

# Gaining Respect

**The voices of children in conflict with the law**

A contribution to the UN Study on Violence against Children from the International Save the Children Alliance



The International Save the Children Alliance is the world's leading independent children's rights organisation, with members in 27 countries and operational programmes in more than 100. We fight for children's rights and deliver lasting improvements to children's lives worldwide.

### **Vision**

Save the Children works for:

- a world which respects and values each child
- a world which listens to children and learns
- a world where all children have hope and opportunity

### **Mission**

Save the Children fights for children's rights.

We deliver immediate and lasting improvements to children's lives worldwide.

This report was written by Vicky Johnson and Robert Nurick from Development Focus Trust.

The study was co-ordinated and the report edited by Florence Martin, Child Rights and Protection Adviser at Save the Children UK.

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The names of all the children in this report have been changed and are fictitious.

*“They should understand that everyone is making mistakes in their lives, and that they should be given a second chance. [They] should treat me in a normal way like they treat everyone else.”*

14-year-old boy from Bosnia and Herzegovina



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# Introduction

In 2003, the International Save the Children Alliance (Save the Children) made the UN Study on Violence against Children a priority for its advocacy work. The Study, which was recommended by the Committee on the Rights of the Child, is looking at the various forms of violence that children face in all settings including their homes, their schools, their communities, and in their relationship with the State and its institutions.

Violence and Children in Conflict with the Law was identified as one of the key priority themes for Save the Children's contribution to the UN Study, as it is an issue that is often at the forefront of the concerns raised by the children with whom we work.<sup>1</sup> Many of our projects with children in conflict with the law have begun from discussions with particular groups of 'at-risk' children about the challenges they face. These included children facing care issues, children living or working on the streets, separated or displaced children, children fleeing abusive families, out of school children, and children who are victims of trafficking or sexual exploitation. Invariably these children have identified their situation in relation to the law and the justice system as being particularly problematic and the violence and marginalisation they face as a result of coming into conflict with the law as one of their key concerns.

Increasingly, research on juvenile justice and children's rights has included the voices of these children and reflected their experiences once they enter the criminal justice system. Yet it is striking how, by and large, these children have been totally absent from the actual development of policies and criminal justice responses to their offending. Their views and recommendations have rarely, if ever, been sought on how best to address the challenges they face and in particular what measures and strategies would work to prevent them entering into conflict with the law in the first place. There is in fact, relatively little information about their views on the justice system as a whole or the way society has dealt with their offending, or how to address the violence that they face and what could be done about it.

This lack of information about children's views and ideas is problematic on many counts. The UN Convention on the Rights of the Child clearly recognises children's rights to express their views in all matters that affect them and to have these views given due weight in accordance with their age and maturity. (Article 12) Decisions about how a child's offending or perceived 'anti-social' behaviour is best handled can have an enormous impact on that child's life, not only in the immediate aftermath of the conflict but potentially for the child's entire future as a result of stigmatisation and criminalisation. Yet children are rarely given an opportunity to discuss what is happening to them either in their own cases or more generally in terms of how such conflicts are understood and resolved.

Equally, to develop effective and appropriate mechanisms to respond to children's offending behaviours requires us to understand the complex reasons why children may enter into conflict in the first place. This is crucial if we are to develop responses that address the root cause of their offending, not only to prevent others coming into conflict with the law but also so that re-offending does not take place. From the children's perspective, a justice system that does not seem interested in tackling the problems that they face and that led them to enter into conflict with the law in the first place, will mean that it is viewed as unfair and alien. It becomes another example of the application of rules and power by adults that has no relation to their own reality or sense of responsibility. A response that essentially brands them as anti-social actors and institutionalises them away from their communities and families provides yet another reason for alienation. It reinforces their sense of being outside of society and its norms. Without a dialogue with children and young people aimed at identifying with them what is happening in their lives and what they would deem to be appropriate responses, we are left with interventions that risk failing not only the children themselves but also their societies and communities.

The recognition of children's role and responsibilities as social actors once they come into conflict with the law must also be mirrored by the recognition of their role and responsibilities as members of their societies. We need to engage children in seeking their own solutions and determining the boundaries of their own behaviour towards others. This is precisely what socialisation is about. Children need the opportunity to be recognised not just as victims or as perpetrators but as individuals who are members of families, communities and societies; individuals who are facing multiple challenges and who need to be empowered to respond to these challenges and to make better choices for themselves and their communities.

The Convention on the Rights of the Child recognises that one of the main objectives of a juvenile justice system should be to ensure that children in conflict with the law are able to reintegrate society and assume "a constructive role" (Article 40 of the Convention on the Rights of the Child). This report shows that, if given an opportunity, children are quite able to recognise this role and their capacity to respond and make better choices for themselves and other members of their communities. We need to start providing them with more opportunities to do so.

*Florence Martin*  
*Chair of the International Save the Children Alliance*  
*Reference Group on Children in Conflict with the Law*

# 1 Aims and objectives

The overall aim of this study is to explore the opinions of groups of children who are at risk of, have been, or are in conflict with the law, and record their recommendations for developing better and more effective justice systems and approaches to children who come into conflict with the law.

The specific objectives of the study are to:

- explore the links between violence and being in conflict with the law, and identify possible interventions for reducing and preventing such violence
- record children's experiences of being in conflict with the law, including the reasons for this, their contact with the justice system and the impact of interventions designed to assist them.
- identify with them possible recommendations for preventing children coming into conflict with the law in the first place and responding effectively to their needs when they do.

## Methodology: how the study was carried out

The central part of the methodology involved Development Focus Trust visiting a number of Save the Children projects around the world and, together with the country staff, facilitating workshops with groups of children and young people who were, or had been, in conflict with the law and are currently involved in Save the Children programmes.

In addition, other country programmes were provided with the format, structure and details of how to implement the workshops and invited to run them independently.

Previous Save the Children publications on children in conflict with the law were also reviewed for relevant information and this was incorporated into the overall findings of the study.

The workshops were designed to explore three related themes with the children and young people: firstly, to explore their perspectives on their communities; secondly, to discover what had been their experiences when they came into conflict with the law; thirdly, to identify with them solutions that they felt would prevent children and young people from coming into conflict with the law and principles that should define the treatment of those who do.

Participatory research methods were used as a means of engaging with the children, and for each topic the facilitators had a participatory tool to aid the discussion. The table below lists the specific topics addressed for each theme and the participatory tool used to facilitate the session.<sup>2</sup>

A key element of the methodology was using a 'coding system', enabling the children participating in the workshops to be monitored by gender, age ethnicity, and other criteria relevant to the specific country study. The application of such a coding system allows for the analysis of the results to

Theme	Topic	Participatory tool
Children's relationships with their communities	What does your community look like? Where do you feel safe/ unsafe?	Mapping
	How respected are you in your community?	Ranking line
Experiences of conflict with the law	How did you get into conflict with the law? How did it affect your life?	Cause-impact flow diagram Role play/ drama
Solutions	What actions are needed to reduce and respond to conflict with the law	Action and responsibility steps Prioritisation matrices

differentiate the views expressed, according to the criteria defined in the coding system.<sup>3</sup>

The process employed in running the workshops adhered to an ethical and child protection safety framework that was followed in each of the country case studies. This framework included the following elements:

- being clear about the purpose of the workshops and outcomes, so as to ensure the children participating had realistic expectations about the process
- gaining informed consent
- following agreed child protection procedures within the programme
- having a participatory process that is child-focused
- being clear about confidentiality of information

- asking permission for photos and using photos without children's faces or getting written permission
- ensuring there is communication and feedback to all stakeholders, including children
- ensuring children who have been in conflict with the law are not identifiable
- ensuring safety between children
- ensuring the workshops were held in locations where the children felt comfortable and safe.

The children chose a nickname or other name and also gave themselves a symbol or number to use on visual work so that their confidentiality was maintained while enabling the researchers to identify what children of different genders, ages, ethnicities, dis/abilities and care situations were saying.

## 2 The case studies

Many of the Save the Children country programmes and partners showed an interest in participating in the study. Development Focus Trust was commissioned to design the methodology and to work with three countries to carry through the study. Development Focus Trust visited the three countries, Uganda, Honduras and Bosnia and Herzegovina; the programme in Ethiopia implemented the methodology independently.

The findings of these case studies were complemented with a review of reports on children in conflict with the law from Bangladesh, the Philippines and Tajikistan.

### Ethiopia

The participatory research with children in conflict with the law in Ethiopia was conducted in two places – Addis Ababa and Dessie. The projects in both locations are run by a partner of Save the Children Sweden, the Forum on Street Children Ethiopia (FSCE). In both locations they have similar programmes of diversion in a Community-Based Correction Programme (CBCP) and provide preventative services to children who are at risk of being in conflict with the law.

The workshop in Addis Ababa was held with children drawn from Addis Ketema sub-city, known for social problems such as prostitution, people-trafficking including children, substance abuse and many other crimes. This area is the market and business centre of the city and also has a large bus terminal.

Dessie, is a commercial and communications centre in Eritrea, 400 kilometres from Addis Ababa. It is a long-established market for grains, oilseeds, hides, skins, honey, and beeswax and is a distribution centre for imported goods. It also has artisan industries and flour mills. Dessie is also one of the towns in Ethiopia identified as having a high rate of

HIV/AIDS. As a result, many children live with grandparents and extended family members.

A total of 15 children and young people participated in the workshop in Addis Ababa: seven girls and eight boys. At the time of this study, five participants were taking part in the CBCP, while five had been discharged after completing the rehabilitation program. The cases of the remaining five children were pending in court. Nine of the participants were aged between nine and 14 years old, while the remaining six children were aged 15 to 17.

A total of 19 children and young people participated in the workshop in Dessie: three girls and 16 boys. Six were currently taking part in the diversion programme, while six had been discharged. Three girls and four boys were identified as being at risk. Their ages ranged from nine to 16 years.

The facilitation teams consisted of lawyers, psychologists and sociologists who worked alongside the co-ordinator of the child protection programme and a volunteer who worked with the children and encouraged their participation.

### Honduras

Drug-trafficking, the influence of the gang culture of the USA, corruption at all levels of government, and the negative long-term impacts of Structural Adjustment Programmes on family and social structures have all served to create conditions in Honduras that have led to the emergence of well-organised, widespread and extremely violent gangs. These gangs recruit young children and use them to traffic drugs and arms, and to carry out violent crimes – such as robbery, assault and murder.

A workshop was held with nine young people involved with a Save the Children partner, JHA JA, a local NGO working on the reintegration of former

gang members into society. Six were female and three were male. Three of the participants used to be gang leaders (two female, and one male). The age range of the participants was 19 to 26 years. The workshop took place at a time when the former gang members were facing a serious threat of violence. The workshop was postponed for a month because two of the young people involved with the NGO had been killed by active gang members a week before the workshop was originally due to take place.

## Uganda

Two workshops were run in rural areas of Uganda. One workshop was held in Gulu, a conflict area in the North where Save the Children is operational. Another was held in Masaka, where their partner, the Social Welfare Office, has taken over the programme. The programme focuses on the key areas of preventative education and diversion of children from the juvenile justice system. In Masaka, the social welfare officers (also referred to as probation officers) facilitated the workshop alongside Save the Children staff so that they could be involved in continuing implementation and feedback with the local children and young people.

The young people in both workshops were aged between 12 and 18 years old, with a few young people who were older who looked back to their experiences of conflict with the law when they were children. The participants were predominantly male, reflecting the fact that the majority of children who come into conflict with the law are boys, but there were also some female participants.

In Masaka, 23 children and young people participated from across the region. Twenty were 18 years old or younger (13 aged between 11 and 16). There were five girls and the children came from a range of different ethnicities. Their offences ranged from 'being idle', taking food from a garden and killing a hen by mistake, to repeat offenders charged with fighting and theft. The children were therefore often split into groups according to their age, the type of offence, and whether they were first-time or repeat offenders.

In Gulu, 12 young people participated, 11 of them aged between 12 and 18 years old, and one 20-year-old. There were three girls, all of whom said that their offence was prostitution; the boys reported offences of theft, causing grievous harm, assault and having sex with under-aged girls. Again there was a mix of first-time and repeat offenders.

## Bosnia and Herzegovina

A series of detailed workshops were held with four young men who were based at Chuka, a local centre for re-integration run by the Centre for Social Welfare in partnership with Save the Children UK in Banja Luka. All of them had been in conflict with the law for petty offences, such as stealing and breaking and entry.

Banja Luka is now the administrative capital of the Republic of Srpska. The city was very ethnically diverse before the war and is now predominantly Serb, with a minority of Croats and Bosniaks. All four of the young men taking part in the workshop were Serbian. Their ages ranged between 15 and 19 years. All but the youngest was a re-offender and they were all living with their parents but were regular attendees at Chuka. One of the young men had no academic problems at school, but had behavioural issues. Three had academic problems due to previous exclusions from school or absences, combined with general learning difficulties.

## Further examples

### The Philippines<sup>4</sup>

This study presents the findings of three case studies commissioned by Save the Children UK in three cities – Metro Manila in Luzon, Cebu City in the Visayas and Davao City in Mindanao. These studies aimed to examine the trends in the statistics and the nature of the problems and issues confronting children in conflict with the law as they go through the formal justice system.

The three case studies each used a similar approach in collecting the data: interviews with stakeholders in the ‘five pillars’ of the justice system<sup>5</sup>; interviews with children; children’s case studies; and review of documents. Methods included individual interviews and focus group discussions. In the Davao study creative approaches were used to draw out perceptions of children, such as a visual art shop with 71 children in the Davao City jail and two drama workshops that brought together children in conflict with the law and stakeholders.

### **Bangladesh<sup>6</sup>**

This study presents the findings of research that focused on street children in Dhaka. The methodology involved training children who were, or had been, street children as researchers. These children then went and engaged with other street children. The participatory research took place over a six-month period and its purpose was to explore and examine children’s views on experiences and

encounters with the law as described by children in their own words.

