

REFERENCES

BOOKS

- Banaag Jr., C.G., M.D., *Resiliency: Stories Found in Philippine Streets*, AusAID, National Project on Street Children and UNICEF, Manila, Philippines, 1997
- Barker, G., Knaul, F., Cassaniga, N. and Schrader, A., *Urban Girls: Empowerment in Especially Difficult Circumstances*, Intermediate Technology Publications / Consortium for Street Children, London, 2000
- Byrne, I., *The Human Rights of Street and Working Children: A Practical Manual for Advocates*, Intermediate Technology Publications / Consortium for Street Children, London, 1998
- Ennew, J., *Street and Working Children: A Guide to Planning*, Save the Children, London, 1994
- Giles, Prof. G.W., *Turbulent Transitions: Delinquency and Justice in Romania*, Bucharest, March 2002
- Human Rights Commission of the Federal District and UNICEF (Eds), *On the Other Side of the Street: Juvenile Prostitution in La Merced Neighbourhood, Mexico City*, August 1996
- Petty, C. and Brown, M. (eds), *Justice for Children: Challenges for Policy and Practice in Sub-Saharan Africa*, Save the Children, June 1998
- Stevens, J., *Access to Justice in Sub-Saharan Africa: The Role of Traditional and Informal Justice Systems*, Penal Reform International, November 2000

NGO REPORTS

- AMAL Human Development Network and Consortium for *Street Children, Street Children and Juvenile Justice in Pakistan*, February 2004
- Amnesty International, *Pakistan: Denial of Basic Rights for Child Prisoners*, 2003
- Amnesty International, *Rio de Janeiro 2003: Candelária and Vigário Geral 10 Years On*, August 2003
- Amnesty International, *A Waste of Lives: FEBEM Juvenile Detention Centres, São Paulo – A Human Rights Crisis, not a Public Security Issue*, July 2000
- Amnesty International, *Adolescents held in the FEBEM juvenile detention system, São Paulo*, January 2004
- Asociația Sprijinirea Integrării Sociale (ASIS) and Consortium for Street Children, *Street Children and Juvenile Justice in Romania*, February 2004
- Butterflies, *My Name is Today*, Vol. X., No. 2, Special Issue: 'Children in Conflict with the Law', 2003
- Casa Alianza Nicaragua and Consortium for Street Children, *Street Children and Juvenile Justice in Nicaragua*, February 2004
- Çoku, B. and Kotorri, V., *Juveniles in Albanian Prisons: A Report on the Situation of Juveniles in Albanian Prisons*, Children's Human Rights Centre of Albania (CRCA), November 2000
- Consortium for Street Children and University College Cork, *Prevention of Street Migration: Resource Pack*, 1999
- Consortium for Street Children, *Street Children and Juvenile Justice in Kenya*, February 2004
- Centre for Youth and Children Affairs (CEYCA), *A Survey Study Report on the Juvenile Offenders in Malawi Prisons and Approved reform Centres*, Malawi, January 1999
- Dhital, R., Gurung, Y.B., Subedi, G. and Hamal, P., *Alcohol and Drug Use Among Street Children in Nepal: A Study in Six Urban Centres*, Child Workers in Nepal Concerned Centre (CWIN), August 2002
- Dissel, A. and Kollapen, J., *Racism and Discrimination in the South African Penal System*, Centre for the Study of Violence and Reconciliation and Penal Reform International, 2002
- Hazizaj, A. and Barkley, S.T., *Awaiting Trial: A Report on the Situation of Children in Albanian Police Stations and Pre-Trial Detention Centres*, Children's Human Rights Centre of Albania (CRCA), May 2000
- Human Development Initiatives and Consortium for Street Children, *Street Children and Juvenile Justice in Lagos State*, February 2004
- Human Rights Watch, *Charged With Being Children: Egyptian Police Abuse of*

- Children in Need of Protection*, February 2003
- Human Rights Watch, *Children of Bulgaria: Police Violence and Arbitrary Confinement*, September 1996
- Human Rights Watch, *Children in Sudan: Slaves, Street Children and Child Soldiers*, September 1995
- Human Rights Watch, *Cruel Confinement: Abuses Against Detained Children in Northern Brazil*, April 2003
- Human Rights Watch, *Guatemala's Forgotten Children: Police Violence and Abuses in Detention*, July 1997
- Human Rights Watch, *In the Shadow of Death: HIV/AIDS and Children's Rights in Kenya*, 2001
- Human Rights Watch, *Juvenile Injustice: Police Abuse and Detention of Street Children in Kenya*, June 1997
- Human Rights Watch, *Nobody's Children: Jamaican Children in Police Detention and Government Institutions*, 1999
- Human Rights Watch, *Police Abuse and Killings of Street Children in India*, November 1996
- Human Rights Watch, *Policy Paralysis: A Call for Action on HIV/AIDS-Related Human Rights Abuses Against Women and Girls in Africa*, 2003
- Human Rights Watch, *Prison Bound: The Denial of Juvenile Justice in Pakistan*, November 1999
- Human Rights Watch, *State of Pain: Torture in Uganda*, March 2004
- International Centre for Prison Studies and Penal Reform International, *A New Agenda for Penal Reform*, April 1999
- International Childcare Trust Kenya, *Street Lives – Juvenile Justice Issue*, June 2003.
- Jubilee Campaign, *The Silent War: Killings of street children by organised groups in Rio de Janeiro and the Baixada Fluminense - a report by Jubilee Campaign*, August 1998
- Kansakar, K., *Silent Suffering: Child Sexual Abuse in the Kathmandu Valley: Children's Perspectives – Research Report*, Child Workers in Nepal Concerned Centre (CWIN) and Save the Children – Norway, Nepal (SCNN), April 2003
- Kortschak, A., *ACER's Work in Brazil*, September 2003
- NACRO (National Institute for Crime Prevention and the Rehabilitation of Offenders), *Diversions - An Introduction to Diversion from the Criminal Justice System*, 1994
- Nwanna, C.R., Akpan, N.E.N., *Research Findings of Juvenile Justice Administration in Nigeria*, Constitutional Rights Project (CRP) and Penal Reform International (PRI), 2003
- Penal Reform International, *2001 Anti-Racism Programme: Final Report*, July 2002
- Penal Reform International, *Draft Model for Juvenile Justice in Malawi*, 1999
- Penal Reform International, *International Instruments Governing the Rights of Children in Conflict with the Law*
- Penal Reform International, *Making Standards Work: An International Handbook on Good Prison Practice*, March 2001
- Rai, A., Ghimire, K.P., Shrestha, P. and Tuladhar, S., *Glue Sniffing Among Street Children in the Kathmandu Valley*, Child Workers in Nepal Concerned Centre (CWIN), 2002
- São Martinho, *No Mundo da Rua: Alternativas à Aplicação de Medidas Sócio-Educativas*, 2001
- Save the Children UK Nepal, *Street Diary*, 2001
- Save the Children, ILO/IPEC, *Working Street Children in Bucharest: A Rapid Assessment*, 2002
- SNV Kenya and GTZ, *The Story of Children Living and Working on the Streets of Nairobi*, 2002
- Terre des Hommes, *Legal and Social/Educational Programmes for Minors in Conflict with the Law* (Report of Workshop to Provide an Overview of Best Practices), July 2001
- Undugu Society of Kenya, *Report on Street Children Conference on Juvenile Justice – Haki Kwa Watoto Wote, Kenya*, 2003
- UP CIDS PST, (University of the Philippines Center for Integrative and Development Studies Psychosocial Trauma and Human Rights Program), *Painted Gray Faces, Behind Bars and in the Streets: Street Children and Juvenile*

Justice System in the Philippines, Quezon City, UP CIDS PST and Consortium for Street Children, 2003

- Wagner-Rizvi, T., and Jillani, A., *Waiting for the Sunrise: Juvenile Justice in Pakistan*, Society for the Protection of the Rights of the Child (SPARC) and Consortium for Street Children, December 2003
- Wernham, M., *Background Paper on Street Children and Violence*, Consortium for Street Children, November 2001
- Zaman Khan, S., *Herds and Shepherds: The Issue of Safe Custody of Children in Bangladesh*, Bangladesh Legal Aid and Services Trust (BLAST) and Save the Children UK, June 2000

ARTICLES

- Abramson, B., 'Juvenile Justice: The 'Unwanted Child' - Why the potential of the Convention on the Rights of the Child is not being realized, and what we can do about it', August 2003
- Abramson, B., 'Two Stumbling Blocks to CRC Monitoring: the Four 'General Principles' and 'the Definition of the Child'', September 2003
- Assis Calundungo, S. de, 'Street Children in Angola', CEIS (Centro di Informazione e Educazione allo Sviluppo) in Petty, C. and Brown, M. (eds), *Justice for Children: Challenges for Policy and Practice in Sub-Saharan Africa*, Save the Children, June 1998
- Cappelaere, G., 'Juvenile Justice 10 years after the Convention on the Rights of the Child (CRC): Some Reflections for Hopeful Perspectives', in *Butterflies, My Name is Today*, Vol. X., No. 2, Special Issue: 'Children in Conflict with the Law', 2003
- Feely, F., 'Collaboration and Leadership in Juvenile Detention Reform', publication No. 2 in the series *Pathways to Juvenile Detention Reform*, Annie E. Casey Foundation
- Gannon, K., 'Few Look out for Street Children', Associated Press, 20 April 2000
- Gebremarian, T., 'Working with the Police in Ethiopia', in Petty, C. and Brown, M. (eds), *Justice for Children*, 1998
- Inciardi, J.A. and Surratt, H.L., 'Children in the Streets of Brazil: Drug Use, Crime, Violence, and HIV Risks', *Substance Use and Misuse*, 1997
- Kocic, M. (2003) 'Help for Nicaragua's Violent Slums', *International Federation of Red Cross and Red Crescent Societies News*, 18 September 2003
- Maxwell, G. and Morris, A., 'The New Zealand Model of Family Group Conferences' in *Family conferencing and juvenile justice: the way forward or misplaced optimism?*, Alder & Wundersitz eds., Australian Institute of Criminology, Canberra ACT, Australia 1994
- Moberly, C., 'The 'Voluntary Separation' of Children in Angola: Recommendations for Preventive Strategies', in Consortium for Street Children and University College Cork, *Prevention of Street Migration: Resource Pack*, 1999
- Muigai, S., 'National Youth Service (NYS) will recruit Street Children at District Level', *The East African Standard*, 20 October 2003
- Okagbue, I.E., 'The Treatment of Juvenile Offenders and the Rights of the Child' in Ayua, I.A. and Okagbue, I.E., *The Rights of the Child in Nigeria*, NIALS, Lagos 1996
- Ordoñez Bustamante, Dr D., 'Family Structure Problems, Child Mistreatment, Street Children and Drug Use: A Community-Based Approach', in Consortium for Street Children and University College Cork, *Prevention of Street Migration: Resource Pack*, 1999
- Rodgers, D., 'We live in a State of Siege' – Violence, Crime and Gangs in Post-Conflict Urban Nicaragua', *Development Studies Institute*, London School of Economics and Political Science, September 2002
- Sinagra, L., 'Beneath Bucharest', *City Pages.Com*, 7 July 2001
- Skelton, A., 'African Focus: Juvenile Justice in Kenya', *Article 40*, Vol.1 Issue 2., August 1999
- Skelton, A., 'International Trends in the Re-emergence of Traditional Systems', in Stevens, J., *Access to Justice in Sub-Saharan Africa*, 2000
- Stumpf González, R., 'Why Perpetuate an Old and Sad History? The Case of FEBEM, São Paulo', *National Movement of Street Boys and Girls, Brazil*,

- November 2000
- Tandon, S.L., 'Fettered Young: Children in Conflict with the Law and Children in Prisons' in Butterflies, *My Name is Today*, Vol. X., No. 2, Special Issue: 'Children in Conflict with the Law', 2003
- Uchena, T.P., 'Community Service in Zimbabwe' in Petty, C. and Brown, M. (eds), *Justice for Children, Challenges for Policy and Practice in Sub-Saharan Africa*, Save the Children, June 1998
- Widdicombe, R. & D. Campbell (2003) 'Poor Neighbours Fall Prey to US Gang Culture', *The Guardian*, 27 May 2003
- Veeraraghavan, Prof. Dr. V., 'Juvenile Violence', in Butterflies, *My Name is Today*, Vol. X., No. 2, Special Issue: 'Children in Conflict with the Law', 2003

