



# Girl Of Being a

Violence against Girls in the Justice System in Sierra Leone

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## Abstract

Internationally it is recognised that children in contact and conflict with the law have very separate needs from adults within the justice system, in that they need care and protection. In 1990, the UN Convention on the Rights of the Child was created and ratified by several countries around the world. Articles 37 and 40 recognise the unique vulnerabilities of children within the justice system and takes measures to address this. The overall aim of international minimum standards, such as the Beijing rules, is to ensure that the detention of children is taken as a measure of last resort and for the least amount of time possible, as in doing so would serve more harm than good to the overall well-being of the child.

This article examines what it is like to be a girl in Sierra Leone and the challenges they face within the justice system. Often girls who are already victims of circumstances outside of their control are continually re-victimised when they come into contact and conflict with the law and the juvenile justice system. A 2011 report titled *Justice for Girls?*, compiled by Defence for Children-Sierra Leone, AdvocAid and African Prisons Project found that the majority of girls in conflict with the law were girls involved in prostitution and had experienced some form of neglect, abuse or abandonment. In interviewing the cohort of girls and organisations for the report it was concluded that it is almost impossible to distinguish a girl as in need of care and protection with one who is in conflict with the law. The majority of those interviewed were estranged from their families, had problematic relationships with their parents or guardians, were living on the street or had experienced domestic violence which led in some cases, to them committing crime.<sup>1</sup>

Underpinning this article are interviews with several juvenile justice stakeholders in Sierra Leone carried out during the authors internship at Defence for Children International-Sierra Leone in the summer of 2017. Interviews took place with a total of 9 police station Family Support Units (FSU's), Non-Governmental Organisations (NGO's), Defence for

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<sup>1</sup> Moore, M.(2011) *Justice for Girls? Girls in conflict with the law and sexual exploitation in Sierra Leone.*

Children International – Sierra Leone, AdvocAid and Don Bosco, a representative from The Ministry of Social Welfare Gender and Children’s Affairs (MSWGCA) and Officers in charge at both the Kingtom Remand Home in Freetown as well as the Remand Home in the province of Bo. Girls on remand, awaiting trial in both remand homes took part in individual interviews. Also, focus group discussions took place with girls and young women from Defence for Children’s Girls Advocacy Alliance Programme (GAA), in the communities of Rokupa, Bonga Town, Dwazark and Adonkai on the topics of sexual violence, economic empowerment, female genital mutilation and the secret societies, known locally as Bondo societies. Findings from this study, highlights that violence and injustice suffered by girls in society often leads to them coming into contact and conflict with the law. Within the justice system, children are denied their human rights in a number of ways. Girls who have been sexually exploited are often not believed by police or are treated as if they are as much to blame for the exploitation. They are denied their rights in the following ways,

- At pre-trial level, such as the right to privacy during questioning and in court.
- The right to have an adult present during interview.
- They are mostly placed in cells with adults.
- Young People are held beyond the lawful 72 hours in pre-trial detention.
- Lengthy delays on remand denies their access to justice.
- In cases where children are co-accused with adults, it is common for the child’s file to “go missing” when the adults compromise the case and buys their way out of the charge leaving the child in limbo due to not having the financial means to do the same.
- There are very few lawyers in Sierra Leone. Therefore children rarely have legal representation.
- It appears that during court appearances a child’s mitigating circumstances are rarely taken into account.
- There are no official, only informal, diversionary measures in place.
- The current legislation in Sierra Leone does not specify the maximum sentence for which a juvenile can be convicted.

## Introduction

Since the end of the civil conflict in Sierra Leone in 2002, significant efforts have been made by the Government of Sierra Leone (GoSL) to prevent a relapse into violence by establishing and strengthening socio-economic and political systems and structures that are crucial to the maintenance of peace and stability. The focus in particular, was the country's youth who, while constituting more than half of the population, have been neglected and marginalised over decades by subsequent governments as identified by the truth and reconciliation commission set up after the war. Key policies developed included the Justice Sector Reform Strategy and Investment Plan (JSRSIP), which is on its third phase, the Child Justice Strategy which is also on its third phase. Development partners such as the United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), the United Kingdom's Department for International Development (DFID) and non-governmental organisations such as AdvocAid, Prison Watch, the Young Men Christian's Association (YMCA), the Centre for Accountability and the Rule of Law (CARL), and Defence for Children International-Sierra Leone, have also consistently complimented the GoSL's effort in improving the security and justice sectors. However, in spite of all these efforts, it is obvious that very little impact has been created especially in the area of juvenile justice. While there is significant awareness of what needs to be done, there is still a large gap between policy and practice, and the system is rife with inconsistencies.

The Government of Sierra Leone ratified the UN Convention on the Rights of the Child (UNCRC) in 1990. However, the rampant presence of harmful gender norms and practices in Sierra Leonean society continues to fuel acts of gender based violence including early child and forced marriage and female genital mutilation (FGM), putting girls at higher risk of early pregnancy, physical and mental suffering, social stigma and economic exclusion. These acts of violence against girls violate Sierra Leone's obligations under the UNCRC and the African Charter on the Rights and Welfare of the Child and compromise the full and effective realisation of the Sustainable Development Goals, in particular SDG goal 5 on achieving gender equality and empowering all women and girls to which the GoSL has committed.

Furthermore, lack of resources and infrastructure have created a weakened system struggling to operate and meet minimum standards in the juvenile justice system. Day-to-day operational costs are often not met including lack of funds for phone credit (to call parents and guardians when children are arrested), stationery, or fuel for vehicles as well as a lack of human resources, a shortage of social workers at Family Support Units (FSU), limited staffing at detention facilities and weak institutional capacity, creating human rights violations and harming the young people the system is tasked to protect.

The system where young people are placed on remand appears to be the most problematic with unlawful delays before sentencing, overcrowded conditions, lack of legal representation, lack of recreation and lack of child protection measures. Regardless of the challenges of country context, there are several diversionary and low budget measures that could be taken to improve the operation of the system and the fundamental rights of the children and provide an overall healthier societal outcome.

## Domestic Juvenile Justice Laws in Sierra Leone

The juvenile justice system in Sierra Leone is operated by two separate government departments each with different functions. The welfare and protection of children and young people is managed by the Ministry of Social Welfare Gender and Children's Affairs (MSWGCA) while the adjudication of cases of children in conflict and in contact with the law either as a witness or a victim of a crime comes under the Ministry for Justice.<sup>2</sup>

The main Act governing children in conflict with the law in Sierra Leone is the Children and Young Person's Act also referred to as "Cap 44". This Act provides for a juvenile system that recognises that children and young people differ in their needs and are distinct from adults and should be treated accordingly. The Act addresses the treatment of children and young people accused of breaking the law and includes children who are detained in police custody awaiting arraignment before the court.<sup>3</sup>

The Child Rights Act 2007, provides some additions and amendments to the Children and Young Person Act but mainly deals with children in need of protection.<sup>4</sup> The fundamental

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<sup>2</sup> Rough Justice Young People in Sierra Leone. "From Paper to Practice" (2010). Young Men's Christian Association, Freetown, Sierra Leone.