In addition to the research with street children, interviews were held with senior police officials, magistrates, NGO leaders, social activists and senior government officials to identify their perception of the extent of police torture on street children.

### **Tajikistan<sup>7</sup>**

This study reports on the living conditions of street children in Tajikistan. The research was carried out in co-operation with a local NGO – Navras – that provided a Drop-in Centre for street children. The research took place in various locations in Tajikistan between December 2003 and May 2004. The methodology involved identifying two young people who were regular visitors to the Drop-in and who could bring in other street children to the Drop-in for focus group discussions. Most of the young people represented in the study were between 13 and 16 years old and had been living on the streets for between two and six years.

# 3 Children, young people and their communities

The consultations with children and young people sought to:

- understand the way in which children in conflict with the law see their community, and who they see as belonging to it.
- explore their own feelings about how respected or valued they feel within their community
- reflect on their support networks and ‘safe’ spaces within their community.

The key questions asked during the workshops were:

- What do you feel about your community/ your world around and who is in it?
- What are the good and bad things about it?
- And/or if you could change it, how would you like it to look?

These questions were followed with:

- Do you feel respected and valued, and have a sense of belonging in your community?
- Do you feel you have a role in it?
- Why? What are the changes that would help you to feel better?

The final questions were about where they turn to for help:

Do you feel safe in your community? Why, where and how?

## Ethiopia

*“We are not respected because we are children, because we do not generate money.”* (boy aged 14)

### Negative aspects of the community

In Addis Ababa both boys and girls felt that the *tej* house (local bar where you can buy an alcoholic drink made of honey), local liquor houses and *qat*<sup>8</sup>

quarters or chewing places were bad. Other negative aspects of their communities listed by some of the children were car accidents, prostitution and the conditions that create street children. There were mixed feelings about video houses, which many of the girls did not like.

In Dessie the children also expressed negative feelings about *qat* chewing and bars selling alcohol, although one young person felt positively about *qat* chewing places. Drunkenness and substance misuse seemed to be a problem mainly among adults and young people, with children expressing the view that adults should not practise these habits in front of children and that they should not become abusive towards children because of their addictions. Children in both Addis and Dessie understood, however, that adults may need time and help to overcome their addictions.

*“Let’s keep ourselves away from addiction.”* (message written by a group of five girls)

Many children in both locations talked about adults making them run errands. If they refused, they were beaten. Violent behaviour within families was more commonly talked about in Addis, although in both locations children complained about unfair treatment among siblings in families. The proportion of children who had been orphaned was higher in Dessie, possibly due to the high prevalence of AIDS there. Children expressed concerns about situations where children were left to look after parents and elderly relatives, and where they could not go to school because they had to work to support them.

In Addis, children talked about brokers who were seen as being sometimes good and sometimes bad. They explained that while they do sometimes get jobs for people who need them, they sometimes tell parents that they can get good jobs for their children, usually for the girls. On occasions they convince



children to run away from their homes with promises of good jobs. These promises are false and the children end up being exploited. A boy reported his own experience of being employed in a shop and being asked to drop out of school.

The children in Addis also talked about *kebele*, the local form of government. They raised concerns about corruption and about the fact that petty street traders are chased away, although they did also say that *kebele* people help reconcile land conflicts and provide assistance for orphans.

*“They do not understand the idea of children’s rights. They do not listen to us. We, as children, have good ideas about the housing development in our kebeles, and we want to share our ideas with the kebeles. The housing development projects affect our lives, because our parents are asked to pay for school renovations and at the same time saving for housing developments. This is difficult for some parents.”* (young man aged 16)

Children from Addis said that they did not feel safe in police stations. They would like the police to stop beating suspects, and to start offering them advice and discussing their problems with their parents.

*“Usually we do not go to the police for help, because we might face even greater problems from our abusers if we report to the police. Our abuser may be released on bail and attack us again.”* (young woman aged 15)

Most of the children in Dessie, however, did feel safe in the police station although two said that the police were sometimes harsh. Many also specifically mentioned the Child Protection Unit at the police station as a safe place.

## Positive aspects of the community

The children and young people were generally positive about the local facilities to which they had access. In Addis, they were positive about community-shared piped water, community pit latrines, local sports clubs, the stadium, the school and local places of worship (including churches and mosques) and hotels, restaurants and shops. They also felt positive about the houses and the streets in

Addis. In Dessie there were mixed feelings about residencies. In both locations there was concern about places where there were commercial sex workers. In both locations there were mixed feelings about the police (see Getting into Trouble section below).

### An insight into schools

Children and young people said they tended to feel unprotected in their immediate environment. Schools were therefore identified as relatively safe compared with the local neighbourhood. All the participants in the Addis Ababa workshop saw school as largely positive. They said:

- Schools provide knowledge to children.
- In schools children get to know other children who they can be friends with.
- In schools children are able to learn about good behaviour.

Despite this, they expressed concern that some teachers are unfair and insult students. *“Sometimes, they insult us that we are poor.”* (boy, aged 14)

Teachers are banned from punishing children, but some teachers sneak sticks into class that they use to beat students. They hide the sticks in their sleeves to avoid being seen by the school directors.

The children said that some students who do not finish their homework go out of class and hide at the back of the school. Some teachers, since they cannot punish children, ask students who disturb the class to leave the school. *“We prefer to receive some advice by the teacher, or even being beaten instead of being suspended from school.”* (boy aged 16)

The boys said that since girls are given chances and everybody respects their rights, they feel that the girls can "oppress" them. If they report this to the teachers, the boys get into trouble. The girls said this it was not true. They in turn reported that they are threatened and insulted by the boys. Both girls and boys said that there is a lot of sexual activity among students in schools.

*“Payment of fees for schooling is difficult for some students, especially those of us who have older parents that do not work actively.”*

*“If our parents cannot work, then we have to go to work and earn money.”*

Children said that they felt safe in the places that they had identified as those they liked, such as sports and religious venues, in the cinema, hairdressers and

the library, and in clinic and hospitals. Children went to teachers at school for help and to their parents and relatives, although there were some exceptions:

*“I do not tell to my parents when I got problem, because they will blame me that I initiated the problem or caused it.”* (girl aged)

*“We would like to go to our families if they listen to children and if, instead of blaming children, they try to understand children when they tell the problem they faced.”* (girl aged 15)

Children also tended to feel safer when they were together with friends. Some also went to relatives, neighbours or adults in the community who they knew, although one child said, *“I do not feel safe anywhere”*.

## Feelings of respect and value

The children in Addis said that they feel respected when they are listened to and also when the adults set good examples and give good advice. The children in Dessie felt that, in addition, they had to earn the respect of adults in the community by running errands, helping elders, respecting traditional values, participating in class, earning money for the household and making their parents feel proud of them. This was echoed by many of the children in Addis, most of whom also said that they are valued and respected conditionally: for example, if they are obedient or can generate money.

*“When we are obedient we are praised and respected, otherwise we are not respected.”* (boy aged 15)

*“We are not respected because we are children, because we do not generate money.”* (boy aged 14)

Girls and boys agreed that they should be treated fairly, regardless of who they are, or how they are dressed, and that adults should be unbiased in solving conflicts among children.

In both locations, girls and boys felt disrespected primarily when they were insulted and beaten. Other factors that affected their feeling of being respected were: eating alone; parents failing to respond to

questions; and not being listened to by parents. In Dessie, children said that they did not feel valued for some of the following reasons:

- father married another wife
- after their mother had died
- being a street child
- not being strong
- making mistakes.

*“I did not get money and I spent time playing.”*

## Honduras

*“They see tattoo and say ‘forget it’.”*

### Negative aspects of the community

The young people consulted in San Pedro Sula live in three neighbourhoods of the city. Concerns about drug dealing were common to all three neighbourhoods. Particular street corners, houses and venues were identified as being ‘hot spots’ for drug dealing. One participant identified the bar where she used to buy crack and cocaine. In addition to drug dealing, prostitution was identified in one neighbourhood as a major issue. Across the neighbourhoods, concern was raised about police repression of children and young people.

Police attitudes are an issue of genuine concern for young people, particularly for those who are ex-gang members. In one neighbourhood, the police post was identified as being a very unhappy place, where police officers take young people, accuse them of being drug addicts, and beat and torture them. In another, young people complained that the police would take them to the police station and keep them locked up all night. *“They abuse their power.”*

In the third neighbourhood, however, young people reflected that the police sometimes work to help them, but sometimes overstep the boundaries. This reflects local initiatives towards more of a community policing approach. This approach has had setbacks, however, and the officer formerly responsible for providing the principal support to

the community police initiative is currently in jail awaiting trial for the torture and murder of two young people.

The level of violence in the community was also highlighted and concerns were raised about the presence of gangs and gang-related activities, such as drug dealing, violence and extortion.

## Positive aspects of the community

Important to the young people in all three neighbourhoods was the church, the high school and the parks. The church was seen as a support to the young people – a place where *“we’re happy, with our brothers and sisters in the church”*.

The lack of employment opportunities was identified as a crucial concern for the young people in all three neighbourhoods. In one area a tortilla factory has been set up, employing female ex-gang members. This was seen as a very positive development.

The current community policing initiatives, together with local business organisations’ engagement with the police and ex-gang members, was reflected in more positive perspectives on the local community. One ex-gang member reported that:

*“I feel happy in the community because I can walk around and nothing will happen to me.”*

She continued that whilst she did not have a problem, she recognised that the *“community has been damaged”* by gang activity and drugs.

For young people from one of the neighbourhoods, the ideal community would be one where young people could live in peace. For a long time they did not live in peace with their community, and they recognised that they have lost the trust of the community. Their main aim is to *“build up the trust we lost from society and family”*. They also recognised that this trust would be won back with actions, not words. *“We have to show by example.”*

The participants in this group expressed a desire to share their experiences with other children and

demonstrate to the community that they have changed.

When discussing what their ideal community would look like, young people from another area focused on its physical aspects. They identified a ‘hot corner’ where active gang members congregate. The group wanted to take out this hot corner and erect a library. They also wanted to remove the billiard hall – a haunt for drug users and dealers, and criminal activity – and replace it with an office for the local organisation working with former gang members. Similarly, the group wanted to remove the discotheque and replace it with a park or market.

*“We want to transform gang members into soccer teams.”*

In the third area, the group wanted to remove bars and replace them with childcare centres. They also wanted to remove the billiards hall and replace it with a shelter for street children, who are particularly vulnerable to being recruited into gangs. This group’s solution was, *“In each place with a negative influence, replace with a positive influence.”*

*“Put in study centres, not dance clubs.”*

*“Get rid of the dance halls and put up vocational or professional training centres.”*

The group also thought that the police should pay more attention to drug dealing and make efforts to limit it and reduce drug addiction among young people.

## Feelings of respect and value

The young people in the workshop were all ex-gang members and all stated that the respect they have within the community since leaving the gangs has increased and is of a different nature to the respect they had as active gang members.

The two young people who had been leaders in the gang (one male the other female) both recounted that when they were leaders in the gang, the respect they had from other gang members was based on fear. The male leader noted, *“Respect: you demand it –*

*you get it. Now I don't carry a gun, I talk to people, I'm a member of a church."*

The female ex-leader commented that the level of respect she has is relatively low because of *"the fact that I used to belong to a gang – the scandal we caused in the neighbourhood... We lacked family guidance. I was the leader of the girls' gang – they had respect for me and they feared me. Before we demanded respect, now we work for it."*

She, like some other members of the group, recognised that gaining the respect and trust of the community was going to take time: *"I think that a lot of time has to go by to win the respect of the community and that they value us as people and understand that we all make mistakes and we can change"*.

One of the other young people said, *"Belonging to a gang and the problems that it causes means that time is needed for people to change the way they think [about me]."*

For many of the young people, the Church offers a route out of the gangs and reintegration within society. *"Instead of [gang] graffiti we want to put 'Jesus lives'."*

*"Have to think about helping people, because they support us now and before they didn't."*

*"It is important to act right so the people support us, now we have a sense of community service because of the changes in ourselves. God has helped us, hope he helps more people."*

For the ex-gang members, *"There was a lot of fantasy in the world we lived in, and no thought towards the future, and now there is"*.

The tattoos that gang members have to identify their allegiance to the gang make it difficult for them to gain respect within the community.

*"Being tattooed means people value you less."  
"They see tattoo and say 'forget it'."*

This group of young people recognised that they needed help in order to become rehabilitated into society.

*"We want them – community and local organisations – to help us move forward. We cannot do it alone. We really need a place to work. We're tattooed so we can't get work."*

Even those who have managed to remove tattoos from their faces are asked to remove their shirts when attending job interviews. When they expose the tattoos on their arms and torso they are not offered the work.

*"What is needed is a place to work that does not mind tattoos, as we have children to raise."*

For some, having money was a source of respect within the community. The way of earning the income was important. Working in the tortilla factory and doing voluntary work for the local support organisation were given as examples of positive action by ex-gang members that earns them respect.

Most of the participants said that they did not feel safe in the community. The source of this insecurity is the level of violence directed at them from the gangs they have left, the police and authorities.

*"You don't want your life to end with execution."*

This is a real threat for ex-gang members. They have many friends who have been executed, either by the gangs or by death squads. As one young man said, *"I don't feel safe, I have done many bad things."*

Only those young people who are not known within the community have a sense of safety *"[I feel] safe – no one knows you or your behaviour, [it] makes me think they don't know what I used to do."*

The young people identified local support organisations and the Church as the organisations that they turn to for help. In addition, the young women identified family, friends and neighbours.

# Uganda

## Negative aspects of the community

In Uganda<sup>9</sup>, many of the children in Gulu district, in the north of the country were orphaned during the war and have dropped out of school because their families are unable to pay school fees. Many of the children with whom Save the Children UK works live on the streets in Gulu town because they have been displaced from their villages as a result of insurgency. Their current situation is desperate and many are finding it hard to meet their basic needs of food, shelter and clothing.

