ARTICLE 40

The Dynamics of Youth Justice & the Convention on the Rights of the Child in South Africa

Volume 5 - Number 3 - October 2003

Preamble to the UN Convention on the Rights of the Child:
" ...the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity".

WESTERN CAPE CHILD JUSTICE FORUM LEADS THE WAY

by Sean Tait

Intersectoral co-operation and monitoring are set to play an important role in the new child justice legislation. The latest version of the Child Justice Bill (August 2002) provides, under Chapter 11, for the monitoring of child justice.

The Western Cape Child Justice Forum, which came into being in 2000 following concerted action to reduce numbers of children awaiting trial in prison, pre-empts this legislation and provides important lessons.

For the past two years UMAC, a non-governmental organisation working in the field, has administered the Forum, which is recognised nationally as a best practice intervention in the spirit of the new child justice legislation. The Forum has been supported by a grant from the Western Cape Department of Social Development and Poverty Alleviation, with a commitment from the National Department

The Western Cape Child Justice Forum provides an important example of how intesectoral co-operation and monitoring can improve service delivery in respect of children in conflict with the law.

of Justice to support the initiative from this year.

The Forum is comprised of stakeholders involved in or responsible for the implementation of the system, most notably the South African Police Service, the Department of Justice, the Prosecuting Authority and Magistracy, the Office of the Inspecting Judge, Correctional Services, Social Services, Education, Local Government and key non-governmental organisations.

The production of minimum standards for and the accreditation of diversion service providers to ensure proper monitoring and oversight of this intervention need to be expedited.

Achievements

It keeps a vigilant eye on the numbers and conditions of children awaiting trial in custody, adopting an interventionist approach to address blockages and problem areas. Some of the highlights of the past years have been:

- Ongoing monitoring of awaiting trial numbers throughout the province – the Forum has also undertaken fact-finding missions to investigate increases in the numbers of children awaiting trial throughout the province and a verification exercise of awaiting trial numbers in Pollsmoor to correlate their findings with the statistics provided by Correctional Services.
- Community service options for awaiting trial persons – exploring the use of Section 62 of the Correctional Services Act for youth awaiting trial.
- Capacity at reform schools – alerting the Department of Education to concerns around the lack of capacity at reform schools and the implications thereof. At the end of 2002, and as a result of constant pressure from the Forum, 40 children were transferred to reform schools from Pollsmoor Prison.
- Child Justice Bill – disseminating information on current debate and making a written and oral submission on the importance of including provincial monitoring provisions in the Bill.
- Accreditation of diversion – participating in the NICRO-led programme to develop standards for the registration of service providers, their accreditation and service-level agreements.
- Space-creating innovations in terms of awaiting trial numbers – co-operation between the magistracy and Horizon Secure Care Facility saw the release of suitable candidates from the institution into the custody of their parents, thus freeing up space for youth awaiting trial in prison.
- This year the Child Justice Forum and local District Level Monitoring Forums participated in an intervention by the Child Justice Project, based in the Department of Justice, to design and develop a training manual and guide

EDITORIAL

In the last issue of *Article 40*, developments regarding the inclusion of monitoring provisions in the Child Justice Bill were discussed. Following this theme, this month Sean Tait provides insight into the Western Cape Child Justice Forum, which is a provincial monitoring structure that has been established in the absence of any legislative provisions. The article highlights the many achievements of the Forum and illustrates the importance of such structures in the context of ensuring an effective child justice system.

Article 40 welcomes the launch of the Civil Society Prison Reform Initiative (CSPRI) as a new organisation committed to prison reform in South Africa. This heralds a civil society focus on prison management that will most certainly benefit children who are incarcerated in South African prisons. CSPRI reports on a seminar held on the Optional Protocol on Torture, which obviously holds implications for children in institutions.

This issue also provides regular features such as the update on the Child Justice Bill, and an examination of case law relating to child justice issues. This time the issue relates to the establishment of criminal capacity regarding child accused and once again emphasises the problems that result from an improper application of the test for criminal capacity.

