.

The purpose of the criminal justice system is to:

- Protect society from harm, especially society’s most vulnerable members;
- Prevent crime;
- Have an authority (police or prosecutors) to investigate crimes/offences;
- Deal with those who commit or are accused of committing acts against individuals and society that have been deemed to be crimes;
- Have legally established courts to hear evidence against accused persons and to impose a sentence/punishment as prescribed by law;
- Provide the accused person the opportunity to be legally represented; to be heard by an independent and impartial person or persons; to challenge the witness/evidence presented against them; to appeal against any finding.

THE ROLE OF THE POLICE WITHIN THE CRIMINAL JUSTICE SYSTEM

See Activity 10.

The role of the police within the criminal justice system is to:

- Keep the peace and ensure the safety of all the community;
- Prevent crime;
- Uphold the law;
- Investigate and gather evidence of any crimes reported to them;
- Enforce court orders.

Activity 9: WHAT IS THE PURPOSE OF THE CRIMINAL JUSTICE SYSTEM?

Aim: To stimulate ideas about the purpose of the overall justice system.

Time: 5 minutes

Materials: Board and pen

Task: Participants brainstorm ideas which are written on the board. Which are the most important? Participants may want to prioritise the answers they have given. Ideas might include any from the list on p. 68.

Activity 10: WHAT IS THE ROLE OF THE POLICE WITHIN THE CRIMINAL JUSTICE SYSTEM?

Aim: To stimulate ideas about the role of the police within the overall justice system; to encourage participants to start thinking about their role in a broader context.

Time: 5 minutes

Materials: Board and pen

Task: Participants brainstorm ideas which are written on the board. Which are the most important? Participants may want to prioritise the answers they have given. Ideas might include any from the list on pp. 68-69.

THE ‘REVOLVING DOOR’ OF THE CRIMINAL JUSTICE SYSTEM

With this in mind, look at Diagram 1 which represents a general overview of the way that street children are currently dealt with in the criminal justice system in practice, as opposed to theory. This diagram is based on the experiences of street children in many countries. The process is likened to a ‘revolving door’: however far the children enter into the system, without intervention, they are likely to end up back on the streets again where they started from – most likely even worse off than before.1

This diagram is in no way intended to indicate that all countries are the same, nor to disregard the commendable efforts of civil society organisations and governments that are working towards more child-friendly options for the processing of children through the criminal justice system.

See Activity 11.

Key learning points: Current justice systems often do not act in the best interests of society, victims and/or offenders. The police have an important role to play in helping to improve the system so that it achieves its purpose more effectively. The earlier a positive intervention occurs in the system, the better: prevention and early intervention are essential.

See also: Section 4 on restorative justice.
PRIORITIES FOR POLICE INTERVENTION

See Diagram 2.

In the context of extremely limited resources and competing priorities, there are four areas in which reform would help to break the revolving door cycle of street children caught up in the criminal justice system:

- **Priority 1: Prevention**
- **Priority 2: Separation of criminal justice and social welfare systems**
- **Priority 3: Diversion**
- **Priority 4: Alternatives to detention**

**ACTIVITY 11 THE REVOLVING DOOR OF THE CRIMINAL JUSTICE SYSTEM**

**Aim:** To assess to what extent the criminal justice system in your country is like a ‘revolving door’ for street children.

**Time:** 45 minutes – 1 hour

**Materials:** Board and pen

**Task:** Participants vote on whether they believe this ‘revolving door’ experience is true of street children in their own country. Mark these answers on the board in 3 columns: agree, disagree and ‘to some extent’. Encourage a discussion/debate between the two sides if there is a difference of opinion.

(This can be made more lively by getting participants to stand in the part of the room allocated to their answer. For example, those who agree that this is representative of their county stand by the left hand wall; those who disagree stand on the right; those who think it is true to some extent stand in the middle. Each group can try to persuade those from other groups of their opinion. If they are successful, those who change their mind can move to another group.)

If participants are all agreed that the revolving door diagram does not represent the situation in their country, then ask them to draw a diagram that does represent the situation in their country (encourage them to use their imagination). Then use this revised diagram as a basis to discuss the questions listed above.

Encourage participants to understand that the system of arresting and detaining children if they have not committed a crime (e.g. street children who are actually in need of care and protection) or if they have committed a minor crime (e.g. petty theft) does not act in the best interests of any of these 3 groups.

Encourage participants to think of ways to ‘break’ the revolving door cycle:

- At what stages can we intervene to prevent children getting trapped into this situation? How?
- What is the most important stage to intervene/which stage should have the greatest priority?
- What can the police do at each of these stages to help?

Use this discussion as a basis for the presentation in the next section.

[Priorities for police intervention]

[Priority 1: Prevention]

What is prevention?

Prevention is about anticipating risks and putting in place actions to reduce the likelihood of difficulties happening, rather than responding to problems after they have already happened. In the context of street children in the criminal justice system, prevention can be considered in two stages: preventing children from leaving their homes and communities of origin in the first place; and preventing street children becoming involved in the criminal justice system once they are already on the streets. Early intervention can also take place to prevent first-time offenders from re-offending.
What is the role of the police in prevention?:
- Early identification of any developing problems/issues with particular children;
- Develop relationships with agencies and NGOs;
- Arrange meetings with relevant agencies and NGOs so early intervention can occur and the situation does not escalate;
- Refer at-risk children to social services and NGOs;
- Put families in touch with social services or NGOs who could help them in times of difficulty;
- Coordinate with social services and NGOs in family reunification;
- Develop ‘community policing’ (law enforcement that seeks to integrate offices into the local community to reduce crime and gain good community relations);
- Take violence against women and children within families very seriously as this is a key reason for children leaving home to live on the streets;
- Advocate with communities and families on prevention of violence and abuse, parental responsibility, children’s rights, positive child-rearing practices, non-violent and non-humiliating school discipline;
- Do not call children and young people ‘deviant’ or ‘delinquent’ as this often increases undesirable behaviour.

Key learning points: The police have an important role in preventing children from running away from home and preventing children from committing offences. The most effective ways to do this involve: making positive links with the community; being aware of families and children who are at risk; finding out about what services are available in the area to refer these families and children to in times of trouble; taking violence within families seriously to prevent children running away from home; being a visibly positive and helpful role model to troubled children and young people. Identifying and intervening in a positive way before a problem occurs is a much more effective method of policing than dealing with the problem after it is too late.

See also: Section 5 on choices / crises in relation to children.

PRIORITY 2: SEPARATION OF CRIMINAL JUSTICE AND SOCIAL WELFARE SYSTEMS

What is separation of criminal justice and social welfare systems?
- “Separation” of the criminal justice system and the social welfare system does not mean that social welfare departments should not be involved in the handling of children in conflict with the law.
- It means rather that children who are not in conflict with the law (i.e., children in need of care and protection) should not be being processed through the criminal justice system.
- It means not arresting and detaining girls and boys simply because they are poor.
- According to international standards and guidelines, children involved in ‘vagrancy’, begging and the victims of commercial sexual exploitation are in need of care and protection. They are not in conflict with the law.
- Most children who do come into conflict with the law, however, also have care and protection issues. If the offence committed is not serious but there are serious care and protection issues then the care and protection issues should take priority over the offending behaviour and the child should be treated as a child in need of care and protection.