Other children in Gulu District live in camps for Internally Displaced People. The war has affected the social life and survival strategies of the local children. Many children in the camps are orphans. They expressed their feelings of an absence of care, guidance and love, as they were not with their parents or other family members.

The children drew pictures of the war and its consequences, including violent scenes of people killing each other, the burning of houses, children being recruited into the army, and a lack of clean water and people in bad health.

The reality for these children is both an inability to meet their basic needs, including going hungry, not being able to have decent clothes and some being homeless, but also a lack of communication with adults and a lack of parental control when children are with their parents. The reality for some is the abduction of children, their sexual exploitation by adults, the death of their parents, resulting in feelings of isolation, loneliness and living in camps. For some children left orphaned by the war, there had been a complete breakdown of family and community.

Negative reflections on their current situation given by children living in camps were:

*“Staying with bad friends”*

*“Life in camp is not good – community shares one pit latrine.”*

*“Rebels abduct children and [force them to] carry heavy loads.”*

*“Is bad because children are not allowed to play and even they are not allowed to go to school.”*

One child described how he was treated by adults: *“Today you are not going to eat unless you dig until sunset... Oh my God – what should I do? Both my parents are dead and now my uncle is mistreating [me]. He don’t [let] me go to school, even he cannot buy clothes, but every day digging.”*

Some felt that there was discrimination within their families. This issue was also raised by children, especially girls, from Masaka. In both locations children felt that they had been influenced by mixing with the wrong friends and seeing violent films.

In Masaka there was more reference to unfair treatment within the family, especially from step mother/parents. Children felt that siblings or other children in these reconstructed families were being treated differently in terms of the work they were expected to do in the household, going to school and the severity of punishments for making mistakes.

In Gulu and Masaka, alcohol abuse by adults was raised as one of the reasons for either not having enough money to eat or for being beaten and being thrown out onto the streets.

Many children in Masaka complained of food shortages. In Masaka there is a shortage of land, a loss of land fertility, a limited number of livestock and a lack of diversity of food to which a child has access, with many people in the area eating only plantain-based staples. Some children also brought up the issue of lack of access to electricity.

Other negative elements of the community identified by the children included prostitution, disease and ill-health among both adults and children, including HIV/AIDS, violent films being shown to children and the many drinking joints or bars in the community.

*“Bar – people who are drunkards”*

*“Many opium smokers”*

*“Films shown during the day”*

## Positive aspects of the community

When asked about how they would like to live, children responded:

*“[That there is] conversation taking place. Joking.”*

*“Latrine is good because it improves the hygiene of the people.”*

*“Laying bricks is good because that makes children have money.”*

*“Children are allowed to play together.”*

In Masaka District, many of the children living in rural communities identified their school and the fertile environment as good elements of where they lived. Some also remarked on the positive way in which people in their local communities show friendship to each other.

## Bosnia and Herzegovina

*“They should understand that everyone is making mistakes in their lives, and that they should be given a second chance.”*

## Negative aspects of the community

Perception of the police and its role and relationship with children coming into conflict with the law was clearly identified as mainly negative and often violent. All four boys in the workshops viewed the local police or ‘Cops’ negatively. They gave the following reasons:

- *Because they are beating juveniles.*
- *Since I had conflict with the law, they act as if they are in charge of everything.*
- *Because some of them are violent and they act badly.*

They suggested changes such as:

- *There should be a law about physical harassment and those that don’t respect it should be punished and sent away from work.*

- *Good people should be put in those places – so I can talk to them and not for them to beat the shit out of me.*
- *I wish the police had more understanding for young people.*

Two of the boys also felt that the local drinking places should not allow people to sit and drink under the age of 18 years because *“it gets young people into trouble when they do”*.

## Positive aspects of the community

All the boys saw Chuka as a very positive part of their environment, as they could spend time there and not get into trouble. Some of them named individual social workers who had been particularly helpful and understanding towards them.

They also felt that any local sports clubs, such as football clubs, could play a positive part in keeping them busy and active. For Moke, aged 18, this was a particularly important way of socialising with other people. He had, however, experienced discrimination: *“Those players who have money, they made it, and I got upset about it. They should treat me like a sports player, not according to my finances.”*

One of the boys said that going to local villages in the countryside was a good part of his life because of the better environment. Moki, aged 19, felt that the music club he had set up with a new group of friends was also important, although initially it had been hard to be accepted by different friends. *“Friends from music club are the best for me, I can tell them everything.”*

Some of the boys had received positive advice and help from their school teachers but mostly they were perceived negatively. *“One professor cared about me, the others are trashmen.”* (17-year-old). Another felt he got *“no help at all”*. One of the boys, aged 14, said:

*“They should understand that everyone is making mistakes in their lives, and that they should be given a second chance. [They] should treat me in a normal way like they treat everyone else.”*

## Feelings of respect and value

One of the boys (aged 17) said, *“Sometimes I have bad moments with some people, but mainly in my community, the majority of people are positive”*. Two felt more negative. One said that he felt totally disrespected in his community and that *“everyone is mean to me”*. Both believed that this was because of having no money. One boy thought that his current environment was good, as many people around were helpful and pleasant. All the boys felt comfortable in Chuka in the Social Work Centre (where the workshop took place).

All the boys lived with their parents and felt their family provided important support for them. Indeed, each seemed to feel that it was they who had let their families down. One of the boys, aged 18, said that he felt that many of his problems, and the degree to which he felt respected in the community, related to poverty – the fact that his family lived in a small house and had a small income.

*“My mother and father can help when they have money.”*

Another felt that there needed to be continued help for parents to understand what children were going through in their lives.

*“I need support from both parents, I want them to understand me.”* (17-year-old)

One of the boys, aged 18, told the following story:

*“My mother and my father give me a lot of support and I rejected them as I was not aware. My brother and my sister support me, but we do not understand each other. I live a different way of life.”* He reflected later, *“I should have more understanding for them, it’s up to me.”*

An important aspect of the boys' social lives was relaxing with their friends during their free time. They drank, played music, relaxed by the river and in the park. They admitted that they had got into bad habits with drugs through being with ‘bad’ friends. Drugs are easily obtainable locally.

## Further examples

### The Philippines

*“Rights? Maybe we do not have that because we are still too young ...”* Child detained at the Tagum City jail in Davao.

Poverty was a key factor common to children in conflict with the law. Half the children in the studies were living with their parents, about one-third with their mother alone, and five per cent with unrelated adults. Many children drop out of school because parents cannot afford to pay school fees.

Substance misuse was a common feature of family life in the three case studies – both with parents abusing substances such as *shabu* (methamphetamine hydrochloride: a stimulant of the central nervous system), and also children.

### Case studies from Cebu

**Jonathan (14 years old)** was forced to stop schooling in the middle of the year in 2003 because his parents could no longer support him. His father works as a labourer/ carpenter. However, the work is irregular.

His mother was very violent towards him and his siblings and his father asked her to leave the house. *“Our mother does not love us. She shouldn’t have left us if she does. She should have been a responsible parent. She shouldn’t have beaten up my elder brother like what she did.”*

Peer pressure from two of Jonathan's friends led him to go on a shoplifting spree. One of the friends steals to maintain a drug habit – sniffing *rugby*, a solvent.

**Renato (16 years old)** lives with his family, and has witnessed his father beating his mother. *“I am so disappointed with my father. I hate him so much. He indulges in shabu with his peers even if he does not have a job! He keeps on asking money from my mother who earns for the family from selling fish. My mother works very hard so we can eat while he wastes money for shabu. I get angry with my mother every time she nags at me but does not reprimand my father.”*

When he was 13 years old, Renato joined a peer group – gang – mostly composed of about 20 out-of-school youths engaged in different vices, offences and acts of violence. All members of the group sniffed *rugby*, smoked marijuana and took *shabu*.

The group was short-lived, as their leader was shot dead by another gang. After his death the gang disbanded fearing that that they would end up in more trouble.

Case studies from Save the Children UK (2005) *Back on Track: Making community-based diversion work for children in conflict with the law. A documentation of FREELAVA's experience in Cebu City, Philippines.*

In a focus group with nine children who had run away from home, violent, neglectful or uncaring homes had been a major factor. More than half of the 28 children interviewed at a rehabilitation centre in Cebu said that they had been abused physically or sexually by family members.

### Case studies from Davao

**Ruby (14 years old)** did not imagine that she would be arrested twice for rugby sniffing. She said she did not understand why others are hooked on it and abhorred those rugby boys back home. However, Ruby could not stand her father's beatings anymore and ran away from home. She joined a gang, took on rugby sniffing at first and then used *shabu* later on.

*"[My friend] saw me when I left home. He persuaded me to join them in sniffing rugby and I asked what it tasted like. Later on, I was hooked on much stronger drugs. My friends usually pay for the stuff. We call our gang 'Rugby for Life'."*

**Benben (11 years old)** left home because he could not take the responsibility of taking care of his younger siblings when his mother died. He felt neglected by his father. On the streets, he felt good bantering with peers. When they sniff rugby, problems seem remote.

*Why would I not leave home? I do all the work at home. It is so hard and tiring! I am still small, yet a child! I still have to take care of my younger siblings, look for food to feed them. My Papa does not care. I miss my Mama."*

Taken from Ancheta-Templa, M.F. (2004) *Understanding Children in Conflict with the Law: Contradictions on Victimization, Survivor Behaviour and the Philippine Justice System. A Study of the Situation of Children in Conflict with the Law in Davao.* Save the Children UK.

## Bangladesh

Most of the street children in the study were forced to leave their homes for a range of social and economic reasons, including poverty and physical

and verbal abuse by parents, guardians and step parents.

A few of the children and young people consulted had left home as a result of physical and mental punishment by their parents because they were not interested in going to school. The study also found that there are some women from Dhaka who go to rural areas and persuade poor rural children, particularly girls, to come with them to the city for a better life. These girls end up either as prostitutes or as street children.

### Case study

Hasina is a 14-year-old girl. She had a peaceful life with her parents and two sisters in her village home. But her father was declared insane and forced by her maternal uncles to leave home, as they wanted to seize his land. When her mother remarried, Hasina and her younger sisters stayed with her uncles. Her uncles, who used to abuse her both physically and mentally for trivial reasons, told her that she was no longer accepted as a 'member' of their family as her mother was living separately. Hasina decided to leave home and after a couple of days of travelling she found herself as a street child near Dhaka Stadium.

Taken from: Save the Children UK (2000) *Shoshur Bari: Street children in conflict with the law.*

Nearly all the street children consulted in the study had become involved in hazardous and low-paid activities in order to be able to have at least one meal a day. As they had no relatives in Dhaka, they had to live on the streets after a hard day's work. Of the many problems of life on the street, by far the greatest was abuse from police (see Getting into Trouble section below).

## Tajikistan

*"We are used to the streets."*

In the study of living conditions of street children in Tajikistan, poverty was given as the main reason for them being on the streets. Most of the children who slept on the streets of Dunshanbe came from very poor areas in the south of Tajikistan.



*“Because it was difficult to survive, we had no bread to eat...then we came here.”*

*“Because we used to live in the village, there was no place to work, we had no shoes to wear, we couldn’t buy the school uniform we needed, that’s why we were not able to go to school.”*

*We had hard times at the village. We did not have any food to eat despite all my efforts to get it. I did not have any good clothes to put on and the other boys laughed at me. So I had to run away to the city.”*

Some of the children gave additional reasons for why they were living on the streets:

- divorce
- step parents driving them out
- violence at home
- running away after a fight or another incident.

#### **Amir, aged 13 years**

My father was a well-known man. He and my mother got divorced in the course of the war. Some time later my father came and took me away from her. A bit later my mother came to my father’s place, she found out my father had already re-married...then at the place she made a big scene with his new wife. Then he threw her out... Later I asked my “moma” [the woman replacing the mother] to take me to my mother. Then she told me that my mother had died three days ago. Then my father had taken me on...he used to stay at his friends’ houses so we stayed there together. Then my father took me to Kulyab and left me with my moma [because he left for Russia]. She beat me up and threw me out. She said, ‘You are not my child, you are from another person’. So she threw me out. Then I had to stay with all these boys at this Sahovet [market].

Save the Children UK, Tajikistan (2004) *Street Children in Tajikistan*

Domestic violence is a common reason for children ending up on the streets. As one child recounted, *“I do not want to [go] back home because my father drinks alcohol and when he beats me, I roll around like a football.”*

Sexual abuse between boys is fairly widespread within the community of street children. The usual explanation given for this is that when they do not have enough money for prostitutes they have sex

with other boys. Usually, it is the older boys who sexually abuse the younger ones. For the passive boys (called dollies) this is a distressing situation. A small boy recounted that he and another small boy had been penetrated by four older members of the group. He said that this was happening “every day” and that he was used to it (although he requested the researcher to tell the older boys not to do this any more).

## **Summary**

### **Children’s survival strategies and their vulnerabilities**

Children who are or who have been in conflict with the law, live in an environment that is often hostile and harsh. Family and community upheaval, breakdown and violence are often key causal factors to these children coming into conflict with the law.

Many of the children who come into conflict with the law have also done so as a result of their survival strategies to meet their basic needs. Others are trying to contribute to their family's income and survival and end up in exploitative working situations or on the street. . The following issues, faced by girls and boys in different country case studies, accentuate their vulnerabilities to coming into conflict with the law:

- poverty
- migration from rural areas
- displacement and conflict situations
- family breakdown and violence
- prevalence of alcohol and drugs in the community.

### **Poverty**

In the rural areas of Uganda, children talked of food shortages, lack of land and not getting sufficient food because of drought and war. Economic necessity can lead many parents who are unable to afford school fees, to send their children to work.

This situation is mirrored in many of the case studies, particularly in developing countries.

In the urban areas, children also cited poverty and lack of family income as a major determinant in their lives and the decisions that they make. Street children and those who are orphaned also work and are pushed into poor or even abusive working conditions, as shown in the examples of Gulu in Uganda, Bangladesh and Tajikistan. In some countries, including Ethiopia for example, brokers may often persuade children to leave home with the (false) promise of a good job.