DOCUMENTS AND OTHER SOURCES

- Alexandrescu, G., *Romania – Working Street Children in Bucharest: A Rapid Assessment*, ILO/IPEC: Geneva, 2002
- AusAID, National Project on Street Children and UNICEF, *Handbook for Social Workers and Psychologists on Psychosocial Case Management Process, Philippines*, 1996
- Blewett, K. and Woods, B., *Kids Behind Bars* [film], True Vision productions, 2001
- Canadian International Development Agency, *CIDA's Action Plan on Child Protection: Promoting the Rights of Children who Need Special Protection Measures*, June 2001
- Haines, K., Mansell, C., Shaw, R. & Goatly, R., *Probation in Romania, Report 2003*
- Kakama, P.T., *Juvenile Justice in Uganda*, Save the Children, UK, paper presented at a seminar on Juvenile Justice held in Lilongwe, Malawi, 23 - 25 November 1999
- Khasiani, S.A., Kenya Country Report prepared for the Worldwide Workshop on Youth Involvement as a Strategy for Social, Economic and Democratic Development, organized by the Ford Foundation, Costa Rica, 2000
- Moore, D.B., *A New Approach to Juvenile Justice: An Evaluation of Family Conferencing in Wagga Wagga*. A report to the Criminology Research Council, Wagga Wagga, New South Wales: Centre for Rural Social Research, Charles Sturt University, Riverina, Australia, 1995
- Mukonda, R., *Juvenile Justice Project in Namibia*, Legal Assistance Centre, Namibia, paper presented at a seminar on Juvenile Justice held in Lilongwe, Malawi, 23 - 25 November 1999
- Parry-Williams, J., *Village Mediation Units in Lao PDR and their Adaptation for Children and Young People*, presentation to Consortium for Street Children International Workshop on Street Children and Juvenile Justice, 14-18 July 2003
- The Partnership for Global Good Practice (PGGP), *International Standards for the Administration of Juvenile Justice And Examples of Good Practice*, February 2002
- *Police Handbook on the Management of Cases of Children in Especially Difficult Circumstances*, Department of Social Welfare and Development, National Police Commission and Philippines National Police in cooperation with UNICEF, Quezon City, Philippines, 1993
- Roy, N. and Wong, M., *Juvenile Justice Review and Training Documents* prepared for Save the Children UK, 2002-3
- Singh, I. L., *Street Children and Juvenile Justice in Nepal: A Case Study*, presented to 'Children Involved in Juvenile Justice Systems', Eighth Innocenti Global Seminar, 12-22 October 1997, Florence, Italy
- Singh, W., *Alternatives to Custody in the Caribbean: The Handling of Children who Come into Conflict with the Law*, paper presented at the Innocenti Global Seminar on Children Involved with the System of Juvenile Justice, Florence, 12-22 October 1997
- U.S. Department of State, *Kenya Country Report on Human Rights Practices for 2001, 2002*
- Wernham, M., Consortium for Street Children, Written Submission to the UN Committee on the Rights of the Child, Day of General Discussion, Friday 28 September 2001, Violence Against Children Within the Family, September 2001

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APPENDIX

APPENDIX 1

CONSORTIUM FOR STREET CHILDREN PROJECT: 'PROMOTING AND PROTECTING THE HUMAN RIGHTS OF STREET CHILDREN IN JUVENILE JUSTICE SYSTEMS' JANUARY 2002 – DECEMBER 2003

Background

This publication is the culmination of a two-year research and advocacy project conducted by the Consortium for Street Children in association with local partners to examine the situation of the human rights abuses of street children in juvenile justice systems in six countries: Kenya, Nicaragua, Nigeria, Pakistan, the Philippines and Romania.

The current project, 'Promoting and Protecting the Human Rights of Street Children in Juvenile Justice Systems', January 2002 – December 2003, was developed in collaboration with CSC's members and their overseas partners in order to address the particular overlap between street children and criminal justice systems in the form of a more proactive, coordinated and geographically distributed project.

Aims and objectives

The aim of the project is to mobilise national and international response to uphold the human rights of street children within juvenile justice systems by examining the situation in specific countries, identifying and highlighting key problems and working towards child-friendly solutions.

The key objectives are:

- To **raise awareness** of the specific problems faced by street children in the context of law and order concerns at relevant national and international fora, with the aim of diverting street children into alternatives to detention;
- To **improve cooperation** and communication between NGOs, street children and government authorities (police and judicial systems);
- To **collate information** on street children within juvenile justice systems to act as a source of information and a basis of subsequent lobbying towards:
 - a The adoption/adaptation of domestic juvenile justice legislation in accordance with internationally agreed human rights standards (i.e. 1989 UN Convention on the Rights of the Child (CRC), 1985 UN Standard Minimum Rules For The Administration Of Juvenile Justice (Beijing Rules), 1990 UN Rules For The Protection Of Juveniles Deprived Of Their Liberty and the UN Guidelines on the Prevention of Juvenile Delinquency (Riyadh Guidelines);
 - b The implementation in practice of these standards at all stages of the juvenile justice system, from the initial contact with the child to the pre, during and post-trial periods;
 - c The establishment of independent monitoring systems to ensure continued compliance with such legislation by all levels of the police, judiciary and social services.
- To **identify and support** NGO projects working towards the improvement of the

situation of street children within juvenile justice systems and enhance the capacity of local partner organisations.

- To **facilitate the participation** of street children by providing them with an opportunity to voice their concerns about their basic needs and rights.

Activities and outputs

Research was undertaken and national, multi-sector workshops were convened involving street children themselves, civil society organisations, the police, judiciary, social and probation services and other stakeholders to identify key obstacles to the implementation of international human rights standards for street children in juvenile justice systems in each country. With an emphasis on constructive dialogue and collaboration between civil society and government, the workshops addressed issues of national relevance, examined examples of innovative good practice in this area and outlined recommendations for further action. The findings from each country are reproduced as a series of country reports, available separately from www.streetchildren.org.uk.

The project helped to promote international exchange of experiences through a workshop attended by project partners from all six countries, held in London in July 2003.¹ The project findings, along with secondary research and case studies from other countries, have been compiled into this international handbook on street children and juvenile justice.

The following table summarises the activities undertaken by CSC partners in each country.

COUNTRY	ACTIVITY	DATE	PARTICIPANTS
KENYA	National mapping matrix exercise to document the various actors currently working in the area of juvenile justice in Kenya and the existing gaps in research / knowledge (CRADLE)	5-6 20 December 2002	NGO participants
	National consultative workshop with street children (USK)	22 February 2003	41 child participants, aged 10-18 - approximately 4 from each of Kenya's 8 provinces - of whom 16 were girls
	National Workshop on Street Children and the Juvenile Justice System (CRADLE, USK and CSC)	6-7 March 2003	64 participants, including 7 children, representatives from 48 national and international NGOs as well as government, donor and media representatives
NICARAGUA	Primary research / data collection from 18 police delegations across the country, judicial headquarters and penitentiary institutions. Inspections of cells in both police and penitentiary buildings. Interviews held with adolescents in detention, police authorities, judges and penitentiary staff, as well as with members of the Public Ministry, Public Counsels for the Defence, and NGOs (CAN)	May – October 2002	
	Consultation Forum on Juvenile Justice (CAN)	25-26 November 2002	86 participants (of whom 10 were adolescents with experience of the juvenile justice system), including police, relevant government ministries, NGOs and the national media.

¹ See report of the Consortium for Street Children International Workshop on Street Children and Juvenile Justice, London, 14-18 July 2003.

COUNTRY	ACTIVITY	DATE	PARTICIPANTS
NIGERIA	National Workshop on the Human Rights of Street Children Within the Juvenile Justice System in Nigeria: The Case of Lagos State (HDI), including a one-day sensitisation on children with mental disabilities (CDC)	2-4 June 2003	62 participants, of whom 12 were children (including 6 girls), were drawn from the Lagos State Ministry of Youth, Sports and Social Development, the Ministry of Justice, the National Human Rights Commission (NHRC), the police, NGOs, street children, children in remand homes and approved schools, media, and other stakeholders.
PAKISTAN	4 consultative workshops with street children on "Juvenile Justice System and Street Children- Present, Past and Future": <ul style="list-style-type: none"> • Islamabad • Karachi • Lahore • Peshawar (AMAL) 	9 April 2003 26 April 2003 11 May 2003 30 May 2003	More than 100 street children participants with an average age of 12, of whom 7 were girls, as well as a range of national and international organizations, ministries and law enforcing agencies.
	National Conference on Children and Juvenile Justice (AMAL)	13-14 June 2003	More than 60 participants from different governmental ministries including Ministry of Law, Justice and Human Rights, Law and Justice Commission of Pakistan, Ministry of Youth Affairs, Ministry of Social Welfare and Women Development, law enforcing agencies such as the Police Department, Reclamation and Probation Home Department, Central Jail Staff Training Institute, lawyers, probation officers and national and international organizations.
PHILIPPINES	8 Regional Workshops with children (of which 4 community-based and 4 in detention / rehabilitation) Regional Community Based Workshops: Luzon Region, Olongapo City, (PREDA) National Capital Region, Manila, (CHAP) Visayas Region, Cebu City, (FREELAVA) Mindanao Region, Davao City, (Tambayan) Regional Workshops in Detention / Rehabilitation: Luzon Region, Magalang Youth Rehabilitation Center Magalang, Pampanga (PREDA) National Capital Region, Manila Youth Reception Center, Quezon City, (CHAP)	6-7 June 2002 17-18 July 2002 28-30 June 2002 12-14 July 2002 19 July 2002 19 July 2002	30 participants 28 participants 20 participants 23 participants 25 participants 11 participants

COUNTRY	ACTIVITY	DATE	PARTICIPANTS
PHILIPPINES	Visayas Region Regional Rehabilitation Center for Youth (RRCY), (FREELAVA)	22 July 2002	20 participants
	Mindanao Region, Department of Social Welfare and Development (DSWD) Center for Drug Dependents, Davao City, (Tambayan)	16 July 2002	20 participants
	National Children's Workshop on Street Children and the Juvenile Justice System	8-10 August 2002	60 peer-elected child participants (15 from each of 4 provinces) including children living in the streets, former and current children in conflict with the law.
ROMANIA	Perceptions Questionnaire circulated among state and non-governmental specialists working in the area of children in conflict with the law and street children in general	June – October 2002	The views of 130 street children, 28 Probation Service Officers and 45 workers from the Child Protection Division were collected through questionnaires.
	Interviews were then conducted with Children and Juvenile Justice contact with the juvenile justice system at some time	June – October 2002	
	National Workshop on Street street children who had come into	10-12 November 2002	45 participants including government-run children's institutions; civil society organizations involved in the rehabilitation of street children; police stations involved in the diversion programme.

APPENDIX 2

STREET CHILDREN AND THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC): FULL TEXT OF CRC ARTICLES 37 AND 40

- Probably no environment contributes more to potential violations of the CRC than a childhood and youth spent outside the institutional framework of family and school in the usually hostile environment of the streets.
- The majority of articles in the CRC apply to street children because of their extreme poverty and particular vulnerability to the following: violence (Art. 19), disease (Art. 24), discrimination (Art. 2), sexual abuse and exploitation (Art. 34, 32), substance abuse (Art. 33), emotional deprivation (Art. 19, 31), exploitative and harmful child labour (Art. 32), denial of rights within the juvenile justice system (Art. 37, 40), arbitrary execution (Art. 6), torture (Art. 37), lack of access to education (Art. 28, 29) and healthcare (Art. 24) and lack of identity documents (Art. 7).
- The CRC sets out a framework for protection that emphasizes the family and community as having the main responsibility for caring for children (Art. 5, 18). The role of the state is to support and enable families and communities to fulfill this role. However, it is an unfortunate fact that in many cases families and communities are not protective and nurturing. In these cases, as for children living on the streets, the state then takes on a greater responsibility to fill the gap (Art. 20: 'A child temporarily or permanently deprived of his or her family environment...shall be entitled to special protection and assistance provided by the State').
- In reality, it is often civil society organisations rather than governments that take

on the burden of caring for these children. Increased cooperation and collaboration is required amongst CSOs in order to exchange lessons learned and good practices. It is also needed between CSOs and the state to ensure the sustainability of programmes and to address underlying socio-economic and discriminatory policies that perpetuate the street children phenomenon.

ARTICLE 37 – FULL TEXT

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

ARTICLE 40 – FULL TEXT

1 States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2 To this end and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3 States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) 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.