Finally, this issue includes an article on child justice reform in Nigeria. It is noteworthy that so many African countries are embarking on child law reform initiatives to ensure they comply with their obligations in terms of the UN Convention on the Rights of the Child. Nigeria has embarked on this process eagerly and it is encouraging to see that it is developing implementation strategies simultaneously with the new law.

• *Cover photograph courtesy of the Department of Justice.*

for the establishment and empowerment of monitoring committees once the Bill is passed.

Assistance to Government

Responding to a request earlier this year from the National Commissioner of Correctional Services on the ways to address the issue of children awaiting trial in prison, the Forum made certain recommendations that included the following:

- Home-based supervision and community supervision should be actively promoted.
- Expediting the criminal justice system process – there is a need for additional probation officers in the province, as currently the number stands at some 60, which has decreased from the amount of 100 two years ago.
- Educational facilities need to come on stream and be fully operational as soon as possible to allow for the referral of sentenced children.
- Diversion options should be encouraged and expanded. This will require additional funding to support diversion. The production of minimum standards for and the accreditation of diversion service providers to ensure proper monitoring and oversight of this intervention need to be expedited.
- Magistrates need to be made aware of the importance of appropriate sentencing. In certain cases inappropriately harsh sentences are being passed for relatively minor crimes.

The Western Cape Child Justice Forum provides an important example of how intersectoral co-operation and monitoring can improve service delivery in respect of children in conflict with the law. Monitoring and intersectoral co-operation come with their own complexities and provincial support can provide much-needed capacity to local structures.

Optional Protocol against Torture and Similar Treatment or Punishment

Report by Professor Julia Sloth-Nielsen

The Civil Society Prison Reform Initiative, a newly formed collaborative project between NICRO and the Community Law Centre, hosted a successful seminar in Cape Town on 18 September to introduce the above Optional Protocol to a variety of stakeholders from various sectors. The principal Convention against Torture was ratified by South Africa in 1998, and the country has, at the time of writing, not yet signed the Optional Protocol, but is widely expected to be one of the first African states to do so.

The Optional Protocol was adopted in 2002 by the UN General Assembly, and opened for signature in February 2003. To date, 20 countries have signed the Optional Protocol, including Senegal, and there have been two ratifications thereof. South Africa voted for adoption of the Protocol last year, along with all the SADC countries. A wave of fresh signatories was expected at the UN Session, which commenced in late September. As explained by Debra Long, keynote speaker from the Geneva-based Association for the Prevention of Torture, in her address to the gathering, the Optional Protocol was inspired by the European Convention against Torture, which set in place a visiting system similar to the one envisaged in the Optional Protocol, and which has been successfully operating in Europe since 1989.

The seminar commenced with an overview of the content of this exciting new treaty given by Prof Lovell Fernandez, Deputy Dean of the Faculty of Law of the University of the Western Cape. Noting that the Optional Protocol would only be available for ratification in countries which had also ratified the main Torture Convention, he pointed out that the Optional Protocol had been added to the original Convention (UNCAT) to help state parties to implement their existing obligations to prevent torture. It aims "to establish a system of regular visits undertaken by independent and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment" (article 1). "It is proactive rather than reactive, prophylactic rather than remedial", indicating a shift in UN philosophy towards preventive practices.

The Optional Protocol provides for a two-pronged approach to prevent torture: First, it establishes a new international entity, the international visiting mechanism (IVM), which is a sub-committee of the Committee against Torture (CAT), established under the principal Torture Convention to report on state compliance. Second, it obliges each state party to establish one or more international visiting mechanisms (IVMs) to visit places of detention within the state and to enter into a co-operative dialogue with the authorities in order to help them ensure that torture does not take place.

The role of the International Visiting Mechanism (IVM)

The wording of the Protocol requires all state parties to give the

international entity unrestricted access to all places of detention, including information on where they are holding persons deprived of their liberty and information regarding where they are detained, the conditions under which they are detained, and how they are treated (article 14(1)(a) and (b). The state concerned must grant the international visiting body unlimited access to such places and an opportunity for the IVM delegation to interview detainees privately (or with a translator), without witnesses being present. The IVM may at liberty choose the places it wants to visit and the persons it wants to interview. The IVM must communicate its observations and recommendations confidentially to the state party and, if relevant, to the national preventive mechanism. If requested by the state party, the IVM must publish its report, together with any comments by the state concerned. Only if the state party refuses to co-operate with the IVM or to act on its recommendations may the IVM make a public statement without the consent of the state party. Securing the co-operation of the state is the core aim of the OPTEC. Instead of upstaging and embarrassing the state, it is nudged and induced confidentially into taking measures to prevent torture, and other forms of cruel, inhuman and degrading treatment or punishment.

