

Children in Prisons and Detention Centres in Ethiopia: The Way Forward



Children's Legal Protection Centre



The African Child Policy Forum (ACPF) is a leading, independent pan-African policy and advocacy centre on child rights. The ACPF was established in the conviction that putting children first on the public and political agenda and investing in their wellbeing are fundamental for bringing about lasting social and economic progress in Africa and its integration and participation in the world economy. The work of the Forum is rights-based, inspired by universal values and informed by global experiences and knowledge aims to provide a platform for dialogue; contribute to improved knowledge of the problems facing children in Africa; identify policy options; and strengthen the capacity of NGOs and governments to develop and implement effective pro-child policies and programmes.

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- ▶ No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- ▶ Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- ▶ Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

***Article 37 of the United Nations Convention
on the Rights of the Child***

- ▶ Every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which reinforces the child's respect for human rights and fundamental freedoms of others.
- ▶ State Parties shall in particular:
 - a) ensure that no child who is detained or imprisoned or otherwise deprived of his/her liberty is subjected to torture, inhuman or degrading treatment or punishment;
 - b) ensure that children are separated from adults in their place of detention or imprisonment;
 - c) ensure that every child accused of infringing the penal law:
 - i) shall be presumed innocent until duly recognized guilty;
 - ii) shall be informed promptly in a language that he or she understands and in detail of the charge against him, and shall be entitled to the assistance of an interpreter if he or she cannot understand the language used;
 - iii) shall be afforded legal and other appropriate assistance in the preparation and presentation of his or her defence;
 - iv) shall have the matter determined as speedily as possible by an impartial tribunal and if found guilty, be entitled to an appeal by a higher tribunal;
 - d) prohibit the press and the public from trial.
- ▶ The essential aim of treatment of every child during the trial and also if found guilty of infringing the penal law shall be his or her reformation, re-integration into his or her family and social rehabilitation.

*Article 17 of the African Charter on
the Rights and Welfare of the Child*

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Preface

One of the unfortunate facts commonly found especially in developing countries is the treatment of children in prisons and detention centres. Imprisoned and detained children often suffer egregious violations of their basic rights. More often than not, the conditions under which they are detained are deplorable and unacceptable.

In the process of the administration of criminal justice, children may be kept in prisons and detention centres, to use common parlance, or "deprived of their liberty" for two reasons. The first involves the case where children are deprived of their liberty as a result of being accused or convicted of committing an offence. The second situation is where babies and young children are detained with their mothers only because their mothers are under investigation or convicted by a court of law. Due to the level of their physical and mental conditions, children deprived of their liberty require special treatment and protection.

The situation of children in prisons and detention centres including those children detained with their mothers is one of the most invisible, under-researched and critical areas that need to be addressed as part of the reform towards the realization of the wellbeing of children who come in contact with the legal system. Hence, this study on the treatment of children in prisons and detention centres in Ethiopia.

The Government of Ethiopia has already undertaken positive initiatives to promote and protect the rights of children in the country. These include: the ratification of the major international instruments concerning children, particularly the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), and the recognition of these treaties as integral parts of the laws of the land in the Constitution of the Federal Democratic Republic of Ethiopia. Other initiatives are currently underway to put child rights principles into practice through, for example, the establishment of Child Friendly Benches for juvenile offenders and Child Protection Units. These are among the various measures highlighting the commitment of the government towards the rights of children.

This report shows however that much remains to be done to address the problems of detained or imprisoned children and to ensure compliance with international standards. By definition, virtually all children in prisons and detention centres are in a vulnerable condition and therefore need special protection.

This problem is delicate and complex and calls for cooperation among all actors in this area. On our part, we are working and intend to work with federal and regional governments, policy makers, local authorities and community institutions in the implementation of the basic principles relating to the treatment of children in prisons and detention centres. This report is a contribution in that direction. We hope that it would serve as a basis for dialogue and reflection among policy makers and all those concerned with the rights of children in general and of imprisoned and detained children in particular.