4 A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster 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 offence.

APPENDIX 3

JUVENILE JUSTICE CHECKLIST

Extracted from: 'Implementation Handbook for the Convention on the Rights of the Child' (UNICEF, 1998) Specific issues in implementing Article 40²

1 Does legislation, policy and practice in the State uphold the right of every child in the jurisdiction alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner which,

- is consistent with the promotion of the child's sense of dignity and worth?
- reinforces the child's respect for fundamental human rights and for the fundamental freedom of others?
- takes into account the child's age?
- takes into account the desirability of promoting the child's reintegration?
- takes into account the desirability of the child assuming a constructive role in society?

2 In planning its system of juvenile justice, has the State had regard to the relevant United Nations rules and guidelines and to other relevant international instruments?

3 Does legislation ensure that children cannot come into the criminal justice system because of acts or omissions that were not prohibited by national or international law at the time they were committed?

4 Does legislation, policy and practice in the State guarantee to any child alleged as or accused of living infringed the penal law the right

- to be presumed innocent until proved guilty according to the law?

to be informed of the charges against him or her

- promptly?
- directly?
- if appropriate through parents and guardians?

2 Cited in The Partnership for Global Good Practice (PGGP), *International Standards for the Administration of Juvenile Justice And Examples of Good Practice*, February 2002, pp.30-32. Please be aware that the 'Implementation handbook for the Convention on the Rights of the Child' (UNICEF, 1998) has since been updated.

in the preparation and presentation of his or her defence, to have appropriate

- legal assistance?
- other assistance?

to have the matter determined?

- without delay?
- by a competent and impartial authority or judicial body?
- in a fair hearing (according to international instruments, including the "Beijing Rules")?
- in the presence of legal and other appropriate assistance?
- in the presence-unless judged not to be in the child's best interest, and taking account of the child's age or situation- of parents or legal guardians?
- in the child's own presence?

not to be compelled

- to give testimony?
- to confess guilt?

to be able

- to examine or have examined adverse witnesses?
- to obtain the participation and examination of witnesses on his or her behalf under conditions of equality?

5 If considered to have infringed the criminal law, to have a review by a higher, competent, independent and impartial authority or judicial body according to law, of

- the decision?
- any measures imposed in consequence thereof?
- to have the free assistance of an interpreter if the child cannot understand or speak the language used?
- to have his or her privacy fully respected at all stages of the proceedings?

6 Are hearings involving children open to

- the public?
- representatives of the press?

7 Are there appropriate limits on press reporting of such hearings and their results?

8 Does legislation ensure that there are no circumstances in which the identity of a child alleged as, accused of or recognised as having infringed the penal law can be disclosed?

9 Is there a system of juvenile justice in the State distinctive from that relating to adult?

10 Are all children up to 18 years of age alleged as, accused of or recognised as having infringed the penal law in the jurisdiction, without exception, dealt with through the system of juvenile justice?

11 Does the juvenile justice system include, specifically for such children, Distinct

- laws?
- procedures?
- authorities?
- institutions?
- disposals?

12 Is a minimum age defined in law below which children are presumed not to have the capacity to infringe the criminal law?

13 If such an age defined in law below which children are presumed not to have the capacity to infringe the criminal law?

14 Does legislation, policy and practice provide measures for dealing with children

alleged as, accused of or recognised as having infringed the penal law without resorting to judicial proceedings?

If so, do safeguards exist for the child who believes him/herself to be innocent?

15 Are a variety of dispositions available, such as

- care orders?
- guidance and supervision orders?
- diversion to mental health treatment?
- victim reparation/restitution?
- counselling?
- probation?
- foster care?
- education?
- vocational training courses?
- any other alternatives to institutional care?

16 Does legislation, policy and practice ensure that children are dealt with

- in a manner appropriate to their well-being?

In proportion to

- their circumstances?
- the offence?

APPENDIX 4

PENAL REFORM INTERNATIONAL: TEN POINT PLAN FOR JUVENILE JUSTICE

A contribution to the Committee on the Rights of the Child Day of General Discussion on "State Violence Against Children", Geneva 22 September 2000.

The following Plan focuses on ways of reducing violence within juvenile justice systems around the world. The plan builds on the relevant international instruments: the UN Convention on the Rights of the Child, the Standard Minimum Rules for the Administration of Juvenile Justice and the UN Rules for the Protection of Juveniles Deprived of their Liberty.

Penal Reform International (PRI) believes that a proper administration of juvenile justice cannot be achieved without a strong education and social welfare system. Helping young people in conflict with the law to become law abiding adults is much more the job of parents, teachers, social workers and psychologists than it is police, courts and prisons.

PRI believes that juvenile offending should be dealt with as far as possible outside the formal criminal justice and penal systems. It is important to ensure that alternative systems- particularly those involving institutional care- take proper steps to protect children from violence and abuse.

Arrest and Interrogation

1 Arrest of children (defined as those under the age of 18 years) should be a measure of last resort and detention in police custody should be for the shortest time and in no case more than 48 hours. Use of police bail or bond with or without surety should be encouraged. Those arrested by the police should be separated from adults and held in child friendly rooms rather than conventional cells. Questioning should be undertaken by selected and trained officers in the presence of parents, guardians or other appropriate adults. Children should be informed of their rights.

Age of Criminal Responsibility

2 Countries should set as high a minimum age of criminal capacity as possible and children below this age who are accused of crimes should not be taken through the criminal justice system. Measures should be found for dealing with such children that provide them with appropriate services whilst protecting their rights.

Diversion

3 There is a need for diversionary community alternatives to prosecution when children admit their offences. Warnings, cautions and admonitions can be accompanied by measures to assist the child at home, with education and with problems or difficulties. Conferences which involve the victim and members of the community may be particularly useful provided that there are safeguards to protect the well being of the child. Prosecuting authorities should develop guidelines to assist diversion in the lower courts.

Pre-Trial Detention

4 Children should, where possible, be released into the care of their families to await trial in their own homes. Conditional release should be accompanied by measures to support and supervise the child and family. A maximum time limit should be set for keeping a child on bail according to age and offence. Pre trial Detention should not be used for children other than in exceptional circumstances and under 14's should never be detained in prison establishments. Where it is used it should be for the shortest time, with a cut off period for which a person may be held awaiting trial, after which the child should be released on bail. Bail and other forms of conditional release should be accompanied by measures to support and supervise the young person and their family. Separation from adult detainees and strict monitoring of the conditions of children detained pre trial are imperative.

Alternative Sentences

5 A wide range of alternative sentences are needed particularly those which emphasise the values of restorative justice and seek to meet the needs of young people which are leading them into crime. Intensive programmes should be developed for more persistent and serious young offenders. Fostering and residential placements in educational and treatment facilities should be available where necessary.

Youth Courts

6 Special child courts/tribunals with less formal proceedings should be established for dealing with under 18's. Such courts should be held in camera and the presence of the parent/guardian is important. Judges should receive special training and concern themselves with the application of sanctions and measures as well as just sentencing. Sentencing should be based on a careful assessment of the needs of the young person as well as the circumstances of the offence. Legal representation should be encouraged and where a child is facing the possibility of a custodial sentence the state should automatically provide immediate legal support and aid.

Custodial Sentences

7 Custodial sentences should be used as a last resort and for the shortest time, and used only in exceptional cases. Small open facilities with minimal security measures should be developed for children serving such sentences. Education and rehabilitation should be the main priorities. Decisions about the placement of young offenders in establishments should balance the need to maintain family contacts with the need for specialist regimes. A minimum age for placement in prison establishments should be set and should be no lower than 14.

Detention Facilities

8 Separate facilities should be used for children who are detained namely no mixing with adults. In large prison establishments, adult prisoners should not be used as guards in the unit where children are held. Regimes should be constructive with education, sporting and cultural activities provided during the day and in the evenings. Adequate numbers of staff should be trained and vetted. Non-governmental organisations should be encouraged to play a full part in the life of the institution. Facilities should have an anti-bullying policy and systems for mediating disputes between detainees. Appropriate methods of discipline, control and restraint should be used based on the minimum necessary use of force. Records should be kept and inspected of such incidents. Needs and risk assessments should be undertaken on admission with more serious offenders separated from less serious ones.

Inspection

9 Systems of independent scrutiny and inspection should be established for institutions for children. These should comprise government inspectors and representatives of the local community. Complaint systems with an independent element should be in place.

Independent visitors should be encouraged to befriend young people and advocate on their behalf. Non-governmental organisations working on human rights issues should play a role in monitoring institutions for children or any other institutions where children are held. Matters for scrutiny should include the rights to privacy for children, to make complaints, to be held in open institutions unless security is necessary for the safety of the child or the public, the right to contact with family and the right to access educational, leisure, health and rehabilitative programmes.

Family Links

10 Every effort should be made to encourage contact between detained children and their families and communities. Visits should take place in private settings and children should be permitted to make visits to their family homes. Plans should be developed to assist the reintegration of the child into their family and community when they are released from detention. Reintegration programmes should be developed to help children move back into, and become contributing members of their communities.

This document is extracted from PRI's information pack on Juvenile Justice.
www.penalreform.org

APPENDIX 5

EXAMPLE OF OVERALL JUVENILE JUSTICE REFORM: UGANDA ³

The Reforms

- The **minimum age of criminal responsibility** has been raised from 7 to 12 years.
- **Specialized children's courts** (family and children's courts) have been established throughout the country (for all criminal cases against a child except capital offences and where a child is jointly tried with an adult). Informal setting; closed to the public; parents/guardians present wherever possible.
- The Children's Statute gives village courts **jurisdiction over minor criminal cases** such as affray, theft, criminal trespass, acting as a diversion option and giving children improved access to justice in some cases.
- **Expediting trials.** Limitations on the length of any trial process: children's cases will be dismissed if the trial is not completed within 3 months after the plea is taken (12 months in the case of serious crime) or thereafter be dismissed. Maximum 6 months on remand in the case of serious offences and thereafter the child should be released on bail.
- **Sentencing.** Policies emphasise community options. Where unavoidable, detention to be used only for a maximum of 3 months for a child under 16, and a maximum of 12 months for a child above 16, and a maximum of 3 years in case of a capital offence. The formal courts are encouraged to use options such as probation, caution, fine, absolute discharge and other alternatives which allow the child to remain with his/her family. At local levels, the village courts (which are not allowed to remand a child in custody or to make a detention order) can give orders such as compensation, restitution, apology, caution and such other orders that involve the community.
- **Relaxed bail conditions.** The requirement for cash as pre-requisite for bail has been relaxed in favour of the child or his/her parents or guardians promising that the child will return to court when required.
- **Diversion and community options:** Reflected in the provisions of the Statute and there are provisions for diversion at village level, by the police, family and children's courts, magistrates court and the high court.
- **The offence of 'being idle and disorderly' has been decriminalised.** Prior to the enactment and coming into force of the Children Statute, children charged with being idle and disorderly counted for over 50% of the children in the remand homes, especially the remand home in the capital city. Currently, children are not charged with this offence and the number of children on remand has drastically reduced.

³ Kakama, P.T., *Juvenile Justice in Uganda*, Save the Children, UK, paper presented at a seminar on Juvenile Justice held in Lilongwe, Malawi, 23 - 25 November 1999.

Responses to the reforms

- **General support from top government officials** who, despite the structural and financial constraints related to implementation of the Children's Statute, would like to give the reforms a chance.
- **Family and Children Courts have been gazetted** and these are spread throughout the country. The rules for the conduct of these courts have been enacted and made available to all the courts and probation and welfare officers.
- **The establishment of Court Users Groups** in some districts has improved co-ordination and contributed to the reduction of children on remand. **A pilot initiative ('Chain-Linked' project) aimed at improving co-ordination, communication and co-operation among the principal actors in the criminal justice system is underway.** This initiative is already having an impact in terms of speedy trial and reducing congestion in places of custody – mainly the police cells and prisons. National and district training initiatives for all judicial officers, police and probation/welfare officers has started to ensure understanding of the laws. Positive attitude to change and practice is already being observed in many respects.
- **Attempts are being made to recruit probation/welfare officers** in some districts where they did not exist, as they have a key role in the implementation of the reforms.
Places of remand are being established in some districts to reduce the long transfers and movement of children from one area to another in search of remand homes.
- **A legal aid clinic has opened at the Law Development Centre in the capital, Kampala.** The clinic provides legal aid services to indigent adults charged with minor offences and children. A total of 188 cases had so far been handled at the time of the report (1997) and there is potential for more and more children to access legal aid.
- **Training guides on the Statute have been prepared and the Children's Statute has been simplified into English and translated into six major local languages.** The simplification and translation of the statute means that the law can be read and understood by a large number of the population. This is imperative to enhance good practice and responses to children in conflict with the law as well as other categories of children who are in need of care and protection.