The role of National Preventive Mechanisms (NPMs)

The Optional Protocol requires that one or more NPMs be established or designated in respect of all persons deprived of their liberty, but it does not prescribe any particular form that the NPM must take. Such mechanisms already exist in various states and may include bodies such as human rights commissions, ombudsmen, parliamentary commissions, laypeople's schemes, non-governmental organisations, judicial prison inspectorates and so forth. States must make sure that the NPMs are functionally independent entities, so an entirely government-led monitoring body or inspectorate would not fulfil the mandate of the Protocol.

In the past, initiatives such as the visits of the Inter Ministerial Committee on Young People at Risk, Project Go and inspections by members of the Intersectoral Committee on Child Justice (co-ordinated by the UN office for Child Justice) have contributed to various short-term improvements ...

States that ratify the Optional Protocol must grant the NPM access to all places of detention and must enable it to have interviews, without witnesses, with the persons who are deprived of their liberty, either personally or with a translator. NPMs may visit places of detention regularly and may also choose the places they want to visit and the persons they want to interview. The state party and NPM must then enter into a dialogue for possible implementation of the recommendations emanating from visits (article 22) and state parties are also required to publish and distribute the annual reports of the NPMs (article 23).

What forms of torture and other cruel, inhuman and degrading treatment or punishment might be addressed?

The European Committee, which was set up to implement the 1989 European Convention, has focused not merely on 'traditional' or 'conventional' forms of torture. It has also looked far more broadly at detention conditions and the cumulative effects of overcrowding, inadequate sanitation facilities, heating, lighting, sleeping arrangements, food, recreation and contact with the outside world. Its reports have been useful in contributing to the jurisprudence of the European Court on Human Rights concerning the meaning of cruel, inhuman and degrading treatment. For instance, in one case it was found that the failure by the authorities to improve poor and inappropriate conditions of detention constituted "a lack of respect" and was therefore in violation of the European Convention on Human Rights.

What are 'places of detention'?

The European Committee, which functions under the 1989 European Convention, visits places of detention of all types "where persons are deprived of their liberty by a public authority". These are typically police stations, prisons and juvenile detention centres, military detention facilities, psychiatric hospitals, holding centres for asylum seekers or for immigration detainees (for example, airport holding centres). The aim of the visits is to see how people deprived of their liberty are treated and to recommend improvements where necessary. Other institutions that may warrant visits are homes for children, where they are removed under an order of court (the children's court, for example). Secure-care facilities would definitely be included in the South African

Continued on page 7

Rebutting the presumption of criminal capacity

S vs Ngobesi and others 2001 (1) SACR 562

This case came before a judge on special review, after a chief magistrate's attention was drawn to the young age of the children convicted by an additional magistrate in his jurisdiction. The three children concerned were 13 and 14 years of age, and had been convicted on a charge of housebreaking, attempt to steal and theft.

The chief magistrate had asked for a report from the sentencing officer about the convictions. Portions of the report provided are quoted in the review judgment. Concerning proof of criminal capacity (the 13-year-old was subject to the presumption that he was *doli incapax*), the additional magistrate conceded that the State had not raised that issue directly. He said, though, that from the evidence it was clear that, when confronted by the complainant during the commission of the offence, the accused all ran away. The argument followed, it was alleged, that the presumption was sufficiently rebutted by the evidence that the accused had run away from the scene of the crime.

The review judge reviewed case law and alluded to four factors relevant to the State when discharging the onus of proving that a person aged under 14 is in fact *doli capax*:

- The precise age of the accused, as the presumption weakens with the advance of years towards 14.
- The nature of the crime itself, as the presumption weakens where the offence is inherently bad.
- The advancement of evidence that the particular accused appreciated the distinction between "right and wrong".
- Proof that he or she knew the act which had been committed by him or her was wrong within the context of the particular case.