What is the role of the police in separation of criminal justice and social welfare systems?
- Distinguish between, and correctly deal with, different categories of children: children in conflict with the law, children in need of care and protection (begging, vagrancy, homelessness etc.), and children who are victims/survivors of crime and abuse.
- Cooperate and liaise closely with the social services department and NGOs to refer children in need of care and protection to suitable services outside / separate from the criminal justice system.

Key learning points: Each time you come across a child in the course of your work, ask yourself: is this child in need of care and protection or are they a suspected offender? Do not arrest or detain children who are in need of care and protection (this includes children who are merely living on the street, who are ‘vagrant’ or begging, or children who are victims of commercial sexual exploitation). Refer these children to social services and NGOs.

See also: Section 8 on the step by step process of dealing with children who come into contact with the police, and how to distinguish between different categories of children.

PRIORITY 3: DIVERSION

By locking them up we confirm all their worst beliefs about themselves and society, and make it more likely that they will offend again and again.

Offenders sentenced to forms of disposal that introduce them to more criminals (in particular in custodial sentences) learn criminal skills, language and culture that is very likely to reinforce offending behaviour. Once defined as a criminal in their own eyes and those of wider society, they find it much more difficult to change and adjust to the world of school work and family life. It is therefore argued that children should be diverted from court processes and from custody wherever possible.

What is diversion?
- Diversion means ‘diverting’ children in conflict with the law away from the formal criminal justice system, and in particular away from formal court processes and detention. Through this process the diverted person comes to realize that there are other options in life apart from crime.
- Restorative justice is an important component of diversion.
- It is based on the understanding that not every criminal violation warrants a formal courtroom prosecution, particularly in the case of non-violent, first-time offences.
- It recognizes the special needs and vulnerabilities of children and young people, as well as the need to protect society.
- Diversion can occur in more than one way and at any point in the criminal justice system.
- True diversion occurs inside a child’s mind.

Please note: It is important to note that diversion applies only to children in conflict with the law. Street and other children who are need of care and protection should not be being processed through the criminal justice system in the first place, as outlined in the previous section on separating social welfare and criminal justice systems.

What is the role of the police in diversion?
- The police are the first point of contact between children and the criminal justice system and, as such, are the key actors in diverting children away from that system at the earliest possible stage.
- Assess whether a particular child / case is suitable for diversion and if so, draw up a diversion plan which might include:
  - Refer children to other services such as NGO programmes and substance abuse centres;
  - Issue police warnings or behaviour contracts for non-serious offences rather than arrest and detention;
  - Facilitate mediation or family group counseling;
  - Refer offenders to community service;
  - Recommend conditional or unconditional release.

Key learning points: Divert as many children in conflict with the law as possible from the formal criminal justice system at the earliest possible stage, especially first-time, non-serious offenders. This reduces re-offending and is therefore in the best interests of the child, victim, and community in general.

See also: Section 4 on restorative justice and Section 8 on the step by step process of dealing with children who come into contact with the police, and distinguishing between different categories of children.

PRIORITY 4: ALTERNATIVES TO DETENTION

I don’t want to remember anything that happened here. Because if you put a child in prison his mind changes. His mind becomes hardened, so he doesn’t mind being imprisoned again. He’s not scared to go to jail anymore, so he will do bad things. [13] 12-year old Eugene, accused of raping a 21-year old woman, had been in jail for 7 months, despite the fact that the complainant had already withdrawn the charges, Philippines

What I’m praying for now is to get out so I can enjoy what youth I have left. I’m only 15, I haven’t had a chance to enjoy life, just suffering and hunger. This is a junior school for crime, then the prisons are a university for crime. You can learn all the worst things there, but I don’t want that kind of life. I didn’t have a real childhood, just prison, prison, prison. [4] (Brazil)

What are alternatives to detention?
- According to all international standards, detention of children should only be used as a last resort, for the most serious crimes, and even then for the shortest time possible;
- Unfortunately, alternatives to detention are rarely implemented;
- Detention has negative effects for both the individual and society as a whole: it fails to address the root causes of crime and recidivism (re-offending), and it reinforces criminal behaviour amongst young people. Further isolating them from their support networks and compounding discrimination against them;
There is a lot of overlap between alternatives to detention and diversion: pre-trial diversion measures such as mediation, family group conferencing, NGO referrals, community service etc. automatically provide alternatives to detention and should ideally be implemented at the earliest possible stage of contact with the system — especially given the shocking length of time children in many countries spend in pre-trial detention / on remand;

However, in some cases it may not be possible to divert a child from the formal system prior to the trial stage. e.g., in cases of serious crimes where release into the community would not be appropriate, or where the child has not admitted guilt (a prerequisite for most diversion options);

In this case, even at the stage of disposal / sentencing, there are still possibilities to avoid the damaging effects of detention by promoting the use of alternatives to detention;

An alternative to detention should meet the needs of the child, their family and the community;

The Beijing Rules specify the following non-custodial sentencing options:

> Care, guidance and supervision orders;

> Probation;

> Community service orders;

> Financial penalties, compensations and restitution;

> Immediate treatment and other treatment orders;

> Orders to participate in group counselling and other similar activities;

> Orders concerning foster care, living communities or other educational settings.

Please note: As with diversion, it is important to note that alternatives to detention in the context of the criminal justice system apply only to children in conflict with the law. Street and other children who are not children of care and protection should not be processed through the criminal justice system in the first place, as outlined in the previous section on separating social welfare and criminal justice systems.

What is the role of the police in alternatives to detention?

- Recommend to prosecutors, probation and judges alternative courses of action based on your knowledge of the circumstances;
- Children can be released into the community while awaiting trial if they agree to comply with specific conditions e.g. not to associate with certain people, to maintain a curfew, to go to school, to report to the police, and/or be under the supervision of an NGO.

**B. Police in relation to other actors in the juvenile justice system**

Police do not just work in a vacuum when dealing with crimes and especially when it comes to juvenile offenders. Many other institutions are involved to ensure that the welfare of the child is still a priority and that their rights are not denied. Police are used to operating with the judicial system. However, many other bodies, both governmental and non-governmental are involved in children’s issues and a system of collaboration and coordination must be implemented in order that all stakeholders are involved in the protection of children’s rights.11

THE PILLARS OF THE CRIMINAL JUSTICE SYSTEM

See Activity 12.

---

**ACTIVITY 12 THE PILLARS OF THE CRIMINAL JUSTICE SYSTEM**

**Aim:** To map out the roles of other actors in the criminal justice system to demonstrate the need for collaboration between different actors in the criminal justice system.

**Time:** 30 – 45 minutes

**Materials:** Board and pen, prepared cards containing the different roles of the different actors in the criminal justice system taken from the matrix below, sticky tape

**Task:**

1. Draw 7 large vertical pillars (columns shaped like building pillars) on the board with a roof on top of the pillars. Write the words ‘criminal justice system’ inside the roof. Tell the participants to think of the criminal justice system as though it were a building or structure with 7 pillars supporting it.

2. Inform the participants of the different pillars of the justice system — law enforcement, prosecution, public defenders, courts, corrections, social work and community. As you introduce each pillar, write down the name of the pillar on the appropriate pillar on the board.