### **Migration from rural areas**

In Ethiopia, Bangladesh, the Philippines and Tajikistan, many children had moved from rural areas to the cities, leaving them in a vulnerable situation living on the streets and often in exploitative working situations. Families moving from rural areas during the structural adjustment programmes of the 1980s, combined with drug cartels moving into Honduras and the deportation of gang members from the USA in the 1990s to their countries of origin (including Honduras), created a fertile ground for the emergence of extremely violent gangs of young people in the cities.

### **Displacement and conflict situations**

War and armed conflict, resulting in the displacement of people, children being orphaned and increased levels of violence in their communities, puts children at risk, as shown in the examples of Gulu in Uganda and in Bosnia and Herzegovina.

### **Family breakdown and violence**

Family breakdown and children being looked after by other relatives and families due to displacement, or being orphaned through war and HIV/AIDS, can result in inequitable treatment within the 'new' family. Children mentioned, for example, harsher conditions and punishments for minor infractions within the family context and in their local communities. This was highlighted in Uganda and in Ethiopia. Violence (physical, sexual and

psychological) within families, by adults who are in positions of power and within groups of children, were highlighted as part of children's daily lives in Bangladesh, Tajikistan, Honduras and the Philippines, and was raised in other case studies that looked at the causes of children coming into conflict with the law.

### **Prevalence of alcohol and drugs in the community**

Drug and substance misuse among parents and children can also lead to an increased risk for children and is often a contributory factor to the breakdown in communication between parents and children. In Uganda and Ethiopia, for example, children raised the issue of adults drinking as putting additional pressure on children to try to raise income for the family. In Honduras and Bosnia and Herzegovina, peer pressure influencing children to get involved in taking and trafficking drugs, was raised as an important reality in their lives and local communities.

### **Safe and unsafe places in children's communities**

#### **The police and authorities**

Across the continents and cultures of the case studies, many of the children and young people talked about the police stations in their community as being places where they felt threatened and unhappy. Although there were mixed reports about police, few children felt safe with the police. Many wanted to think of them as people who would be understanding and kind, but through their own experiences saw them as harassing children and sometimes causing them severe harm.

#### **Venues where adults consume alcohol and drugs, video houses**

Places where adults drink and take different types of drugs, such as *qat*, were raised by some of the children, for example in Ethiopia and Uganda, as bad influences on them. Also raised in these countries were film or video houses where children see adult films unmonitored. In Bosnia and Herzegovina children suggested that the drinking age

for children in bars should be observed. The boys also said that there was nowhere in their community where children were not taking drugs. The trafficking of drugs was a serious and underlying issue for the gangs in Honduras and in the Philippines.

### **Schools**

Despite risks of brutal treatment at school, for example in Ethiopia, schools were generally seen by girls and boys in the different case studies as being relatively safe places in their communities and places of hope for their future. Many children had dropped out of schools because of a lack of money to pay the fees or the need to contribute to family income. In some situations, for example in Uganda, Ethiopia and Bosnia and Herzegovina, some teachers had been important in providing advice and guidance even after children have come into conflict with the law.

### **Access to facilities**

While children and young people in many areas raised the issues of poverty and difficulty in meeting basic needs, or lack of family income, many were also positive about a number of aspects of their environments. In Uganda and Ethiopia, girls and boys talked about local facilities with pride, while in Bosnia and Herzegovina the boys said how supportive many people in their local environment had been in their re-integration into society after they had got into trouble. In Honduras young people talked about the importance of the Church in their lives as a way of rehabilitation into their societies.

### **Finding respect**

When children and young people had found respect from both those they regarded as being 'good' friends and from the adults in their communities, they said that they felt good about themselves again as part of their communities. Some felt that respect

from adults was conditional on whether they could contribute to the family income or were obedient, for example in Uganda and Ethiopia. However, for some children and young people, the impact of the violence they had experienced still haunted them and they identified the need for counselling and guidance.

For some, the situation of living in conflict with the law was still a reality and they could not see how they would ever feel respected in their community again. For those children, the very process of talking to other children in conflict with the law in the workshop was important, as it helped them feel that there were other children going through the same things and that they could talk about them together. If they did not already meet regularly, as in the case of Chuka in Bosnia and Herzegovina, many of the children and young people who met in the workshops wanted to meet again to support each other, for example in Uganda.

Boys and girls were keen to earn respect and rebuild trust in their communities. Sometimes, however, peer groups can have both positive and negative impacts. They can support each other for their survival and protect each other as in gangs, but they can also bully and abuse each other, as in Tajikistan. For example, where older street children sexually abuse younger boys. Peer pressure can also become a negative influence, as was mentioned by children in Bosnia, Ethiopia and the Philippines.

When the children in the gangs talked about respect, they compared the respect that they got from being in a gang – demanded through fear and intimidation – with the respect they could get if they did not carry a gun, by being valued by other people in the community. Working was often cited by young people as a way to gain respect, for example in Uganda and Bosnia and Herzegovina.

# 4 Getting into trouble

The workshops with children and young people explored their personal experiences of coming into conflict with the law. Questions focused on:

- What got you into trouble and how has it affected your life?
- What might have prevented you getting into conflict with the law in the first place or helped you?
- What are the things that could help you now?
- How has violence affected you in your experiences of conflict with the law?
- Do you think that the way the conflict/crime was handled was the right way and, if not, how could it have been handled better?

A role-play exercise was used as a way of helping the children and young people to recount their experiences.

## Ethiopia

### Reasons for getting into trouble

Children and young people in Addis Ababa had become involved in stealing and fighting for several reasons. Many felt that a combination of poverty and a lack of awareness of the consequences of their actions had led them into difficult situations that they had not expected. Sometimes children had got into fighting in groups and there was a lack of parental control. Some felt they were influenced by watching movies, and some said they needed to steal to get money to feed addictions.

In Dessie, children and young people cited similar reasons for getting into trouble:

- being in the habit of using money and not having any
- fighting with friends
- family economic problems

- inadequate guidance or supervision by parents and family members
- being used to watching bad [violent] films
- disrespect to families
- spending time with bad friends
- not thinking of the long-term consequences of their actions
- not having enough personal strength.

*“If I cannot carry things to earn money, then I steal.”* (boy, aged 14 years, from the CBCP)

### The impacts of getting into trouble

The impacts of coming into conflict with the law on the children and young people in Addis and Dessie ranged from loss of trust, people talking badly about them and having to miss school to being imprisoned, fined and beaten by their families and by the police. Those in Dessie also told of being thrown out of their homes, suffering humiliation and being sent to the Correction Centre. One child said that death could be an impact. However, they also said that they had now learnt lessons and did not want to get into the same situations again.

### How the authorities handled the crimes

When asked about the way their crime had been handled, children and young people in Addis expressed mixed feelings. Some said that the police treated them properly. Some, however, expressed reservations about how the police handled their case. Most of them appreciated the treatment they received in the Community Based Correction Centre. They suggested the following improvements:

- Police is equivalent to law. They should not beat children.
- Police do not listen to our views. They should listen to children’s views.

- Police should have done preventative works. They should study the causes and take preventative measures.
- Neighbours should be impartial in their treatment of every child in the community.

When children in Dessie were asked, “Do you think the way the offences were handled was the right way?” they gave the following responses:

- No, because the police abused me physically and verbally when they caught me.
- If we are in a place where crimes are committed the police beat us to get information about the crime.
- The way the police question children is threatening/ is not comfortable. Too many policemen question a single child.
- Police do not give enough attention to children. They do not protect children from being abused.
- When girls are victims of rape they get psychologically distressed. Therefore it is not enough only to send the person to jail, but also to help the girl to improve her living situation. She may also become isolated within her community.
- The police are corrupted especially by older youths that threaten the police or bribe them, therefore when the older youths commit offences the victims do not get justice.

## Honduras

### Reasons for getting into trouble

Drug addiction and family disintegration emerged as key factors in the explanations of how this group of former gang members, as children, had come into conflict with the law. For some the rationale for drug use was *‘If my dad does it, why shouldn’t I do it?’* For one participant in the workshop, the role-play exercise *‘made me remember my past and how we committed crimes – it’s a message to the rest of us [children and young people] –*

*what drug addiction forces us to do’*. Robbery, criminal behaviour such as drug dealing and mixing with the criminal world through organised crime were all driven in large part by drug addiction.

For boys in particular, involvement in drugs means hanging out with those who sell drugs and the criminal activity associated with this. Families also tend to abandon those children who have problems with substance abuse. This, combined with mistreatment by parents, leads boys to seek out another ‘family’ and other friendships – ie, the gangs.

*‘Friendships we think are good but they are not. We are influenced by what friends ask you to do. Friends who will give you a joint but not good advice.’*

Tattoos are a central part of belonging to a gang, and once boys and young men have tattoos, they are targeted by the police and society. The young people taking part in the workshop gave a recent example of one young man who was stopped on his way to work by paramilitaries and asked to show his tattoos. He was then rolled into a ditch and shot at. (He survived the attempt to kill him.)

Both the young men and the young women in the group identified other underlying factors as being a lack of employment opportunities and a lack of education.

For the young women, as for the young men, drug addiction had been the immediate cause of them coming into conflict with the law. Other immediate causes were running illegal errands and negative influences from peers. 1.

Other underlying reasons accounting for the women’s conflict with the law were:

- lack of family support
- family disintegration
- domestic violence.

Family disintegration was attributed to a lack of communication between children and their parents combined with poverty, a lack of employment opportunities and poor levels of education.

## The impact of getting into trouble

For the young women, the impacts associated with being in conflict with the law were:

- mental health problems
- abortion
- fatal illnesses
- death
- jail
- unemployment
- involvement in organised crime
- persecution.

For the young men, being in conflict with the law results in killing people and being put in jail, where there is no rehabilitation or professional help.

*“I took the wrong road and ended up in prison with my body full of tattoos.”*

They said that many of the young men who are in conflict with the law “end up dead”. The risk of being killed is not only from the authorities and death squads, but also from the gangs themselves. If a gang member breaks gang rules, they are judged and often killed. Ex-gang members are also at risk of being killed by the gang for leaving.

As already stated in the section above on children, young people and communities, gang tattoos act as a major barrier to reintegration into society and community and expose current and ex-gang members to a risk of police harassment and beatings, and extra-judicial killings.

Another impact for the young men was the breakdown in relations with their families. One young man commented, *“I have lost the trust and support of my family”*.

## How the authorities handled the crimes

Recalling their experiences, participants had very negative memories. Their experiences of the authorities, as active gang members, were particularly negative. They highlighted mistreatment by the police and bad experiences in prison.

## Uganda

### Reasons for getting into trouble

The majority of offences committed by children and young people in Uganda were related to their very survival. Many of them had been forced to steal in order to eat.

*“Stealing is to try to get money for school when my father is dead from AIDS and my mother is too weak to look after us – that is the cause.”* (boy aged 14, arrested for theft)

In Gulu, boys and girls said that their lives and crimes had been affected by the war and that they had been encouraged and even trained to be brutal.

*“The main reason is the war in the north that is making us all suffer. Also being with bad friends.”* (girl aged 17 years, arrested for prostitution)

### The impacts of getting into trouble

The impact of committing sometimes very minor crimes as part of their survival strategies, has been to alienate some children from their families and friends. Some children also mentioned a feeling of isolation and fear in the community, with specific threats being made towards them, sometimes resulting in severe punishment from people in the community.

Some children in Masaka have been beaten so much at home that it has led them to live on the streets and get into more desperate situations, this in turn leading to more conflict with the law. The children of Gulu also had problems of reintegration back into their communities, especially when families were dispersed or had died. Even when children have family members, reintegration is difficult and the children felt that both the adults and the children needed help to cope with these different situations.

*“The level of love has come down from my parents and I have lost my friends – staying in this place has become difficult.”* (girl aged 13, arrested for prostitution).

## How the authorities handled the crimes

Children in both Masaka and Gulu districts of Uganda had a mixture of positive and negative experiences of their interactions with the law. Some were treated fairly, while others were poorly treated. Some individual police officers had beaten and harassed children, especially those who were repeat offenders.

In many cases from Masaka, where children had been taken to the police and put into prison, they had been beaten severely and some had also been beaten when they returned home. In one case, the child had been sent to adult prison and had become sick.

*“I was severely beaten by the prison men – it’s when I realised that prison is like death.”* (boy aged 17, arrested for being idle and disorderly)

*“I was in prison with adults – I became sick and was mistreated.”* (young man aged 22, arrested for theft)

Some of the children in Gulu had also experienced violence within the juvenile justice system.

*“When you are taken to prison and given little food that cannot be enough. Then you are beaten. That is against child rights.”* (boy aged 18, arrested for grievous harm)

For some children in Masaka, the experience of reintegration within the community was also mixed. Some were effectively diverted and minor crimes were resolved within the communities and with the local council. Others felt stigmatised and reintegration was hard.

*“They took me to the elders and I was told to apologise and they forgave me.”* (boy aged 12, arrested for stealing food from a garden)

*“I was beaten and swore I would never do it again. There was mistrust at home. My friends sympathised, but others blamed me.”* (boy aged 12, arrested for stealing milk)

Some children felt that the members of local councils also needed more training to communicate with children more effectively. Mediators have been trained and are working with the local probation officers, and in many cases this has helped the children to communicate better with the authorities and their parents.

## Bosnia and Herzegovina

### Reasons for getting into trouble

One boy, aged 17 years old, said that he had come into conflict with the law because of hanging around with the wrong people, taking drugs, and not having the money to pay for them. *“I did not have the money for marijuana. The people I was with encouraged me to do these actions. I felt aggressive and so it was easy,”* This had a major impact on his life, including his relationships with his family and friends. *“My parents had a tempestuous reaction, because what I did was so wrong. My friends had the same thing [reaction] because they do not do those kinds of things. It influenced my life in a way that I regret, but I did not do it for a joke, but because some friends had a lot of money and I did not.”* He felt that he needed both a better financial situation and more regular supervision and closer involvement from his parents.