The judge cited the well-known statement by Corbett J in S v Dyk and others:

"While a child (aged 11) … might well have appreciated the wrongfulness of the breaking in, it does not follow that he would have realised the wrongfulness of the peripheral participation of which he was found guilty (that is, of first reconnoitering the scene and then keeping watch while his fellow accused broke into the premises)."

The judge held that in this case there was no evidence of any nature whatsoever led by the State to prove that the 13-year-old in fact had criminal capacity at the time of the commission of the offence. Furthermore, the facts relied on by the magistrate in his report to the chief magistrate did not take matters any further – they related to the actions of the accused child, not to his state of mind or capacity to act as he did. "In no way was the conative capacity of the second accused assessed, that is his ability to resist temptation" (at 565f of the judgment). The judge alluded to the fact that because he was accompanied by two older boys, the task of the State is *prima facie* more difficult, because of the possibility that his capacity could have been affected by undue influence. The failure of the State to discharge the onus of proving criminal capacity hence led to the conviction and sentence both being set aside.

The Child Justice Bill, 49 of 2002, currently being debated

in Parliament, affirms the requirement (to be set statutorily) that the State will bear the onus of rebutting the presumption that a child aged below 14 years (but ten years or older) lacks criminal capacity. The Bill in its present draft elaborates factors beyond the four mentioned in S vs Ngobesi that a prosecutor will be required to consider before deciding whether to institute a prosecution against a child in respect of whom the rebuttable presumption applies. In particular, the interests of the victim and the community, and the recommendations contained in the assessment report of a probation officer, will also be regarded as relevant, as well as the prospects of successfully establishing criminal capacity were the matter to proceed to trial (clause 5(2)(b)). Clause 63 further details a specific step in the trial process requiring a court to make a determination as to the question of criminal capacity before conviction, and after consideration of all the evidence. Again, the legislation will confirm that the State must adduce evidence to prove criminal capacity beyond reasonable doubt.

The decision in S vs Ngobesi highlights the lackadaisical approach to rebuttal that has long prevailed in South African reports, with the State either failing altogether to lead sufficiently detailed evidence to prove both the cognitive and conative elements of criminal capacity, or being content to rely on wishy-washy (and largely irrelevant) statements of children's caregivers to the effect that their children had been raised with moral rectitude. The Child Justice Bill's new provisions will entrench distinct procedures for establishing criminal capacity, thus ensuring that the presumption of *doli incapax* serves the protective purpose that it was always intended to do.

[Ed's note: It is not clear why the accused's full surname appears in the reported version of this case, bearing in mind that the present law specifically forbids publication in any way of the names of offenders aged under 18.]

(Continued from page 5)

Optional Protocol against Torture and Similar Treatment or Punishment

context, as would reform schools and possibly schools of industry. Even privatised institutions would be subject to scrutiny as long as persons kept there were sent by a public authority.

The relevance of such an overarching monitoring and visiting body (or bodies) for setting of standards in institutions linked to the child justice system cannot be overemphasised. In the past, initiatives such as the visits of the Interministerial Committee on Young People at Risk, Project Go and inspections by members of the Intersectoral Committee on Child Justice (co-ordinated by the UN office for Child Justice) have contributed to various short-term improvements, but these initiatives have not been sustained. The Optional Protocol provides the impetus for a more permanent structure, with the mandate to conduct scheduled and unscheduled visits on a regular basis, and to contribute towards raising minimum norms and standards in the child justice sector. This vision is entirely in line with the proposals concerning monitoring of child justice that have formed part and parcel of the law reform process that is currently under way.

The seminar held by CSPRI to introduce the Optional Protocol in South Africa attracted various stakeholders concerned with persons deprived of their liberty by a public authority. The children's sector, prison staff and members of the Judicial Inspectorate, delegates with knowledge of monitoring of conditions of detention in police cells, and persons from psychiatric and substance rehabilitation centres were among those represented. From the lively debates which followed the introductory sessions, it emerged that in some sectors (notably prisons) the building blocks to implement the Optional Protocol's ideals already exist, but in the remainder much thought still needs to go into how best to set up and co-ordinate national preventive visiting mechanisms.