3. Next, ask the participants to identify the actors who belong to the particular pillar. Write down the actors on the corresponding pillar as the participants correctly identify them. For example:

   a. law enforcement = police under the Ministry for Home Affairs

   b. prosecution = public prosecutors under the Prosecutor’s General Office

   c. public defender = public defenders under the Ministry of Justice Public Defenders Office

   d. courts = magistrates and judges under …

   e. corrections = prison officials, prison wardens, guards etc. under MoJ Prison Service

   f. social work = social workers under the Department for Social Services

   g. community = church workers, schools, NGOs workers, youth, media, community organisations etc.

4. Distribute to participants prepared cards containing the different roles of the different actors in the criminal justice system (see matrix opposite for guidance).

5. Ask the participants to stick the ‘role’ cards under the corresponding pillar and actor on the wall. Give them 5 minutes to do this.

6. Process their answers / make any changes necessary to their answers by group consensus.

7. After you have finished, explain that all laws and policies in relation to juvenile justice form the country’s juvenile justice system. The juvenile justice system is made up of different pillars or institutions with different actors performing complementary roles. Explain the importance of each pillar or institution for the effective and efficient functioning of the justice system.

8. Next, ask the participants what would happen if one of the pillars crumbled or falls. Ask this whilst erasing one pillar. The answer is that the entire structure would collapse. Erase one pillar following the same roof and then the other pillar one at a time to illustrate the collapse of the entire structure.

9. Explain that without the efficient and effective functioning of any one pillar or institution, the whole justice system collapses. The roles of the different pillars are complementary and together make up the protection mechanism of the country for children in contact with the law.
### Pillars

<table>
<thead>
<tr>
<th>Pillars</th>
<th>Actors</th>
<th>Role</th>
</tr>
</thead>
</table>
| **1. Law enforcement** | Police | ● Prevent crime  
● Preserve peace and order  
● Protect life and property  
● Investigate crimes under direction of Prosecutor  
● Collect evidence  
● Implement diversion options as much as possible  
● Effect arrest of suspects  
● Effect search and seizure to collect evidence  
● File complaint and other recommendations with Prosecutor’s Office |
| **2. Prosecution** | Prosecutor | ● Investigate complaints  
● Direct police investigation of crimes  
● Collect, examine and analyse evidence  
● Determine what crime, if any, should be charged  
● Dismiss complaint or issue indictment (or formal criminal charge in court)  
● Prosecute (litigate) cases in court |
| **3. Public defenders** | Public defender | ● Advise accused of his/her rights  
● File motions / petitions on behalf of accused  
● Defend poor litigants in court |
| **4. Courts** | Investigating judge | ● Issue warrant of arrest for a suspect  
● Issue order for detention  
● Issue substitute restrictive measure or conditional release (diversion)  
● Issue order for forensic examination  
● Issue order for search and seizure  
● Conduct review hearing of arrests and detention |
| **5. Corrections** | Prison guards / wardens | ● Carry out programmes to treat and rehabilitate (including re-educate) the prisoners  
● Carry out punishment of imprisonment  
● Facilitate probation or parole  
● Carry out programmes to prepare prisoners for social reintegration |
| **6. Social work** | Social workers | a) Case management  
● Work with child victims in identifying the children’s needs and problems and in finding and implementing solutions  
● Conduct social case investigations, diagnostic assessments and rehabilitation plans  
● Provide children with the support, counselling and motivation which they need in implementing rehabilitation plans  

b) Assistance during legal / court process  
● Advise criminal justice actors on the psycho-social aspects of eth case; prepare / submit social case study reports with case assessments and recommendations on the best interests of the children  
● Advise court actors on: child-friendly procedures; conditional release of children; release of children whose detention has become illegal  
● Ensure the children’s presence during court hearings  
● Accompany and advise children during the investigation and trial process;  
● advise children and their families of case status and case developments  
● Monitor children granted conditional release and provide assistance to ensure their compliance with the conditions and terms of release  

c) Delivery and facilitation of rehabilitation and reintegration services  
● Provide social counselling and rehabilitative assistance for the child victim  
● Conduct home visits and family counselling to prepare for the social reintegration of children  
● Facilitate family visits or reunification for children in institutions  
● Assist in reintegration of children to their communities through facilitating access to school, vocational training and other community activities or programmes |
| **7. Community** | Church, schools, NGOs, community organisations, child protection networks, media, universities etc. | ● Crime prevention  
● Detect and report crime  
● Victim / offender support and assistance (psycho-social and economic)  
● Rehabilitation / education  
● Reintegration |
RELATIONSHIP-MAPPING

ACTIVITY 13
RELATIONSHIP MAPPING – THE STRING EXERCISE

Aim: To demonstrate the connections between different actors in the criminal justice system through the case study of a particular child to show how the functioning of the system as a whole depends on each actor playing his / her part.

Time: 30-45 minutes

Materials: Name tags / labels to identify the roles of participants, ball of string.

Task:
1. Participants choose, or are assigned, role play identities of relevant actors in the system (e.g. police officer, prosecutor, public defender, investigating judge, trial judge, prison guard, social worker, school teacher, church worker, NGO, journalist).
2. One of the participants is asked to volunteer an example story / case study of a child that they have arrested in the past. Identify which additional character roles are needed for this particular story – e.g. young offender, victim, parent, local shopkeeper etc. and assign these roles to other participants.
3. The participants then stand in a circle. The volunteer narrates the events in the story in the order in which they happened, drawing attention to which actors were involved at each stage. As this is being narrated, the facilitator takes a ball of string and crosses backwards and forwards across the circle demonstrating the connections are between the various actors in the system and how they come into contact with each other. By the end of the story, there should be a ‘web’ of connections.
4. Point out how the police are connected to others in the system. Next, ask one of the actors (e.g. the ‘police officer’) to drop all the string they are holding. The web will collapse / fall apart. This can be repeated to demonstrate the importance of all actors working together.
5. In order to extend this activity even further, participants can discuss how they think a child feels when they are going through the system. Ask the following questions:
   - Would a child understand what is happening to them at each stage as they pass through the system? Who explains to them what is happening?
   - Do you think the system is too complicated?
   - Which of the actors in the system does the child currently have most contact with? Why?
   - Which of the actors in the system should the child have most contact with, in an ideal world? Why?
   - Is there a way to reform the juvenile justice system to improve the contact a child has with helpful, positive influences and to minimize the contact a child has with parts of the system that are more negative?
   - If the child in the case study had been diverted from the formal criminal justice system at an early stage, what would the ‘web’ look like?
   - What can you, as a police officer, do to make sure that the ‘web’ is a well organized, positive, supportive ‘safety net’ for children rather than a complicated knot which they get tangled up in?

STAKEHOLDER MAPPING & PERSONAL CONTACT SHEET

ACTIVITY 14
STAKEHOLDER MAPPING & PERSONAL CONTACT SHEET

Aim: To create a map of local facilities and services where children can be referred to for social, medical, legal, welfare or other support, or from where you can seek advice.

Time: 45 minutes – 1 hour

Materials: Flipchart paper and pens

Task: In groups of 4-5 people, identify facilities and services which you may need to contact regarding the welfare of a child (both state actors and non-state actors). On a piece of flipchart paper, construct a ‘stakeholder map.’ By drawing and brainstorming, locate your police station in the map and show connections from your police station to the other actors who you think would be useful in the handling of children you come across in your job – both children in need of care and protection and children in conflict with the law. Pay particular attention to those who may be of help with diversion and psychosocial support. Try to identify particular names of people or places so that the map is as practical as possible. Refer back to the matrix detailing the pillars of the criminal justice system for an idea of possible types of services. Feel free to be as creative as possible when drawing your map!
As child-sensitive law enforcers, we are duty-bound and obligated by law to uphold the UN standards on juvenile justice in order to respect and protect the rights of children in conflict with the law. Children are naturally good and we have to do our very best to make it easy for them to stay that way.