<sup>3</sup> Ibid

<sup>4</sup> Child Justice Strategy for Sierra Leone 2014-2018

principle to be applied in the interpretation of the Child Rights Act 2007 shall be that the short-term and long-term best interests of the child shall be a primary consideration in any decision or action that may affect the child or children, as a group. The act also gives way to the establishment of a National Commission for Children<sup>5</sup>. Even though The Child Rights Act repeals the age of a child and places it at 18 as required by the Convention on the Rights of the Child and places an age on criminal responsibility, it still does not address certain issues to ensure children and young people are treated in line with International Standards.<sup>6</sup> For example, The Remand Home Rules (RHR) which are part of Cap 44 still apply. The RHR's have the use of corporal punishment and the denial of food stated as sanctions. Both the Ministry for Social Welfare Gender and Children's Affairs and the officer in charge at the Kingtom Remand Home state that these aspects of the rules are not being used. However, during an interview with the officer in charge at the Remand Home in Bo he stated that one of the measures to discipline children is to take their food as a sanction. These rules are part of Cap 44, an Act that was drawn up in 1945. They were not addressed as amendments in the Child Right's Act of 2007 and certain aspects are outdated and contradictory to International Standards, for example, The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty Rule 67, which states,

*All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose.*<sup>7</sup>

Without these rules being officially repealed they can be used at any time by staff or management. Although Section 216 of the Criminal Proceeding Act prohibits the imposition of the death penalty on anyone who commits a crime under the age of 18, the section does not protect children against life imprisonment, a sentence prohibited for children under the UN Convention on the Rights of the Child.<sup>8</sup> The 2011 report, *Justice for Girls*, compiled by various agencies including Defence for Children International found

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<sup>5</sup> The Child Rights Act 2007.

<sup>6</sup> Rough Justice Young People in Sierra Leone. "From Paper to Practice" (2010). Young Men's Christian Association.

<sup>7</sup> United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990).

<sup>8</sup> Rough Justice Young People in Sierra Leone. "From Paper to Practice" (2010). Young Men's Christian Association.

that a female juvenile defendant, contrary to domestic law, was condemned to death. It does not state whether this was actually carried out or if she was pardoned.<sup>9</sup> The current legislation in Sierra Leone does not address the maximum sentence for which a juvenile can be convicted.

The Sexual Offences Act 2012, was compiled as a response to the growing prevalence of sexual gender based violence against women and children and was welcomed by many. However, it currently poses a significant problem for adolescents within Sierra Leone as there has been an increase in the number of cases of the charge of “sexual penetration” being brought before the high court. This will be discussed in greater detail later in this article.

## International Juvenile Justice Law

The complex needs of children who come into conflict with the law have been recognised within international standards. The United Nations Convention on the Rights of the Child was ratified by Sierra Leone in 1990 and is the most important in ensuring the rights of the child and young people within the juvenile justice system, article 37 and 40 (see below). Sierra Leone is also a signatory of the African Charter on the Rights and Welfare of the Child (ACRWC).

In 1985, a set of minimum standard rules was established for the administration of juvenile justice known as the Beijing rules. These are designed to assist party states who have signed up to the Convention on the Rights of the Child (CRC), in developing juvenile justice systems that comply with the norms and values enshrined in the CRC. The 1990 *Guidelines for the Prevention of Juvenile Delinquency*, also known as the Riyadh Rules, as well as the *UN Rules for the Protection of Juveniles Deprived of their Liberty*, otherwise known as the Havana Rules, establish actions to prevent young people from engaging in criminal activity and to protect the human rights of young people already found to have broken the law and who are detained.

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<sup>9</sup> Moore, M.(2011) Justice for Girls? Girls in conflict with the law and sexual exploitation in Sierra Leone.

# 1. Issues Affecting Girls in Conflict with the Law

## 1.1 Sexual Gender Based Violence

The prevalence of sexual gender based violence in is a significant public health problem that can be traced back to when it was used as a weapon of war during the 11-year conflict from 2001 – 2002. Today, one of the most common ways in which girls come into contact with the law in Sierra Leone is when they have been the victim of sexual gender based violence. The Sexual Offences Act 2012, was compiled as a response to sexual gender based violence, however, the wording of the Act is creating unforeseen problems for sexually active adolescents, boys. The Act states,

*“4. ... a person below the age of 18 is not capable of giving consent for the purpose of this Act, and, accordingly, it shall not be a defence to an offence under this Act to show that the child has consented to the act that forms the subject matter of the charge”.*<sup>10</sup>

This Act in practice is leading to the marginalization of a whole section of young boys within society. This is because the Act not only pertains to child abuse by an adult, it also pertains to sexually active teenagers. One of the most common crimes committed by teenage boys on remand in Sierra Leone was that of “Sexual Penetration”. Boys who were interviewed for an internal Defence for Children-Sierra Leone report, who were being held on the charge of “sexual penetration” said that they were in relationships with the girls they had intercourse with and that it was consensual. However, it is common for the parents of girls in peer relationships such as these, to object to the relationship. And when they discover that the teens have had sex, they report it to the police. Girls have no power even if they also agree that the sex was consensual. Ideally, when parents discover that they have a sexually active teen they take measures to educate the child or increase supervision levels, as this is still their responsibility as parents to children under 18. This Act appears to absolve parents of this expectation and goes straight to inflicting a harsh and unnecessary punishment on teenage boys, with devastating consequences for their rights, as the very fact that the charge is called “Sexual Penetration” immediately alludes to it being a male crime. In a scenario where a teenage girl consents to having sex with her

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<sup>10</sup> The Sexual Offences Act 2012, Act No.12 of 2012.

boyfriend, under this Act, she has also committed a crime. This is very ironic in a country where early marriage is rife and is permitted due to the fact that state law and customary law have not been harmonised. The Child Rights Act 2007, 34 (1), states that the minimum age a child can marry is 18, however section (3), of the Registration of Customary Marriage and Divorce Act 2009 supersedes this and allows for parents to give consent to a marriage, making child marriage permitted in Sierra Leone from the age of 14.<sup>11</sup> In several police station interviews, they stated that bringing charges of Sexual Gender Based Violence perpetrated by adults towards children to court was very slow. They said that often these cases never reach the court as parents of the victim will “compromise” the case, meaning that they will come to a financial arrangement with the perpetrator and get some form of compensation. According to the girls interviewed in the community of Dwazack, it is also common for the police to take bribes. They described how a man was beaten in their community for the rape of a young girl. He fled the community and after some time, returned, as he had bribed the police. When the matter was over he resumed living in the community. One girl said she knew a man who raped a girl. The man told the police the girl arranged the sex, and when he did not pay the price she requested, that’s when she went to the police. The police believed she was a prostitute and the man was telling the truth. The girls said this happens a lot.<sup>12</sup> It is therefore very rare that girls have their day in court or get justice for the sexual offences committed against them.