[For contact details of the Civil Society Prison Reform Initiative, see the Noticeboard on page 12.]

10 October: World Day Against the Death Penalty

by Anneke Meerkotter

Article 37 of the Convention on the Rights of the Child provides that State parties must 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 18 years of age."

The United States of America has failed to ratify this and other treaties with similar provisions. Since 2000 Texas has been the only jurisdiction in the world to execute juvenile offenders. The United States Supreme Court has ruled that the US Constitution does not allow execution for crimes committed while aged 15 or younger, but permits execution where crimes were committed at the age of 16 or older.

The most recent case of an accused who faces execution is that of Nanon Williams. He was convicted in Texas of the murder of a 19-year-old white man. At the time of the incident, Williams, a black man, was 17 years old. He is now 29 years old. Throughout the trial and various appeals which followed it, many facts surrounding the murder remain a mystery and scientific and other evidence has pointed to the possibility that Williams is in fact not guilty and that the prosecution deliberately concealed evidence which would count in his favour. Williams has been unfortunate in his legal counsel, who failed to indicate important information about his personal history at the sentencing stage: Williams was physically abused by his mother, even stabbed in the face; his father was fatally shot; his mother supported the family through the sale of drugs, for which she was often imprisoned, resulting in his being shifted around between family members and at age seven years he witnessed his uncle being shot. Williams's probation officer and psychologists testified that he excelled in a juvenile correctional programme, was emphatic, wasn't dangerous and was an emotionally sensitive person. The life-threatening and traumatic events which he suffered in his childhood resulted in Post-traumatic Stress Syndrome. This background was revealed in later appeals but never considered by the judiciary.

At its 59th session in April this year, the Commission on Human Rights, in a resolution (E/CN.4/2003/L.93) on the question of the death penalty, called upon State parties to the International Covenant on Civil and Political Rights to consider ratifying the Second Optional Protocol to the Covenant, aimed at the abolition of the death penalty; urged all states that still maintained the death penalty not to impose it for crimes committed by persons below 18 years of age, and to abolish the death penalty completely and, in the meantime, to establish a moratorium on executions. Twenty-four of the 53 countries voted in favour of the resolution, ten abstained and 18 voted against. Of the countries who voted against the resolution, the United States is the only country that still actively executes juvenile offenders.

Latest developments regarding the Child Justice Bill

The Portfolio Committee on Justice and Constitutional Development recently finished its second deliberations on the Bill following a redraft by the Department of Justice's drafting team.

It is important to note that the Portfolio Committee has continuously emphasised the ethos of the Bill, namely to ensure a criminal justice system for children that manages the individual child offender. One of the central features of the Bill, namely diversion, is recognised as being a significant means of protecting child offenders, where appropriate, from the harsh formalities of the criminal courts and providing them with an alternative route to accept responsibility and make amends for the harm that they caused.

This approach by the Portfolio Committee can be seen by the retention of all the main features of the Bill, particularly assessment, diversion, the preliminary inquiry and alternative sentences.

The effect will be the enactment of a piece of legislation that creates a legal framework that is aimed at ensuring efficient management of children in conflict with the law, while at the same time ensuring the protection of their rights as set out in the Constitution and the Convention on the Rights of the Child. It will finally provide concrete provisions that cater for practices such as diversion and assessment, which have been applied in a legal vacuum up until now. It will also ensure that interventions, which are available as diversion options, are capable of being used as sentences when a child has been found guilty.

