

COVER PAGE

**Joint submission to the United Nations Secretary General' s
Study on Violence Against Children**

(Not a confidential submission and can be made public)

Violence in other institutional settings, specifically prisons in Africa

Violence in the community and on the streets, including
children in conflict with the law in Africa

1. Name of Organisations making joint submission:
 - ? The DiDé Foundation (Dignité en Détention)
 - ? The African Child Policy Forum

2. Address of Organisations making submissions:
 - ? Fondation DiDé: 34 rue de Saint-Jean, 1203 Genève, Suisse
Tel : 41.22.800.39.09
Email : dide@vtxnet.ch

 - ? The African Child Policy Forum : P.O. Box 1179, Addis Ababa,
Ethiopia
Tel: 251.1.528.407/09/10
Email: info@africanchildforum.org

3. Details of individual contact person
Name: Sally Christine Cornwell (for the African Child Policy Forum)
Email: Cornwell@bluewin.ch
Address: 2 Rue Marie Brechbuhl, 1202 Geneva, Switzerland

- And

Name: Marie-France Renfer
Secretary General, DiDe Foundation
Email : dide@vtxnet.ch
Address : 34 rue de Saint-Jean, 1203 Genève, Suisse

4. Date submitted : 30 May 2005

5. Method of submission: email to secretariat@sgsvac.org

6. Other: Photographs of specific projects in Africa assisting children in prisons in selected countries can be made available. This can be followed up with the Study Secretariat in July to determine if such submissions would be welcome and the best method of transmitting them.

The DiDé Foundation (Dignité en Detention) was established in 1992 by former delegates of the International Committee of the Red Cross (ICRC). It is dedicated to safeguarding the dignity of those deprived of liberty. Its priorities are directed to the most vulnerable groups: children, women and the ill. It is a public interest, non-profit organization registered in Switzerland and is legally accountable to the Swiss Federal Ministry of the Interior. DiDé works with local and national partners in participating countries to define programme objectives. It secures funding and carries out practical, on-the-ground projects to safeguard the dignity of those detained. The Foundation is based in Geneva, Switzerland.

The African Child Policy Forum, founded in 2003, is a Pan-African, non-profit policy advocacy centre committed to the promotion and the realization of child rights and welfare in Africa. It works closely with the African Union and its Committee of Experts on the Rights and Welfare of the Child, UNICEF and regional and international NGOs, such as Defence for Children International, Plan International and Save the Children Alliance. It' s specific objectives are to contribute to improved knowledge of the problems facing African children and to policy options, to provide an arena for dialogue involving children and their advocates, to strengthen the capacity of NGOs to promote child-oriented public policies and to assist governments and NGOs to implement pro-child policies and programmes. The Forum is based in Addis Ababa, Ethiopia.

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The DiDé Foundation has completed more than 50 projects over the past 12 years and is currently implementing another 7. Children in detention have been a priority in many of these projects. The projects are of two kinds: emergency actions – first of all food and separate quarters for children – and programmes aiming at social rehabilitation, mainly of children. The African countries that have been involved in this work include Burkina Faso, Congo-Brazzaville, Guinea, Madagascar, Chad and Rwanda. Some key issues, lessons learned and recommendations that have emerged from DiDé' s work are listed below.

For its part the African Child Policy Forum has recently focused attention on children in conflict with the law. It has just established a Legal Protection Centre for Children in Ethiopia, which will serve as a pilot project to explore its replication in other settings in Africa. The section below on recommendations and challenges includes issues that have emerged during the establishment of this Centre.

KEY ISSUES (based on DiDé' s projects)

- ? Children are tomorrow' s society, the cornerstones of a country' s development. Incarcerating children makes no social, economic or political sense: it precludes their access to schooling and learning trades, subjects them to violence and exposes them to malnourishment, disease and trauma. Children emerging from prison are in worse condition and are more disaffected from society than when they entered. Instead of developing their potential, prisons may well foster children' s tendencies to perpetuate violence once they are released.
- ? With today' s concerns about terrorism, eliminating any fertile ground for possible recruits should be a priority.

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- ? Children do not belong in prison. Most of their so-called crimes are acts of survival, like stealing food.¹ Others are imprisoned because their employers have abused them and do not want to pay or be responsible. Two examples of this are:

*“If I steal, it is to survive”, Yassy, a child in detention in Ouagadougou, Burkina Faso, 1995.*²

*In Madagascar, Sara, an 8 year-old girl, was sent by her widowed mother to work in a family as a maid. At 14 she became pregnant and had a caesarean section that was badly performed. She returned to work and was impregnated again by her employer, who then accused her of stealing to avoid dealing anew with another pregnancy. Without trial or defence, she was imprisoned and was in great pain due to the previous intervention. With the help of DiDé and its local partners, Sara was eventually judged innocent and released.*³

Options other than prisons (community services, child help centres) should be considered in any case before sending a child to jail.

- ? If children are to be detained, rapid judicial procedures, alternative sentencing, special detention centres for minors, separate quarters in prisons, access to learning and trades, decent living conditions and freedom from violence in detention should be available. DiDé' s experience over the years has been that these options are rarely accessible unless there are specific projects focused on them.
- ? The conditions of detention for most children in those prisons or centres where DiDé has worked have been unacceptable. Basic conditions of hygiene and nutrition have not been observed; most of the time children are sequestered with adults and are exposed to different forms of violence during detention and imprisonment. Gang fights, assaults by other prisoners and prison wardens, rape and forced sodomy are among the violent acts faced by children in prisons. They are denied access to learning and to programmes enabling them to be future productive members of society. In short, children have been deprived of their childhood and their dignity.