Challenges to implementation:

- **Understanding the rights of the child.** Further work required as this is probably the single most important factor that can have lasting impact, bridging the gap between knowledge of the law and actual practice.
- **Changing attitudes towards children in conflict with the law and punishment.** Law enforcement officers, judicial officers and the community need to appreciate that children in conflict with the law are better off if dealt with in their families and communities rather than in meting out severe punishments and incarcerating them.
- **Inadequate resources and infrastructure.** While the absence of resources and infrastructure affect the implementation of the reforms, there is a need for all the actors to look out for and use creative and alternative approaches provided in the Statute rather than the issue of resources being fronted to detract attention from the real opportunities offered by the statute for the better delivery of juvenile justice. This is crucial if the momentum so far gained is not to be lost.

The Way forward

With an appropriate legal framework in place, the next steps are the consolidation of the opportunities the new legislation offers. Particular attention must focus on enabling understanding within the community and across sectors that there are other - and probably better - solutions to the problems of child offending. The alternatives to incarceration and deprivation of liberty need to be demonstrated.

Postscript

In spite of the passing of the Children Act and the reform efforts of 1999, recent reports from the field indicate ongoing problems. For example: frustration at the lack of implementation of the Children Act which is being hampered by planning and resource constraints (e.g. children are still being held in adult cells; lack of family and children's courts; lack of social workers at police stations; lack of adequate hearing of children in cases of reported abuse). See also Chapter 6 of this book for the case study on the routine round-ups of street children in Uganda. There are also reports of specific incidents of indiscriminate killing of street children and young people - some of whom were caught stealing items such as mobile phones, car parts or iron roofing sheets. See also the postscript at the end of Appendix 6 in relation to ongoing problems of human rights violations by law enforcement officers.⁴

APPENDIX 6

THE ROLE OF THE POLICE: EXAMPLE OF GOOD PRACTICE FROM UGANDA⁴

The following is taken from the Police Guidelines drawn up by a special task group in Uganda (with Save the Children UK support), to help with the implementation of the Uganda Children's Statute 1996 (CS). The CS provides a legal framework for care and protection of all the children in Uganda. S.90 (2) of the CS states that: "The police shall be empowered to dispose of cases at their discretion without recourse to formal court hearings in accordance with the criteria laid down by the Inspector General of Police".

POWERS OF THE POLICE

A police officer shall have the power to arrest a child who is in conflict with the law. The police are empowered to caution and release a child in conflict with the law charged with specific offences as shall be highlighted in these Guidelines without recourse to the Court.

AGE OF CRIMINAL RESPONSIBILITY

The minimum age of CR set at 12 years; therefore no child below 12 shall be arrested by the police. When a child under 12 is suspected to be in conflict with the law, the police shall without any delay refer such a child to the Secretary Children Affairs or Probation and Social Welfare Officer.

PROCEDURE TO BE FOLLOWED BY POLICE WHEN HANDLING CASES INVOLVING CHILDREN IN CONFLICT WITH THE LAW

NOTE: where possible all cases involving children in conflict with the law shall be handled by the Child and Family Protection Unit (within the Police Force).

- Arrests shall not be carried out before gathering enough information to sustain the charge being brought against the child in conflict with the law.
- Where police arrests a child, his/her parents/guardians and the secretary children affairs (SCA) of the local council where the child lives shall be informed.
- On arresting a child the police shall write down the circumstances of arrest, the crime committed and other related details.
- A child in the custody of the police shall NOT be mixed with adult suspects.
- Female children shall be separated from male ones while in police custody.
- Where a female child is in conflict with the law, such a child shall be handled by a female police officer.
- A police officer on interviewing a child in conflict with the law shall ensure that the parent or guardian or SCA is present at the time of interviewing the child in conflict with the law.
- Where the police officer and in liaison with the SCA of the area fail to get the parents or guardians of the child in conflict with the law, the SCA shall be

⁴ Based on information from Human Rights Watch, *State of Pain: Torture in Uganda*, March 2004 and information supplied by street children to NGOs who wish to remain anonymous.

⁵ 'Implementation of the Children's Statute 1996 – Police Guidelines', published with support of Save the Children UK, 2000, cited in The Partnership for Global Good Practice (PGGP), *International Standards for the Administration of Juvenile Justice And Examples of Good Practice*, February 2002, pp.17-21.

required to be present at the time the child in conflict with the law is being interviewed by the police.

- Where the offence is triable in the Family and Children Court (FCC) or the High Court (HC), the Probation and Social Welfare Officer shall be present at the time of the interview.
- Where the circumstances of the offence are:
 - a not serious;
 - b child shows remorse;
 - c child is a first offender;

Then the police officer shall CAUTION the child and have him/her released.

Some of the cases where the police shall be able to caution and release the child in conflict with the law are:

- 1 Affray
- 2 Malicious damage to property
- 3 Criminal trespass
- 4 Theft
- 5 Common assault
- 6 Actual bodily harm

Where the child in conflict with the law is:

- a a habitual offender
- b shows no remorse
- c the offence is of a serious nature
- d the circumstances of the offence are serious

The police shall forward the child in conflict with the law to court with the jurisdiction to try such a child.

No child in conflict with the law shall be charged with offences such as 1 to 6 above; a child in conflict with the law alleged to have committed any of the aforementioned offences shall be referred to the Local Council as the court of first instance.

JURISDICTION OF THE LC COURT

The Jurisdiction of the LC Courts in Uganda covers inter alia points 1 to 6 above. A village LCC may make an order for the offences specified above as follows:

- Reconciliation
- Compensation
- Restitution
- Apology
- Caution

In addition the LCC may make a guidance order under which a child shall be required to submit himself / herself to the guidance, supervision, advice and assistance of a person designated by the court.

A guidance order shall be for a maximum period of six months. Proceedings in respect of a child appearing before a LCC shall be in accordance with the procedure laid down by the CS having due regard to the rights of the child.

POLICE BOND

Where the police is of the opinion that a child in conflict with the law:

- 1 shall not be dangerous to the community;
- 2 safety of the child is not at stake;

Then the police shall release the child on POLICE BOND.

A child in conflict with the law shall where the circumstances warrant, be afforded a Police Bond on his/her own recognizance (meaning a formal promise made to a police officer that one will appear at a place on a certain date and time as required).

INVESTIGATION

A key factor in the implementation of the CS is that in all matters relating to a child, whether before a court of law or any other person of authority, regard shall be given

to the general principle that any delay in the necessary processes is likely to be detrimental to the welfare of the child. Therefore the police shall ensure that all investigations are handled expeditiously without undue delay. A police officer investigating a case where a child has appeared before a Family and Children Court and a plea of not guilty has been entered shall ensure that investigations are completed in a period of less than one month. Where owing to the seriousness of the case, the matter is before the High Court, then the maximum period of investigation to be undertaken by the police officer in charge shall not exceed three months. Where exhibits have been recovered, proper care and handling of such exhibits is of paramount importance.

DETENTION IN POLICE CUSTODY

Custodial options such as detention of children in conflict with the law by the police shall be exercised as an option of last resort. Possibilities like Police Bond shall first be explored.

Where the circumstances warrant a detention of a child in conflict with the law, it shall be the duty of the police to provide an appropriate place for such detention.

Such a place of detention shall be fit to provide good care for the child in conflict with the law. Detention of children in conflict with the law before presentation to court shall not exceed 24 hours.

The place of detention shall be of such a nature that the child in conflict with the law is not brought into contact with adult suspects in police custody.

While in detention the welfare of the child shall be of paramount consideration.

RECORDS

Proper and accurate record keeping is crucial to ensure that cases involving children in conflict with the law are followed through the criminal justice system.

Access to such records shall be limited to persons directly concerned with the disposition of the cases at hand or other duly authorised persons.

GENERAL INFORMATION ON CHILD RELATED CASES

The police shall not release any information that is likely to affect the welfare of the child in conflict with the law or disclose the identity of the child except where it is absolutely necessary for purpose of carrying out the relevant investigations.

Postscript

In spite of the passing of the Children Act and the reform efforts of 1999, recent reports from the field indicate ongoing problems. For example street children are complaining of continued beatings by law enforcement officers: of 8000 treatments in 2002 offered by the medical services at The Tigers Club Project, 25% were wounds inflicted on the street in fights or by security forces, guards, police, Local Defence Units or older street children.⁶ Likewise, a Human Rights Watch report (March 2004) indicates a recent rise in reports of beatings and deaths among older street children and young people. Street children and young people in particular cite the tactics of the Violent Crime Crack Unit which is in theory supposed to be addressing anti-terrorism, but which in practice seems to target anyone deemed 'socially undesirable.' Furthermore, street children are allegedly still being held in adult cells and are regularly being rounded up by the police (highlighted as a case study in Chapter 6 of this book). See also the postscript at the end of Appendix 5 in relation to problems regarding implementation of the Children Act in Uganda in general.⁷

⁶ Information supplied to Consortium for Street Children by Tigers Club Project, May 2004.

⁷ Based on information from Human Rights Watch, *State of Pain: Torture in Uganda*, March 2004 and information supplied by street children to NGOs who wish to remain anonymous

APPENDIX 7

THE EUROPEAN NETWORK OF OMBUDSPERSONS FOR CHILDREN (ENOC) - 'JUVENILE JUSTICE: EUROPE'S CHILDREN'S CHAMPIONS CHALLENGE GOVERNMENTS TO RESPECT YOUNG OFFENDERS' RIGHTS'

As children's ombudspersons in 21 European states, we are very concerned at the tone of political and media debate and the direction of public policy and legal changes concerning juvenile offenders in many of our countries.

Children in conflict with the law are still children first and do not lose their human rights, including rights to special treatment and protection, to education and to health.

We believe that current trends to reduce the age of criminal responsibility and to lock up more children at younger ages must be reversed. The treatment of young people placed in penal institutions in many of our countries is a scandal – breaching their fundamental human rights.

Across Europe, ages of criminal responsibility vary from as young as 7, 8 and 10 up to 16 in some states and 18 – but with exceptions – in a few; the definition also varies. We believe that the concepts of “responsibility” and of “criminalisation” need to be separated. The Convention on the Rights of the Child (CRC) proposes a separate, distinct system of juvenile justice; it requires that this must be focused on respect for all the rights of the child and on the aims of rehabilitation and re-integration. This focus and these aims are not compatible with “criminalising” child offenders.

We do believe that children should be held “responsible” for their actions in line with the concept of evolving capacities and our strong advocacy for respect for children's views in all aspects of their lives. It is essential to establish responsibility for crimes. Where responsibility is disputed, there has to be a formal process to determine responsibility in a manner which respects the rights of the alleged offender. But this process does not have to lead to criminalising children.

In promoting policies which respect the human rights of young offenders, we emphasise that we are not in any way neglecting the rights and concerns of victims of juvenile crime, who must receive appropriate reparation and support from the state. But their interests are not served by pursuing policies that fail to rehabilitate offenders and tend instead to make them more prone to offend and possibly more violent. We must also highlight the fact that children are far more often victims of crime, including violent crime, than perpetrators.

We believe that all states, far from considering lowering current ages of criminal responsibility, should aim progressively to raise them to 18, developing innovative systems for responding to all juvenile offenders below that age which genuinely focus on their education, reintegration and rehabilitation. As proposed in the CRC, states need to develop a range of alternative measures to divert children from the juvenile justice system. They also need to ensure training and re-training, emphasising the human rights of children, for all those involved with children in conflict with the law. More broadly, states need to develop preventive strategies, as highlighted in the UN Guidelines for the Prevention of Juvenile Delinquency.

While it may be necessary to employ compulsory measures in responding to juvenile offenders, it is neither in the interests of children nor of the broader society to pursue measures which are purely punitive in intent, including the use of custody. Research tells us that rates of re-offending and in particular violent offending are increased by depriving children of their liberty. The only legitimate reason for detaining children, before or after trial, must be that they pose a serious and immediate risk to others. In these rare cases, the use of custody should be constantly reviewed and other alternatives of close supervision considered. Conditions in custody must respect all human rights as set out in the CRC and in the United Nations rules and guidelines on juvenile justice; all children must in particular have equal access to appropriate full-time education. In accordance with the CRC, in all cases children in custody should be separated from adults.