The other boys agreed that they had come into conflict with the law because of money and being with the wrong people. They had needed the money to get drugs. *“It is hunger for drugs.”* One of the boys also mentioned needing money for other purposes: *“To spend, to gamble, to play. Money for the technical equipment.”*

The boys talked about their drug use and said they had started on 'soft' drugs. (They referred to marijuana and ecstasy.) Although they said they thought they were non-addictive, they wanted more and more.

*“In this town, there is no part of town where young people do not take drugs.”*

When asked why the boys used drugs, they had the following responses:

- "just for fun"
- "showing off, pretending to be important"
- "for comfort – there is an example of my friend whose father died, and he was hanging around with those boys, looking for a comfort in drugs"
- "because the friends I am with are doing it"

## The impact of getting into trouble

When one of the boys was asked what he felt when he committed a crime, he said: *"I do not feel good or bad. I do not commit criminal act to someone who is not guilty, but to the one who is guilty.. "*

Another boy said that he felt both excited and worried by the experience: *"When I do it, I do it in the way that police do not catch me. I feel normal, and my adrenalin works. For two or three days, I am worried if the police will find me."*

One of the boys (aged 18 years) said that he thought more weapons would be a solution for him – to commit crimes, to protect himself, and as a means of earning income (by selling guns).

*"A lot of guns. I live my whole life for guns, guns and just guns [joking, laughing and showing off as he said this].....To someone I was in debt for something, I could sell guns and have money, but also leave some for myself."*

## How the authorities handled the crimes

There had been extreme levels of violence towards the boys on the part of the police, as portrayed by the boys in their role-play. They felt that, instead of being talked to and questioned, they had been treated as violent criminals for being caught smoking marijuana or for petty theft. This treatment made the boys feel both indignant and angry. The role-play showed police asking the boys for drugs, rather than setting them an example, and continuing to harass them throughout their contact with them.

One of the boys described how they had first acted the role-play to show how the police now behaved; in the second role-play they had acted how they felt that the police should behave:

*"In the first part, the cop was a 'monkey', maniac, crazy, and a junky, and in the second one, he was good, nice – you can talk to him. The second way is better because he does not beat the kids and he is doing his job."*

When they were going to commit an offence, they talked about how worried they felt. When they were caught they described themselves as feeling like *"a total loser"*.

The boys also discussed the interaction that they and the police had had with their parents. This is what the 15-year-old-boy, Suma, said (Al is the facilitator):

**Al:** *Do your parents come for you when something like that happens?*

**Suma:** *They always do.*

**Al:** *How do they act in those moments?*

**Suma:** *They do not dare to say anything. My father asks straight away if anybody touched me and he argues with them.*

**Al:** *When you get home, how do your parents treat you?*

**Suma:** *They are angry and they act as if they do not know me.*

**Al:** *Do you try to explain to them reasons for it and do they listen to you?*

**Suma:** *I do that, and they say how come that it is never my fault? I promise them that I will not do it again, and then they act the same way as before.*

When asked about issues relating to parents and what they could do about the children's drug use, the boys raised the following points:

**Mocke:** *If the parents would notice that their children are using drugs, they should move to other towns, or find some other activities for them, music, sport.*

**Suma:** *I would follow him 24 hours a day. He would have to practise some sport and not hang around those boys.*

**Sprzo:** *If you want to be junky – be it; if you do not want to – do not.*

**Moki:** *In most of the cases, parents can not do it [help children get off drugs]... one day, you realise it yourself. My example is that I left that group of boys from Rosulje, whom I did it with, and joined the new group of friends on Petricevac, where they knew what I did, and who I am, and that I am junky. When they realised that I will not do it anymore.... they [the new group of friends] took me in.*



The boys had constructive suggestions for improving the situation for children and young people, which are shown in the Solutions section, below.

## Further examples

### The Philippines

#### Reasons for getting into trouble

The Philippines study found that poverty was a major factor that placed children at risk of offending, “pushing children and young people outside their homes into the streets among their peer group.”<sup>10</sup>

The most common crimes that led to children in the Philippines getting into trouble were theft and substance misuse. Breaking of curfews and vagrancy were also common reasons for children getting into trouble. Almost all of the children in the Philippines study were arrested for first-time offences.

In Davao, children were at risk of being executed by death squads for being on the streets. Between 1999 and September 2003, one in every ten victims of executions were children aged 14 to 17. Executions by death squads are often linked to the police.

#### How the authorities handled the crimes

The children's experiences at the hands of the police and in detention were generally very negative, with only a few exceptions of non-violent treatment.

*“There is an interview before one is put inside the cell. When your offence is theft, you are beaten up, but when it is only curfew violation, you are simply sent straight to the jail cell.”*  
(child detained in Davao City)

In Cebu most of the children said they had had rough treatment – being knocked on the head, punching, whippings and dunking their heads in water.

In Davao children reported that police encouraged adult prisoners to beat them up, and identified a range of abuses they suffered: shouting and pointing guns; torture; and sexual abuse. One of the worst examples of police brutality was of five friends given

electric shocks to their anuses by the police for repeatedly breaking the curfew. Another area of abuse, about which little is known, is revealed in one comment from a child: *“Boys become girls inside police detention cells.”* In the Cebu jails it was reported that young children were sometimes ‘adopted’ by an adult as a sleeping partner.

Children’s experiences of jail were extremely negative. Many children join gangs while in jail for protection and comradeship – family visits are irregular. Self-mutilation is common among 12- to 14-year-olds who were not visited and missed their mothers greatly.

#### The impact of being held in detention

Children who had been in jail had fears about being teased if they returned to school and about the general prejudice within society to ex-offenders. They were also anxious about finding work. The Davao study found that evading the death squads was foremost in the minds of the released children, rather than reintegration.

Concerns over the negative impacts of criminalisation on the children’s development into adulthood were highlighted by children’s attitudes. Only 15 per cent of children interviewed in the study expressed the view that custody had not affected their life, adding that they have become hardened and were no longer afraid of jail and of committing further offences. One first-time male offender said, *“The longer I stay here, the more I become unruly”* and one correctional staff member said, *“Some children were like puppies when they first entered jail; a few days later, they become rough”*. Those children in segregated prison units are also not free from abuse – particularly from older children. Recent allegations in Cebu City Jail included a rape of one child by three older ones, and of group stabbings as a revenge for bullying.

In contrast to those children in detention in jails, those in rehabilitation centres were more positive. In Cebu, children reported that the rehabilitation centre had no grilles, better food, beds and bedding, recreational activities and attentive staff. Most felt that being detained in this centre prepared them to go back to their communities and were optimistic about the possibilities of changing their behaviour.

Elementary schooling was provided, as well as skills training in brick-making, pig raising, cooking and farming.

## Bangladesh

For the children in Dhaka, being on the streets is the primary cause of getting into trouble, whether or not they have actually committed any offence. The police routinely pick up street children. The research found that out of 30 children picked up and arrested, the police had no specific case against 20 of them. These children were accused simply of sleeping on the street.

Some children were picked up because of their involvement in serious crimes such as carrying arms and drugs. However, children expressed their concern that while only a tiny minority of street children are involved in criminal activities, the police target all street children.

Nazim, an 11-year-old boy came to Dhaka to escape the routine physical abuse by his stepfather. He was picked up by police on a *hartal* day (general strike). He was begging for food, as he normally did on other days, and suddenly a policeman came and caught him, saying that he had thrown stones at the police and damaged cars. The policeman slapped him repeatedly and took him to the local police station. Despite his repeated pleas that he was never involved in these activities, the police did not release him. The next day, Nazim was brought to the court and then taken to Dhaka Central Jail, where he stayed for six months.

Nazim stated that it was painful to be in jail where he had to do very hard work, including fetching water in big buckets, cleaning toilets and offering services (head and body massage) to the jail police. He also suffered physical and verbal abuse from the police and adult prisoners when he refused or was unable to do all these activities.

Taken from: Save the Children UK (2000) *Shoshur Bari: Street children in conflict with the law.*

Adolescent girls are particularly vulnerable to police brutality because they are always taken to be prostitutes, and treated as such.

Pakhi, aged 15, was picked up by the police and accused of being a prostitute. Pakhi tried to convince them that she was not involved in such activity. The policemen refused to believe her, saying that they knew very well what street girls did, and forced her to go to the local police station. The next day, Pakhi appeared before the court and the Magistrate ordered her to be sent to Dhaka Central Jail. Pakhi was in jail for two months, where she was regularly beaten by the adult women prisoners.

Taken from: Save the Children UK (2000) *Shoshur Bari: Street children in conflict with the law.*

Within the jail, life for children is extremely grim. *"We were kept with adult prisoners who frequently abused us, and this was accepted by the jail police, who were no better than the prisoners. This was part of our everyday life in jail."*

It was also reported by children that adult prisoners would often come to the children's cell to sleep and share facilities, including food. Some of the adult prisoners took drugs and encouraged the children to do so. As a result, children who had never had any kind of addiction outside jail became addicted to drugs.

Within the government-run 'shelter homes' or 'vagrant homes' the conditions are very bad. The food is of low quality and insufficient quantity, there are no medical services, and children sleep on the floor without mattresses, often with 50 children in one small room. Children are forced to work, such as preparing food, cleaning utensils and toilets.

Children in the homes live under the threat of violent retaliation if they disclose any malpractices. The research revealed the example of Kamal, who showed a visiting senior officer how children were being mistreated (not being provided with meat for their meals). Afterwards, Kamal received 60 strokes with a cane over seven days while being hung from a tree as a punishment by the prisoner officers for reporting them.

## Tajikistan

The study of street children in Tajikistan found that, in order to ensure their protection, street children needed to be members of gangs. These gangs, each with between six and 25 children and a leader, have

their own territory and do different kinds of work. For example, some groups wash cars, others sell plastic bags. The group leaders collect about 70-75 per cent of the money earned by the children in the gang. With this money they pay more powerful leaders and the police. In this way, the street children's gangs are part of a larger system of paid-for 'protection' or corruption.

The aspect of street life the children most feared was the police. The police make organised 'raids', usually at night, and apprehend many children. In general, the children are released after a few hours or after one night. They are required to pay to be set free. Often they are also required to clean the building or toilets, especially if they have no money. Most of them report being beaten and some report heavy beatings.

*"They take you to a place that is a bit bigger than this cabinet, and that cabinet has bars. They take you to that place and lock you up, and then they will ask their boss what to do. So whatever their chief says to do they will do. One of them insulted one of us, and then another policeman beat the boy's head with a club. He lost consciousness."*

Some children reported more positive experiences with the police: they had not been beaten, nor had their money confiscated when they were picked up by the police. One child recounted a story of how a policeman had actually helped him.

*"Thieves stole 20 somoni when I was sleeping at night. Then, in the morning, I told this story to a policeman I knew. I said to him that all my money was stolen by them but it turned out that those thieves were friends of that policeman. I had 20 somoni in my pocket, and I was saving that money for 'Idi Kurbon' [celebration]. That policeman went and got 25 somoni from those thieves and brought them to me. Then, I earned 15 more somoni, and sent them to my family."*

## Summary

### The root causes of conflict in children's lives

The root causes of children coming into conflict with the law mirror some of the aspects of their communities they highlighted as being negative:

- survival strategies to meet basic needs
- peer pressure
- lack of communication, abuse and domestic violence in families
- drug and substance abuse in of children and adults
- conflict and ongoing violence in communities.

### Survival strategies to meet basic needs

Poverty is a key factor that increases the risk of children coming into conflict with the law. This is shown across all the case studies. The scarcity of food and other basic needs leads children to start with crimes of petty theft, which they may even be encouraged into by their families. They are often unaware of the consequences, and petty theft leads to more and more serious crimes. In Uganda and Ethiopia, food shortages due to unequal distribution of food and land, drought, land infertility and lack of knowledge about healthy diets, all put children and their families under greater pressure to find alternative strategies to meet their basic needs.

Children may find themselves living on the streets as the result of family breakdown and displacement, or may be pushed into exploitative working conditions to earn money for their own survival or to contribute to their family's income. This, together with the criminalisation of most survival strategies and the lack of viable and safe income generating opportunities may, in turn, push children towards finding other, apparently 'easier', ways of getting money, often just as a way of getting school fees and money to buy clothes and food. The risks of coming into conflict with the law are often unforeseen by the children and they do not realise the consequences until they are already caught in a downwards spiral.

The plight of working and street children is raised in the case studies in Bangladesh and the Philippines, as well as in Uganda and Ethiopia.

## **Peer pressure**

In more developed countries, such as in Bosnia and Herzegovina, young people have felt intense peer pressure from friends who have more money and come from families with higher incomes to aspire to their lifestyles. Peer pressure is also an issue in less developed countries, where children may become involved in increasingly serious crimes depending on the group they are with, for example as discussed by children in Ethiopia. Gang mentality and culture, often leading to progressive involvement in more organised crime, were major factors in Honduras and the Philippines.

## **Lack of communication, abuse and domestic violence in families**

Another root cause of children coming into conflict with the law that was found throughout the study is lack of communication between children and adults, associated with lack of parental care and guidance.

A large number of girls and boys experienced severe beatings at home, which in some cases were one of the root causes that led to their coming into conflict with the law. In some cases, as for example in Uganda and in Bosnia and Herzegovina, beatings often followed when children got into trouble, compounding matters further. This led to discussions where girls and boys suggested that they needed help and mediation in talking to parents, for example in Uganda. In other cases children felt that they should have listened to their parents' advice more and recognised that parents need more support in how to deal with their children when they come into conflict with the law, for example in Bosnia and Herzegovina.

Discrimination against some children within families and extended families was an issue for many children, but particularly for girls. This was raised throughout the discussions with children in Uganda. Perceptions of neglect and a lack of love and care

were also common experiences for children who had got into trouble, across continents and cultures.