LESSONS LEARNED FROM SPECIFIC DiDé PROJECTS: Options and improvements

- ? Creating separate quarters in prisons for minors has been a viable practical option in certain cases.⁴ However, experience has demonstrated that while separate quarters are absolutely essential for the well-being of minors and as a protection from violence, other issues have arisen:
 - o Separate quarters have been more accessible for boys than for girls. The latter tend to be lodged with adult women because their numbers do not justify separate quarters. Living with adult women does not seem to protect girls from various forms of exploitation and exposure to sexual abuse by men who manage to get access to the quarters.

¹ In Bujumbura, 70% of the children in prison have been accused of stealing. (Source: DiDé)

² DiDé Brochure “Their dignity will be mine, as it is yours” .

³ Nouvelles de DiDé, 2004/1

⁴ Examples include Madagascar, Mahajanga, Maison d' arrêt et de correction; Burkina Faso, Ouahigouya, MAC ; Guinea, Conakry, Prison centrale ; Rwanda, Prison centrale de Gitarama

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- In presenting policy advice, care must be taken that the advocacy for separate quarters for minors in prison does not preclude the establishment of special detention/rehabilitation centres for juveniles.
- ? Setting up literacy and skills training programmes for minors, either in prisons or in special centres, is another viable improvement for minors in detention.⁵ These programmes, in addition to basic literacy, have helped boys and girls learn trades such as welding, woodworking, carpentry, masonry, tailoring, leatherworking and shoe repair and gardening. As there are more boys in detention than girls, the skills programmes have tended, however, to focus more on skills that are culturally acceptable for boys. Some sustainability issues have arisen that deserve attention for future action:
 - The continued availability and financing of literacy teachers and trainers
 - The on-going supply of tools and raw materials
 - Programmes need to be institutionalised so that they do not depend on the goodwill of a given centre director at any one time⁶
 - Skills programmes that focus on income-generating activities have been successful in certain cases, but they must be developed prudently so they are not perceived to conflict with the local market.
- ? Establishing separate detention and rehabilitation centres are attractive options for the detention of minors and in principle should be a priority. However, they must be accompanied and supported by government policies and enlightened local administrators. Failing this, the centres are not used to their potential and risk wasting resources.⁷
- ? Literacy and skills training are often not sufficient to assist minors deal with rehabilitation and reintegration into society. Special programmes to deal with physical and psychological rehabilitation should be set up for children in war-torn countries. DiDé has launched such a pilot programme, for four years, in Rwanda.
- ? Special programmes for detained children in poverty-stricken countries need to be carefully designed so as to avoid creating the impression that these children receive privileged treatment compared to children in general among the population. There are unfortunate examples where children have been attracted by certain learning programmes in prisons.

*“Once I get out, I will steal again to return to prison so I can continue to learn”,
Yacouba, a child detained in Ouagadougou, in an interview with DiDé.*

- ? Unless there is follow-up action to accompany minors once they are released from prisons or detention centres, the chances for recidivism are great. Moreover, once

⁵ Examples include: Maison d' arrêt et de correction, Ouagadougou, Burkina Faso ; Maisons centrales de Anjanamasina/Antananarivo, Mahajanga and Fianarantsoa, Madagascar; Kankan Prison, Guinea.

⁶ In Burkina Faso some workshops were successful not only in providing skills training but also in selling goods. The programmes declined, however, once there was a change of director

⁷ Case of Rehabilitation Centre for Minors, Ambodiloada, Madagascar.

children have been exposed to learning and skills training, they are anxious to continue, as illustrated by Yacouba, above.

CHALLENGES AND RECOMMENDATIONS (submitted by DiDé and ACPF)

- ? Comprehensive government policies, with complementary legislation and budgetary provisions, on children in conflict with the law are urgently needed. These policies should be based on the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child as well as the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules). Such policies are missing in many African countries. They should recognize that children do not belong in prison. Detention of children should be considered as a measure of last recourse. If detained, children have the right to a healthy environment, education and protection from violence. The policies should address judicial reform, prevention measures, alternative sentencing, mediation, access to defence and protection, counselling, conditions in prisons and detention centres, reintegration measures and training of official or institutional personnel at all stages of the judicial process.
- ? Children (and their parents) should have access to support, guidance and legal assistance at all stages of the judicial process. The experience of child protection centres should be collated and shared, with a view to replication.
- ? When children are imprisoned, it is an absolute priority to have them lodged in separate quarters, away from adults and away from detainees who are ill. Even in separate quarters efforts should be made to separate children on the basis of age, crime committed etc. Strict rules should apply in all prisons and detention centres that physical, psychological and sexual violence against children will not be tolerated.
- ? Children in prison should be entitled to the rights that are conferred on all children according to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Programmes for children in detention should include education, skills training and psychological support to prepare them for re-integration into society. Indeed, Governmental programmes for children in general should encompass children deprived of liberty.
- ? Alternative measures should be established to deal with children in conflict with the law, including special centres and alternative sentencing. Examples of good practices along these lines should be collected, reviewed and analysed in terms of a wider application in other countries.
- ? Training programmes for judges and all personnel involved in the penal and delinquency services should be established. Guidelines on prohibiting physical and psychological punishment against minors in detention should be publicly available, including in detention centres. Pilot programmes in selected countries should be reviewed to determine the feasibility and viability of carrying out similar training programmes elsewhere.

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- ? Follow-up programmes for children released from detention need to be explored. Links with apprenticeship programmes, where they exist, should be fostered. Similarly partnerships between those dealing with children in conflict with the law and street children projects should be promoted.