We note that international human rights monitoring bodies and the human rights mechanisms of the Council of Europe share our concerns: the European Committee of Social Rights, which monitors compliance of member states with the Social Charters, has expressed concern at the use of custody, including for remanded children, and also at proposals to reduce the age of criminal responsibility. The European Court of Human Rights has found that methods of trial and sentencing and treatment of juveniles in some states breach the European Human Rights Convention. The European Committee for the Prevention of Torture, following visits to countries and inspections of institutions, has frequently expressed concern about the treatment of juveniles deprived of their liberty and also underlined that deprivation of liberty must only be used as a last resort. The Committee on the Rights of the Child, monitoring states' compliance with the CRC, has echoed these and other concerns in its comments on reports from European states.

ENOC urges individual states urgently to review their juvenile justice systems against the requirements of the CRC and European human rights instruments. It urges the Council of Europe, including the Committee of Ministers and the Parliamentary Assembly, to give priority to highlighting, developing and enforcing the human rights standards applicable to children who are in conflict with the law in the 45 member states.

In addition, ENOC urges the Committee on the Rights of the Child rigorously to examine States' progress towards respecting the rights of children in conflict with the law and to encourage a single-minded focus on rehabilitation and re-integration, not criminalisation, for all children up to 18.

Stockholm, 17 October 2003

APPENDIX 8

STREET CHILDREN AND JUVENILE JUSTICE: CHILDREN'S PARTICIPATION – ACTIVITY EXAMPLES (PHILIPPINES)

Background: The CSC Street Children and Juvenile Justice Project was implemented in the Philippines by a group of NGOs across the country, coordinated by the Psychosocial Trauma and Human Rights Program of the University of the Philippines (UP CIDS PST).⁸ The emphasis of the project was on the meaningful participation of children themselves. The partners in the Philippines therefore developed 2 modules of activities for use with children. The first is for use with children in the community / already taking part in NGO programmes. The second is for use with children who are actually in detention and rehabilitation centres. Children's workshops were conducted in different regions of the country, facilitated by young people themselves with adult support. The children then voted for a few of their peers to represent their regional findings at a national consolidation children's workshop. CSC is very grateful to the partners in the Philippines who have agreed to share these materials in the hope that they may be adapted to suit the situation in other countries in order to further promote meaningful children's participation as part of this project. A small sample of activities is included here. Full copies of the modules are available electronically from info@streetchildren.org.uk.

EXAMPLES OF 3 ACTIVITIES TAKEN FROM THE 'COMMUNITY AND NGO PROGRAMMES' MODULE

STAGE: PRE-DETENTION ACTIVITY: SENTENCE COMPLETION

Objectives:

- 1 To evoke the children's experiences on their families, communities and friends
- 2 To share about experiences before they were detained by the authorities

Duration: 15 minutes

Instructions:

- 1 Instruct the participants to pair off – preferably with the person next to them.
- 2 They will complete the sentences that the facilitator will announce. Each pair

⁸ The other partners are ChildHope Asia Philippines, PREDA, Tambayan Centre and Freelava Inc.

will take turns completing the sentence and will be given about 5 minutes to share.

- 3 The sentences will be:
 - a "My family is..."
 - b "I am happy when..."
 - c "I was sad when..."
 - d "My friends are..."
 - e "I am close to..."
 - f "I do not like ...[person]"

STAGE: DETENTION

ACTIVITY: "INSIDE THE DETENTION CENTRES"

Objective: To present through dramatization or tableaux actual experiences in detention

Duration: 45 minutes

Instructions:

- 1 Instruct the children to pick a partner. After they have paired off, tell them that each pair will make a tableau that will show an activity that they did or a situation they experienced while they were in jail.
- 2 The facilitator will tell half of the pairs to 'unfreeze' and look at the other pair who will maintain their poses. Those who 'unfroze' will observe the others. The facilitator will tell those who are still in the tableau that he/she will point to a pair and that pair will add a short dialogue and action to their tableau. After they have acted out, they will return to their tableau. After all the pairs have done so they will 'unfreeze' and the other group will resume their tableau with the previous group looking on.
- 3 The facilitator will then tell the pairs to merge into 2 main groups. The 2 groups will now each create a bigger tableau of their activities and situation while they were in jail. (Give them 5 minutes to prepare).
- 4 As the first group presents their tableau, the facilitator will instruct the children that when he/she taps the shoulder of a character in the tableau, he/she will add dialogue and action.
- 5 The next group will present and the facilitator will give the same instructions.

The details of the experiences that were seen in snatches in the tableaux will be discussed. The following details must be discussed:

a Experiences while in jail:

- i Where did they take you after your arrest?
- ii What does the detention place look like?
- iii What did they feed you?
- iv Did they make you do anything? If so, what?
- v Who were the people inside the detention cell?

b The factors that were detrimental to the child

- i What things did you not like inside the detention cell?
- ii Was there anything that made your situation worse?

c The good practices

- i What practices did you like inside the detention cell?
- ii Was there anyone who helped you there? What help did they give you? Did they treat you kindly? What kind of treatment did you receive?

d The child's thoughts and feelings while in detention

- i What did you think or feel while inside the detention cell?

e How long was he/she in jail and what were the circumstances that led to his/her release?

- i How long did you stay inside the detention centre before you got out?
- ii How were you able to get out? Did someone help you? Who? What did s/he do?

Synthesize their sharing.

STAGE: RECOMMENDATIONS – ‘FROM OUR POINT OF VIEW’**ACTIVITY: “CLOTHESLINE”**

Objectives: To recommend measures and concrete actions at the local and national levels guided by the 5 pillars of justice.

Duration: 1 hour

Materials: yarn / string; paper; sticky tape or stapler

Instructions:

- 1 Write down the following on five postcards / index cards:
 - a law enforcement
 - b prosecution
 - c courts
 - d correction
 - e community
- 2 For each of the 5 postcards, attach one end to a piece of string and the other end to the wall to create 5 ‘labelled’ clotheslines (which can either hang down loosely from the wall, or can be stretched across the room horizontally).
- 3 Give 5 pieces of paper to each of the participants.
- 4 Ask the participants to think of one recommendation (how to better protect or uphold the rights of children – be clear whether they are talking about children actually ‘in conflict with the law’ or ‘children in need of care and protection’ who have been caught up in the system) per pillar of justice. Remind them to think of concrete, ‘doable’ actions or programmes.
- 5 Ask the participants to ‘hang’ or staple their recommendations on the yarn/clothesline.
- 6 Gallery walk: allow 3 minutes for all the participants to read the answers.
- 7 Facilitator assigns a group to a ‘pillar’ and asks the group to carefully read the recommendations and collate/synthesize the responses.
- 8 Reporting: each group presents their collation/synthesis.
- 9 Facilitator synthesizes the whole activity.

Option to compile information from the workshop into a matrix format as below. (Suggestion: a group works on an initial draft based on discussion/output of previous sessions).

	LAW ENFORCEMENT	PROSECUTION	COURTS	CORRECTION	COMMUNITY
APPREHENSION	a rights violated b good practices c recommendations	a rights violated b good practices c recommendations			
Detention	a rights violated b good practices c recommendations	Etc.			
Adjudication and Post-adjudication	a rights violated b good practices c recommendations				
Rehabilitation					

EXAMPLE OF AN ACTIVITY TAKEN FROM THE ‘DETENTION AND REHABILITATION CENTRES’ MODULE**STAGE: COMPARISON OF EXPERIENCES BEFORE AND DURING DETENTION****ACTIVITY: (PART 1) PREPARATION FOR COMIC STRIP ACTIVITY****Objectives:**

- 1 To identify the different features of a comic strip/book
- 2 To prepare the participants to make their own comic strip/book based on their life stories

Duration: 15 minutes

Materials: a local language comic strip/book

Instructions:

- 1 Show to the participants a sample of a comic strip or book in a local language. Pass it around and ask a few of the participants to read one box or 'frame' from the comics.
- 2 After reading, the facilitator will help the children identify the different features of a comic strip/book.
- 3 Describe the comic strip/book.
 - a Who are the main characters of the comics? What can you say about the characters? Are they based on real life?
 - b What are the comics all about? What is the topic or main issue?
 - c How is the storyline presented? (dramatic or funny)

ACTIVITY: (PART 2) 'COMICS: FROM OUR HOME TO OUR HOUSE WITH NO FREEDOM'

Objectives:

- 1 To evoke the experiences/ situation from the time they were still with their families to their current situation in detention or rehabilitation
- 2 To make a comic strip/book about their experiences/ situation before they were put in detention/ rehabilitation until the present

Duration: 30 minutes

Materials: drawing materials (papers, pencils, crayons, etc.)

Instructions:

- 1 Instruct the children to draw their experiences and/or situation from the time they were still with their families up to the time they violated the law and were put in detention or rehabilitation.
- 2 Give them drawing materials. Instruct them to draw as if they are drawing for a comic magazine. They may use stick figures of people as long as the conversations are clear.
- 3 Be sure that their drawings will accordingly show the following:
 - situation at home before they were arrested (home)
 - a picture of their community and friends (community and friends)
 - event/s that led to their arrest (arrest)
 - condition inside the detention or rehabilitation center (inside the detention cell)
 - wishes and efforts to be released from detention or rehabilitation ('I wish that...')
- 4 Allow 30 minutes for them to draw. (However, adjust your time accordingly if they need more time to finish their drawing.)

APPENDIX 9

RACISM IN CRIMINAL JUSTICE SYSTEMS ⁹

HOW IS RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE MANIFESTED WITHIN CRIMINAL JUSTICE SYSTEMS?

Racism or racial discrimination may occur in multiple forms and at all stages of the criminal justice and prison systems, and in many instances lead to serious violations of fundamental human rights.

Within law enforcement agencies, it may occur during the period of investigation, at the moment of arrest, as part of the decision to charge a person with a criminal offence, and during any period spent in police custody.

Discrimination may also occur as a result of inherent characteristics of vulnerable persons, including ignorance of local laws and culture; ignorance of the local language and lack of access to translators / interpreters at critical stages of the criminal process; lack of access to diplomatic consulates; fragile or illegal residential status; or inability to access, or lack of financial resources for, an adequate defence.

Court or administrative procedures and decisions may also in practice result in racially discriminatory outcomes, such as overtly or covertly prejudicial judicial or

⁹ Penal Reform International, 2001 *Anti-Racism Programme: Final Report*, July 2002, pp.12-15

jury decisions; disproportionately harsh sentencing (including the death penalty) or the failure to apply appropriate non-custodial sentencing; and a lack of understanding of cultural differences, or understanding of the very stresses related to being a member of a racially vulnerable group.

Vulnerable groups also suffer racial discrimination whilst serving sentences passed by the court. They may be assigned onerous prison sentences, even when non-custodial options exist; during prison detention they may be physically, linguistically, and culturally isolated in an active or passive fashion; they may be the victims of hatred, harassment, dehumanisation or violence by prison inmates and staff; they may suffer from inadequate human resources policies, for example the absence of, or low-ranking, staff of minority status; they may suffer particular difficulties obtaining discretionary release, such as remission or parole.

Finally, vulnerable groups may suffer disproportionate hardship after conviction, and/or release from imprisonment, such as reintegration into the society, due to increased stigmatisations and lack of access to cultural and economic support resources, accommodation, education, health and employment.

HOW CAN RACISM AND RACIAL DISCRIMINATION IN CRIMINAL JUSTICE AND PENAL SYSTEMS BE PREVENTED OR ERADICATED?

There is no exhaustive 'formula'. It requires:

- clear **recognition** that the problem exists;
- **comprehensive and transparent policies** designed to combat such discrimination;
- **genuine desire and commitment of governments, civil society leaders and citizens** to bring about effective and lasting change;
- ratification and implementation of international instruments;
- **examination and precise definition of the causes and victims** of discrimination (which are specific to local and national circumstances);
- acknowledgement of 'the often **mutating, systemic and hidden manifestations** of discrimination, sometimes at the highest levels of governance'.

Preventive measures can include:

- **research** (with particular focus on root causes);
- developing clear and comprehensive **national policies**;
- implementing **race-awareness training and monitoring of personnel** in the system;
- **education and awareness-raising** programmes for the general public;
- **active recruitment at all levels** of the criminal justice system that reflects the racial diversity of societies;
- ensuring the **right to an effective defence**;
- **right to a translator / interpreter**, free of charge, at all stages (in particular during interrogation);
- **prompt and regular access to diplomatic representatives** in the case of foreign nationals;
- clear and comprehensive **communication and explanations**.