## 1.2 Poverty and Discrimination against Girls

Prior to the outbreak of the Ebola Crisis in May 2014, the United Nations 2011 Human Development Index ranked Sierra Leone as 180<sup>th</sup> out of 187<sup>th</sup> most improvised countries in the world. Economic indicators at that time showed that 77% of Sierra Leoneans were living in poverty with 62.79% of the population living on less than \$1.25 per day.<sup>13</sup> Discrimination against girls, which stems from cultural and religious beliefs about their role within society is a major factor in girl’s inability to become socially and economically empowered. Girls are represented far less than their male peers in the educational system

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<sup>11</sup> Final Report of the Sub-Committee on the Abolition of Child Marriage in Sierra Leone 2017.

<sup>12</sup> Author’s interview conducted in Dwazark community on 8<sup>th</sup> August 2017.

<sup>13</sup> UNDP Multidimensional Poverty Index 2011.

due to traditional household and child care responsibilities.<sup>14</sup> Focus group interviews in the communities of Rokupa, Dwazack, Bonga Town and Adonkia revealed perceptions of education being more valuable for boys within the family than for girls. “The belief is that girls will end up going to the streets and even if they don’t, either way, they get pregnant”. “When there is no money, it’s the girls that go to work for it”. “The boys get privileges. We go sell, and make the money for them to go to school”.<sup>15</sup> Girls know their rights a lot of the time, but they cannot exercise them especially if they live with their parents as their parents make all the decisions. Girls risk being abandoned by their families if they complain.<sup>16</sup> The girls interviewed, also explained that the way in which marriage takes place is changing within the communities. Once a “bride price” (dowry) would be paid for a girl. Now because there is so much teenage pregnancy this does not happen. When a girl gets pregnant, sometimes the man comes with his family and claims that he is the father of the child. He takes the girl to live with him and she gives birth this time and possibly more times. Then if she decides she wants to be married she has to go and work to get the money for the “bride price” herself, and give it to the man to bring to the family. When girls get pregnant they are banned from attending school and many will not return to school after giving birth as they are ashamed due to the stigma attached. This year for International Day of the Girl Child on 11<sup>th</sup> October 2017, Defence for Children International-Sierra Leone, called upon the Government and Ministry for Education and Science to urgently review and address the discriminatory policies and practices that impede the full enjoyment of the right to education by pregnant girls across the country.<sup>17</sup> This is in clear violation of a girls human rights, the right to education, and only serves to economically disempower her and her child in the future.

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<sup>14</sup> Beyond the Law: Assessing the realities of juvenile justice in Sierra Leone, (2010) Defence for Children International Sierra Leone.

<sup>15</sup> Author’s interview conducted in the community of Bonga Town 8<sup>th</sup> August 2017.

<sup>16</sup> Author’s interview conducted in Dwazark community on 8<sup>th</sup> August 2017.

<sup>17</sup> Defence for Children International-Sierra Leone. Call to end stigma and discrimination against girls in Sierra Leone. 11<sup>th</sup> October 2017.

## 1.3 Secret Societies, Female Genital Mutilation and Early Marriage

A vast amount of communities in Sierra Leone have secret societies known as Bondo societies. These societies practice harmful gender norms, including Female Genital Mutilation (FGM), which is the essence of the Bondo Societies. FGM is deeply enshrined into Sierra Leonean culture. It has been practiced for centuries as part of a rite of passage for girls from childhood to womanhood. Girls are often forcefully initiated into the society from a very young age by ‘Soweis’ (the heads of Bondo society). The rationale for early initiation is that it costs less and that it is easier to control resistance during this horrendously painful procedure which is carried out without anaesthetic, and with unsterilized knives or blunt instruments. This has contributed to the rise and spread of HIV and many girls have died following the procedure as they do not receive medical attention. “You have to be a woman to be able to take the pain of child birth, so you have to be able to take the pain of the cutting”.<sup>18</sup>

Bondo is a woman only space, where Girls are prepared for marriage and this is often to a man much older than them in age. Early marriage can occur as young as 14 years and has negative consequences for girls in terms of domestic violence, the risk of which increases when there are large gaps in age between a girl and her husband.<sup>19</sup> Soweis earn vast amounts of money from Bondo and depend on it for their livelihood. Parents can be charged up to Le2million, the equivalent of \$250 per girl. Many Soweis have enormous influence in the communities. They are often linked to formal politics because they can command the political support of many female voters.<sup>20</sup> Again, Defence for Children International-Sierra Leone, as part of International Day of the Girl Child, called on the government to immediately refrain from supporting the initiation of young girls into the ‘Bondo Society’ as a strategy to attract and gain political popularity.<sup>21</sup>

Girls interviewed in the communities had mixed feelings about Bondo. The girls explained that part of the attraction of initiation is that it is made into a big occasion for the girls.

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<sup>18</sup> Author’s interview notes, conducted in the community of Adonkia, Sunday 6<sup>th</sup> Aug. 2017.

<sup>19</sup> Final report of the sub-committee on the Abolition of Child Marriage. 2017.

<sup>20</sup> AMNet’s Approach to Female Genital Mutilation (FGM). Age of Consent or Total Abandonment?

<sup>21</sup> Defence for Children International-Sierra Leone. Call to end stigma and discrimination against girls in Sierra Leone. 11<sup>th</sup> October 2017.

They have a big party and have to get a nice dress. “At Bondo you get to eat better. They have platters of food every day. Many girls go for that”.<sup>22</sup> “Many girls are going to Bondo to get men. But that’s not Bondo, that’s poverty. Their parents send them to get men to look after them when they can’t provide.”<sup>23</sup> The girls in the community of Rokupa explained, they are told they will get vaginal infections if they do not do to Bondo. They also said that girls who do not initiate are discriminated against in the community and treated differently.