This report is by no means comprehensive. But it does serve as a point of departure and helps identify the major problems and directions for future action including: the need to review domestic laws in line with international standards; the need for government to promote the principle that the detention of children should be a last measure and ensure its adoption as a standard practice throughout the country; the imperative of equipping prison authorities with the wherewithal and resources to provide the facilities and services needed to meet their obligations and the need to build, through training and sensitization, the capacity of law enforcement bodies and, in a wider context, the general public to promote and protect the rights and wellbeing of children.

This report is the result of the financial and technical support of UNICEF Ethiopia and its staff. I would like to thank Valerie Quere and Alessandro Conticini for their invaluable advice and support.

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Acronyms

ACPF	The African Child Policy Forum
ACRWC	The African Charter on the Rights and Welfare of the Child
ANPPCAN	African Network for the Prevention of and Protection against Child Abuse and Neglect
APAP	Action Professionals' Association for the People
CBCCs	Community Based Correction Programme Centres
CBOs	Community Based Organisations
CDL	Children Deprived of their Liberty
CLPC	Children's Legal Protection Centre
CPC	Criminal Procedure Code
CPUs	Child Protection Units
CRDA	Christian Relief and Development Association
CSOs	Civil Society Organisations
EWLA	Ethiopian Women Lawyers Association
FDRE	Federal Democratic Republic of Ethiopia
FGDs	Focused Group Discussions
FSCE	Forum for Street Children Ethiopia
HoPR	House of Peoples' Representatives
ICCPR	International Covenant on Civil and Political Rights
MoE	The Ministry of Education
MoJ	The Ministry of Justice
MoWA	The Ministry of Women's Affairs
NGOs	Non-Governmental Organisations
OVC	Orphan and Vulnerable Children
SNNPRS	Southern Nations, Nationalities and Peoples' Regional State UNCR/CRC
	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund

EXECUTIVE SUMMARY

This study on children deprived of their liberty¹ is among the first few of its kind in Ethiopia. It identifies the major problems and directions for future action. This study was informed by the views, perceptions and experiences of a wide range of actors: detained children; judicial; law enforcement officials from Addis Ababa, and seven other major towns in Ethiopia (Ambo, Awassa, Bahir Dar, Debre Birhan, Dessie, Jimma and Ziway); government officials; prison administrators and personnel; representatives of civil society organisations; and families of detained children. As far as child informants are concerned, girls were a very small number compared to boys in all the study areas. Thus boys make up the majority of the informants.

The study only covered prisons located in bigger towns; and only eight prisons out of about 120 were contacted. Moreover, out of nine regions of Ethiopia, only four namely Amhara, Oromia Southern Nations, Nationalities and Peoples' regions, and Addis Ababa were targeted by the study. Hence, the findings of the study may not adequately address some specific issues that might be affecting prisons in other parts of Ethiopia.

In most cases, accurate data is not available on the number and profile of children in detention facilities since records in prisons and police stations are not segregated by age and seldom indicate transfers, releases and new admissions thus making it difficult to state the exact number of children in the detention facilities. However, information gathered from prison and police officials indicates that children constitute a notable proportion of persons in the detention facilities covered by the study; as low as 11 percent and as high as 30 percent in some prisons and detention centres.

Positive Initiatives by the Government of Ethiopia

The Government of Ethiopia has taken some positive initiatives to promote and protect the rights of children. In particular the following could be mentioned in relation to juvenile justice administration.

- ▶ The ratification of international human rights instruments including the CRC and ACRWC;
- ▶ The recognition of international human rights laws in the FDRE Constitution as part of the domestic laws of the land;
- ▶ The establishment of Child Protection Units (CPUs); and
- ▶ The establishment of Child-Friendly Benches.