Discriminatory and unfair treatment among siblings was experienced, especially where there were different relatives looking after children due to family breakdown. Resulting violence within households, including beatings, also increased the risks for children as they left home or turned elsewhere for comfort and support. The resulting impact such as migration to living on the street and being forced into prostitution were particularly highlighted in Ethiopia and Bangladesh. Domestic violence and abuse (physical and sexual), especially among girls, were raised in the Philippines and Bangladesh case studies and in the role-plays in the case study in Uganda.

## **Drug and substance abuse among children and adults**

Children who grow up in contact with drug and substance misuse, either by family members or friends, are particularly at risk. Two different scenarios emerged: one where the parents are drinking and taking drugs and the children then have to find money in order to pay for necessities for themselves and their families, as demonstrated in the case studies in Uganda with alcohol and Ethiopia with *qat*. The second is where a child may be friendly with other young people who are taking drugs and where peer pressure leads them into drug abuse and stealing to feed their habits, as shown in Bosnia and Herzegovina and the Philippines. This may then lead to them selling drugs or becoming members of gangs, for example in Honduras.

## **Conflict and ongoing violence in communities**

Situations of war and conflict have further accentuated children's experiences of violence when they are in conflict with the law, especially highlighted in Gulu in Uganda. This is due to their changed living and family situations and survival strategies. The levels of violence tolerated within these local communities also result in a higher

threshold of tolerance of what is acceptable for children to endure.

## **Children's experiences of getting into trouble**

Children recounted their experiences of coming into conflict with the law. They raised the following issues, which became the basis for discussions around specific solutions identified by the children in the next section of this report:

- violence by the police and the authorities
- experiences of diversion
- experiences in the juvenile justice system
- stigmatisation and the impact on children's lives.

### **Violence by the police and the authorities**

Children told their stories in every country about what happened when they had got into trouble. The vast majority had experienced some kind of violence from the police. Experiences ranged from being threatened and harassed to being severely beaten when questioned. Children in Honduras and the Philippines face particularly extreme forms of violence, where death squads linked to the police are operating and executing children on the streets.

There were a few individual cases across the different countries where children experienced better interactions with the police. These were usually where they had also requested the presence of a third party – usually an adult whom the child trusted and felt comfortable with. They had tried to sort out the situation with sensitivity and by taking into account the relative severity of the crime.

### **Experiences of diversion**

There are examples where children had been diverted from the formal justice programme, for example in the Philippines under the restorative justice system and in Uganda through the work of 'fit persons' alongside the local courts that deal with certain crimes. In other cases, alternative to incarceration were provided as with the work of the Centre for Social Work in Chuka, Bosnia and Herzegovina. In these cases, there seemed to be a level of satisfaction with the way in which people

were trained to work with minors, as children recounted generally more positive treatments and reconciliation in their communities. See also 'How Cases Should be Handled' in the next section on Young People's Solutions.

### **Experiences in detention**

In cases in Uganda and the Philippines where children had not been successfully diverted, children who had gone through the justice system talked of their appalling experiences of abuse in detention. In some cases this had resulted in children becoming physically ill and depressed in adult jails. Children in prison in the Philippines also resorted to self-mutilation.

The impact of the lack of a separate juvenile justice system and the failure to keep children and adults separate in detention centres and prisons were also highlighted in children's experiences of violence, including sexual violence.

Visits and contact with parents in jail was very restricted in the Philippines. In some situations, children join gangs in the prisons to try to protect themselves from other adults, but also come into conflict with other children and young people in different gangs whilst in prison.

### **Stigmatisation and the impact on children's lives**

Lack of employment opportunities for young people who have been in conflict with the law was raised in all the primary case studies and particularly the way it severely limits their ability to reintegrate into society.

Young people in Honduras found that their gang markings in the form of tattoos led them to be targets of discrimination throughout their societies and on occasions to fall victim to the death squads. Children went so far as self-mutilation in order to try to escape the labelling by pouring industrial and battery acid over their arms and faces.

In other case studies, for example in Uganda, Ethiopia and Bosnia and Herzegovina, children talked of the alienation and mistrust they felt among friends, families and more broadly in their communities and schools. In Ethiopia, children felt

isolated in their own communities and many then became street children. Prostitution and highly exploitative working conditions were discussed as now being children's realities. With no alternative means of survival and with the peer pressure that girls and boys felt in their new living situations, they often became involved in increasingly dangerous criminal activity.

In these new peer groups that children join in order to cope on the streets, there can also be violence and bullying between children. For example, in Tajikistan, young boys reported being sexually abused by older boys in the group.

The long-term impacts on children's lives were also highlighted by boys and girls. In Honduras, girls talked about mental health problems, unemployment and persecution in their communities, also mirrored in other case studies. In Honduras and the Philippines, children talked of the threats of death and of becoming involved in organised crime. Young people cannot hope to be reintegrated into a community when they are still at risk from execution from death squads and stigmatised as 'criminals' or ex-gang members.

Children and young people said that the emotional problems and distress that they experienced, as a

result of being at risk in their communities and in conflict with the law, were rarely addressed. Those who attended the rehabilitation centre, Chuka, at the Centre for Social Work in Bosnia and Herzegovina did feel that their psychological issues were being addressed. . However, more provision of support services and more systematic treatment of the psychological damage that children experience are needed.

Across all countries, children found that their education was negatively affected. Those who had previously accessed educational opportunities often faced educational challenges and found themselves too far behind and stigmatised within the school system, for example in Bosnia and Herzegovina. Those who had never had those opportunities did not have much hope of inclusion and found that their conflict with the law further accentuated their lack of local educational and vocational opportunities. This would in turn reduce their chance of gaining employment.

Children often found that they had to leave their immediate surroundings, including their communities, in order to leave their labels behind and to be able to move on.

# 5 Young people's solutions

The final phase of the workshop involved transcribing solutions and actions identified during the earlier phases of the workshop. The children were then asked to prioritise the actions, and to discuss and reflect on who has the responsibility to take these actions forward.

## Ethiopia

The Addis Ababa workshop drew up the following list of preventative actions that the children and young people felt would have helped stop them getting into trouble in the first place:

- Discussing our problems openly with our parents or families.
- If parents could not fulfil our demands, they could explain things to us patiently. They think that it is enough only if they feed us.
- Community members should have advised children when they are moving in the wrong direction.
- We need people that could have reconciled us with our families when we go out to the streets. (This is more important than being given food while on the streets.)

They also felt that the following actions could continue to help them:

- Other children should be given a chance to discuss their problems
- We need to be engaged in useful activities such as entrepreneurship
- We are not allowed to sell small stuff on the streets. This is a problem for us.
- To spend time in the Community-Based Correction Centre is a good thing in itself.
- Parents have to follow up their children.

In Dessie, children added that parents might need advice from professionals about child rearing and providing support and guidance for their children. They also felt that children were too easily labelled after having committed an offence.

The children in the workshops were asked to prioritise the five most urgent measures from the solutions they had discussed in the course of the workshop. Children in Addis identified the following:

- closing *qat*, video and drinking places (houses)
- not ordering children to run errands to places of addiction
- reducing the number of students in a class room
- let our voices be heard
- children and parents should dialogue.

Children had also discussed giving parents models of good conduct and providing help for them to bring up their children. The issues about police respecting the rights of children and children being protected from abuse by them were also raised.

Children in Dessie also prioritised the five most important changes to their community:

- assisting children who have problems
- expanding childcare services
- expanding schools
- creating awareness among families about child rights
- expanding recreational centres for children.

Other issues discussed included creating opportunities for children to express their feelings about teachers and to have some kind of student policing in schools. They emphasised showing respect for teachers, especially those who treated

children well, and making children aware of the importance of education. The children also discussed the expansion of recreational facilities to help them stay out of trouble, as well as community correctional centres to help them if they do get into trouble.

## Honduras

Solutions to the problems facing children and young people who have been involved with gangs were grouped according to those actions that young people are able to take themselves, those that they take with support from outside agencies, and actions that need to be implemented by external agencies.

Actions young people can implement themselves:

- stop going to bars/ clubs and stop smoking
- don't go out [day and night]
- participate in the community – demonstrating in our behaviour who we are.

Actions young people can implement with support:

- training, support and rehabilitation of gang members and families
- help to prevent other children getting involved in gangs
- participate in anti-violence campaigns
- create groups of young people to get rid of graffiti
- training and awareness-raising within the police force – more communication between police and young people.

Actions required by external agencies:

- reduce corruption by public officials – this causes violence, death and insecurity
- less corruption within the police force
- increase and improve public lighting
- increase the numbers of police patrols in the community
- ensure police change their attitude and the way that they think about rehabilitated young people – training in how to treat ex-gang members
- develop more employment opportunities.

Within 'training, support and rehabilitation of gang members', much emphasis was placed on support for families with gang/ex-gang members. Specifically, the young people identified:

- schools for parents and their children
- parenting seminars for families with conflicts
- vocational training for parents
- family planning programmes
- family integration programmes
- counselling for young people.

'Help to prevent other children getting involved in gangs' could be achieved through peer-led anti-drug programmes – *"Let us talk to young people who are drug addicts – we'll help them and help them to grow."*

The actions of greatest priority for the young people were to:

- create employment opportunities, and specifically enhance and strengthen the tortilla factory (where many of the young people work)
- ensure childcare provision for those former gang members who are now parents
- provide drug rehabilitation centres
- support ex-gang member organisations (like Generation X) which are based in the community.

## Uganda

### How cases should be handled

The children in Gulu identified that the following institutions and people should have responsibility for dealing with the children when offences are committed: the local council courts, parents, community-based organisations (CBOs), the police and the formal courts.

In Masaka, the programme of having 'Fit Persons' in the community to help children and young people with situations of conflict with the law and mediation, was recognised as being important. The children in the workshop said that the 'Fit Persons' help them with the different situations they face in their villages. They saw them as being an important



bridge between themselves and the local council courts and the police. Many of the children had not realised that this scheme was linked to the Office of Social Welfare and, having met the local probation officers in the workshop, asked for more contact with them. Many children also said that relatives and friends help them.

CBOs featured more prominently in the discussions in Gulu, where CBOs and parents were seen as taking on the roles of the 'Fit Persons' and mediators. They dealt with issues of alcoholism, abusive language, being disorderly and disrespectful to adults, and addressed the issue of seeing violent and inappropriate films. The children saw the CBOs as being able to access counselling skills and also offering help with care systems and fostering where children have no parents.

In the opinion of the girls and boys in Gulu, the local council courts handle cases faster and are more accessible than going through the courts. They know the background of the local children and are likely to appreciate local circumstances. They need to be monitored, but at least do not harass children as much as in the juvenile justice system.

In the opinion of the children in Masaka, the formal courts should only be involved in more serious crimes such as murder, arson and rape. The 'Fit Persons' and mediators could deal with lesser offences themselves, such as using vulgar language or being abusive towards adults, being idle and disorderly. They could involve the Local Council Courts in cases of robbery or petty theft, house breaking or affray.

## **The role of the police**

The police were seen as potentially having a role in resolving all levels and types of crime, including those mentioned above, as well as drug abuse and drug dealing, malicious damage and rape. However, few children in Masaka had identified the police as people that they would feel comfortable going to when they felt scared or when they were in trouble, although many of the children said that they would ideally like to be able to turn to the police for help.

In Gulu, children also saw the police as central, but needing to be reformed. They need to be able to counsel children and understand the causal factors in offending. Harassment and beating of children, and corruption within the police force were identified by children as needing to be stopped. At least if cases go to court, children say that you are able to be heard and are given the chance to speak.

## **The need for mediation and support for reintegration**

Through role-play, the children of Masaka were able to show that they felt they needed help with mediation, both with the police and in different parts of the Juvenile Justice System but also sometimes when crimes were taken to the village local court. Children recommended mediation so that they can be supported in explaining their situations to their families, as well as offering them a means of re-integrating back into family life and into their communities.

In Gulu, a 17-year-old boy who was a repeat offender suggested that he needed more counselling and guidance to help understand what was good and what young people should and should not do. Rather than being isolated after a crime, they needed to be helped to reform their ways. Other children in Gulu supported the idea of counselling for children, but also for adults to understand how to treat children, both in the justice system and in families.

In some cases, especially in Masaka young people who have got into conflict with the law have been able to be reconciled with their families, key people in their village communities and the local council, with the help of the 'Fit Persons' and the mediators. In a couple of cases, schoolteachers were also named as helping children to overcome difficulties or bail children out of prison.

*"The 'Fit Person' bailed me, helped me and counselled me when I came out of prison. Now I started to do petty jobs to try to earn a living"* (young man aged 22 years, arrested for affray).

However, they highlighted the need for continued training for the police, the courts and the local council courts on how to deal with children.

## What children can do themselves

The steps that children felt that they could take themselves to improve their own situation included avoiding being idle and avoiding alcohol and drugs. Many boys and girls in both Gulu and Masaka also identified that the cinemas were a bad influence and that they should try not to hang around with bad groups of friends. Instead they should seek peer support and try to participate in activities that were recreational, self-reflective and, where possible, income-generating. They thought that they should stop roaming around at night and that they needed to work together to control their desire for things that they do not have. In Masaka, the children specifically mentioned trying to maintain better relationships with elders and showing respect to their parents in order to avoid more conflict within the family. One child said that he would go to the mosque more, another said he would go to the church.

## What can be done to support children

The children of Gulu recognised that living in a conflict area was a reality that they could not change. Their suggestions for change were those that they believed could be achieved within the war situation. Many of them expressed the need for improved welfare and care and for their return to school.

The children of Gulu prioritised the following set of actions:

- supporting children to go to school
- support for income-generating activities
- support for children to continue into early adulthood: continue children's activities and support groups until young people reach their early 20s.

Similarly, the top two priorities for the children in Masaka were: support for income generation and for finding employment. They specifically identified help with credit to buy simple equipment for employment

such as hairdressing and sewing, and training, for example, in mechanics. This was followed with help with returning to school, by finding the money for fees.

Children in Gulu felt that they needed counselling to help them with their experiences of the war. They also needed some help to set up peer support groups so they could share their problems and seek advice. They felt that relatives should also be able to support them more. They needed help with basic schooling. In Masaka, the girls and boys also identified a need for help with setting up peer support groups or clubs where they could support each other on different issues and try to get together to get income-generating equipment.

