

THE CHILD LAW BULLETIN

JUSTICE FOR CHILDREN TRUST (JCT)

THE FATE OF CHILDREN AFTER TRIAL

The justice system stakeholders, including nongovernmental organizations, have empowered adults and children to report any form of abuse to the police. This has seen an increased number of reported cases being handled at the police and the courts. The legislators have also supported the effort by promulgating laws that protect children against sexual abuse. Perpetrators have been brought to justice but has the law also protected victims of abuse especially children after trial.

The Criminal Law (Codification and Reform) Act Chapter 9:23 has provisions that protect children from various sexual abuse offences. The Criminal Procedure and Evidence Act Chapter 9:07 further provides for the protection of child witnesses whilst giving evidence in court. In practice, children are supposed to be provided with the necessary assistance immediately after reporting to the police by the Victim Friendly Initiative which enhanced protection of children from the police, hospitals and the courts. The Victim Friendly initiative has been enhanced with one stop centre initiative in some areas which has seen children who are abused able to be assisted under one roof with the provision of medical, legal and counseling services free of charge.

All these laws and initiatives are there to ensure that children are protected and able to give evidence in an environment conducive to ensure that justice is done. It seems justice will suffice when an acquittal or a conviction for the perpetrator has been achieved. There are however no laws to protect children after giving evidence or after the trial is over to ensure that the child resettles well into the family and society. In most cases, the court will just thank and excuse the child for giving evidence in court. There is no follow up where that child will be going. The children are sometimes forced back to the relatives and community ready to traumatize them more.

Some children are sexually abused by their parents or neighbours, has anyone ever thought of what will become of the children when the parent is acquitted. Imagine the trauma the child gets when the perpetrator comes back and expected to live a normal life. In any case, if the child is not living comfortably with the perpetrator, there are no other alternatives available in terms of shelter for the child. Some of the children are even thrown out by their families or decide to be in the streets on their own.

The perpetrator who could be the parent can be convicted and sentenced to a very long term. He could have been the breadwinner in the family and usually everyone will despise the child as the cause to their suffering. The child will live a life of ridicule and insults. No one will be able to assist the children in such instances. There are other children who will have received medical assistance at hospitals or clinics, who will need further medical care and counseling but as soon as the matter is completed at the courts, there is no proper follow up system to provide post trial support in the form of medication or counseling.

The community also should play a role in reintegrating the child back into the society after such a dreadful experience. The children are becoming news in the community and pointed now and again. There is nothing good being done to the child except grooming a hateful and angry child.

This is a call to the government and nongovernmental organizations to provide pre and post trial support in the form of shelter, counseling, medication and even education for those whose breadwinners will have been arrested to ensure more comprehensive support for children who come into contact with the law.

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GOOD LAWS BUT

Children are committing serious offences like rape, murder and armed robbery. This is resulting in children being detained by the police and courts as they await trial or upon conviction. When children are placed in detention, it is important to ensure that they are separated from the adult offenders as one of the ways of promoting their rehabilitation and reintegration into the society as responsible citizens.

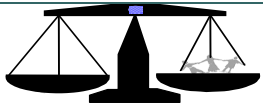
Article 17 (2) (b) of the African Charter on the Rights and Welfare of the Child implores state parties to “ensure that children are separated from adults in their place of detention”. Separation should start from the point of arrest until the child is serving, if convicted. The notion was that due to immaturity, children tend to imitate what they see or hear hence mixing the children with adults will do more harm than good. Children may only be mixed with adults when it is in their best interests as provided for by the United Nations Convention on the Rights of the Child. Zimbabwe’s legal framework also supports the idea in that section 62 of the Prison Act Chapter 7:10 provides for the separation of young offenders from other classes.

In practice, there are no special facilities for children at police and in most prisons. The children are detained together with adult offenders in police cells. In some prisons children are either mixed with adults or a separate cell is created for them to sleep in. Children will however be mixing with adults during the day. The court set up also allows for children to be mixed with adult offenders. Those coming from prison will share the same vehicle with adults as they come to attend court. When they get to court they all wait in the same waiting room for their matters to be remanded or tried.

Efforts have been made by the government to separate convicted juveniles from adults by establishing the Hwahwa Young Offenders’ Prison. This has assisted children especially those serving very long sentences as they do not mingle with adults. A challenge still remains for those children serving short sentences because their transfer to such prison is not encouraged. This then forces these children to be accommodated with serving adult offenders. Most children assisted by Justice for Children Trust state that they are taught to become better in criminal activities during the times they will be mixing with adults in police cells and prisons. They are taught to deny their criminal activities and how to defend themselves in court. Children are therefore more exposed to criminal activities and hardened instead of being rehabilitated. Children need conditions which are rehabilitative and reintegrative for them not to commit more offences. The government should therefore promote separation of children from the time of arrest until the child goes back to the family and community where he should be reintegrated.



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CHILDREN'S EXPERIENCES

Hope

Hope is the best wish for those who wish

How do you wish?

To wish is to dream!

We have good dreams like dreaming for a good job or career

We dream to go even abroad

We also dream for the things we have never seen or touched!

For those who are dreaming

Let us dream of something special

If we do so, our dreams will come TRUE!

So I say! Hope is the best wish for those who wish!

How do we wish?

To wish is to dream!

Let us give strength to those who are dreaming,
So that their dreams will prosper and note that,
Happy are those who dream dreams and are ready
To pay the price to make them come true.

A poem by a student from Glen View 2 High

My Life as Street Kid

I sit by the road side,
Shivering in the cold breeze of the morning,
Wondering where I will get something to feed my empty stomach,
I wait for the miracle of the day that will retain my life that is fast separating in the flash.

Allas a passerby unknowingly drops a wallet,
This is noticed by me and I swiftly charge towards this life saving,
Singing a song of joy in my heart,
The day goes on,
I see a lot of people calling me all sorts of names,
As if I don't have a name.

I only wonder which one is my mother or father,
But I get no answer,
Night reaches me unknowingly,
I start to wonder again where I will get something to warm me up while I fall asleep,
I wonder and wonder until I fall asleep.

Here I am now in my dream land,
Where I have everything I want,
And where I have nothing to wonder about,
Suddenly I hear a lot of noise,
I wake up,
And I am greeted by the cold breeze of the morning again,
Saying welcome back to reality,
This is my life as street kid.

A poem by a student from Mufakose High 2