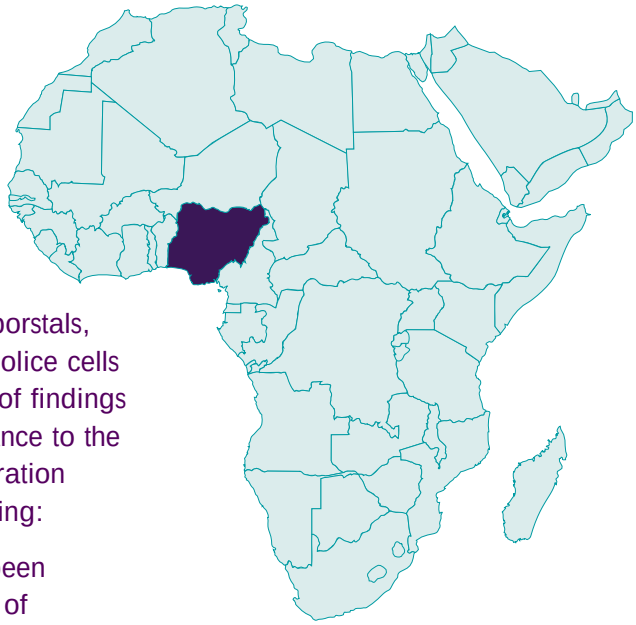
However, despite these progressive and reformatory steps taken by the Portfolio Committee, it has chosen to adopt a far more punitive approach to serious offences committed by children than originally proposed by the South African Law Commission and the Department of Justice. Although the provisions have not yet been finalised, as the Bill is undergoing a further redraft and the Committee will continue with its deliberations, it is clear that the Committee is considering the following:

- detaining children under 14 years awaiting trial for certain offences;
- sentencing children under 14 years to imprisonment;
- applying the provisions relating to reverse onus for bail to children;
- retaining the minimum sentence provisions for children aged 16 and 17 years;
- lengthening the periods for diversion programmes; and
- excluding certain offences from the possibility of diversion.

This is a disappointing move, as the provisions of the original Bill, as introduced into Parliament, were widely consulted on in the drafting process and were not challenged, but in fact supported, at the public hearings held by the Committee. Furthermore, it is highly questionable whether society will ultimately be protected by placing children under 14 years in a harsh and unforgiving prison environment. Perhaps the emphasis should rather be on appropriate interventions in a more suitable setting designed specifically for those rare cases where institutionalisation for pre-teens is necessary.

As the situation stands at present, South Africa is set to have its own separate child justice system – one that is aimed at ensuring that cases are diverted from formal court procedures and that appropriate interventions are available for children who come into conflict with the law.

Child Justice Reform in Nigeria



Nigeria is presently undertaking a reform of its child laws to bring the country in line with the principles and rights contained in the United Nations Convention on the Rights of the Child. This process has resulted in a draft Child Rights Bill, which is awaiting the signature of the President in order for it to be enacted. It is a comprehensive piece of legislation encompassing all aspects relating to the welfare and care of the child, as well as child justice. Nigeria is therefore one of the countries that has opted to include both protection and child justice measures in a single Act, as opposed to the approach taken in South Africa, where there have been two separate law reform processes relating to these issues.

Part of the law reform process is the Juvenile Justice Project, which is looking at Juvenile Justice Administration (JJA) with a view to implementation issues and the development of a juvenile justice policy for the country. This project was born out of a collaborative effort between the National Human Rights Commission (NHRC), Constitutional Rights Project (CRP), the United Nations Children's Fund (UNICEF) and Penal Reform International (PRI).

CRP study

One of the components of this project was a study undertaken by the CRP in the six geopolitical zones of Nigeria, which examined young inmates in remand homes, approved schools and borstals, and those detained in police cells and prisons. A number of findings resulted, but of significance to the juvenile justice administration process were the following:

- Some children had been detained for periods of between four and eight years.
- Approximately 60% of children in police cells were there for truancy and being beyond parental control.
- Only a small percentage of child offenders had committed serious offences.
- A large proportion of children were not legally represented during their trials.

As a result of this a National Conference on Juvenile Justice Administration was held in July 2002. This resulted in the establishment of a National Working Group on Juvenile Justice Administration and a draft concept paper on juvenile justice administration. This was then followed by two zonal conferences on juvenile justice administration, where inputs on the draft concept paper were elicited.

It then became clear that the work on a national juvenile justice policy would be incomplete without an understanding of the situation in juvenile justice institutions in Nigeria, as well as a comparative study of other countries in Africa and abroad. Therefore visits to prisons, police detention centres and other institutions all over Nigeria were undertaken in order to compile recommendations for the policy document. Study tours to South Africa, Malawi, Namibia and the United Kingdom were also undertaken for this purpose.