Remedying measures can include:

- legislative, policy, procedures and practice **review**;
- providing **specific programmes for social reintegration of vulnerable persons** upon release;
- **affirmative action recruitment procedures**;
- **eradication of impunity** of any personnel who engage in racist behaviour (including disciplinary or criminal sanctions, full, rapid and effective investigations of complaints (monitored), and right to appeal against arbitrary detention).

APPENDIX 10

[DRAFT] SCREENING TOOL FOR CHILDREN WITH EMOTIONAL, BEHAVIOURAL AND DEVELOPMENTAL CHALLENGES

Prepared by Children's Developmental Centre (CDC), Lagos, Nigeria
(Revised following June 2003 workshop)

The essence of the screening is not to make a diagnosis, but to assist us to identify street children who could have developmental disabilities. This is by no means a tool that should be used alone but in conjunction with proper observations and by professionals who have been trained in the field of developmental disabilities when possible.

If by using this tool there are some concerns about the child, then to confirm these apprehensions a doctor or clinical/educational psychologist must be asked to confirm by using appropriate assessments. The idea of screening is to make sure that children with special needs are given appropriate services when caught up in the juvenile justice system and given suitable placements.

It is our opinion that the tool should continue to be developed to improve on its sensitivity.

Below are some questions which should assist in screening the child under observation, put a tick against the appropriate box.

	PHYSICAL APPEARANCE	YES	NO
1	Are there any unusual appearances?		
2	Does the child have mobility problems?		
3	Does the child appear to have normal vision?		
4	Does the child hear when spoken to?		
5	Does the child respond slowly when spoken to?		
6	Were any "fits" observed during screening?		
	COMMUNICATION & COMPREHENSION: Does the child	YES	NO
1	Respond when spoken to?		
2	Follow simple instructions?		
3	Remember commands and carry them out?		
	EXPRESSION: Does the child	YES	NO
1	Have any speech?		
2	Have unintelligible speech?		
3	Have difficulty in speech (poor speech)?		
4	Speak well?		

Please describe any other health issues & problems, related either by the child or through previous records where available.

Below is a list of observable behaviours, tick against any observed in the child.

		YES	NO
1	Avoids eye contact		
2	Easily distractible		
3	Frequently interrupts when spoken to		
4	Has difficulty waiting turns		
5	Reasons below his/her age		
6	Is very overactive (e.g. won't sit, paces about)		
7	Displays odd or stereotyped behaviour (e.g. rocks body)		
8	Is self-injurious (bites self, head-banging)		
9	Aggressive towards others (fights staff and other children)		
10	Engages in destructive behaviour (breaks or throws things, burns property)		
11	Depressed and moody		

Other unusual behaviour

Included with the screening tool should be the child's educational record (if available).
Get as much information from the child using these questions.

- 1 **Have you been to school before?**
- 2 **What is the name of your last school?**
- 3 **What class were you in?**
- 4 **When last did you attend school?**
- 5 **What was your favourite subject in school? Which ones did you not like?**
- 6 **About how many students were in your class?**
- 7 **Did you attend a special school or have a special programme in your school?**
- 8 **Did you see a speech therapist, physiotherapist, social worker or psychologist?**

And any other relevant questions.

APPENDIX 11

UNDERSTANDING MENTAL DISABILITY: TABLE OF SOME DEVELOPMENTAL DISORDERS / DIFFICULTIES, DEFINITION, DESCRIPTION, PHYSICAL MANIFESTATIONS AND CAUSES¹⁰

DISABILITY	DESCRIPTION	PHYSICAL MANIFESTATION	CAUSES
MENTAL DISABILITY OLD TERM MENTAL RETARDATION	An adaptive and intellectual functioning significantly below average, language and communication impairments - Wide range of impairment and thus of function	No physical manifestation unless co-morbid with down syndrome.	<ul style="list-style-type: none"> • Prenatal • Perinatal • Postnatal • Environmental
DOWN SYNDROME OR TRISOMY 21	Most common cause of mental disability caused by a chromosomal aberration (on chromosome 21) retardation may range from moderate to severe	Oval shaped eyes that have an upward slant, folds at the corner of eyes (lower lid), wide and flat nasal bridges, a small mouth with a flat roof which makes the tongue protrude somewhat, stubby fingers, short and Stuart physique.	Chromosomal abnormality (three instead of two copies of chromosome 21 are present). More common among women having babies when they are older (40 years and above).
LEARNING DISABILITIES	Reading, mathematics or written expression performance (that is) substantially below levels expected relative to the person's age, IQ, and education. Dyslexia: difficulty reading well or recognizing words. Dysgraphia: difficulty writing clearly and legibly. Dyscalculia: difficulty in accurately as well as rapidly recalling mathematical facts.	No physical manifestation unless co-morbid with some other physical disability.	<ul style="list-style-type: none"> • Heredity • Brain abnormalities • Cerebral palsy • Mental disability
CEREBRAL PALSY	Affects movement & posturing of the child <ul style="list-style-type: none"> • Due to non progressive defect of the brain. • A term used to describe a variety of neurological conditions • Results in impaired motor function 	<ul style="list-style-type: none"> • Affects one arm or leg (monoplegic) • Affects both legs (diplegic) • Arm and leg on the same side of body (hemiplegics) • Both arms and both legs / whole body (Quadriplegic) 	<ul style="list-style-type: none"> • Poor maternal nutrition. • Infection • Premature birth • Insufficient oxygen at time of birth • Accidents • Brain damage prior, during, or shortly after birth. • Unknown
ATTENTION DEFICIENT HYPERACTIVITY DISORDER (ADHD)	<ul style="list-style-type: none"> • Persistent lack of attention and/or over activity. • More severe than the pattern development • Symptoms are present before age 7 • Interferes with functioning in more than one setting. 	None	<ul style="list-style-type: none"> • Heredity • Toxic elements in the environment • Refined sugar • Lead poisoning • Nicotine • Modelling after a hyperactive person particularly a child • Upbringing style of parents e.g. –authoritarian upbringing.

¹⁰ Children's Developmental Centre (CDC), Lagos, Nigeria. Training / resource materials, National Workshop on the Human Rights of Street Children within the Juvenile Justice System of Lagos State, 3 June 2003, reproduced in Human Development Initiatives and Consortium for Street Children, *Street Children and the Juvenile Justice System in Lagos State*, 2004.

DISABILITY	DESCRIPTION	PHYSICAL MANIFESTATION	CAUSES
HEARING IMPAIRMENT	May be mild, moderate, severe or profound depending on degree of decibel loss (sound loudness). It may be conductive that is in conducting sound (in middle or outer ear), or it may be sensory- neural that is it affects the pathway from ear to brain; involves the inner ear.	None	<ul style="list-style-type: none"> • Heredity • Maternal illness such as rubella during pregnancy. • Congenital
SPEECH / LANGUAGE DIFFICULTIES	<p>The language disorders range from having difficulties finding the right words to being totally unable to use words i.e. being nonverbal.</p> <p>* Stuttering; a rhythm disorder in which words are produced individually instead of sequentially.</p> <p>* Articulation disorders arise when words are substituted &/or omitted</p> <p>* Motor speech disorder is seen in children with CP and is due to poor or inadequate control of oral motor muscles</p>	None (except if the child has a physical impairment from CP)	*Can result from any of the causes of any disability.
ATTENTION DEFICIENT DISORDER (ADD)	Marked by a gross inability to pay attention. It should be noted that a child could have ADD and not be hyperactive. This differentiates the ADD child from a child with ADHD	None	Same as ADHD
CONDUCT DISORDER	<p>Marked by frequent acts/behaviors that violate the basic rights of others Goes beyond the mischief & pranks common among children & adolescents.</p> <p>Behavior usually includes aggression, damaging property, lying, stealing, cruelty toward people or animals, lack of remorse, viciousness.</p> <p>Persistent pattern of very antisocial behavior that is usually criminal. May begin in childhood and carry on through adulthood or may begin and end in adolescence</p>	None but could co-occur with any physical disability	<ul style="list-style-type: none"> • May be inherited in very few cases • After parents or significant others • Socio-economic disadvantages • Lack of parental supervision.
OPPOSITIONAL DEFIANT DISORDER	<ul style="list-style-type: none"> • Repeated refusal to comply with requests from adults • Deliberately doing things to annoy others • Losing temper very early 	None but could co-occur with any physical disability	Same as Conduct Disorder

APPENDIX 12

GUIDELINES FOR RECOGNIZING AND RESPONDING TO TRAUMATIZED CHILDREN ¹¹

Katherine Porterfield, Ph.D., Bellevue/NYU Program for Survivors of Torture

Myths about children and trauma

- Children are not affected because they are too young or immature to understand
- Bringing up the past only makes things worse for children
- If children do not talk about the trauma, they must not be affected
- They will eventually forget

The three main components of trauma reactions

- Reexperiencing
- Hyperarousal
- Avoidance

What do trauma symptoms look like in children?

- Clingy behavior
- Increased fears and worries, especially related to the trauma
- Feeling suddenly scared or “jumpy”
- Nervousness
- Repetitive play or drawings
- Sleep difficulties, including nightmares
- Feeling sad/depressed
- Crying more than usual
- Having lots of aches and pains
- Being angry, irritable or aggressive
- Daydreaming / having difficulty concentrating
- Emotional numbing
- Social withdrawal
- School avoidance
- Avoiding reminders of the trauma
- Diminished sense of the future
- Overreactions to environmental changes, noises

Factors affecting children's responses to trauma

- Parental reactions to the trauma
- Degree of exposure to traumatic events
- Degree of disruption of family unit and routine in the aftermath of trauma
- Availability of positive social supports (i.e. school, community organizations, extended family)
- Overall resilience and competence of child

Identification

- Assess thoroughly
- Get history—knowledge of pre-trauma functioning is important
- Include teachers as reporters
- Use standardized measures—CBCL, Connors, ADIS

Advocacy

- Identify the child's caregivers (parents, guardians, older siblings, teachers, NGO workers, medical staff, social services)
- Educate caregivers about the child's experience
- Educate caregivers about trauma reactions

11 Adapted from the presentations 'Caring for Traumatized Refugee Children: Identification, Advocacy and Treatment' and 'Recognizing and Responding to Traumatized Children in Schools: Guidelines for Teachers and Guidance Counselors' by Katherine Porterfield, Ph.D., Bellevue/NYU Program for Survivors of Torture, www.survivorsoftorture.org, 2004.

- Normalize
- Enhance compassion and flexibility

Treatment for the traumatized child

- Normalize as a way to improve functioning and adapt to new environment
- Strengthen parental / caregiver responses and coping
- Involve the whole family / children's social support structures
- Emphasize resource-building and strengths

FOUR KEY AREAS FOR RESPONDING TO TRAUMATIZED STUDENTS

1 Communication

- Explain goals of the meeting
- Establish rapport/safety
- Make sure the context is appropriate (are other children present), and gently redirect if necessary
- Explain limits of confidentiality
- Listen to the child closely
- Assess for suicidal/homicidal ideation
- Validate and reflect back the emotion that they have expressed
- Acknowledge the child's strength
- Follow their lead on the trauma story—Do not “dig” for details or “force” the issue
- Use displacement as a technique: “Some teenagers have said they feel ...”
- Let them draw a picture or tell a story—ask them to imagine how things could be “fixed” or made better
- Answer questions simply
- Provide appropriate and necessary information
- Do not heighten fears by giving too much information
- Let them do something active to help

2 Coping

- The adults in a traumatized youngster's life are models of coping: parents, teachers, guardians, older siblings, NGO workers etc.
- Normalize the child's feelings, but help contain the child's reactions if they are out of control

3 Reassurance

- Emphasize that the child is safe and will be cared for
- Provide information about the efforts being made to address the situation
- Create opportunities for children to ask questions
- Do not overwhelm the child with too many details
- Avoid being falsely reassuring: you can provide hope, but be careful not to provide false hope

4 Routine

- Help create a consistent and predictable routine in the child's life
- Whenever possible give notice of significant changes before they occur
- Help children regain a sense of control and power
- Be flexible enough to deviate from the routine if the children become overwhelmed
- Do not involve children in worries about logistical issues
- [In institutional settings] Practice emergency procedures and drills

TIPS FOR CAREGIVERS: AVOIDING SECONDARY TRAUMATIZATION

Frequent experiences and feelings of caregivers after trauma

- Fatigue, sadness, depression, and numbness
- Cynicism, discouragement, frustration, and “compassion fatigue”
- Nervousness, jumpiness, tension, sleep disturbance, and nightmares related to the disaster
- Somatic problems: headaches, stomach problems, joint pain
- Doubting your own competency and abilities
- Feelings of helplessness, denial, irritability, anger and rage
- Feeling that you are doing something “small” or insufficient that will not affect the root causes of the problem
- Frustration due to inadequate resources and equipment

Things that can help

- Spend time with important people in your life (e.g. colleagues, family and friends)
- Acknowledge and talk about your feelings
- Give yourself permission to “feel rotten”
- Don’t burn out: Take breaks and take care of yourself
- Eat well and try to get as much rest as possible.
- Avoid things like too much sugar or caffeine
- Avoid numbing the pain with the overuse of drugs or alcohol
- Make as many decisions as possible that give you a feeling of control over your life
- Structure your time and try to keep busy with activities that you value
- Give yourself permission to do things that you enjoy – e.g. exercising, listening to music, laughing
- Set realistic goals for yourself: realize we can help survivors to cope, but we cannot “fix” the situation

APPENDIX 13

GUIDE TO THE CONSORTIUM FOR STREET CHILDREN'S URGENT ACTION PROCEDURE

What is it?