Legal and Policy Framework

This report shows the need to align domestic legislation with international standards for the treatment of detained children. Important gaps include: the low threshold for minimum age of criminal responsibility; failure to protect children between the ages of 15 and 18; limited recognition of non-custodial and non-judicial treatment of children in conflict with the law; absence of a birth registration system; and the existence of substantive and procedural laws leading to the unnecessary detention of children.

¹"Deprivation of liberty" refers to the placement of a child in any kind of establishment from which he or she cannot leave at will. For the purpose of this study 'children deprived of their liberty' are those who are imprisoned and detained due to the fact that they are in conflict with the law. It also refers to children who are imprisoned and detained with their mothers suspected, charged of, and detained for criminal actions.

The age of criminal responsibility under the new Criminal Code is still set at 9 years, which is considered too low by the UN Committee on the Rights of the Child. Moreover; it is only children between the ages of 9 and 15 who benefit from protection as juvenile offenders, while children above the age of 15 are generally treated as adults.

The Federal Prisons Commission Establishment Proclamation, which came into force as of 9 September 2003, established that the Federal Prisons Commission is responsible for all federal correctional institutions including those that ward children deprived of liberty². Except for mentioning age in relation to placement in the provisions relating to accommodation³ and where female prisoners are with dependent infants⁴, the Federal Proclamation does not make direct reference to children deprived of liberty.

Treatment of Children upon Arrest, during Pre-Trial and Trial Processes

Child Protection Units (CPUs) have been established within the police structures in Addis Ababa and similar efforts are underway in many of the regional towns. Both the children and police officials agree that these units have contributed towards providing better treatment of children in conflict with the law. The Units face significant problems including the absence of clear legal mandate, lack of legal basis for diversion, absence of clear guidelines, and shortage of relevant training. These diversion structures, established under the CPUs, are limited in terms of geographic coverage, profile of benefiting children, and lack of clear statement of aims, objectives and standards.

There is currently no juvenile justice court in Ethiopia except for some benches set up as pilot projects. There are some indications as to the potential of these benches in ensuring a speedy and fair trial of children in conflict with the law. Establishment of specialized units for children in the prosecution offices have not been strongly pursued.

The law provides that children should not be subjected to any kind of violence. However, some children contacted for this study reported that they had experienced physical and psychological abuses. There are some indications that children are less subjected to violence in places where Child Protection Units (CPUs) are operating. There were also reports by children that they were arrested and detained without sufficient evidence. These as well as related issues such as speedy and fair trial are serious concerns which deserve the attention of law enforcement officials and requiring urgent appropriate measures.

The Ethiopian criminal law has a very broad definition of the offence of vagrancy. While the application of this law is not specifically limited to children, a large number of children who live and work in the streets immediately qualify as vagrants under this definition. As such, a sizable section of vulnerable groups of children are automatically criminalized by virtue of their status. The problems of children are further aggravated by the extensive powers of arrest and detention without bail given to the law enforcement bodies.

The existing diversion programme has limitations in terms of utilizing different types of diversion strategies and approaches like community service, mediation, arbitration, family group conferences, etc. As various types of alternative dispute settlement mechanisms are widely practiced in the country, there is a significant potential for introducing different types of diversion programmes.

² Proclamation No. 365/2003 which replaced the Prisons Administration Establishment Proclamation No. 45/1944

³ Article 25 of the Federal Prisons Commission Establishment Proclamation

⁴ Article 28 of the Federal Prisons Commission Establishment Proclamation

Treatment of Detained Children in Prisons and Detention Centres

The study identified several areas needing improvement and these include the following.

