

# Citizenship and English Justice



*"The right of the child to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse."*

CRC - Article 19

*"No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment... No child shall be deprived of his or her liberty unlawfully or arbitrarily... 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 their age."*

CRC - Article 37

*"The right of every child alleged as, accused of, or recognised 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."*

CRC - Article 40

## Violence

Children living and working on the streets are very vulnerable to different forms of violence.

Violence in the home, either physical, psychological or sexual, is often a major influence in their decision to go to the streets in the first place. Once there the cycle of violence frequently continues.

Violence experienced by street children can vary from involvement in hazardous forms of child labour and commercial sexual exploitation to violence at the hands of authority figures – especially the police or private security guards - or by their peers.

**"The older children in the street often bully the younger ones and steal our money. The police also harass and beat us, particularly when someone has reported a theft or when they catch us smoking marijuana. They often put us in prison cells where we are kept for two days and sometimes longer. Many children contract diseases such as scabies and sometimes malaria inside the dirty cells, but when we are released, we face further verbal abuse from the public."**

Street boy - Gabon<sup>1</sup>

**"While selling sweets, I found a wallet lying on the ground and asked a woman standing nearby if it belonged to her. A man standing there said it was his and I had picked his pocket. He handed me over to the police. The police ate all my sweets and locked me up. I will sell sweets again when I get out of here, but I will never help someone again."**

Street boy, aged 8, borstal jail - Pakistan<sup>2</sup>

**"Policemen often arrest us for sleeping under a bridge."**

Eugene, aged 15 - Philippines<sup>3</sup>

## Why are street children criminalised?

Ironically, even though street children are leading extremely hard lives, and even though they are amongst the most vulnerable people in our society, they are often criminalised for what they are forced to do on the streets.

### Why?

- Outdated legislation means that: they can be arrested for things which should not even be considered crimes in the first place such as begging and being without an address; they are treated very harshly for relatively minor offences such as petty theft (often called 'survival theft' in the case of street children).

- Street children may be forced to become involved in criminal activity, either by other people or because of circumstance. They are useful to adult criminals because they are desperate and willing to undertake unpleasant and dangerous tasks, easily threatened, expendable, and under the age of criminal responsibility which means they can be used as scapegoats for others.
- Discrimination against street children means that they are much more likely to be arrested as they are not considered to be valid members of society or automatically assumed to be criminals. In some cases they are seen as 'disposable.' The most extreme example of dehumanising street children is the death squads and vigilantes of Latin America, responsible for 'disposing' of street children to 'clean up' the streets.

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**In Honduras, according to the NGO Casa Alianza, between 40-60 children and young people up to the age of 23 are killed every month.<sup>4</sup>**

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### The youth justice system

Every country in the world has a minimum age of criminal responsibility: in England and Wales this is 10 but in other countries it is as low as 7. If a young person who has reached the age of criminal responsibility commits a crime it means they are held responsible for it and can be tried and sentenced for it.

However, any young person who is accused of committing a crime, as stated in Article 40 of the Convention on the Rights of the Child, should have the right "to be treated in a manner consistent with the promotion of the child's sense of dignity and worth." Unfortunately this is often not the case when street children are concerned.

**"I was sexually harassed by one of the guards at Padi's Point... I want to be a policewoman so there will be fewer abusers. I will not hurt them. I will only talk to them. I want to know why they do things like that to children."**

Street girl - Philippines<sup>5</sup>

### Violence and abuse in the youth justice system

Violence and abuse often begins from the moment street children have contact with the police on the streets, let alone once they enter the police station. Here they can be subjected to intimidation, physical violence, torture and forced confessions. After the police station, they can then spend anything from weeks to years locked up, waiting for trial, often in horrific conditions in 'remand homes.'

Many street children should not even be in these places in the first place as they have committed no crime, and even for those who have committed crimes nobody should have to wait that long to be heard in court – especially not children.