- **A set of letters to ambassadors and other relevant authorities highlighting and calling for action on human rights violations of street children in a particular country.** Organisations typically call for the full investigation of the case and prosecution of those responsible, as well as the awarding of compensation to the victims or their families.
- **The letters are based on information received from CSC's members and associates** and via OMCT (World Organisation Against Torture).
- **The letters are drafted by CSC but sent in the name of the Bar Human Rights Committee of England and Wales (BHRC)** in order to provide anonymity for our organisations and to maximise impact. [BHRC is an independent group of barristers from the well respected and influential professional lawyers' association, who work on a voluntary basis to uphold international human rights standards.]
- As well as targeting national government personnel and ambassadors directly, **letters are also sent to UK ambassadors** and are copied to the relevant country desk officers at the UK Foreign and Commonwealth Office in London.
- **Letters can also be copied to newspapers in the country concerned.**
- The tone of the letters is cordial yet concerned, with an emphasis on constructive dialogue.

Why use it?

- It can bring **immediate attention to individual cases** of human rights violations against street children in a particular country.
- It can **raise awareness of more systematic abuses** (i.e. by police / in detention etc.) amongst relevant government officials and the media.
- By using email, once we have received your information, the letters can be sent out when the events are still fresh in the minds of the people concerned.
- **Follow-up letters** are also possible to maintain pressure for updated information and action.
- It **develops a constructive dialogue** between NGOs and government officials / statesmen which can be called upon in future advocacy work.
- By working in association with the BHRC, the impact is greater than sending an appeal directly from an NGO.
- By **involving the UK government**, we can raise awareness and encourage the UK government to consider street children issues in its bilateral relations with other governments.

How does it work?

Should you wish to use this procedure, your organisation will need to send us details of the incident or situation including, where possible:

- names and ages of victims
- place where the incident occurred
- date of occurrence
- time of occurrence
- names of perpetrators (if known)
- a contact name at your organization
- contact details (fax, email or post) of who you wish us to send letters to
- any action you wish to be taken

Please make every effort to ensure that all details are thoroughly verified.

Then, **e-mail it to us at <info@streetchildren.org.uk>** and we will formulate your data into a letter for the Bar Human Rights Committee. A copy, along with any further correspondence, will be forwarded to your organization.

Who can use it?

- Any CSC member or associate.

What can it achieve?

- The urgent action letters are a convenient way to get issues into the right hands.
- We **receive replies detailing the steps that the government representative plans to take and outlining wider government policy issues on street children**. In such cases CSC then contacts organisations working on the ground for their responses which are then included in follow-up letters.
- Although feedback on specific situations is often difficult to obtain, and it is difficult to assess the impact of such letters in concrete terms, we still believe that this process of awareness-raising at influential government level is worthwhile.

Should I use it?

- **All appeals will be anonymous** unless you particularly wish your organisation to be named. In order to avoid negative repercussions, not even the Consortium is mentioned.
- ***If you have an individual case or wider situation of human rights abuse against street children and are either unable to act on it yourselves, or if you wish to strengthen your own response to it, then CSC's urgent action procedure may be of use to you.***



For further information, please contact the Advocacy Officer at:

Consortium for Street Children
Unit 306, Bon Marché Centre,
241-251 Ferndale Road, London SW9 8BJ, UK
Tel: + 44 (0)20 7274 0087 / Fax: + 44 (0)20 7274 0372
Email: info@streetchildren.org.uk

APPENDIX 14

THE UN STUDY ON VIOLENCE AGAINST CHILDREN ¹²

On 12 February 2003, United Nations Secretary-General Kofi Annan appointed **Paulo Sergio Pinheiro** of Brazil as the independent expert to lead a global study on violence against children. The purpose of the study is to provide an in-depth picture of the prevalence, nature and causes of violence against children. It will put forward recommendations for consideration by Member States, the UN system and civil society for appropriate action, including effective remedies and preventive and rehabilitative measures at the national and international levels.

The study will be guided by the Convention on the Rights of the Child which emphasizes children's rights to physical and personal integrity, and outlines States parties obligations to protect them from "all forms of physical or mental violence", including sexual and other forms of exploitation, abduction, armed conflict, and inhuman or degrading treatment or punishment. It also obliges the State to enact preventive measures and ensure that all child victims of violence receive the support and assistance they require.

The UN General Assembly called for the study in 2001 acting on the recommendation of the Committee on the Rights of the Child. In overseeing the implementation of the Convention on the Rights of the Child, the Committee held two days of general discussion on the issue of violence against children within the family and in school (2001) and state violence against children (2000). The request for an international study on the question of violence against children was an outcome of these days of discussion.

The independent expert, Mr. Paulo Sergio Pinheiro, is a former Secretary of State for Human Rights of Brazil and has directed the country's Centre for the Study of Violence since 1990. He will hold the position for two years and carry out his mandate in close collaborations with the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO).

Opportunities for NGO Involvement

- **National Networks and Coalitions:** National NGOs are encouraged to form and/or use existing national networks or coalitions to begin collecting relevant information for the study, prepare consultations about violence against children in their country, and plan ways to follow-up the study and its recommendations.
- **Sub-group on Violence and Children:** The NGO Group on the Convention on the Rights of the Child has established a new subgroup on violence against children. The subgroup will work to engage NGOs in the preparation and follow-up to the study, to engage the Committee on the Rights of the Child and other UN mechanisms on violence against children, and to seek ways to ensure that commitments made related to violence against children at the UN Special Session on Children are fulfilled. To join the sub-group, send an e-mail indicating your interest and confirming your support for full implementation of the Convention on the Rights of the Child to the group's co-conveners, Melanie Gow, World Vision International (melanie_gow@wvi.org) and Jo Becker, Human Rights Watch (beckerj@hrw.org).
- **Violence against Children E-mail list:** The Subgroup has established a new e-mail list to facilitate communication with NGOs about the study. The e-mail list will provide information on how NGOs can contribute to the study, regular updates as the study progresses, and information on regional consultations and other related events. To sign up to the e-mail list, send a message to childrenandviolence-subscribe@domeus.co.uk
- **NGO Advisory Group:** A small advisory group has been established and is advising on all aspects of the establishment of the Study, providing the

¹² Adapted from <http://www.unhcr.ch/html/menu2/6/crc/study.htm> and 'The UN Study on Violence against Children: A preliminary Guide to NGO Involvement' issued by the NGO Group on the Convention on the Rights of the Child, Sub-group on Violence and Children, 2003.

independent expert and study secretariat with input on the study's content, process and outcomes, encouraging and facilitating broad and effective NGO involvement in the study, and helping to mobilize effective follow-up to the study.

- **Further information:** See <http://www.unhchr.ch/html/menu2/6/crc/study.htm> for more details, including a copy of the official questionnaire sent to governments in 2004.

APPENDIX 15

INTERNATIONAL RESOURCES FOR JUVENILE JUSTICE ¹³

UN - general

- OHCHR: United Nations Office of the High Commissioner for Human Rights www.unhchr.ch
- UNAIDS: Joint UN Programme on HIV/AIDS www.unaids.org
- UNDP: United Nations Development Programme www.undp.org
- UNESCO: United Nations Education, Scientific and Cultural Organisation www.unesco.org
- UNIFEM: United Nations Development Fund for Women www.unifem.undp.org
- WHO: World Health Organisation www.who.int (Health in Prisons Project www.hipp-europe.org)

UN - child-specific

- UN Committee on the Rights of the Child www.unhchr.ch
- UNICEF: United Nations Children's Fund www.unicef.org
- UNICEF / ICDC: International Child Development Centre www.unicef-icdc.org

UN - justice

- UNICRI: United Nations Interregional Crime & Justice Research Institute www.unicri.it
- UNODCCP / CICP: United Nations Office for Drug Control and Crime Prevention in Vienna - Centre for International Crime Prevention www.odccp.org/crime_prevention.html

UN – regional / justice

- UNAFEI: United Nations Asia & Far East Institute for the Prevention of Crime and the Treatment of Offenders www.unafei.or.jp
- UNAFRI: United Nations African Institute for the Prevention of Crime and the Treatment of Offenders www.unafri.or.ug
- HEUNI: European Institute for Crime Prevention and Control www.heuni.fi
- ILANUD: United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders www.ilanud.or.cr

International / multilateral policy / development cooperation

- International Monetary Fund (IMF) www.imf.org
- World Bank (WB) www.worldbank.org
- Commission of the European Union (EU) www.europa.eu.int

Govt policy / bilateral development cooperation

- Australia Aid www.ausaid.gov.au
- Canadian International Development Agency (CIDA) www.acdi-cida.gc.ca
- Danish Agency for International Development (DANIDA) www.um.dk/danida

¹³ Adapted (with additional information from the author) from Roy, N. and Wong, M., *Juvenile Justice Review and Training Documents* prepared for Save the Children UK, 2002-3.

- Ireland Aid www.gov.ie/iveagh
- Japanese International Cooperation Agency (JICA) www.jica.go.jp
- Netherlands Development Cooperation www.minbuza.nl
- Swedish International Development Cooperation Agency (SIDA) www.sida.se
- UK Department for International Development (DfID) www.dfid.gov.uk
- UK Foreign & Commonwealth Office (FCO) www.fco.gov.uk
- United States Agency for International Development (USAID) www.usaid.gov

Other donors

- Esmee Fairbairn Foundation (UK) www.esmeefairbairn.org.uk
- Ford Foundation www.fordfound.org
- Oak Foundation www.oakfnd.org
- Open Society Institute (Soros Foundation) www.soros.org/osi

Professional / Academic

- American Bar Association, Center on Children and the Law
www.abanet.org/child/home2.html
- The Children's Legal Centre (CLC), Essex University www2.essex.ac.uk/clc/
- The Crime and Justice Research Centre, University of Wellington, New Zealand
www.vuw.ac.nz/cjrc
- International Centre for Prison Studies www.prisonstudies.org/
- International Institute For Child Rights & Development (IICRD)
web.uvic.ca/iicrd/
- Justice Center, University of Alaska, Anchorage
justice.uaa.alaska.edu/jcinfo.html

International NGOs

- Amnesty International (AI) www.amnesty.org
- Child Helpline International (CHI) www.childhelplineinternational.org
- Child Rights Information Network (CRIN) www.crin.org
- Consortium for Street Children (CSC) www.streetchildren.org.uk
- Defence for Children International (DCI) and the International Network for Juvenile Justice, (INJJ) www.defence-for-children.org
- Defence for Children International, Netherlands www.defenceforchildren.nl
(Children in Prison project)
- Glasgow University for Europe's Children www.eurochild.gla.ac.uk
- Human Rights Watch www.hrw.org
- International Centre for Criminal Law Reform and Criminal Justice Policy, Vancouver www.icclr.law.ubc.ca
- International Institute for the Rights of the Child (IDE) (Institut International des droits de l'enfant) http://www.childsrights.org/site_en
- Penal Reform International www.penalreform.org
- Save the Children (SC)
 - o SC UK www.savethechildren.org.uk
 - o Rädde Barnen SC Sweden www.rb.se
 - o International SC Alliance www.savethechildren.net
- Terres des Hommes (TdH) www.tdh.ch
- World Organisation Against Torture (OMCT) www.omct.org
- World Vision International (WVI) www.wvi.org