INTERNATIONAL LAW, STANDARDS AND GUIDELINES – WHAT DOES IT ALL MEAN?

The United Nations has developed a series of laws, standards and guidelines to assist the pillars of the criminal justice system in dealing with children in conflict with the law. These ‘instruments’ can be grouped as shown in the table overleaf.

1. The shaded instruments are legally binding on states that have ratified them.
2. This means that if the government of your country has officially agreed to, signed and ‘adopted’ these international laws, they should—in theory—already be incorporated into your national laws and, as police officers, you should already be following these rules.
3. If the government of your country has not signed up to these international laws, or if they have signed up to them but not yet included them into your national laws yet, they still represent the ‘best practice’ for a humane, fair, efficient and effective justice system.

As police officers, the most important standards to know about in relation to children are:

2. African Charter on the Rights and Welfare of the Child: ACHPR (1989) – if you are in a country which has ratified this treaty
5. UN Rules for the Protection of Juveniles Deprived of their Liberty: the ‘3DLs’ (1990)
7. UN Code of Conduct for Law Enforcement Officials (1979)
8. UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials (1990)
9. ACRWC (1990) – if you are in a country which has ratified this treaty

There is a short description of some of the key instruments here, but rather than going into too much detail at this stage, we have mainstreamed references to specific international laws, standards or guidelines into a table, showing how they support each other and how they are relevant to particular areas of your police work. This table includes references to all of the instruments listed above, even if we have not gone into detail on some of them in this introductory session. This table is shown in Appendix 4.

To make things easier, we have summarized all of these instruments into a table, showing how they support each other and how they are relevant to particular areas of your police work. This table includes references to all of the important instruments by relating them to national laws and international laws, standards, or guidelines.
### REGIONAL INSTRUMENTS

<table>
<thead>
<tr>
<th>CHILD-SPECIFIC INSTRUMENTS</th>
<th>NON-CHILD-SPECIFIC INSTRUMENTS</th>
</tr>
</thead>
</table>

### INTERNATIONAL INSTRUMENTS

<table>
<thead>
<tr>
<th>CHILD-SPECIFIC INSTRUMENTS</th>
<th>NON-CHILD-SPECIFIC INSTRUMENTS</th>
</tr>
</thead>
</table>

### INTERNATIONAL INSTRUMENTS

<table>
<thead>
<tr>
<th>CHILD-SPECIFIC INSTRUMENTS</th>
<th>NON-CHILD-SPECIFIC INSTRUMENTS</th>
</tr>
</thead>
</table>

### BRIEF OVERVIEW OF KEY INTERNATIONAL INSTRUMENTS

1. **UN Convention on the Rights of the Child (CRC)**

The CRC is the most important legal instrument in relation to juvenile justice because it is legally binding on all countries except Somalia and the USA. It is therefore more powerful and more widely applicable than some of the other instruments. It defines ‘children’ as all people under the age of 18. The most specific articles in relation to juvenile justice are Articles 37 and 40. However, the CRC is not just a list of separate articles. It was designed to look at children as a whole and to the regional context of Africa. It was drafted by the African Group and is more widely applicable than some of the other instruments. It is therefore very important to see the CRC in its regional context.


The ACRWC can be considered as an adaptation of the CRC to the regional context of Africa. It was drafted by the African Group and is more widely applicable than some of the other instruments. It is therefore very important to see the ACRWC in its regional context.


The Riyadh Guidelines represent a comprehensive and proactive approach to prevention and social reintegration, detailing social and economic strategies that involve every social area: family, school and community, the media, social policy, legislation and juvenile justice administration.

4. **UN Minimum Rules for the Administration of Juvenile Justice: the ‘Beijing Rules’**

The Beijing Rules provide guidance to states on protecting children’s rights and respecting their needs when developing separate and specialised systems of juvenile justice. They were the first international legal instrument to comprehensively detail norms for the administration of juvenile justice with a child rights and child development approach.
encourage; the use of diversion from formal hearings to appropriate community programmes; proceedings before any authority to be conducted in the best interests of the child; careful consideration before depriving a juvenile of liberty; specialised training for all personnel dealing with juvenile cases; the consideration of release both on apprehension and at the earliest possible occasion thereafter; the organisation and promotion of research as a basis for effective planning and policy formation. According to these Rules, a juvenile justice system should be fair and humane, emphasise the well being of the child and ensure that the reaction of the authorities is proportionate to the circumstances of the offender as well as the offence. The importance of rehabilitation is also stressed, requiring necessary assistance in the form of education, employment or accommodation to be given to the child and calling upon volunteers, voluntary organisations, local institutions and other community resources to assist in that process.

5. UN Rules for the Protection of Juveniles Deprived of their Liberty: the JDLs

This very detailed instrument sets out standards applicable when a child (any person under the age of 18) is confined to any institution or facility (whether this be penal, correctional, educational or protective and whether the detention be on the grounds of conviction or suspicion of having committed an offence, or simply because the child is deemed ‘at risk’ by any order of a judicial, administrative or public authority. In addition, the JDLs include principles that universally define the specific circumstances under which children can be deprived of their liberty, emphasising that deprivation of liberty must be a last resort, for the shortest possible period of time, and limited to exceptional cases. In the context where deprivation of liberty is unavoidable, detailed minimum standards of conditions are set out. The JDLs serve as an internationally accepted framework intended to counteract the detrimental effects of deprivation of liberty by ensuring respect for the human rights of children.


The Rules are intended to promote greater community involvement in the management of criminal justice, especially in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society. When implementing the Rules, governments shall endeavour to ensure: proper balance between the rights of individual offenders, victims and concern of society for public safety and crime prevention. In order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures, from pre- to post-sentencing dispositions. Where appropriate and compatible with the legal system, the police, the

**Activity 15 Comparative Table of International Law, Standards and Guidelines on Juvenile Justice – Mapping Framework for National Laws**

**Aim:** To familiarise participants with the types of standards set out in international human rights instruments and how they compare with national laws; to assess participants’ knowledge of national laws; to assess to what extent participants are already putting human rights standards into practice.

**Time:** 1 hour

**Materials:** 1 photocopy of the comparative table in Appendix 4 per participant

**Task:** The comparative table can be used as a reference tool and provided as a handout to participants. Alternatively, it can be used as an activity to see how much the participants know about local laws in relation to international standards.

1. Give each participant a copy of the table. In groups of 4 or 5, give participants 20-30 minutes to see if they can fill in any of the columns relating to local / national laws in relation to each of the points raised.
2. Get one person in each group to get up and move to the next group, circulating clockwise around the room. This ‘messenger’ should spend 5 minutes comparing the results from their first group with the new group to see if they can ‘pool’ more information together. You may repeat this ‘circulating feedback’ more than once, depending on time available.

**Activity 16 What Do a Child Need?**

**Aim:** To stimulate thinking about the needs of children, to make links between children’s rights and children’s needs, and to increase familiarity with the articles of the Convention on the Rights of the Child (CRC).