The children, especially in Gulu, also felt that parents as well as children needed counselling and guidance, especially in conflict situations and in situations where there was death and illness in the family due to conflict and AIDS.

The following points were highlighted by the children as being important in terms of ongoing support for communication between children and with adults.

*"We would like them to give us communication."* (girl aged 17, arrested for assault)

*"We should share among ourselves and also share with community based organisations."* (girl aged 17, arrested for prostitution)

*"Staying with good friends. Sharing with other groups."* (boy aged 15, arrested for theft)

*"I should like some guided time...counselling should be extended to our parents too."* (girl aged 17, arrested for prostitution)

*"Staying lonely for at least two hours so that you can think of what you can do so that you don't commit offences. By changing your life and stopping going for things like disco, smoking, opium etc... By starting to do at least something to bring money in your hand so that you are not caught stealing some other people's properties."* (boy aged 18, arrested for grievous harm)

## Bosnia and Herzegovina

In this workshop, the boys worked on specific scenarios to draw all the issues and discussions together and presented them in interviews on video. Actions were then consolidated and prioritised. The scenarios were:

- I started hanging around with bad people and I am aware of it (just before committing a criminal act).
- I broke the law but was not caught by the police (thinking of the people and institutions where he could go for support that would prevent him entering the justice system).
- I broke the law and got caught by the police (thinking of the support needed to help him through the justice procedure and help him not to re-offend).
- I broke the law, got caught by the police. (When you are a re-offender, what would help you not to do it again and re-integrate into society?)

Actions were discussed and worked on by the boys and then prioritised by the group.

### **I started hanging around with bad people and I am aware of it**

The boys thought that the following actions were important in this context:

- Provide assistance and support through children and young people centres like Chuka.
- Include social workers in schools.
- Provide psycho-social support to the children to help their understanding of society and their situation.
- Organise workshops for parents in school (focusing on narcotics, for example).
- Forbid children younger than 16 years old from entering coffee bars.

The young people thought that they themselves could:

- socialise with different people
- look for advice in school

- seek assistance from a friend who is good (for example, someone who has good marks in school)

### **I broke the law, but was not caught by the police**

The main actions that that the boys thought were important in this context focused on support for parents and what children could do to listen to their advice:

- Organisations for support to the parents whose children have come into conflict with the law.
- Turn to organisations that have experience of working with young people, so the members of the organisation could explain the problem to parents in a gentle way.
- Listen to the parents, and accept their advice.

### **I committed a criminal act, and I was caught by the police**

The boys thought that the following actions and factors were important in this context:

- ensure parental support is forthcoming
- support from friends (eg, to help to find a job)
- support from NGOs
- More sports clubs (football) to enable young people to express their abilities
- within organisations, provide different activities for young people (eg, computers), organise working actions (eg, cleaning)
- police should have a different system of work with juveniles
- to have a law that would forbid physical harassment.

### **Before re-offending**

The following were actions that the boys thought would help them not to re-offend:

- The state should provide some space for young people to earn money.
- Have an organisation that would deal with certain problems (eg, drug addiction).

A couple of actions were specifically suggested for Chuka:

- Bring in a psychologist, social worker who would spend one day a week with us (one to three hours) on a certain subject
- To have some activities where we could earn some money.

*"Here in Chuka, there should be a worker who would devote to each one of us a bit of time, and directly talk to each one of us."*

All but one of the boys agreed with the actions on the plan. This boy was already happy with his friends and did not want to change those he socialised with, and he had found counselling boring.

## Overall priorities

The overall priorities identified by the boys were:

- Provide psycho-social assistance to the children.
- Forbid entrance to coffee bars to people younger than 16 years of age.
- Turn to organisations that have experience with young people, to be able to explain to the child's parents the situation in a better and gentle way.
- Listen to parents and accept their attitude.
- Parents' support is important.
- Police should have a different system of working with juveniles.
- The state should provide space for young people to work.
- There should be a law against physical harassment.

## Further examples

### The Philippines

Children in the studies recognised that there are some changes that are within their own powers, particularly in relation to their own behaviour, but that other changes require support from other people, institutions and authorities.

Children's suggestions for improving the way children in conflict with the law are treated included:

- raising the age of criminal responsibility from nine to between 13 and 20 years
- the importance of parents talking and explaining to children why they should behave in a certain way instead of beating them, because, as one boy said, this only leads children to display aggressive behaviour
- using diversion rather than taking children through courts and giving them custodial sentences. Children preferred that diversion took place at the community level so that they would be close to their families and would not go to jail because their families were unable to afford bail
- there should be more female police officers
- the rights of children should be fully explained on arrest
- more effort should be made to prevent children from offending at the local authority (*barangay*) level, e.g. provision of recreational facilities, and the practice of 'round-ups' of children should be stopped.
- more funding for custodial care for children – provision of food, facilities to continue/complete studies and provide guidance.

At a children's forum on juvenile justice system held in Cebu City on 20-21 August 2003, the children made the following recommendations:

For the community:

- Community activities for children must be designed and implemented, eg, sports activities.
- Work within the community is needed to develop an understanding for the situation of children who come into conflict with the law.
- Children should be given the chance to make amends and be reintegrated into their community.
- Programmes that protect children in conflict with the law must be supported.

For the police:

- Conduct training for the police on how to treat children, especially during arrest.

- 24-hour assistance for children should be established in all precincts.
- Provide sleeping quarters for children in every precinct that are separate from adults, or better, turn children over to the care of their parents, guardians, or to the responsible community leaders.
- Ensure the strict implementation of child-friendly procedures and ensure that their rights under the law are protected. For example, stop the use of handcuffs when arresting children, avoid institutional systems that intimidate children (such as wearing police uniforms when serving the warrant of arrest), and inform children of their rights.
- Ensure that children are well represented at all times to ensure that they are not harmed.

For prosecutors:

- Ensure that mechanisms are put in place, so that children's rights are always protected (eg, give children time to explain their side of the story in private; refer cases to the Family Courts and avoid bringing them to jail; make sure a social worker is present during court sessions).
- Prosecutors should work towards the amicable settlement of cases involving children.

For the courts:

- The court should require the presence of the parents or guardians during court hearings.
- Wearing of prison uniform by children should be discouraged.
- Resolution of the case should be sought as soon as possible and postponement of hearings should be discouraged.
- The language or dialect used during court deliberations should be one that the child understands. and an interpreter should be provided if other languages are used.
- Children should not be handcuffed all the time (in transit from jail to court).
- Children should be given enough time to discuss their cases to their assigned lawyers. Time should also be given for practice and rehearsal.
- The court should seek ways to determine the age of children if birth records are unavailable.

## Bangladesh

The children involved in the Dhaka study put forward the following recommendations for street children who come into conflict with the law.

- Firstly, the police should not pick up street children without any specific charge against them.
- There should be a separate place to take children – not the police station – with children accompanied by independent agents (eg, lawyers) when being questioned by the police. Women police officers should be present for girls. If no charges are to be brought the child should be given advice and guidance as to where to go for support and help. For those who are to be charged, the child should be given the opportunity to defend him /herself, and the circumstances of the alleged crime fully investigated.
- Government policies are needed to ensure that the conditions that force children onto the streets are addressed.
- Parents should not behave with their children in a manner that would compel them to leave their home.
- People from all walks of life should try and understand the situations of street children and come forward to support them to avoid various hazardous situations.
- More NGOs should come forward to provide effective support to street children, especially in connection with the law.

## Summary

The following section draws together the many actions and solutions given by the children and young people. They are split into those actions that children and young people identified that they could do themselves: the solutions that would need help from others, but where they could actively participate; and the actions where the responsibility would lie with others. It is crucial that key policy decision-makers and those responsible for resource

allocation in governments and NGOs listen and learn from the experiences and the suggestions made by these children and young people who have been in conflict with the law.

## **What children can do for themselves**

Children must recognise that they are responsible at some level. They need to take control of their lives, change their behaviour and find different social networks. The following actions were suggested by children and young people who have been in conflict with the law. Children can:

- decide to hang out with other friends who are pursuing productive and constructive activities, rather than getting into trouble
- listen to the advice of parents or adults in the community whom they respect, when they have their best interests at heart
- seek advice from a friend who can listen to them and is not in trouble, or a trustworthy adult at school or in the community, to express concerns about what is happening in their lives
- show respect for those teachers who treat children well
- return to school when possible and make the most of any employment opportunities, being aware that some situations are exploitative and should be avoided
- decide not to go and see violent films and take drugs and drink to excess
- get more actively involved in the Church, the Mosque or other religious organisations
- change their own behaviour – by stopping going to bars/ clubs all the time and by participating in the community, they can show others that they have changed
- participate in anti-violence campaigns and get actively involved in preventing gang involvement and getting rid of graffiti.

## **What can be done with the support of others**

Children recognised that others would need to take the initiative on the following actions but that they

could support them and be active participants in their implementation:

- Increase awareness for children about the consequences of being in conflict with the law for different levels and types of crimes.
- More recreational facilities for children and young people should be available, such as sport, music and children's clubs where they can spend time safely, talk and support each other.
- Provide advice and support for parents raising children. Parents can be supported with skills and advice to help them to communicate with their children and for parents to understand about issues facing young people, such as drugs.
- Mediation between children and their parents and the police should be made available.
- There should be more opportunities for discussion and communication with parents and mentors in the community for children and young people.
- Provide rehabilitation/reintegration centres that can support children in re-entering and achieving in the schooling system, counselling and vocational training.
- Organisations giving advice and support on drugs and their effects should be supported. There should be peer-led anti-drug programmes helping children to avoid getting involved in gangs and substance abuse.
- Awareness about child rights within the community is key.

## **What should be done by others**

Children saw some of the solutions they suggested as being out of their control, although they were important issues that affected them deeply:

- Provide support and psychological help for children in schools.
- Facilitate children to make some money to meet their needs and in particular ensure they are able to go to school, especially when they have no adult support.
- Create employment opportunities, vocational training and credit schemes for young people

who have been in conflict with the law to support them in their communities.

- Support services should be provided, including drug rehabilitation centres and childcare provision.
- Provide support to local organisations working with children who have been in conflict with the law and former gang members.
- Funding for the care of children in the community should be made available including provision of food, facilities for studying and providing guidance and counselling where required. Support for and understanding of the situation of street children are needed.
- Provide opportunities for family learning – support and rehabilitation of gang members and families, schools for parents and children, parenting seminars for families with conflicts, vocational training for parents, family planning programmes, family integration programmes, counselling for young people and parents.
- Diversion opportunities should be available, as for example in Uganda and the Philippines. Minor cases should not be handled by the police and courts; there should be mediation services in the community. Justice should be restorative.

- Children and adults should be kept separate in detention. There should also be a separate place, not the police station, to take children when they are questioned. They should also be offered counselling/support afterwards, even if they are not charged.
- The police should be trained on how to communicate better with children and ensure that all the police observe any national legislation around the use of violence. The police are central but they need reform and must be more sensitive to children's rights and needs. The rights of children should be fully explained upon arrest.
- The 'round-ups' of children should be stopped. Children should not be picked up without any specific and valid charge against them.
- Public lighting should be improved and police patrols increased to keep young people safer.
- Employ more female police officers.
- Address corruption within the police and the criminal justice system.

# 6 Conclusions and recommendations

## Listen to children

The children's recommendations are informative and sensible and it is crucial that key policy makers and practitioners take on board their suggestions. This study is proof that children can come up with solutions that are appropriate to their realities. They have identified actions that they can implement themselves with immediate effect. These include:

- changing their social networks to find support and better options
- changing their own behaviour to show that they can change
- seeking advice when they are getting into trouble
- becoming more aware of the consequences of getting into trouble
- becoming more aware of their rights and joining campaigns on violence, as well as participating more in the community.

Action plans created by the children who had been in conflict with the law also provided important actions that would require the support of key stakeholders whose responsibility it is to act. The solutions suggested by children are discussed under the following key areas:

- prevention
- diversion
- capacity-building and reform of the juvenile justice system
- re-integration and rehabilitation.

## Prevention

Children's perspectives and experiences covered the range of themes and issues that need to be addressed in a comprehensive preventative strategy. This would include protecting children who are at risk of getting into trouble and helping those children who are in conflict with the law to regain their dignity so that

they do not re-offend and are able to become responsible and active members of local communities. The themes that arose from the discussions with children and that should inform programming and funding were as follows:

- Working to help children who are particularly at risk and vulnerable: for example, street and working children, children who have been orphaned or experienced family breakdown due to poverty and migration, HIV/AIDS and conflict situations; and children who are being excluded in their communities and schools due to behavioural problems.
- Raising awareness relating to drug and substance misuse in communities and families, providing support and advice for those who are living with addiction and associated problems.
- Dealing with family problems and breakdown including violence. Improving mediation within families and providing parents with support on how to understand the issues that are affecting young people and how to provide support. Also understanding and addressing issues of family violence across all cultures in accordance with the UN Convention on the Rights of the Child (UNCRC).
- Ensuring the provision of community services that available to all – including children who are deprived of parental care – and ensuring access to recreational and educational facilities for boys and girls of all ages, and young people over the age of 18 years.
- Helping schools to become more supportive environments for children, not only to gain educational attainment, but also to gain the advice and support they may need in the broader contexts of their lives.
- Encouraging and supporting clubs and groups for children and young people that can enable them to access advice and support on employment opportunities and vocational



training, educational opportunities, their rights in the context of conflict with the law and raise awareness of the consequences of getting into trouble.

- Supporting anti-violence campaigns and increased awareness of children's rights in communities and throughout the justice system.

Providing recreational and educational facilities that are accessible to all children in communities without discrimination was highlighted as crucial by children in order for them to avoid getting into trouble in the first place. Children from developing countries and teenagers in developed countries identified income generation opportunities and good working conditions as being important so that they could meet basic needs and contribute to the family income without having to steal and break the law.