## 1.4 Impact of Ebola on Society

The societal impact of the Ebola Virus Disease (EVD) placed considerable strains on existing already weak systems such as the health system, the closure of schools and other learning institutions, reduced social cohesion with implications on vulnerable groups such as children, women, the disabled and the elderly<sup>24</sup>. The specific consequences of the outbreak on families included long-term disruption of traditional social care arrangements that saw an increase in the number of vulnerable children. A large number of children were orphaned as a result of losing their parents to EVD and children were separated from their care-givers as a result. Children sent to live in menpikin care (foster care) were forced to live in these circumstances as their parents could not support them. In this way, kinship care arrangements provide an alternative to child abandonment. However, the majority are sent to live in kinship care due to poverty, the death of one or both parents or the breakdown of families<sup>25</sup>. This increased pressure on already struggling families is not supported by any assistance from government. The impact of EVD on the educational system saw the school closure policy at the time leave children out of school for at least nine months. This often resulted in permanent dropout from school.

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<sup>22</sup> Author’s interview notes, conducted in the community of Rokupa, Sunday 6<sup>th</sup> Aug. 2017.

<sup>23</sup> Author’s interview notes, conducted in the community of Dwazark, Tuesday 8<sup>th</sup> Aug. 2017

<sup>24</sup> UNDP (2015) The Economic and Social Impact of Ebola on households in Sierra Leone. Household survey Report.

<sup>25</sup> Impact of EVD on Kinship Care Practices in Sierra Leone, GOAL. October 2016.

## 1.5 Street Children and Sexual Exploitation

A 2015 report from “Needy Child International” indicates that forty-nine thousand six hundred and ninety-six (49,696) Sierra Leonean children work and live on the streets. While two thousand seven hundred (2,700) live permanently on the streets, forty-five thousand (45,000) children between the ages of 6-15 in the Western Area of Sierra Leone are not going to school but are engaged in stone mining. The statistics show the extreme vulnerability of children as they are being deprived of their basic human rights which they should enjoy as children (Kamara, 2015).<sup>26</sup> Many street girls come into conflict with the law as they are involved in prostitution to survive. The community focus group discussions revealed that a lot of girls within the communities interviewed had a “kiddie master” (pimp). An Example of how girls experience exploitation was explained by the girls in the fishing community of Rokupa. They talked about how they are sexually harassed by fishermen in their village when go to buy fish to sell. They are offered the fish in exchange for sex. Many of the girls have become pregnant, some as young as 12. When reported to the police, the girls say, “the police do nothing when the pikin get the belly” as they explain, the police, as well as the fishermen say that the sex was paid for, therefore its treated like they entered into a contract regardless of the age. “Often when parents want to discipline girls they starve them, this leads the girls to turn to the men in order to get food”.<sup>27</sup>

## 2. The Juvenile Justice System

### 2.1 Age of Criminal Responsibility

The minimum age of criminal responsibility refers to the minimum age below which children shall be presumed not to have the capacity to infringe the penal law (article 40 CRC).<sup>28</sup> The establishment of such a minimum means that if a child below that age breaks the law he/she shall not be held criminally responsible.

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<sup>26</sup> Kamara, (2015) Nearly 50,000 street children in Sierra Leone. Politico SL. Free Media group.

<sup>27</sup> Author’s interview conducted in Rokupa, Freetown on 6<sup>th</sup> Aug 2017.

<sup>28</sup> Unite Nations Convention on the Rights of the Child.

Article 40 of the UNCRC, requires that all state parties establish a minimum age, however it leaves the specific age to be decided by the individual state. However, the committee on the rights of the child indicate guidelines for the establishment of the minimum age, stating in its general comment 10 (GC 10), that anything below the age of 12 is considered unacceptable by international standards.

In January 2000 in Sierra Leone, the UN Committee on the Rights of the Child turned its attention to the low age of criminal responsibility set at 10 in domestic legislation. The committee recommended that the government review its relevant legislation and raise its minimum age accordingly.<sup>29</sup>

The Child Rights Act 2007, now sets the age of criminal responsibility at 14, which was not provided for previously by Cap 44.<sup>30</sup> Children who commit criminal acts who are under the age of criminal responsibility are dealt with by the Ministry of Social Welfare Gender and Children's Affairs (MSWGCA), who say that they work with the parents and the child. They often help parents to improve on their parenting skills to influence the behaviour of the child. Failing this, children can often be taken into interim care homes where staff at the homes work with them to counsel them and improve behaviour.

## 2.2 Contact with the SLP

Within the Sierra Leone Police (SLP), there is a special department known as the Family Support Unit (FSU), that deals with cases of children in contact and in conflict with the law and any incidents of domestic violence as well as cases of sexual and gender based violence in both adults and children and child trafficking. According to Section 57 of the Child Rights Act (CRA): “The Sierra Leone Police shall maintain at each police station, a Family Support Unit that shall have responsibility to deal with alleged juvenile offenders, child victims of domestic violence and to monitor proven child abusers.”<sup>31</sup>

## 2.3 Arrest and Pre-Trial Detention

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<sup>29</sup> “From legislation to Action? Trends in Juvenile Justice Systems across 15 countries”. Defence for Children International 2007.

<sup>30</sup> Rough Justice Young People in Sierra Leone. “From Paper to Practice”. YMCA April 2010.

<sup>31</sup> Child Rights Act, 2007.

There are no guidelines on how the arrest and investigation of young people should be carried out. This appears to allow for a significant amount of inconsistency from station to station in how girls in conflict with the law are handled. Only two of the FSUs interviewed were equipped to handle juveniles, in that they had a separate cell to place juveniles in. Both the FSU's at Central and in Aberdeen. The Aberdeen FSU was built in 2012, by Defence for Children International with funding from the Japanese Government. In comparison to other FSUs around Freetown, the personnel at Aberdeen ironically claimed that it very rarely gets cases of juveniles in conflict with the law, so therefore rarely needs to use its cell to detain young people. Having separate cells to detain juveniles away from adults is a basic minimum child protection requirement under the Beijing rule 13.<sup>32</sup> The personnel at one FSU interviewed stated that, in the absence of a specific cell for juveniles, often young people can be detained in the reception area handcuffed to the window. Also in another FSU, there was the visible presence of handcuffs on the window (See Fig. 1. below). Most other FSUs said that juveniles are left to sit in the FSU main area during the day and are monitored by staff.