**Time:** 30 minutes.

**Materials:** Flip chart paper, pens, tape

**Task:**
1. Working in small groups, participants draw a large outline of a boy or girl. The group gives the child a name and then decides on the mental, physical, spiritual, and character qualities they would like this child to have as an adult (e.g. good health, sense of humour, kindness). They should write or draw symbols to represent these qualities inside the outline of the child.
2. On the left hand side of the outline the group lists the human and material resources the child will need to achieve these qualities (e.g. if the child is to be healthy, he/she will need food and health care).
3. Get participants to stick the picture of their child onto the wall and briefly introduce him or her to the other groups.
4. Explain to participants that you will return to this activity later in the session to see how the needs they have identified are linked to human and children’s rights.

- However, these standards are also part of the UN international human rights system. Section 2 of this manual introduced the idea of human rights – the rights people are entitled to simply because they are human beings, irrespective of their citizenship, nationality, race, ethnicity, language, sex, sexuality, abilities or any other status.
- The instruments outlined here are actually lists of human rights which apply to justice systems.
- As police officers, you are expected to always uphold the rights of the people you come into contact with – whether they are offenders, victims or members of the community you are helping to protect.

**Children’s rights**

Human rights belong to all people, regardless of their age, including children. However, because of their special status – whereby children need extra protection and guidance from adults – children also need some special rights of their own. These are called children’s rights and they are documented in the UN Convention on the Rights of the Child (CRC), mentioned above.

See Activity 16.

---

There is no hierarchy or prioritisation in the observance of children’s rights as no right is more important than the other. In case of conflicting rights, decisions are made based, not on a hierarchy of rights, but on the principles of the best interests of the child. Children’s rights are independent and indivisible. The enjoyment or non-enjoyment of one right affects the enjoyment or non-enjoyment of another child right. It is important that police officers consider the effect of any action or decision to be made on the totality of children’s rights.
**ACTIVITY 17**

**CRC – CLUSTERING RIGHTS CARDS**

**Aim:** To familiarise participants with the articles of the UN Convention on the Rights of the Child; to encourage participants to think about which CRC articles relate to policing and juvenile justice.

**Time:** 1 – 2 hours

**Materials:** A copy of the set of CRC rights cards in Appendix 5, cut out individually.

**Task:**

**Part 1 – Grouping CRC articles (30 minutes)**

1. In advance, copy the sheet of CRC rights cards in Appendix 5. Cut out the cards. (If you are intending to do more than one training session, you might consider sticking the paper onto stronger card to make it more durable).

2. Spread the cards out face up on the floor and ask each participant to choose one card (it does not matter if there are extra cards left over – leave these face up on the floor).

3. Tell participants to move around the room and interact with each other, explaining the right which is described on their card. If two participants feel that their cards have something in common, they should form a group. Keep on walking around the room and keep adding to your group. As the activity progresses, participants may also switch to a different group or ‘category’ of rights covered by the CRC. Some may even end up alone and not belonging to any group if there is no commonly found in the cards.

4. Stress that there are no right or wrong answers here. Child rights, like all human rights, are very closely linked to each other and it can be difficult to ‘divide them up’. Just keep encouraging discussions among the participants.

When there is no more movement, ask each group to give themselves a name or title (e.g. ‘survival’, ‘education’, ‘health’, ‘juvenile justice’ etc.)

5. Ask participants:

- Were some rights more difficult to categorise than others?
- If so, which ones and why?
- Have any rights been left out of the CRC which you think should have been included?

**Part 2 – Interdependence of CRC articles (30 minutes)**

1. Ask participants:

- ‘Who thinks they are holding the most important right in the whole Convention?’ Why?

Encourage friendly debate and argument. Prompt participants to see that all of the rights are interdependent and linked together. For example, if Article 6 (right to life, survival and development) claims to be the most important, ask if ‘survival’ is possible without health. If participants think they are linked, then get Article 6 to move across the room to join Article 24 (health). Then ask if ‘health’ is possible without resources. If participants think they are linked, get Article 24 to move across the room to join Article 4 (implementation... to the maximum extent of available resources)... and so on.

2. Alternatively, ask all participants to stand in a circle around the room, displaying their cards. Ask for a volunteer to stand in the middle. Tell the volunteer:

- ‘Imagine you are your own son or daughter (or niece / nephew / grandchild / child that you care for). Pretend that your son/daughter is only allowed to have 2 rights from the whole of the CRC: which do you think he/she should choose?’ Repeat this with other volunteers if time allows.

Ask the volunteer:

- How do you feel, being allowed only 2 rights out of so many?
- Do you think it’s fair?
- Is it possible for a child to grow into a well-rounded, happy, confident, knowledgeable, healthy, safe child if they are denied any of their rights?

**Part 3 – CRC articles in relation to policing and juvenile justice (30 minutes)**

1. Ask participants:

- Which rights are specifically linked to police work? (Ask the participants holding the relevant cards to step forward if they think their ‘right’ is related to juvenile justice. Expect that Articles 37 and 40 will step forward).

- Are these the only rights that you need to consider as police officers?

- What about Articles 1, 2, 3, 5, 6, 9, 12, 14, 15, 16, 19, 24, 28, 30, 31, 32, 33, 34, 35, 36 and 39 as well as 37 and 40?

2. Encourage as many participants as possible standing in the circle to give one reason why their article may be relevant to policing – e.g. ‘children who come into contact with the law might need medical assistance (health-24)’; ‘I should treat all children equally, regardless of their ethnicity or how poor they are (non-discrimination-2)’; ‘I should let the child explain their side of the story before I arrest them (right to express an opinion-22)’; ‘I should follow up all reported cases of child abuse (protection from abuse and neglect-19) etc. Encourage participants to help each other out and come up with answers. Ideas will not be possible for all rights.

**Part 4 – Linking rights and needs (5 – 30 minutes depending on whether the game is played)**

1. Get participants to think back to the drawing they made of a child in Activity 16 (‘What does a child need?’). Ask participants:

- How many of the needs that you identified for ‘your child’ have a corresponding CRC article? (education, health, family etc.).

If there is time, you could turn this into a light-hearted game as follows:

- The facilitator should mix up the cards, keeping them face down and spread out. Then ask participants to get back into the groups they were in for Activity 16 and stand by their drawing.

2. Get all participants to return their CRC card to the centre of the room and place it face down on the floor. The facilitator should mix up the cards, keeping them face down and spread out. Then ask participants to get back into the groups they were in for Activity 16 and stand by their drawing.

3. Explain that only one group member at a time can run to the middle of the room and pick up only one card at a time which they must take back to their group. If the card matches a ‘need’ that they identified for their ‘child’, they can stick it in the correct place on the drawing (provide each group with tape for this) and the next group member can run to the centre and collect another card. If the card does not match, then the next group member must take it back and place it face down in the centre of the room again and collect another card and so on.

4. Explain that this is a race and that the group with the most cards correctly stuck to their drawing at the end of 10 minutes wins. Expect chaos! But try to strictly enforce the rules. Anyone caught cheating should be made to sit out of the game. If there is much cheating going on, and if it is appropriate in the circumstances, you can gently joke with participants that you hope they will follow human rights rules better than they followed the rules for this game.

5. Encourage the groups to circulate and look at each other’s drawings and discuss the allocation of ‘rights’ to ‘needs’.