Even when their cases do reach trial this often takes place in an adult court (as there are very few 'juvenile' courts and street children often do not have birth registration documents, so police can easily falsify their age). If convicted most street children are sent to detention centres, where the conditions are often appalling. Alternatives to detention are rarely explored, despite the fact that these are much more effective means of breaking the cycle of crime.



Footnotes: see page 76

# B7a English & Citizenship

## Justice?



Key learning points:

- The meaning of justice.
- The way street children are treated is unjust.



### Instructions

#### 1. Definition of justice activity

Write the word 'justice' on the board and ask students what it means.

Or

Give students definitions on pieces of paper in small groups and ask them to choose the one they think best describes the word.

Explain that the word derives from the word 'just' which means: 'fair' and 'reasonable' (Collins English Dictionary). Get them to think of examples in their own lives when they have felt that they were treated in a way that was not fair or reasonable and ask them to share some of these examples.

Show the Justice section of the VFTS video/DVD and ask students to note down all of things that happen to street children which they think are not fair or reasonable.

#### 2. Justice for street children - poster activity

Ask the students to design and produce a poster that aims to raise the general public's awareness of the injustice street children face. The students should use the notes they have made from the video.

The poster should have a strong and memorable caption to it. This can be turned into a competition.

#### 3. Creative writing activity – role of the police

Ask students to read the extract from "No Turning Back" by Beverly Naidoo and write what happens next. Although this is a fictional story it is important that the students know that this book is well researched and that events just like in this story are happening on a frighteningly regular basis around the world.

#### 4. Discussion activity – role of the police

Ask the students to answer the following in small groups:

What is the role of the police: what should they do and what shouldn't they do? What could you do if you thought you were treated unfairly by the police? Are all of these options open to street children? If not, why?

Children being held in a flooded prison in the Philippines.

True Vision Productions



#### National Curriculum

Citizenship: 1) Knowledge and understanding about becoming informed citizens: a) the legal and human rights and responsibilities underpinning society, basic aspects of how they are financed, and the opportunities to contribute; 2) Developing skills of enquiry and communication; c) contribute to group and exploratory class discussions, and take part in debates.

## English & citizenship

# Justice

### Extract from "No Turning Back" by Beverly Naidoo

...The next thing he knew was that he was waking up in the terror that usually came from a nightmare. In this terror now, however, there were screams and shouts and the sharp pain of a boot being kicked into his ribs. Thick hands were grabbing him. He tried to struggle but he was caught in a vice, squeezing his wrists and twisting his arms behind his back. In the beam of a light flashing wildly, he saw the writhing bodies of the other boys and the grinning faces of their captors. They were being hauled across the *pozzie* (hideout) out into the road and then thrown into the back of a *gumba-gumba*, a dreaded police van...

For a minute no-one said anything. Sipho was shaking. Jabu was holding his side and whimpering. Everyone was in shock...

'What do they want with us?'

'Who are these people?'

'Police! Only police have *gumba-gumbas*.'

'But they don't have uniforms.'

'They take off their uniform when they want to do something so you can't say for sure it's them'.

Sipho clutched himself more tightly, his eyes adjusting slowly to the darkness...

'They can get into trouble for this kind of thing now'...

Suddenly from outside the van there was a burst of laughter. A few seconds later the van doors were wrenched open. Sipho made out a hand being thrust in, then the sound of squirting. Even before the hand was pulled back and the door slammed shut, something was in their eyes, their nostrils, their mouths. There was no air left to breathe, only something horribly foul stifling them. It smelt like the spray for killing insects. Coughing and trying to cover his mouth at the same time, Sipho felt he was going to be sick....

Suddenly, the van gave an enormous shudder and Sipho found himself flung forward as it came to a bumping halt. He was the first to be grabbed as the door swung open. '...Rubbish like you can get a nice wash here'...

...The hands and arms were too powerful for him as they threw him into the lake. He couldn't swim. (p. 52-53)