Education is understood by children in conflict with the law as being crucial to their future. Many were forced to leave school due to lack of money for paying the fees or because of the need to work to survive. Others left school because it was either not relevant to their lives, or they were facing educational problems. Most identified education and vocational opportunities as crucial to their successful reintegration into the community. Many thought that the positive aspects of help provided by schools could be built upon to make them supportive environments where children could seek advice and psycho-social help. Where there was not access to education for all children, boys and girls thought that there should be some way of providing funds and support for poor children to attend school and get an education.

## Diversions

Children have identified the need for less serious offences to be dealt with more informally and locally, through diversion and through support services rather than criminalisation. Lessons should be built upon following the examples of programmes that children had experienced, for example in Uganda and the Philippines.<sup>11</sup> In Uganda, the referral of certain crimes to Local Council courts has met with some success: children felt more comfortable and at

ease; trained adults from the community have given children support and help with mediation. Children highlighted the importance of ensuring ongoing capacity-building and monitoring of these structures.

## Capacity-building and reform of the juvenile justice system

The case studies presented in this report highlight the fact that the experience of children in conflict with the law falls well short of the treatment that States Parties are obliged to deliver under the UNCRC, in particular, the rights of children listed in Articles 37, 39 and 40. The Appendix to this report briefly reviews the legislation relating to children in conflict with the law in each country in this study. All States Parties have ratified the UNCRC and some have introduced domestic legislation to support this. In the main, the failure of States Parties to safeguard children's rights has occurred because of a failure to implement legislation at international, national and local levels.

Children have made constructive suggestions on important areas of capacity-building and reform within the juvenile justice system. They suggested that training the police is key so that they are better able to communicate with children and young people and understand the root causes of offending – a strategy that Save the Children has been implementing already in some of the countries included in this report. Children clearly pointed out that they primarily fear the police and that their contacts with them are generally violent and negative. At the same time, children also expressed their wish to be able to go to the police for help, to see them as a source of support. It was strongly recommended that the police stop 'round-ups' of street children for example, where children are seen as guilty by virtue of their location and association and are questioned and harassed without specific charges.

Children identified the need for mediation and adult support so that they can have someone to help them communicate with the key players in law enforcement and throughout the formal justice system. Children would like better communication

and to feel supported throughout the process. Where there have been active policies in working towards a more child-focused justice system, for example in Uganda and in Bosnia and Herzegovina, better communication and better capacity to help children negotiate their situations have been demonstrated.

The evidence presented in this report also reinforces the need to ensure that a separate juvenile justice system is in place, including provision of separate detention centres and prisons for adults and children. These children's experiences point to serious failures in the application of the prohibition on the use of torture, cruel and inhuman punishment and treatments. Children are demanding that their rights be fully respected, including when they come into conflict with the law.

## **Reintegration and rehabilitation**

Children across the different case studies included in the report referred to the help they needed in getting over their feelings of unhappiness and distress. This is both in terms of the psychological distress and trauma of negative experiences in families and communities that lie at the root cause of the problems that they face in their lives, and in relation to the distress (and sometime even torture) that they experience in the justice system itself.

Boys and girls feel that they need help in communicating, not only with key players in the justice system and law enforcers, but also with adults in their communities and their families. They identified mediation with parents and other important adults in their lives as key. They also requested support for parents so that they may be aware of the issues that children are experiencing and to equip them with skills to deal with their changing societies and young people's changing roles and pressures.

Children identified the urgent need for more community care options for children who had no means of support to help them to meet their needs, for example, in terms of food, shelter and education. They also felt that access to education, employment

and recreational activities were crucial to help them rebuild their lives and have a feeling of self-confidence and self-respect.

Stigmatisation in the community and its impact in terms of trying to rebuild their lives, find employment and stop offending was seen as a major challenge for these children. Negative perceptions in relation to children who are on the streets, who have offended or who are part of gangs are very hard to overcome for these children, forcing some to leave their communities entirely, or to self-mutilate in order to remove their tattoos.

Children recognised that they needed to regain respect from their communities, but also felt that this was often impossible because they were not given a second chance. There is, in some cases, real despair that on the one hand they are accused of being criminals and on the other they are driven to continue offending because all other options are out of their reach due to their stigmatisation and criminalisation.

## **Gaining respect**

Children should be provided with space and activities where they can receive advice and help from adults, but also where they can support each other. Many children in the process of this research were relieved to know that others have been through similar experiences.

Providing children and young people with their own spaces, both physical and social, is crucial so that they can identify and devise solutions to their own problems. Children need to be empowered to develop the skills and capacity to identify a range of options, so that they can be supported to make better choices, and win back respect from families, friends and communities.

In all the processes that are advocated and supported to improve the lives of children in conflict with the law, the voices of boys and girls should be listened to. They are best placed to know what is happening in their lives and what would help them make different choices, prevent their offending and

support their reintegration. Their participation and recommendations should be central in informing policy and practice so that their realities are better

understood and their insights can help us to focus support and help them gain real justice and respect.

# Appendix: The legal context

All the countries discussed in this report have ratified the UN Convention on the Rights of the Child (UNCRC).<sup>12</sup> Articles 37, 39 and 40 are the most relevant in protecting children's rights in regard to juvenile justice (see box):

## Article 37

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 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

## Article 40

1. States Parties recognize 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.

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 recognised 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 recognised 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.

In addition to the UNCRC, there are a number of key international standards that relate specifically to the administration of Juvenile Justice including:

- the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- the UN Rules for the Protection of Juveniles Deprived of their Liberty (JDLs)
- The UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)
- Vienna Guidelines for Action on Children in the Criminal Justice System.

## Summary of national legal contexts relating to children in conflict with the law

### Uganda

Uganda ratified the UNCRC in 1991. In order to fulfil its commitments under the Convention, the Government of Uganda enacted the Children's Statute in 1996. The Statute consolidates all matters pertaining to the rights of children, including those in conflict with the law. In addition to the legislation, the Government has put in place the Uganda National Programme of Action for Children (UNPAC), a national action plan established to

support the achievement of provisions in the UNCRC and improvement of services for children, including ensuring legal protection of children.<sup>13</sup>

### Ethiopia<sup>14</sup>

The Ethiopian Penal Code of 1957 defines the age of criminal responsibility at nine years. Children between nine and 15 years old are considered as minors, whilst children between 15 and 17 years old are punished as adults. Ethiopia ratified the UNCRC in 1991, and consequently the Penal Code has been revised with the aim of harmonising the Code with the provisions of the UNCRC. The revised Penal Code explicitly prohibits corporal punishment as a part of a sentence and puts stronger emphasis on the conditions of children being detained – it must be done in separate facilities for children. However, the Code retains the age of criminal responsibility at nine years.

### Honduras<sup>15</sup>

Honduras ratified the UNCRC in 1990. In Honduras the main instrument governing the treatment and protection of children is the Children Adolescent Code (adopted in 1996). This Code aimed to harmonise domestic legislation and the obligations within the UNCRC. In 1997, IHNFA (Instituto Hondureño de la Niñez y la Familia) was established and is the main state agency dealing with children's issues. Its aim is to work with NGOs and civil society to provide a wide range of services and programmes for children and young people.

More recent developments include reform of Article 332 of the Criminal Code that allows for gang members to be rounded up and put in detention, effectively giving the green light to the police to carry out mass detentions of suspected gang members. Roughly 30 per cent of those arrested under the reformed Article 332 are under 18 years old.<sup>16</sup>

### Bosnia and Herzegovina<sup>17</sup>

Bosnia and Herzegovina ratified the UNCRC in 1991. The age of criminal responsibility is 14 years. Children between 16 and 17 years old who commit

serious crimes can be sent to juvenile prison; those between 14 and 15 years old can only be sent to a Correctional Home. The Criminal Law and Criminal Procedure Law of the Federation of Bosnia and Herzegovina (2003) allows for diversionary measures for children, both before court and through community sentences.

## **The Philippines<sup>18</sup>**

In the Philippines the UNCRC came into force in September 1990. The Philippines had already addressed the issue of child protection in its 1987 Constitution. In addition, the Supreme Court has provided a specific set of laws and rules for dealing with children in conflict with the law: Republic Act 8369 (1997) – Family Courts Act – established family courts throughout the country; Rule on Juveniles in Conflict with the Law (2002) which implements Presidential Decree (PD) 603 (see below); Supreme Court Administrative Circular No. 14-93, instructing that all disputes should be subject of barangay (local authority) conciliation before filing a case in court (unless penalty over a threshold); Rule on the Commitment of Children (2002) enabling the court to legally entrust children to care of recognised organisation/ body.

Local authority (barangay) legislation is important in undertaking diversion from the formal justice system. It is based on PD 603 (1974) and the Katarungang Pambarangay (barangay justice system). PD 603 mandates the establishment of the barangay council for the protection of children, responsible for formulating policies and programmes to promote and protect children's rights at the barangay level. Under the Katarungang Pambarangay, conciliation can be performed by a peace-and-order committee for all disputes where the parties involved are from the same barangay.

## **Bangladesh<sup>19</sup>**

Bangladesh ratified the UNCRC in 2000. However, the domestic laws that govern children, including those in conflict with the law, predate the

ratification. The Constitution of Bangladesh ensures the protection of children and others from all forms of discrimination, the right to bail and a fair and speedy trial, the right to freedom from torture and other cruel, degrading and inhuman treatment. The roots of the juvenile justice system go back to the Penal Code of 1860 which states that the age of criminal responsibility is seven years old, and for those children aged between seven and 12 years old, only if the child is judged to understand the nature and consequences of his/ her actions. The Bengal Code and Prisons Act 1894 contains provision for the separate trial of children and adults. These various laws relating to children were consolidated into the Children Act (1974) that lays out protections for both children in conflict with the law and those who are at risk. The Code of Criminal Procedure (1998) provides for trial of children in juvenile courts.

There are laws, however, that conflict with the principles of the Children Act. The Vagrancy Act (1943) is used to pick up street children. It has neither provision for ensuring children's right to be heard, nor for privacy during judicial proceedings. Section 54 of the Penal Code empowers police to arrest any person on suspicion, without an arrest warrant. The use of this in arresting street children is widespread. The Special Powers Act (1974) and Arms Act (1878) is also used to arrest, detain and sentence street children without adequate legal representation.

## **Tajikistan<sup>20</sup>**

Tajikistan ratified the UNCRC in October 1993 and it automatically became law. However, there is currently no separate legislation that governs juveniles in conflict with the law, no separate procedures for juveniles, no specific and specialised judicial authority to hear the case against juveniles, and no specific, separate and comprehensive set of sentences that can be applied to juveniles. The age of criminal responsibility is 16 years old, but children aged 14 to 16 years old can be prosecuted for serious offences as defined in the Criminal Code.

## Notes

<sup>1</sup> For an analysis of violence in the lives of children in conflict with the law, with examples of good practice in community-based responses and recommendations to the UN Study on Violence see also: Martin, F and Parry Williams, J (2005) *The Right Not to Lose Hope: Children in conflict with the law – a policy analysis and examples of good practice*. Save the Children

<sup>2</sup> Visual examples of the tools are provided in the Findings section below.

<sup>3</sup> Integrating a quantitative coding system into participatory research is a core component of the accredited training programme in participatory research – Community Assessment and Action – designed by Development Focus Trust. See Johnson, V, Nurick, R. (2003) *Developing Coding Systems to Analyse Difference*. PLA notes, 47:19-24.

<sup>4</sup> Save the Children UK, Philippines (2004) *Breaking rules: Children in Conflict with the Law and the Juvenile Justice Process. The experience of the Philippines*. Save the Children UK, Quezon City, the Philippines.

<sup>5</sup> The five pillars being: police, prosecutors, courts, jails and rehabilitation centres, and community (including elected officials, informal leaders, adults and parents)

<sup>6</sup> Save the Children UK, Bangladesh (2000) *Shoshur Bari: Street Children in Conflict with the Law*. Save the Children UK, Bangladesh. Dhaka.

<sup>7</sup> Save the Children UK, Tajikistan (2004) *Street Children in Tajikistan*. Study carried out with SC UK and the Drop-in Centre 'Navras' in Dushanbe.

<sup>8</sup> *Qat* is a locally produced plant that is often chewed by men as a stimulant.

<sup>9</sup> See Save the Children UK, Development Focus Trust (2005) *Uganda Trip Report* for further details.

<sup>10</sup> Save the Children UK (2004:xiv) *Breaking rules: Children in Conflict with the Law and the Juvenile Justice Process. The experience of the Philippines*. Save the Children UK, Quezon City, Philippines.

<sup>11</sup> For more detailed analysis of these examples see *The Right Not to Lose Hope. An analysis of violence in the lives of children in conflict with the law, with examples of good practices in community-based responses* by Florence Martin and John Parry Williams. Save the Children (2005)

<sup>12</sup> A child being defined as a person under the age of 18 years old, see Article 1.

<sup>13</sup> Save the Children UK (2003) *An Evaluation of the Juvenile Justice Programme*. Save the Children (UK) Kampala. Compiled by the Nordic Consulting Group (U) Ltd.

<sup>14</sup> This section taken from: Save the Children UK (undated) *Diversions of Children in Conflict with the Law from the Formal System – a Case Study from Ethiopia*.

<sup>15</sup> This section taken from: Harvey, R. (2005) *cited above*

<sup>16</sup> See Harvey, R. (2005) *cited above*. Chapter 5.

<sup>17</sup> This section taken from: Save the Children UK (2005) *Children in Conflict with the Law at 'Chuka', a Rehabilitative Centre – Bosnia and Herzegovona (BiH)*

<sup>18</sup> This section is taken from Save the Children UK, Philippines (2004:17-18) *cited above*

<sup>19</sup> This section taken from: Save the Children UK, Bangladesh (2000) *cited above*

<sup>20</sup> This section taken from: Report of the Expert Group on Juvenile Justice (2003) *Children who are in Conflict with the Law*. UNICEF.