---

**Diagram 3: The 5 umbrella rights of the CRC**
FOOTNOTES

1. These diagrams are based on the first hand experiences of children who took part in the Consortium for Street Children’s ‘Street Children and Juvenile Justice Project’ 2002-2004 as well as secondary research from other countries. It broadly represents the experience for street children in countries that have retributive justice systems, where reform of juvenile justice is either non-existent or in its infancy. This diagram is taken from Wernham, A.L., ‘An Outside Chance: Street Children and Juvenile Justice – an International Perspective, Consortium for Street Children, London, May 2004, pp. 65 and 114. www.streetchildren.co.uk/juvenilejustice


3. UN CRC, Art. 40.3(b): “States Parties shall seek to promote,… whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.” UN CRC, Art. 40.4: “A variety of dispositions, such as care; education; and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offense.”


8. UN CRC Art. 37(b): (b) (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)


11. Adapted from Timor-Leste manual, Module 2, pp. 1-7.


13. Available, along with a list of states who have ratified it and those who have entered any reservations to any of the provisions at http://www.unhchr.ch/html/menu3/b/k2crc.htm.


18. Philippine manual, pp. 124-126


20. Much of this section has been adapted from Timor-Leste manual, Module 4, p.2.


1. Article 6: the right to life, survival and development

2. Article 3.1: the best interests of the child

3. Article 2: non-discrimination

4. Article 12: participation

5. Article 4: implementation & resources

6. It might help to remember these 5 rights by thinking of them as a table with 4 legs:

   - See Diagram 3.

   - Ask participants to imagine that the child they are dealing with is sitting or standing on the table. If they forget to consider any one of the four legs, the table (and the child’s right to life, survival and development) will fall down. Imagine how they would feel if this was their own child, falling to the ground!

   - Key learning points: There is a series of international rules on juvenile justice that you, as a police officer, should follow. These rules are actually human rights and child rights. Rights are similar to needs in some ways, but they apply to everybody equally and they are ‘stronger’ than needs. With rights, there is an obligation for the government to: support families and communities to care for children; to look after children if the family or community is not able to; and to protect children from harm. As a police officer, you are part of the system that helps governments to promote and protect children’s rights. Remember that all rights are enjoyed by all children at all times, even if they are in conflict with the law.

   - See also: Section 4 on why children are different to adults, the best interests of the child and non-discrimination in relation to policing as well as Section 8 which looks at international standards in more detail in relation to the practice of policing.

SUMMARY

Participants should now be familiar with the following:

- How the justice system works as a whole, its overall purpose and their place within the system;
- Who else makes up the system and how they work together to protect children;
- International guidelines on juvenile justice and how these relate to national laws;
- To what extent they are putting international standards into practice in their work and areas in need of improvement;
- How child rights relate to ‘wants’ and ‘needs’, the articles in the UN Convention on the Rights of the Child and how these relate to police work.
4. 5 Guiding Principles for policing & child protection

OBJECTIVES

By the end of this section the participants should be able to:
→ Understand the 5 Guiding Principles for policing and child protection;
→ Remember the 5 Guiding Principles through the image of an outstretched hand with 5 digits;
→ Remember to ‘STOP’ every time they come into contact with a child: Stop, Think, Options, Proceed.

Introduction

In Section 2 we started to look at how all children are very important people and how the police have a special responsibility to guide and support them as friends, and to treat them fairly in accordance with their human rights – just as we would want to be treated ourselves, or how we would want our own children to be treated. This section looks at these ideas in more detail.

Remember these 5 Guiding Principles when dealing with children

1. BEST INTERESTS OF THE CHILD: treat him/her as your own child and as a unique individual requiring an individualised approach

2. Be CHILD-FRIENDLY & GENDER-SENSITIVE: children are different to adults; boys are different to girls

3. Practice NON-DISCRIMINATION

4. Understand and expand CHOICES available to children and empower them to make them

5. Practice DIVERSION & RESTORATIVE JUSTICE

These 5 Guiding Principles are introduced here, at an early stage of the training but they appear throughout the manual from this point on.

See Activity 18.

1. BEST INTERESTS OF THE CHILD: treat him/her as your own child and as a unique individual requiring an individualised approach

BEST INTERESTS OF THE CHILD

International human rights standards:

“In all actions concerning children […] the best interests of the child shall be a primary consideration” (UN Convention on the Rights of the Child, Article 3.1)

When dealing with children, you need to make decisions as much as possible in the ‘best interests of the child.’

Due to their physical and emotional immaturity, children need support and guidance from caring adults. Because of this, adults often assume they know what is best for children.

However, decisions taken by adults are not always in the best interests of the child, especially if they fail to consult with the children themselves, or to take into account the needs, circumstances and choices available to individual children.

The best interests of the child is best arrived at after consultation with significant stakeholders (e.g., parents, teacher) and helping professionals (social workers, psychologist etc.). It is always good to have a team decision in difficult cases.

You need to balance best interests of the child with the best interests of other parties involved (e.g., parents, victim, community). You need to consider all of these interests, but amongst these, those of the child should be ‘a primary’ or main consideration. However, in incidences where the child is clearly the main subject of a case (e.g., adoption, guardianship) then the best interests of the children shall surpass the interests of all others.”

ACTIVITY 18

A HELPING HAND WITH THE 5 GUIDING PRINCIPLES

Aim: To help participants remember the 5 Guiding Principles of policing and child protection.

Time: 10 minutes

Materials: A sheet of paper and pen for each participant

Task: Get participants to draw round the outline of their hand on a piece of paper. Ask them to number each of the digits from 1 to 5. Explain that as you go through each of 5 Guiding Principles, they will write in what they are next to the appropriate finger. Make sure that participants keep their drawing safe so they can refer to it throughout the rest of the training.

Extension activities:

1. To make the activity more visually interesting, you can provide different participants with different coloured pieces of paper and have them cut out the outline of their hand. The multi-coloured, different sized hands could then be displayed on a wall at the beginning of this section and referred to during the presentation of Guiding Principle 1 to emphasise ‘each child is unique and requires an individualised approach’ by showing that we are all individual as well. If you do this, then make sure participants remember to collect their ‘hand’ at the end of Guiding Principle 1 so they can continue to make notes on it.

2. Arrange with a local street children NGO in advance for the children to prepare cut-outs, outlines or handprints of their own – perhaps with a drawing or some words about how they would like to be treated by the police. This could be made into a display for police to look at throughout the training. As a gesture of solidarity, at the end of the training, the police could draw around their hand again and send messages back to the children about how they will treat them from now on.

ACTIVITY 19

BEST INTERESTS OF THE CHILD – DISCUSSION

Aim: To explore what is meant by the ‘best interests of the child’ and how to make decisions in the best interests of the child.

Time: 20 minutes

Materials: Case study

Task: Give participants the following case scenario and lead them into a discussion of the best course of action to take either in small or large groups.

A 17-year-old mother living on the streets with a one-year-old child was arrested and detained for the attempted murder of a man who was paying her for sex. She claimed self-defence. She tells you that her baby needs to be breast-fed and asks permission to take the baby with her while in detention. She also requests you to make such recommendation to the prosecutor and judge so that she will not be separated from her child. What should you do?

Remind participants that the mother is still considered a ‘child’ herself according to the UN Convention on the Rights of the Child.

Ask the participants how they arrived at their decision:

• How did they determine the ‘best interests of the child’?

• Which child’s interests take precedence? The mother’s or the baby’s?