The practice of detaining juveniles in cells with adults whether male or female was also identified by DCI's 2010 report *Beyond the Law: Assessing the realities of juvenile justice in Sierra Leone*. To this day, the practice continues. Under Cap 44, S.6, the Commissioner of Police is responsible for preventing the association of children with adults charged with an offence.<sup>33</sup> During interviews with all 7 girls detained at the Kingtom and Bo Remand Homes, all of them said that they were detained in a cell with adults. 5 of the girls said that they were arrested and dealt with by male officers despite the availability of female officers. All of the girls reported, that when being arrested, the police used abusive language. Some officers verbally abused their parents. Two girls said they were propositioned by police. All of the girls said they felt very afraid. The need for monitoring and advocacy by organisations such as DCI, Prison Watch and Don Bosco is therefore vital in ensuring child right enjoyment within the justice system.

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<sup>32</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing rules).

<sup>33</sup> *Beyond the Law: Assessing the realities of juvenile justice in Sierra Leone*, (2010) Defence for Children International Sierra Leone.

**Figure: I**



## 2.4 Interviewing Child Suspects

There is conflicting information from police stations interviewed about how they interview children. The personnel at one police station explained that it was not always possible to have an adult present when taking a statement from a juvenile. All of the other police stations stated that they never interview a juvenile without having an adult present, despite also stating that the reason pre-trial detention sometimes goes beyond 72 hours is due to the challenge they have in getting parents to come to the station. The Alternative Care Policy of 2012, states that out of 41 FSUs only 16 have a social worker attached.<sup>34</sup> This is due to staff shortages and a lack of resources to hire new staff. This means that most FSUs do not have a social worker available to be present when taking statements from children when parents refuse to come to the station. According to staff at Defence for Children – Sierra Leone, the refusal of parents to come to the station can often stem from a lack of knowledge of the juvenile justice system. They fear if their child gets into trouble with the law that they too can be held responsible and fear being detained. The serious lack of qualified lawyers in Sierra Leone as well as legal aid lawyers makes for the chance of having a lawyer available at interview very slim. One FSU stated that “it takes too long to

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<sup>34</sup> Alternative Care Policy 2012.

contact lawyers so we go on without them”. Children interviewed, both boys and girls, who are currently on remand in Freetown and Bo stated that they had no adult present during questioning and when statements were being taken, despite some having been accompanied by an adult to the FSU. Two young people stated their parents were denied entry when their statements were being taken. Three other young people stated that during their interviews they were tortured, in the form of being beaten. The practice of not having an adult present at interview is a contradiction to what points 12 and 13 of the guidelines on “Good Conditions for Interviewing Children” state in the Age Assessment Guidelines for Children in Contact with the Justice System, 2010.<sup>35</sup>

*12. The child has the right to have his/her parent/guardian present in the interview room unless the child does not want them present, or if there is suspicion that the parent / guardian is involved in the crime. The parent should not in any way influence the interview other than providing support for the child.*

*13. Where there is no Social Worker deployed at the Family Support Unit - as it is in most cases – two trained police officers can interview the child.*

Point 13 raises a number of concerns. Confessional admissions may be made by a juvenile who has no advocate or independent witness present to advise him/her on how to best navigate legal proceedings. This could cause a significant problem for a young person before the court especially in light of the fact that very few young people in Sierra Leone have access to legal representation. If a defence lawyer does argue that a confessional admission was made in the absence of a neutral advocate this can delay proceedings and lead to longer detention periods. There is also no safeguarding for police officers who take statements with no advocate present and this can cause them to be accused of using inappropriate or unlawful methods to obtain statements.

The Child Rights Act expanded the function of the FSU to deal with children in conflict with the law, however they still do not have the expertise in how to deal with children involved in more complex crimes such as murder. These cases get referred to Criminal Investigation Department (CID) with personnel from the FSUs stating that they assist with child-friendly interviewing skills.<sup>36</sup>

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<sup>35</sup> Age Assessment Guidelines, (2010) Children in Contact with Justice System. MSWGCA.

<sup>36</sup> Child Justice Strategy for Sierra Leone 2014-2018

## 2.5 The Right to Privacy

The Beijing rule 8.1 states *“the juvenile’s right to privacy shall be respected at all stages in order to avoid harm being caused to him or her by undue publicity or by the process of labelling”*. Due to the fact that many FSUs consist of only one room, this means that often juveniles are interviewed in the presence of other suspects and complainants. Some FSUs have two rooms, one being the line manager’s office, and this can sometimes be used to interview juveniles. The right to privacy is also violated at court level as proceedings are not held in closed sessions or “in camera” to protect identity (See Below). The right to privacy also extends to the reporting of cases in the media. No child under the age of 18 shall be identified in media reports.

## 2.6 Age Assessments

Sierra Leone has struggled with the issues of birth registration for many years, especially in the more remote areas of the provinces. As a result, there is a large number of children who are not recognised within the legal system. Birth registration is a fundamental right which helps children access vital services and UNICEF works within Sierra Leone to increase this<sup>37</sup>. The reality of low birth registration rates leads to difficulties with age assessments of children and young people, and age assessment continues to be a major challenge within the youth justice system. This is evident in the fact that young people are still at times being detained unlawfully. In August 2017, there was a 13-year-old boy detained on a larceny charge at the remand home in Kingtom and according to Don Bosco, a 17-year-old boy was being held at Pademba Road Prison awaiting an affidavit to be lodged with the court to prove his birth certificate was legitimate. “Malnutrition and stunted growth often make it difficult to determine the age of a child in Africa” said a source at Don Bosco.<sup>38</sup> Police personnel say that they mostly base age assessment on the physical appearance of the child. If there is a query about the age of a child they try several steps to determine age. Some of these are to contact parents and look for documents such as a birth certificate and school results or carry out an informal interview with parents. They ask questions such as “was the child born before or after the war?” and “did the

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<sup>37</sup> Terry, S & Brownlees, L, (2013) Age Assessment: A Technical Note. UNICEF.

<sup>38</sup> Author’s interview notes, with Don Bosco conducted on 17<sup>th</sup> July, 2017.

young person vote in the last elections?” Parents can also be asked to provide a statement confirming the age of the child. If parents do not co-operate, police personnel say they visit schools or send the young person to a doctor for a medical examination to determine age.

## 2.7 The Court

The Children and Young Person’s Act provides for the creation of a special juvenile court with a magistrate and two or more justices of the peace.<sup>39</sup> However, while juvenile court No.8 in Freetown may be a special juvenile court in that it only hears cases of juveniles, there are other child rights that happen during court proceedings that it does not respect, such as the right to privacy. The court is not held “in camera”, meaning that it is not held with only those who pertain to the case present, even though Cap 44 makes provision for this Part II 3 (5). *In a juvenile court no person other than the members and officers of the court, the relatives of the accused and the parties to the case, their advocates, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend.*<sup>40</sup> Cases are heard in a court room with other young people who are awaiting hearing, as well as their families and advocates. Police prosecute the cases, and there appear to be at least four prosecutors in total. There is never a prosecutor absent at court, however finding a legal aid defence lawyer can be difficult. Also, the two justices of peace who are required to be present are constantly absent.