North America

- Annie E. Casey Foundation (AECF) www.aecf.org
- Coalition for Juvenile Justice (CJJ) www.juvjustice.org
- Conflict Resolution Network (Canada)
www.crnetwork.ca/restorativejustice/index.asp
- Office of JJ and Delinquency Prevention (US Govt) <http://ojjdp.ncjrs.org>

UK NGOs

- The Children's Society, UK www.the-childrens-society.org.uk
- Howard League For Penal Reform www.howardleague.org
- Independent Monitoring Board (IMB) (UK govt)
www.homeoffice.gov.uk/justice/prisons/imb
- Magistrates Association www.magistrates-association.org.uk
- Mediation UK www.mediationuk.org.uk
- NACRO Web:www.nacro.org.uk/services/youthcrime
- Prison Reform Trust www.prisonreformtrust.org.uk
- Restorative Justice Consortium www.restorativejustice.org.uk
- Rethinking Crime and Punishment www.rethinking.org.uk
- Shape the Debate: www.shapethedebate.org.uk

Consortium for Street Children members as of May 2004

NAME OF ORGANISATION	WEBSITE
Aid for Children of El Salvador (ACES)	www.magicchildren.co.uk
Amnesty International (Children's Human Rights Network)	www.amnesty.org
Anti-Slavery International	www.antislavery.org
Action for Children in Conflict	www.actionchildren.org
Action International Ministries UK	www.actionintl.org
Calcutta Hope	
Casa Alianza UK	www.casa-alianza.org
ChildHope	www.childhopeuk.org
Child Welfare Scheme	www.childwelfarescheme.org
Child at Risk Foundation (CARF -UK)	www.carf-uk.org
Children of the Andes	www.childrenoftheandes.org
Child-to-Child Trust	www.child-to-child.org
ECPAT	www.ecpat.org.uk
EveryChild	www.everychild.org.uk
GOAL	www.goal.ie
Hope for Children	www.hope-for-children.org
International Child Development Programmes	www.icdp.info
International Childcare Trust	www.ict-uk.org
International Children's Trust	www.childrens-trust.org
International HIV/AIDS Alliance	www.aidsalliance.org
International Planned Parenthood Federation (IPPF)	www.ippf.org
Jubilee Action	www.jubileeaaction.co.uk
Let the Children Live!	www.letthechildrenlive.org
Newham Bengali Community Trust	www.nbct.org.uk
Plan UK	www.plan-international.org.uk
Questscope	www.questscope.org
Railway Children	www.railwaychildren.org.uk
Save the Children Fund UK	www.savethechildren.org.uk
SKCV Children's Trust (UK)	www.skcv.com
Street Child Africa	www.streetchildafrica.org.uk
The Rocket Trust	
Themba Facilitate	www.themba.tv
Tigers Club Project	www.tigersclub.org
The Toybox Charity	www.toybox.org
UK Committee for UNICEF	www.unicef.org
World Vision UK	www.worldvision.org.uk
YCARE International	www.ycare.org.uk

Consortium for Street Children: Street Children and Juvenile Justice Project (Jan 2002 – Dec 2003) - International Partners



Human Development Network

AMAL Human Development Network, Pakistan: AMAL Human Development Network is a non-profit organization founded in 1997 and based in Islamabad, Pakistan. 'AMAL' means 'action' in Urdu, and is working in the education, gender and reproductive health sectors throughout Pakistan with particular emphasis on capacity building of NGOs and HIV/AIDS prevention and awareness. Its mission is: "Empowering individuals, communities and NGOs through provision of information and capacity building programmes - promoting equity, human rights and gender concerns." **Contact:** AMAL Human Development Initiatives, H. 7, Street 62, G-6/4 Islamabad, Pakistan. Tel: (+) 92 51 2824930; Fax: (+) 92 51 2272491; Email: amal@isb.compol.com; Website: <http://amal-hdn.org>



Asociația Sprijinirea Integrării Sociale (ASIS), Romania: As the only NGO in Bucharest working with 15-21-year-olds, ASIS aims: to meet the basic needs of (predominantly Roma) young people living on the street and to provide a series of steps to enable young people to leave this lifestyle if they are able and wish to do so, thus claiming their basic rights to protection, shelter, sustenance and dignity; to build self-esteem and resilience by empowering these young people to help themselves; to offer special counseling to help young people to free themselves of dependency on drugs and solvents; to encourage homeless young people to develop life skills ranging from basic numeracy and literacy to household management, budgeting and nutrition; to encourage and support young people in the pursuit of opportunities for vocational training and job-seeking skills with a view to employment and independence. **Contact:** ASIS, Calea Călărășilor nr. 4, bl. 105 A, sc. 4, et. 1, ap.94, Sector 3, București, România. Tel: (+) 40 1 323 38 55; Fax: (+) 40 1 323 38 55; Email: asis@dial.kappa.ro; Website: http://www.childhopeuk.org/projects/europe/bucharest_asis.shtml



Casa Alianza Nicaragua: Aims: to provide shelter and services to children and youth who are homeless or at great risk; to offer services to all youth who seek help, with a priority of concern and commitment to those for whom no other service is available; to make every effort to reunite children with their families; to collaborate with community agencies and associations and actively participate in community efforts to improve the condition of families and children; to advocate with and on behalf of youth to raise awareness in the community about their suffering. **Contact:** Casa Alianza Nicaragua, Del Portón del antiguo, Hospital El Retiro, 1 c. Al lago, 50 vrs. Abajo, Managua, Nicaragua. Tel: (+) 505 268 6171; Fax: (+) 505 268 6174; Email: nicaragua@casa-alianza.org; Website: www.casa-alianza.org



The CRADLE, The Children's Foundation, also known as the Child Rights Advisory, Documentation and Legal Center, Kenya: The CRADLE is a non-partisan, non-profit making and non-governmental organization committed to the protection, promotion and enhancement of the rights of the child through court representation, advocacy and law reform. Legal Aid is the core programme of the organization, providing legal advice, court representation and counselling to children in conflict with the law or in need of protection of the law. Other activities include: fact-finding missions; mobile clinics; rescue for abused children or children in situations that threaten their well being; a 'legal aid ambulance' for rapid response in cases of abuse; a legal awareness program including community and media awareness projects; undertaking public interest cases aimed at reforming discriminatory laws against children or certain group of children; children's rights monitoring and documentation. **Contact:** The CRADLE, Wood Avenue, Off Argwings Kodhek Road, Box 10101- 00100, GPO, Nairobi, Kenya. Tel: (+) 254 02 710156 / 0733 892499; Fax: (+) 254 02 710156; Email: cradle@wananchi.com; Website: www.crin.org/organisations



Human Development Initiatives (HDI), Nigeria: HDI is based in Lagos and was founded in 1996. Its primary focus is to promote human development awareness within society by disseminating information on human development ideals and individual education at grassroots and other levels. HDI offers services covering children's and women's rights, gender education, educational development, and social and economic education. The organization also engages in the collection of baseline data for the formulation of child-related policies, promotion of

special protective measures for children and development of rehabilitative programmes on justice administration. HDI works with 'bus conductor boys' (street children who are often exploited and abused in the informal transport industry), offering education and vocational training programmes. **Contact:** HDI, No.4b, Little Rd, Yaba, Lagos, Nigeria. Tel: (+) 234 1 470 6643; Tel/Fax: (+) 234 1 3425172; Email: hdi@infoweb.abs.net / howa@infoweb.abs.net; Website: www.electroniccommunity.org/HDI/widows.htm



Program on Psychosocial Trauma and Human Rights, Center for Integrative and Development Studies, University of the Philippines (UP CIDS PST), Philippines:

Aims: to undertake policy-relevant research on the effects of psychosocial trauma related to violence at the level of direct victims, survivors and caregivers, as well as communities exposed to, or recovering from the psychosocial consequences of violence; to apply theories and methodologies derived from research in reviewing and the curricula of relevant disciplines; to explore and assess arrange of

alternative forms of intervention for caregivers, communities and individual survivors of violence; to publish reports on psychosocial trauma and human rights in the Philippines; to organize conferences, workshops, and roundtable discussions on issues and policies pertinent to research and treatment of psychosocial trauma and human rights; and to facilitate collection of, and access to, information on psychosocial trauma and human rights through effective and appropriate methods and techniques of information handling. **Contact:** Program on Psychosocial Trauma and Human Rights, Center for Integrative and Development Studies, University of the Philippines, Ang Bahay ng Alumni, Magsaysay Avenue, UP Campus, Diliman, Quezon City, the Philippines. Tel: (+) 632 435 6890; (+) 632 929 3540; Fax: (+) 632 928 9691; Email: pstcids@edsuemail.com.ph; Website: <http://www.up.edu.ph/cids/pst/>



The Undugu Society of Kenya (USK), Kenya: USK was founded in 1972 and is renowned across the continent for its work with street children. It operates primarily in the Kenyan capital, Nairobi. The philosophy of this organization is based on the principles 'respect, involvement and helping each other.' 'Undugu' means 'solidarity' in Kiswahili. USK's work with disadvantaged children includes: rehabilitation and reintegration of street children; education and training support; socio-economic empowerment of poor urban communities; three boys' centres one girls' centre. **Contact:** USK, Landhies / Jogoo Road, PO Box 40417, Nairobi, Kenya.

Tel: (+) 254 2 535 985; Fax: (+) 254 2 545 888; Email: undugu@insightkenya.com; Website: www.shared-interest.com/news.pl?section=producer&story=latest



CONSORTIUM FOR STREET CHILDREN

The Consortium for Street Children (CSC) is a network of NGOs working with street-involved children, and children at risk of taking to street life in Africa, Asia, Eastern and Central Europe, and Latin America.

OUR MISSION STATEMENT

Working collaboratively with its members, the Consortium for Street Children co-ordinates a network for distributing information and sharing expertise around the world. Representing the voice of many, we speak as one for the rights of street children wherever they may be.

OUR VISION STATEMENT

The Consortium for Street Children believes in collective action as a force for change: to protect children at risk, to promote their human rights and to prevent future generations from suffering the same lack of choices that presently force children onto the street. We believe that it is possible to achieve better lives for street children, and we believe that the way to do this is through the children themselves. By working together to implement crucial societal changes we can ensure that street children have a better option: the chance to shape their own lives in the manner of their choosing.

This publication has been funded as part of a two-year research and advocacy project 'Promoting and Protecting the Human Rights of Street Children in Juvenile Justice Systems', January 2002 – December 2003, funded by the Community Fund, the Foreign and Commonwealth Office (Human Rights Project Fund), the Methodist Association of Youth Clubs 'Streets Apart' Campaign and the Methodist World Development Action Fund.

In many countries around the world children who live and work on the streets are particularly vulnerable to human rights violations in juvenile justice systems: they are highly likely to come into contact with the criminal justice system in the first place, and they are less able to defend themselves from abuse once within the system. These children are discriminated against and have their rights violated because they are poor.

This publication aims to provide a comprehensive overview of the causes and consequences of street children's involvement in criminal justice systems in a wide range of countries.

It is aimed at anyone with an interest in these issues and in particular: policy-makers in relevant government departments; personnel working in the various branches of the justice system; NGOs working with street children and/or on juvenile justice issues; academics; human rights lobbyists; public and private donors; and actors in the UN and regional human rights systems.

It includes:

- **Descriptions - in the children's own words - of the treatment they receive at different stages of the criminal justice system;**
- **A framework of overarching concepts and recommended approaches to reform;**
- **An introduction to international human rights standards and guidelines on how to use them;**
- **Practical examples of projects and approaches from around the world;**
- **Specific recommendations for improvement, including recommendations from children themselves, targeted at different actors in the system.**

These children are seen as outsiders by society, often with only an outside chance of survival and development to their fullest potential. We owe it to their incredible resiliency, courage and imagination in the face of exceptionally difficult circumstances to work together to turn this 'outside chance' of survival and development into the guaranteed fundamental human right to which they are entitled.

ISBN: 0-9547886-0-5



Consortium for Street Children

Unit 306, Bon Marché Centre, 241-251 Ferndale Road, London SW9 8BJ, UK

Email: info@streetchildren.org.uk www.streetchildren.org.uk

Tel: +44 (0)20 7274 0087 Fax: +44 (0)20 7274 0372