

FACTSHEET



Justice for Children

Issue

Lack of awareness, understanding and application of children's rights specifically the rights of children in conflict with the law at all levels of society is very common. Another potential barrier is the negative sentiment of community against the children in conflict with the law. The public tends to regard punishment or imprisonment of such child as real sentence. All these lead to reluctance of pertinent actors to apply the provision of the law.

The dysfunctional role of community actors along with the family in child protection positioned the children at greater vulnerability. The children in contact with the law are dealt by the criminal justice system instead of juvenile justice system which leads to institutionalization for years in maximum cases.

The Children Act 1974¹ provided the juvenile justice system in Bangladesh which dealt both with children in need of protection as well as those accused of breaking the law. Despite having the provision, law enforcement agencies tend to impose heavy sentences on children and ill-treatment of children by the law enforcing agencies is not uncommon. The key actors in juvenile justice have limited knowledge and understanding about child rights and often treat children as adults. Arrest, detention and sentencing are often arbitrary and at times even illegal. Physical abuse, force and torture are often applied during arrest and interrogation. In order to provide protection to children in contact with the law, comprehensive reform of the juvenile justice system is necessary.

Action

UNICEF's overall objective is to support the strengthening of child protection services that will enable access to justice for all children who come into contact with the law (including children in conflict with the law, victims and witnesses). The child protection system should provide adequate protection according to the age of a child and focus on family and community-based services as an alternative to imprisonment. Children in conflict with the law should be diverted from legal procedures and imprisonment,

instead benefiting from community services that will focus on rehabilitation.

In addition to the partnership with the government, UNICEF is working with a national NGO, Jagrata Jubo Shangha, to protect the rights of children in conflict with the law and promote community based alternative care in selected areas as pilot.

The key actions are as follows:

- Community based child protection committee (CBCPC) is formed at ward and union levels. At the union level, the women and children repression prevention committee is being transformed as CBCPC and the existing structure led by ward councilor in ward level will act as CBCPC.
- Children and youth are engaged as volunteers. The children diverted from the police station are also included as volunteer in many areas. They are also playing the role of change agents.
- The volunteer and CBCPC are being trained. Besides, the CBCPC combined with police and social welfare will be given extensive training on family conferencing to deal the children in conflict with the law. Media will be trained on the rights of children according to national legislations, child friendly interview techniques and also ethical guidelines to report on children.

The existing network on child protection issue at district level is being provided technical support. The capacity of network is assessed and planned to be strengthened to respond towards children at risk.

The family conferencing system is to be developed and installed in selected pilot areas. The stakeholders involved in community conferencing process are already being trained and provided necessary support. The assistance starts from the police stations in assisting the child-friendly police officer to decide whether the case is eligible for family conferencing or not. The referral process will be completed in the police stations and the accused child to be handed over to parents. The representative of social services department (mostly the union social worker) is to be given support in organizing community conferencing and the nominated member of Community Based Child

¹ The Children Act 2013 became effective on 21 Aug 2013

Protection Committee (CBCPC) will be given support in conducting community conference.

One of the most difficult challenges facing children in contact with the law is marginalization from their communities who commonly see them as dangerous mischief-makers and thieves. Cultural programmes and public events in the community contribute to the community sensitization efforts of the programme. Children are arrested by police are facilitated to return to their families whenever this is a secure and viable option. The project helps the probation services to locate the family of the children arrested. Family counseling involving the community actors and livelihood support programmes are offered to promote reintegration.



Key Challenges

Profile of the children in conflict with the law: The issue of children in conflict with law is not prominent. Denial of the rights of these children is not generally seen as violation of law. The issue is not in the priority of the top level actors. It is widely accepted that the children in conflict with the law are to be dealt by the criminal justice system.

Mind-set of the actors: The children are considered as the smaller version adults. The treatment procedure enshrined in the Act is considered as benefit by the responsible authority rather than rights. The mindset in relation to children in conflict with the law does reflect in the entire treatment procedure.

Capacity of the actors:

Institutional approach to build the capacity of the police, probation officers and judges is very few. Capacity building initiatives are taken mostly on an adhoc basis.

Strategic Approach

- Communication for Development (C4D): C4D is used as the key strategic approach to raise the level of social and community awareness around issues related to juvenile delinquency and the potential risks of being involved in activities that are regarded as conflict with the law and the children who come in conflict within the

community setting. Schools and other community based institutions is also utilized for community awareness rising. Creative modes of communication such as interactive popular theatres (IPT) shows and *pot* songs is also used in raising awareness and promoting behaviour change and action.

- Community Based Child Protection Committee: Establishment of Community Based (Union level/ward level in city corporation or municipal area) Child Protection Committees which are facilitating community meetings, courtyard meetings and community dialogues that are participated by a collective and diverse group of community members, including key influentials. The Committees are the main 'vehicle' in promoting social change.
- Capacity Building: Appropriate capacity needs are in place at every level to deal with the problem of juvenile justice administration. The main approach is to strengthen the community institutions to deal with the children in conflict with the law and also juvenile justice administration to ensure justice for children.
- Advocacy: Advocacy is defined as the continuous and adaptive process of gathering, organizing and formulating information and data into argument, which is then communicated to policy-makers through various inter-personal and mass media communication channels. Print and electronic media at local level is sensitized to create awareness aiming to change harmful social norms.
- Constituency Building and Networking: The project is supporting and strengthening the existing network with similar focus which is also linked with Children Justice Network at national level.
- Cash Transfer: For preventing children from coming in conflict with the law, children who at risk and otherwise vulnerable are provided with cash transfers following the established modalities in other projects run by the Ministry of Women and Children Affairs (MOWCA) and the Ministry of Social Welfare (MSW).
- Child Friendly Spaces: As part of the prevention initiatives, children at risk are referred to participate in the activities of the child friendly spaces/learning centers being run by other partners.

Geographic Location

The project is planned to address the local government set up within the jurisdiction of three police stations and the district level juvenile justice administration.

Project Location			
District	Police Station	Upazila /Municipality/ City corporation	Union/ Ward
Khulna	Khulna Kotwali	City Corporation	09 ward
	Khalishpur		10 ward
Jessore	Jessore Kotwali	Sadar Upazila	15 union
		Jessore Municipality	09 ward

Expected Results

- At least 500 children will be prevented from coming in conflict with the law through enhancing public awareness of child rights and justice for children and providing social protection services for children at risk.

- At least 25 per cent of eligible cases are dealt with by alternative mechanism such as community based diversion mechanism with or without referral to victim-offender mediation or family group conferencing led by community institutions;
- Juvenile justice administration is functional and children in conflict with the law are dealt in child friendly manner according to the law;

Impact

- Number of children coming in conflict with the law reduced.
- Deprivation of liberty of children coming in conflict with the law reduced
- Children are better served by the juvenile justice administration