• Who else’s interests need to be considered? (baby, victim and community)

• Who should determine the best interests of the child?

IMAGINE THE CHILD IN FRONT OF YOU IS YOUR OWN CHILD

1. We are poor – that’s why we’re begging. We are like your daughter. Why do you behave like this to your daughter? We are also human beings so you have to behave humanely to us.

2. We feel scared when we see the police. When a policeman calls us in the street, we feel scared: maybe I made a mistake or the policeman will do something. Police should want to be the friend of people.

(Street girls, Dhaka, Bangladesh)
Tell participants: The child in front of you is likely to be scared. This is true whether they are in conflict with the law or in need of care and protection. If the child in front of you is suspected of committing a crime, they are not only scared, but they have also made a mistake. Remember a time when you were a child, you made a mistake and you were scared:

- Who did you turn to for help? Did you have a caring and supportive adult to help and advise you? (parent, aunt, uncle, grandparent, older brother or sister, friend, teacher etc.)
- What would have happened if you hadn’t had a supportive adult to help and advise you?
- If your own child was scared, what would you do?
- If this was your own child, how would you want them to be treated? Would you want them protected from beating and humiliation?

See Activity 20.

EACH CHILD IS UNIQUE AND REQUIRES AN INDIVIDUALISED APPROACH

- Each child is unique, just like each one of us is unique. The circumstances of how each child has ended up in front of you are different.
- Some children are more responsible or at higher level of emotional and moral development than others.
- Some children have better ‘support networks’ than others: they have more access to helpful and supportive adults and positive influences than others.
- Some children have better choices available to them than others.
- This is true even if you come across children as a group. Groups of children in conflict with the law or children in need of care and protection should not be dealt with as a group. Each child within the group deserves to be dealt with individually – as you would want your own child to be treated.
- You need to be aware of the range of options available to you for dealing with children in contact with the law so that the most appropriate option is implemented in individual cases.
- This will ensure the best outcome for the child, the victim, for society and for the justice system.

See Activity 21.

2. Be CHILD-FRIENDLY & GENDER-SENSITIVE: children are different to adults; boys are different to girls

BE CHILD-FRIENDLY: CHILDREN ARE DIFFERENT TO ADULTS

International human rights standards: Youthful behaviour or conduct that does not conform to overall social norms and values is often part of the realization and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood” (UN Guidelines on the Prevention of Juvenile Delinquency, Riyadh Guidelines, Fundamental Principles, para. 5.e)

- 80% of children come to police notice for only one offence, but if not given appropriate guidance, they may go on to commit more offences as adults.
- Children and young people are still in the process of developing – physically, emotionally and morally. This is true even of children who appear to be ‘adult’ in some ways, such as street children. Street children may have developed some ‘streetwise’ survival skills – such as looking after themselves, and they may engage in sexual behaviour earlier than their peers who live in supportive families, but they are still children. It is likely that their emotional and moral development is at a lower level than their outward behaviour suggests.

ACTIVITY 20 IMAGINE IT’S YOUR CHILD

Aim: To encourage participants to treat all children, including children in conflict with the law, as their own.

Time: 15 minutes

Materials: Board and pen

Task: Tell the participants to think of themselves not as police officers but as parents.

- They must imagine one of their own children to be 10 years old.
- They must imagine the background of their child and their experiences.
- They must imagine what their child would look like (e.g. if their child was scared, how would they describe them? Would they describe their child in a certain way? Would they describe their child the same way as his/her peers?)
- They must imagine their child being arrested and dealing with their child in conflict with the law and children in need of care and protection.

Remind participants to make a note of Guiding Principle 1 on the first finger of their ‘hand’ drawing, e.g. ‘1. Best interests of the child: treat as your own, unique and individual.’

See also: The other Guiding Principles outlined in this section, Section 5 on child development, Section 6 on street children and Section 8 on the role of the police in diversion and on dealing with children in conflict with the law and children in need of care and protection.

ACTIVITY 21 JORGE AND JUAN – CASE STUDY

Aim: To impress on participants that each child requires an individualised approach.

Time: 45 minutes

Materials: Case study of Jorge and Juan, board and pen

Task: Read out the following case study. Write key words about Jorge and Juan on different sides of the board to serve as a reminder. Alternatively, this can be given to small groups as a written handout for small group discussion, or it can be demonstrated as a role play.

Jorge is 15 years old and Juan is 13. They spend most of their time washing cars and hanging out with others on the streets of Guatemala City. They usually sleep at the central bus station.

Jorge is more confident, aggressive and daring than Juan. He is good at football, Juan is good at making people laugh – how can these strengths be brought into their options?

Ensure that the participants take into account the Guiding Principles already outlined: act in the best interests of the child and treat each child as if they are your own.

Extension activities: This can be performed as a role play. The situation can be repeated and adapted a number of times to illustrate different genders, ages, personality types, situations etc.
• Different children reach stages of understanding and responsibility at different ages; this process of maturing depends not only on their biological age, but also on their influences and environment.

• Children learn what is right and wrong by observing those around them. If they do not have good role models and clear guidance, they may not understand what is right and wrong or the impact that their actions have on others.

• They may not be able to reason or understand in the same way that adults do.

• They may not understand complicated or unfamiliar language such as legal and police terms.

• Child victims/survivors of sexual abuse may not understand what has happened to them. They may not have the language or confidence to describe what has happened.

• Children make mistakes and test the boundaries of what they are, and aren’t, allowed to do. This is all part of the process of growing up and learning. Ask participants:
  ▪ How would you feel if you were judged now for a mistake you made when you were younger?

  ▪ If your child was in trouble, how would you feel if nobody gave him or her a second chance?

• For these reasons, according to international human rights law, every country is supposed to have a separate criminal justice system for adults for dealing with children. Amongst other things this means:
  ▪ Children should not be kept together with adults in transport vehicles, police cells or other places of detention;
  ▪ You should explain things in a language that children understand;
  ▪ You should try, wherever possible, to divert children away from the criminal justice system and guide them towards people who can help them;
  ▪ You should make sure that a parent, guardian or other appropriate adult is present when you interview a child.

See Activity 22.

BE GENDER-SENSITIVE: BOYS ARE DIFFERENT TO GIRLS

The sensitisation of law enforcers to the human rights of women and girls is a very important part of your learning as a law enforcer. It will help you carry out the special task of preventing all forms of discrimination against women, and protecting women and girls – in your home, in law enforcement, in your daily encounters, in the community, and those who come into conflict with the law.

ACTIVITY 22 CHILDREN ARE DIFFERENT TO ADULTS – ROLE PLAY

Aims: To explore the different approaches needed when dealing with a child – as opposed to an adult – during a potential arrest situation.

Times: 20 – 30 minutes or longer

Materials: None

Task: Get 2 participants to act out a short, simple situation where a police officer arrests an adult for theft. Discuss with the whole group:

▪ How does the police officer physically handle the offender?

▪ What language does he/she use?

▪ What options are there in this situation?

▪ What do you think should happen next?

Now repeat the role play with 2 different participants, but this time, the police officer is arresting a child (boy or girl) for theft. Discuss the same questions as above, and in particular what could be done to ensure that the encounter is child-friendly. Ask the ‘child’ in the role play how they feel about the situation.

