Strengthening juvenile justice in an evolving environment in Africa

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Structure

- Kampala conference and the Guidelines for Action (2011)
- Background to the ACPF/DCI study “Spotlighting the Invisible: Justice for Children in Africa” (2018)
- Main recommendations and “Call for Action”
- “Systems strengthening” and the forthcoming General Comment
- Conclusions: from law reform to implementation
African Guidelines on Action for Children in Justice systems in Africa

• Drafted for 1st regional conference on Justice for Children, Kampala, Uganda
• Endorsed by the ACERWC in 2012
• They concern the full spectrum of circumstances under which children come into contact with the law: as children in conflict with the law, as children seeking redress for violation of their rights, and as children giving evidence in a justice process.

SPOTLIGHTING THE INVISIBLE
JUSTICE FOR CHILDREN IN AFRICA
ACPF
Main findings of the 2018 study (www.africanchildforum.org)

- Despite significant progress in enhancing access to justice for children in Africa, a vast amount still needs to be done;
- A positive development in many countries is the increase in alternatives to formal criminal proceedings (diversion);
- Children’s access to legal representation has improved, although it is a concern that NGO led legal aid services are vulnerable to funding cuts and are thus not sustainable;
• there is limited specialisation in justice systems to address the needs of child victims and witnesses;
• promising models are emerging for training law enforcement officers in dealing with children in all the capacities in which they come into contact with the law;
• the paucity of research on informal systems undermines the capacity of African countries to ensure that children are protected in their efforts to access the justice system.
Main recommendations for improved implementation

• Specialised units for children, such as dedicated reception or one-stop centres for child offenders and child victims, should be established and equipped to ensure that children, especially the most vulnerable, enter the system with the protection and assistance of a multidisciplinary team of professionals.
Main recommendations for improved implementation

- Where they do not yet exist, specialised courts should be established and other measures adopted to facilitate access to justice for vulnerable groups of children.
- Continuous and appropriately adapted training on the elements of child-friendly justice should be provided to law enforcement authorities, forensic analysts in sexual offence cases, the judiciary and other stakeholders involved in the child justice process. There is scope for curriculum development through information-sharing between countries.
Main recommendations for improved implementation

• In-depth research should be undertaken on informal justice mechanisms and their use by children, to understand how these mechanisms impact on the rights and welfare of children and to provide a basis for constructive engagement with the mechanisms to take forward their positive aspects, such as their proximity to the people they serve, their speedy nature, and their use predominantly of non-custodial sentencing.
Main recommendations for improved implementation

• Efforts should be accelerated to implement legislative provisions prohibiting deprivation of liberty of children except as a last resort and for the shortest appropriate period of time, and to monitor the application of these provisions to especially vulnerable children (orphans, children with disabilities,
• Gender considerations should be mainstreamed into child-friendly justice initiatives, including consciously articulating the position of girls in all programming; training programmes for role-players in child-friendly justice should include a specific component to foster gender-sensitivity.
• Efforts should be intensified to improve birth registration systems and integrated information management systems in order to prevent the denial of key safeguards to children who would otherwise be deprived of these protections.
• Attention should be given to the specific needs that children living on the streets have in relation to accessing child-friendly justice; this includes measures to strengthen child protection systems in order to eliminate the need for them to be on the streets.
• Alternative care systems should be improved throughout the continent; this includes
• improving governmental oversight of existing facilities and extending social protection
• and poverty alleviation projects for children deprived of a family environment
CALL TO ACTION

9 May 2018
Addis Ababa, Ethiopia

8, 9 & 10 May, 2018
UNITED NATIONS CONFERENCE CENTER (UNCC)
ADDIS ABABA, ETHIOPIA
African Governments called to:

1. Ensure that national laws on access to justice are consistent with international and regional standards on child justice, and are fully implemented;

2. Gather, evaluate, and publish disaggregated data on children in contact with the justice system, including through responses to calls for information by the UN Independent Expert leading the global study on children deprived of liberty;

3. Develop specialised child justice systems in all parts of the country, including facilities, police units, medical units, socio-legal support and child judges which are adequately resourced;
Call for Action (cont)

• The ACERWC and the UN CRC Committee:
  • Encourage States to include the implementation of the Guidelines on Action for Children in the Justice System in Africa, in their periodic reports

• CSOs, INGOs, UN Agencies and Academic Institutions to:
  • 1. Undertake research on access to justice in Africa, document good and practical models for enhancing access to justice for children in Africa; and
  • 2. Facilitate cross-country learning on effective models; and take concrete steps, including litigation, to address specific issues relating to children in contact or conflict with the law.
“Systems strengthening”

- Meaning in the context of child protection – 
  “identifying, establishing and strengthening the (coordinated) response to violations relating to abuse, neglect, maltreatment and exploitation”
- Depends on bolstering the capacity of the social workforce
- Also upon coordination of informal and formal responses (mapping projects)
- ACERWC Draft General Comment (no 5) on General Measures of Implementation and systems strengthening (forthcoming)
- Critical contribution to juvenile justice reform/implementation
From law reform to implementation…

- Role of NGOs
- Legal defence services
- Guidance/regulation of diversion
- Specialisation of all actors
- Informal justice systems
- Data collection (28,000 children in detention?)
- Institutions surrounding the juvenile justice system?