A lot of maintenance cases that come before the court usually have a private paid lawyer. If girls in conflict with the law cannot afford a privately paid lawyer they often do not have representation in court. During court proceedings, the young person before the court is referred to as “the offender”. The right to be presumed innocent until proven guilty is a fundamental right under the CRC (A40(2)(b)(i)CRC).<sup>41</sup> This suggests an element of guilt even before the court has concluded the case. There is a major difficulty with cases being heard in a timely fashion and DCI files show that some young people in conflict with the law can be waiting a period of up to 190 days for their file to be returned from the Director of Public Prosecution’s (DPP) office.

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<sup>39</sup> Child Justice Strategy for Sierra Leone 2014-2018

<sup>40</sup> A Compilation of the Juvenile Laws of Sierra Leone. (2006) Justice Sector Development.

<sup>41</sup> UN Convention on the Rights of the Child. (A40(2)(b)(i)CRC)

## 2.8 Legal Representation

DCI Social workers work closely with Legal Aid Board (LAB) staff to ensure that children are represented in court. Part of the role of the social worker who monitors the courts is to meet with children before court hearings and find out from them if they have a lawyer to represent them. If they do not have a lawyer, the social worker takes note of their case with a brief history and submits it to the LAB lawyer before the hearing. Some children who were already represented by LAB had information that they wanted the lawyer to have before the hearing. DCI social workers also help with noting information and providing it to the lawyer in court. Since many lawyers do not have time to talk to the clients before court, this process helped lawyers get relevant information on cases before the hearing. In Freetown Western Area, children attending court are not automatically represented by LAB. DCI social workers make applications for them to be represented by LAB. Young people who have serious charges such as murder are waiting to be heard at high court level, however LAB does not represent cases at high court level.

## 2.9 Delays and Sentencing

There is conflicting information as to whether the length of time a child has spent on remand is factored in when it comes to the time of sentencing. Interviews with staff at both the remand home in Kingtom and the Approved school at Wellington, Freetown stated that the length of time spend on remand was not factored in as did several of the young people in the approved school.

Despite Cap 44, Part II (7) stating that *when a child or young person is brought before a juvenile court for any offence other than that of homicide the case shall be finally disposed of in such court*, many cases other than homicide are being referred to the high court as they are being considered serious enough to be heard at this level.

The Child Justice Strategy recognises that children whose cases are charged to court often face months of delays and repeated court appearances before the matter is finally adjudicated. It attributed these delays in part to there not being enough Justices of the Peace for the Juvenile Court to be properly constituted on a regular basis.<sup>42</sup> As already

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<sup>42</sup> Child Justice Strategy for Sierra Leone 2014-2018.

mentioned, DCI court monitoring staff can vouch for the fact the Justices of the Peace are rarely, if ever, present in court.

There have been several occasions where it has been observed by DCI staff and interns monitoring the magistrate's court that young people are not brought for their hearing to the court house. This is often due to lack of fuel for the vehicle at the remand home or the vehicle being in for repair. There have been several occasions observed where young people were due for release at these court hearings only to be further detained due to resource issues. Some of these occasions have been on weekends where the following Monday is a public holiday causing a young person to be unlawfully detained three days longer than they would have been had they been brought before the court.

## 3.0 The Remand Homes

### 3.1 The Remand Home at Kingtom

The Freetown Remand Home consists of a four-bed dormitory facility which can cater for up to 50 inmates, according to the officer in charge. The male and female inmates are separated in two different sections of the building. However, conditions within the boys section of the facility often look worse than the girls due to overcrowding. This often results in several inmates being accommodated on mattresses on the floor. There is a shower block and toilets at the end of the dorms and, in the section of the facility used by the boys, a school room with desks. The young people all do their own laundry which hangs in any spare spaces to dry. Each young person has their own bed but some have to share a mosquito net to extend over both mattresses. All young people are locked into their sections. The only spaces they have is a corridor, bedroom dorms, bathrooms and on the boys side, the room that is the school.

### 3.2 The Remand Home at Bo

The remand home at Bo consists of a large building with two bedroom areas, one for the boys and one for the girls and an open area where during the day the boys remain. The girls are allowed out into the yard during the day but not the boys. There is no ability to totally separate the boys from the girls as there are no doors on the rooms that separate

their sleeping areas. Boys and girls share the same bathroom and shower facilities. The building is extremely dark even during the day. The facility has no furniture. Therefore no tables and chairs to sit and eat at. The main area where the boys stand around all day is also used as a sleeping area at night. Mattresses are piled high against a wall which are put down at night for the boys to sleep on. The dorm also constantly smells as the toilets that all inmates (approximately 32) use is off this dorm.

## Key Issues

### 3.3 Security

Entry to the Kingtom Remand Home is through a large locked gate. Once you enter, there are staff sitting at the entrance to the home. No staff wear any security items on their person such as personal alarms or radios to be able to contact each other in the case of an incident. The female dorm is often occupied by female staff members attending to their own small children who are onsite moving freely among the female inmates. Small children have been observed to be sleeping in the dorms and being fed and carried around by female inmates. (See figure.5)

**Figure.5**



Staff use relationship building as a way to manage behaviour and it is clear to see that some staff do have a relationship with the young people, who seem relaxed in their company. Some young people are appointed as peer educators or “heads” of the group, and this is used also as a tool to manage behaviour. Inmates do from time to time assault each other according to staff. At times, an inmate may need to be separated from the group and may be placed in a separate room for up to a maximum of three hours.

At Bo, there is a similar lack of security. If assaults take place among the inmates at this facility the officer in charge stated that “We hit them in their stomachs”. When asked to further explain what this meant he said that they sanction their food as punishment. This practice is allowed for in the Remand Home Rules. Rule 15 states,<sup>43</sup>

*When punishment is necessary for the maintenance of discipline,*

- (a) Temporary loss of recreation or privileges;*
- (b) Reduction in quality or quantity of food.*

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<sup>43</sup> A Compilation of the Juvenile Laws of Sierra Leone (2006) Justice Sector Development Programme.

### 3.4 Staffing at both facilities

The role of suitably qualified staff is vital in the rehabilitation of young offenders. This is why most juvenile facilities around the world are staffed by social care workers as well as correctional officers who in their relations with the young people attempt to role model positive behaviours, develop personal development and offender behaviour programmes, and teach civic responsibility to the young detainees (see 1.6 of the Beijing rules above). Hence the fact that many remand and detention facilities are referred to as detention schools. The staff at both the Kingtom Remand Home and Remand Home at Bo are made up of a combination of social care workers and correctional officers.