Extension activities: Repeat the role play of the arrest of the child, but change the imagined child’s gender. Get participants to think about, and act out what, if anything, they would do differently. Repeat again with children (boys and/or girls) of different ages: e.g. 8, 11, 14 and 17. These role plays can be done in pairs.

Ask participants:

▪ Did you know that:

  ▪ Women perform 67% of the world’s working hours
  ▪ Women earn 10% of the world’s income
  ▪ Women are 2/3 of the world’s literates
  ▪ Women own less than 1% of the world’s property

Human rights of women and girls

The UN Convention on the Rights of the Child (CRC) applies equally to both girls and boys up to the age of 18, even if they are married or already have children of their own. (See Section 3 on international standards).

In addition, the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) also applies to women of all ages, including girls under the age of 18. CEDAW is a comprehensive and detailed international agreement seeking the advancement of women which: seeks to guarantee full enjoyment and exercise of women’s human rights; requires governments which have ratified CEDAW to eliminate discrimination against women in the enjoyment of all civil, political, economic and cultural rights – in public and private life such as legal status and political participation; is concerned with ways that women are discriminated against and how to prevent that discrimination; focuses on ways women are treated differently from men.

Attitudes and behaviour towards women and girls

▪ Attitudes and expectations are shaped through family, school, church / religion, mass media, legal system, workplace.

▪ Women are often defined in terms of their relationships with men rather than as individual human beings in their own right (daughter, sister, wife, mother).

▪ Women are seen in many cultures as the ‘property’ of men (fathers, brothers, husbands, sons). Is this so in your country?

▪ Due to the attitudes about women listed above, and due to their lack of economic and political power, physical, psychological and sexual violence against women and girls is common.

The truth about violence against women and girls

▪ Violence against women and girls is a widespread phenomenon.

▪ Women and girls are most at risk of violence from men they know.

▪ Gender-based violence cuts across all socio-economic groups and educational groups.

▪ Emotional and psychological abuse can be at least as debilitating as physical abuse.

▪ Alcohol and drugs may facilitate and exacerbate the commission of violent acts but they are not the real cause of violence against women and girls.

▪ Violence against women and girls may be physical, psychological or sexual. It includes: battering, sexual abuse, dowry violence, non-accusal rape and violence, marital rape, harmful traditional practices, sexual harassment, forced prostitution, trafficking in women and girls, and exploitation-related violence.

▪ Violence against women and girls, in all its forms, violates the human rights and freedoms of women and girls.

▪ Violence against women is now recognised as a major public health concern. Studies from a range of countries show that 40-70% of female murder victims were killed by their husband or boyfriend, often during an ongoing abusive relationship.

Gender-sensitivity in relation to juvenile justice

There are more boys than girls who live on the streets (estimates of girls range between 3 and 30% depending on the country in question).

Many more boys than girls come into contact with the police as suspected offenders. Surveys have shown that 25% to 30% of victims of sexual abuse are boys, but these figures only reflect crime which has actually been reported and there is low reporting by boys of abuse.

On the one hand, in some countries girls suspected of offending are more likely to be treated more leniently than boys – e.g. to be diverted away from the criminal justice system at police stations, are less likely to be prosecuted or to be given a custodial sentence than boys.

On the other hand, because there are fewer facilities available for girls and fewer female police officers in general in most countries, girls are also particularly vulnerable to inappropriate treatment including sexual harassment and abuse in a male-dominated system.

There is little recognition that the needs of boys and girls are different: programmes in Kenya, Senegal, Bolivia, Brazil and Guatemala report that girls on the street display more psychological damage than boys – a combination of both sexual abuse and rape in the family; the internalisation by girls of the effects of domestic violence, sexual abuse and family break-up may find expression in violent behaviour, depression, withdrawal and self-mutilation; girls appear to grow out of crime more successfully and at an earlier age than is the case with boys.

There is little recognition that the needs of girls and older / adult women are different: girls should not be placed in detention with adult women. (See section above on how children are different to adults).

No child – whether a boy or girl – should suffer violence, corporal punishment or exploitation.
How do you feel about your ‘position’? Why do you want to say to those in the other group? Health services need to take into account the different needs of boys and girls (especially sexual and reproductive health). If detention is unavoidable: girls should not be kept in detention with male detainees or with adult women; pregnant and nursing mothers shall be provided with special facilities in detention and child-care facilities need to be taken into consideration in cases where girls have babies. Psychosocial and rehabilitation interventions such as professional counselling, family reintegration and other programmes need to take into account the different psychology of girls and boys. Facilities for a full range of community options should be available to girls as well as boys in the local area, including community punishment orders and attendance centre orders. This might involve: Ensuring that provision is in place to avoid the necessity of placing single girls alone with a group of boys; Developing attendance centres for girls where these do not exist; Providing child care facilities where these are needed. Violence against women is a crime and must be treated as such, including when occurring within the family. | A training manual for the police on child rights and child protection

**ACTIVITY 23 BORN EQUAL?**

**Aim:** To identify discrimination experienced by girls and women.

**Time:** 30 minutes

**Materials:** Some form of random selection (e.g., cards, slips of paper), and pens, ‘male’ and ‘female’ labels.

**Task:**
1. Divide participants into small groups. Ask half the groups to list 5 advantages and 5 disadvantages of being a woman. Ask the other half to do the same for men.
2. Ask each small group to report their lists. Record them on chart paper. Then ask the whole group to rate on a scale of 1-5 how important each item is to the life of an individual. For example, something trivial like ‘Wearing a certain kind of attractive clothing’ might receive a 1 while ‘Not get as much food’ might receive a 5.
3. Draw a line on the floor with chalk or outside on the ground. Explain that this is the starting line and ask everyone to put his or her toes on the line. Explain that all the participants are babies born on the same day, and according to the UN Universal Declaration of Human Rights they are ‘born free and equal in dignity and rights.’ Then explain that unfortunately, some members of the community are not really ‘equal in rights and dignity.’ Ask each participant to draw a card indicating whether they are ‘male’ or ‘female.’
4. Then read one of the advantages for men that received a 5 rating (e.g., ‘Make more money’), and ask everyone who is ‘male’ to step forward 5 steps. Do the same for an advantage for women. Then read a disadvantage for men and ask the ‘males’ to step backward the number of steps that the disadvantage was rated; then do the same for the ‘females.’
5. Continue in this same manner through the advantages and disadvantages on the list. When a large gap has developed between the ‘males’ and the ‘females,’ ask them to turn and face each other. Ask several individuals from each group:
   - How do you feel about your ‘position’?
   - What do you want to say to those in the other group?
   - How would you feel if you were in the other group?
   - Emphasise that this activity points out how cumulative discrimination works to erode the human rights principle of equality.

**Variation:** This activity can be adapted to illustrate any form of discrimination (e.g., against people with disabilities; ethnic, racial or religious minorities; indigenous people; street children).

**3. Practice NON-DISCRIMINATION**

International human rights standards: “1. The States Parties shall respect and ensure the rights set forth in the Convention to each child within their respective jurisdiction without discrimination of any kind, irrespective of the child’s sex or her or his parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that he child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.” (UN Convention on the Rights of the Child, Articles 2.1 & 2.2)

In most societies there are often groups of people who are treated differently by the majority on account of their different religion, race, ethnicity, social status or other factors. These minority groups are locked down on and treated differently by those who have more power in society. They often have less access to resources, information and support systems. In other words, they are often discriminated against in the way they are treated and in the opportunities available to them.