Further field studies

The field visits to 68 prisons, police cells and other institutions produced certain findings, including the following:

- Most children are found in juvenile detention centres, but a large number are found in prisons where they are detained and tried with adults.
- The juvenile detention centres have educational and vocational facilities but lack adequately trained personnel and learning materials.
- Prisons are seriously overcrowded.
- Police cells are generally in very bad condition and at the point of arrest several cases of

abuse by the police officials have been reported.

As a result of these findings certain recommendations were made by the National Working Group. These included:

- funding allocation receiving priority;
- the provision and maintenance of adequate facilities for children deprived of their liberty;
- appropriate training for officials and the appointment of specialists such as psychologists and social workers;
- speedier trials for children awaiting trial;
- the establishment of at least one juvenile detention centre per state; and
- the development of crime prevention strategies.

The next step in the project was to convene a National Experts Meeting in Abuja in August 2003 where these findings, as well as the experiences of the countries visited in the study tours, were discussed. More importantly, the draft National Policy on Child Justice Administration in Nigeria was introduced for discussion, as well as a Course Manual for Law Enforcement Officials working with Juvenile Offenders and a Guide for Trainers.

National Policy on Child Justice Administration

The policy paper is meant to contribute to the overall objective of the Government of Nigeria in establishing an effective system of justice for children in conflict with the law within the context of international and regional documents.

The policy deals with issues such as:

- the age of criminal responsibility;
- pre-trial juvenile justice;
- the constitution, functions and procedure of the juvenile court;
- disposition measures available to the juvenile court; and
- non-judicial child justice prevention policies and programmes.

The policy also includes recommended strategies for improving and reforming child justice administration in Nigeria, such as the following:

- Prevention – implementation of the Universal Basic Education Programme, establishment of a good parenting assistance/counselling programme, establishment of Community Service Schemes for children.
- Arrest and pre-trial detention – establishment of child-friendly initial contact machinery, establishment of a specialised Child Police Unit at every police station, strengthening the bail processes, specialized training, prompt notification of detention to parents, legal representation for children.
- Diversion – adoption of diversion programmes, development of training manuals and guidelines for diversion schemes.
- Family Court – having both civil and criminal jurisdiction, specialised court personnel, less formal court procedures.
- Alternative sentencing – development of alternatives to custodial orders, monitoring of institutions, enhancing rehabilitative role of custodial institutions.
- Reintegration – provision of vocational training and aftercare services for children on release from institutions.
- Establishment of a National Child Justice Committee to review, monitor and evaluate policies and programmes in child justice administration in Nigeria.

Delegates at the National Experts Meeting in Abuja.

Conclusion

It is very encouraging that Nigeria is continuing the trend in African countries that are looking to reform their child justice laws. The country has, in a very short period of time, developed a sound basis for child justice administration in the face of very difficult circumstances that exist presently on the ground in Nigeria. The participants in the law reform movement are extremely open about the adversities presently facing children in Nigeria and are committed to ensuring that the law reform process focuses on a child rights approach while establishing procedures that are capable of being properly implemented.

NOTICE-BOARD

NEWS

- **Miller du Toit/Faculty of Law, UWC Family Law Conference**

  This will be held on 1 and 2 April 2004. The theme of the conference is "Ten years of Democracy: New Directions for Children and Family Law". Enquiries can be directed to mdt@iafrica.com or juliasn@mweb.co.za

- **Legal review of child legislation in Maputo**

  Mozambique launched a legal review of child legislation in Maputo on 1 September 2003. This process is being conducted under the auspices of UNICEF and UTREL, an office of the Prime Minister of Mozambique responsible for law reform initiatives. The process aims to examine issues such as child labour, child trafficking, orphans and children affected and infected by HIV/Aids, juvenile justice and child victims of sexual abuse, harm and domestic violence. For more information contact Janine Demas at jdemas@uwc.ac.za

- **The Civil Society Prison Reform Initiative (CSPRI)**

  This is a new project that has been formed to increase the capacity of civil society to respond to and engage with policy in South African correctional institutions. The programme has four main areas, namely advocacy and lobbying; improved prison governance; improved access to alternative sentencing and reintegration services.
  For more information contact Julia Sloth-Nielsen at juliasn@mweb.co.za or Lukas Muntingh at lukas@nicro.co.za

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