There is very little protection for staff from either the prospect of physical assault or from allegations being made against them. At the Kingtom Remand Home during the day, there are two staff on duty as others have to attend court. During the night, there is only one officer on duty. At Bo, there is a male and female officer during the day and the same at night. Where you only have one officer on duty at night there are no safeguarding measures in place to protect against allegations being made against them. They have no fellow staff present to vouch for their conduct nor are there security cameras that record their movements and actions. Without the presence of either of these there is little proof of accountability in the face of a child protection allegation. Furthermore, one officer to supervise two dorms at night with a potential capacity of 35 plus inmates also does little to protect children in the case of them assaulting each other or if more than one young person requires attention at a time.

None of the inmates are segregated according to the severity of their crime. This causes a concerning child protection issue. In the absence of any form of medical or psychiatric assessment, young people are most vulnerable among each other, especially when there are several cases awaiting to be seen at high court level for serious crimes.

### 3.5 Recreation and Health

The inmates do not enjoy any recreation due to an attempted escape several years ago. This is the case in both of the Remand Homes. Both shared similar stories of attempted break outs many years ago, therefore rules around recreation was then implemented. In

Kingtom and Bo the inmates spend large quantities of their time confined to the dorms and corridor. In Bo the girls are allowed out into a small yard during the day as there are no facilities to separate them from the boys. The inmates lack privacy and personal space, components essential in ensuring positive mental health. The Remand Home in Kingtom is situated near the sea and at night a cold sea breeze fills the building. Often the inmates complain of the cold and can show psychical signs of body cold such as swollen ankles to NGO staff that monitor the remand home. The young people don't receive appropriate clothing to combat the harsh elements of the weather unless donated by an NGO.

At Bo, several of the young inmates complained of having skin conditions. Several has scabies and others were observed to have a condition known locally as "face n' cloth". This is where the skin begins to become white and patchy. In the Cap 44, Remand Home Rules, scabies is listed under the category of infectious diseases. RHR 10, states

*Any inmate known or suspected to be suffering from an infectious disease in the Remand Home shall so far as is practicable be isolated from others; and where such infectious diseases occurs in a Remand Home, any inmate subsequently admitted shall be kept separate for the necessary period from those who have been in contact with the disease.*<sup>44</sup>

There is limited access to medical and counselling services. The 2013 annual report of the Human Rights Commission stated that GOAL Ireland, International Rescue Committee (IRC) and Family Home Movements (FHM) support the facility by providing basic medical supplies, however since the Ebola crisis in 2014 this is no longer the case.<sup>45</sup>

Another aspect affecting the mental health of the young inmates is that the facilities they are incarcerated in are in many cases far from where their families live. This is especially true for the young people from the provinces. This is causing social isolation for the young people who have little or no psychosocial support.

### 3.6 Education

Young people detained at the both remand homes in Kingtom Freetown and in Bo currently have no access to education. They partake occasionally in arts and crafts but are

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<sup>44</sup> A Compilation of the Juvenile Laws of Sierra Leone (2006) Justice Sector Development Programme.

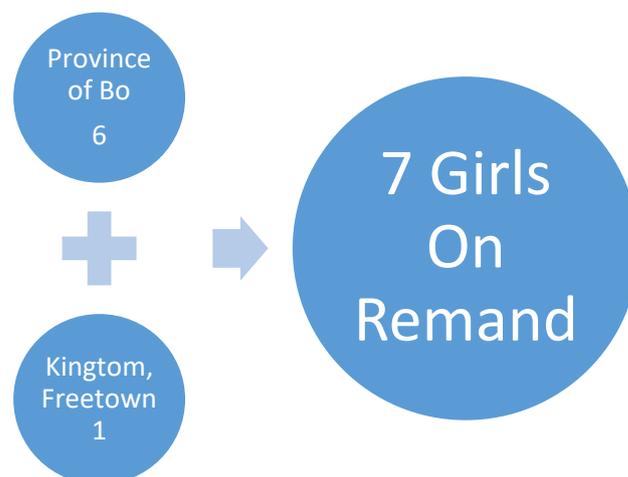
<sup>45</sup> The State of Human Rights In Sierra Leone (2013) Annual Report of the Human Rights commission of Sierra Leone.

not learning skills or taking a state curriculum. The inmates therefore do not have a proper daily routine of when they wake up in the mornings as there is little for them to do.

### 3.7 Complaints Procedure

No formal complaints procedure exists for the inmates to report issues that affect them. The young people can make informal complains and these are dealt with “in house” by the officer in charge. Inmates can also informally make complaints to NGO staff monitoring the remand homes.

### 3.8 Girls on remand awaiting trial in July 2017.



### 3.9 Profile of offences

	Age	Offence
Kingtom	19	Murder
Bo	17	Murder
	15	Larceny
	17	Loitering
	16	Threatening Remarks
	15	Larceny
	16	Assault

The Kingtom Remand Home has one permanent female inmate since 2015. Mariatu (not her correct name), was 17 when she stabbed her husband to death. She had been married for two years and was part of a bondo society. Her husband was 25 years older than her when they married. She was 15. Following her arrest Mariatu spent 10 days in pre-trial detention where she was held at the police station for the whole time in a cell she shared with adults. Mariatu said she was afraid all the time as she was shouted at and beaten by the police who also verbally abused her. She was interviewed by two police officers who beat her during the taking of her statement. No social worker or neutral adult was present. Following four court appearances in which she had no legal representation she was placed on remand. There is currently no movement on her case which is to be heard at the high court. This was her first offence. The Sexual Offences Act 2012, sites that “marriage of a defendant and the victim shall not be a defence to an offence under this act” meaning marriage is not a defence for rape, however child brides have little ability to seek help and claim their rights.<sup>46</sup>

The officer in charge at Kingtom realises that because Mariatu is now 19 she should be moved to the woman’s prison but he says she is behaving and causes no problems so therefore allows her to remain. However, although he trying to protect her from the hasher environment of the adult prison, his decision to do so is breaking international standards as no young adult over the age of 18 should be incarcerated with children under 18.

## 4.0 Diversion and Alternatives to Detention

Diversion programmes ensure that detention is used as a measure of last resort as is enshrined under the United Nations Declaration on the Rights of the Child. The concept of diversion is based on the theory that processing a child through the justice system could do more harm than good. This is particularly true in cases where young people are experiencing abuse or injustice in their life already. The essence of a diversion programme is that a child be willing to accept responsibility for their behaviour before they can enter the programme. Restorative Conferencing/Victim-Offender Mediation is a process that can take place at any time during a young person’s journey through the system. This involved the child meeting the victim of his/her crime and hearing first-hand how the

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<sup>46</sup> Final Report of the Sub-Committee on the Abolition of Child Marriage. 2017.

crime affected them. A plan for how a child may make amends for the behaviour or compensate the victim in some way is agreed upon and supervised by a community body or NGO. In 2010, a DCI-SL published report, *Beyond the Law: Assessing the realities of Juvenile Justice in Sierra Leone*, stated that the terms of reference had been completed to employ a domestic and international consultant to advise and bring about diversionary measures in the area of child justice. However this process did not take place until August 2017.

The Child Right's Act 2007, introduced the concept of Child Panels as a method to divert children from the formal justice system. The Act called for the establishment of child panels in council districts made up of members of the community, to be tasked with mediation in relation to civil matters. However, since the establishment of the Child Rights Act, the Child Panels were never implemented. The Child Justice Strategy 2014- 2018 recognised that failure to implement the Child Panels model was due to the fact that it would require significant investment at a time when the government was struggling to implement core justice services. The strategy also claims that despite the lack of formal diversion mechanisms, many cases involving children in conflict with the law are resolved informally by the police or through existing primary justice mechanisms. In many minor cases, police, probation officers, legal aid lawyers and paralegals will try to mediate a resolution with the victim without charging the child to court.<sup>47</sup>

## 5.0 Conclusion

It is not an easy faith to be born a girl in Sierra Leone. A girl's childhood and adolescence is marred by gender discrimination which begins within the family, and is exasperated by societal influences. Discrimination against girls, stems from cultural and religious beliefs about their role within society. They are favoured less than their male peers for the opportunity to claim their child rights, such as the right to education which becomes a major factor in a girl's ability to become socially and economically empowered. The continued presence of harmful gender norms and practices in Sierra Leonean society continues to fuel acts of gender based violence against girls. Girls are discriminated against if they do not join the Bondo Societies which promote the practice of child early and forced

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<sup>47</sup> Child Justice Strategy for Sierra Leone 2014-2018. Government of Sierra Leone.

marriage and female genital mutilation, putting girls at higher risk of violence which violates Sierra Leone's obligations under agreed International standards. In recent years, the effects of the Ebola crisis and more recently the mudslides disaster in Freetown, mean that many girls have been displaced from their homes due to poverty, or have been orphaned, again placing them at higher risk.

Within the justice system, a lot of the due process rights accorded to children are not always respected by law enforcement officials in Sierra Leone, either because they do not have adequate resources or have limited knowledge in the application of the rights of the child. The Juvenile Justice System still lacks the means to create a separate system from adults for children in conflict with the law and this is violating a lot of child rights at pre-trial level. A fundamental right for any child within the juvenile justice system is the right to have an impartial advocate present during questioning. This also acts as a safeguard for the police interviewing the child and can avoid accusations of using untoward methods to distract statements from young people, hence it is surprising that in the age assessment guidelines it gives way for two police officers to interview a child. In the absence of appropriate interview rooms children are being denied their right to privacy. In the absence of specific juvenile cells, handcuffing children to the window is like a double edged sword, in that it is preventing them from being abused by adults when sharing a cell, as most Family Support Unit's do not have juvenile cells, however, again denying their right to privacy and dignity by being placed to sit in the reception of the FSU.

It is a reality in all societies that girls who find themselves in conflict with the law are usually children from low socio-economic backgrounds who struggle to have their needs met. It is rare that a child who is surrounded by good social supports comes to the attention of the juvenile justice system. In a country like Sierra Leone, the mitigating circumstances of girls are many. The case of Mariatu, illustrates how girls who are already the victims of harmful cultural norms such as early marriage continue to suffer in life. Being married to an adult when you are still a child constitutes abuse in most developed countries. The Sexual Offences Act 2012, sites that "*marriage of a defendant and the victim shall not be a defence to an offence under this act*" meaning marriage is not a defence for rape, however child brides have little ability to seek help and claim their rights and this can result in them coming into contact or conflict with the law.<sup>48</sup> Girls are further victimised by

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<sup>48</sup> Final Report of the Sub-Committee on The Abolition of Child Marriage. 2017.

inconsistencies of how they are being dealt with within the system. If you are a girl victim, an adult may have the ability to compromise a case. If you are a girl in conflict with the law you do not have financial means to compromise a case and therefore feel its full weight.

A fundamental aspect of children's rights within the juvenile justice system is that it does not cause the child more harm than good. The incarceration of girls in facilities that are not fit for purpose, that are inadequately staffed, that cause health problems and cause safety issues violate the rights of the child. The facility in Bo is so dark that it has the potential to affect a child's eye sight over time. The skin conditions being experienced by young people are both caused from a lack of hygiene. The absence of recreation provides no outlet for the young people to exercise, release pent up energy and maintain a healthy body and mind. It is therefore, not surprising that conflict breaks out among the inmates. When this happens, in Bo they are sanctioned food as a punishment. When it happens in Kingtom they are placed in solitary confinement for a period of up to two hours. Both of these punishments are contradictory to International Standards i.e. The United Nations Rules for the Prevention of Juveniles Deprived of Their Liberty (Rule: 67). It is the lack of appropriate facilities that is causing these frustrations for inmates, and yet they are further victimised by issues that are outside of their control, and punished. The fact that attempted escapes were made by inmates several years ago should not be a cause to have those same rules in existence today. Since then, the group of inmates have changed and so too do the issues. If you make blanket bans and rules for issues presented by each group, over time, this leads to an increasingly oppressive environment that causes more problems for the inmates and denies them their fundamental human rights. There is no system of categorising prisoners according to the severity of their crimes, therefore a petty criminal who has stolen a phone worth the equivalent of \$11 can be expected to share the same accommodation and facilities as an inmate accused of murder. In the absence of psychological assessments this caused a concerning child protection issue to their safety. *RHR 22, states that a visiting committee of three men and two women appointed by the Governor shall visit the Remand Home at intervals not exceeding two months. At least four such visits shall be paid without notice in every year.* DCI remand home monitoring staff as well as a spokesperson from the MSWGCA have confirmed that this is not happening. At court proceedings, the right to privacy is also being denied as the court is not held in camera. It is also not adequately staffed, due to the constant absence of the two Justices of the Peace.

The overall justice system does not have a maximum sentencing for which a juvenile can be convicted. The absence of qualified lawyers to defend children and act as advocates is denying justice in many circumstances, and leading to unlawful delays of cases being heard within the system. Suffice to say that justice delayed, is justice denied.



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