- i) *Registration*: The process of registration in prisons and detention centres is not systematic. The particulars on the status of detained children are mixed up with those of adult prisoners.
- ii) *Information upon admission*: Children are not formally and comprehensively informed about their rights, including how they can access legal assistance or other fundamental rights.
- iii) *Classification and placement*: Placement of prisoners in institutions is carried out on the basis of the principle of separate accommodation for female and male prisoners but no separate arrangements are made for children in prisons. There is also no segregation of prisoners who are serving sentences and those on trial or awaiting trial.
- iv) *Accommodation*: The rooms in prisons and police stations visited by the study team are overcrowded. In addition some police stations do not have a sufficient budget to provide food, clothes, beds, mattresses or blankets to detained children. Many prisons and police stations do not have sufficient water and sanitation facilities.
- v) *Education and vocational training*: Most of the children detained in police stations and prisons do not have access to adequate education. Schools in detention facilities are poorly staffed, are barely supplied with essential materials and suffer from lack of sufficient educational facilities. Effective vocational training centres are not available in all prisons where children are detained. Even the few existing ones are under-staffed, inadequately supplied and equipped.
- vi) *Work*: Some detained children reported being seldomly engaged in manual labour (that is harmful to their health and development) without remuneration.
- vii) *Recreation*: The physical set-up of the indoor and outdoor environment in police stations and some of the prisons is not conducive for organising recreational activities such as games and physical exercises for children. The recreational needs of girls are not given due recognition.
- viii) *Medical care*: In most cases medical examinations are not undertaken upon admitting children to correctional centres and prisons. While there are no medical facilities in police stations, the clinics within the prisons are not fully functional due to shortage of qualified manpower, equipment and medical supplies. Pre-natal and post-natal treatment for expectant mothers and female prisoners with dependent infants are not available within prisons. Referral arrangements for serious cases also take a disproportionately long time due to administrative bureaucracy and limited priority for the health of detained children.
- ix) *Communication with the community*: Children in prisons and detention centres are treated in the same way as adult prisoners in meeting and communicating with family members and friends. Physical contact and verbal communication are restricted; a serious deprivation for children who need warmth, love and support. Moreover, most of the prisons are located very far from residential areas, thus putting limits on the number of visits the children receive.
- x) *Protection from violence*: Disciplinary measures in most prison facilities are decided by prisoners' disciplinary committees. There are reports that penalties included inhuman and degrading punishment. This is in part because prison officials delegated disciplinary authority without strict supervision.

- xi) *Rehabilitation and Integration*: Adequate counseling and social services are not provided to children in prisons and detention centres. There is also limited follow-up and support arrangements after the children are released to make sure that they are adequately integrated in their communities so that this would deter them from re-offending.
- xii *Administration of Correctional Institutions*: The administration of detention facilities is plagued by shortage of skilled human resource, equipment and essential supplies. Since children are normally perceived and treated as adults, there is no special attention paid to them and budgetary allocations have not taken into account the needs of detained children. Training of prison staff on the rights of the child is either non-existent or is not regular.

Children with Imprisoned Mothers

There is currently no clear and comprehensive legal framework for the detention and treatment of infants and children dependent on women inmates. Neither is there any law requiring that the best interest of the child be given primary consideration in the handling of cases involving expectant women and mothers with dependent infants within the criminal justice system.

An increasing number of infants and young children are living with their detained mothers. While the primary findings of this study indicate that this mostly happens in prisons, secondary sources reveal a similar but less prevalent practice in police stations.

The causes for children to be detained with their mothers include the non-existence of alternative child care facilities, absence of laws providing for consideration of the rights and interests of the child in cases involving expectant women and women with dependent infants.

The current judicial practice in determining whether or not infants and dependent children of convicted mothers should be placed in detention facilities is limited to asking the mother if she has access to alternative care for less dependent children. In the absence of close family members or where the infant is too young, courts write out a 'warrant' for prison administrations to accommodate the child with the mother. The warrant Issued by the court is sufficient ground for prison officials to accept the child. Pregnant women are also directed to be taken to "where there is food and accommodation" as is the case with all adult convicts.

Upon admission, infants and young children of detained mothers are placed in prison compounds for women. Children living with their detained mothers usually spend the whole time within the prison compound. In the absence of alternative accommodation, the children live with their mothers and other women detainees and prisoners sharing the same sleeping quarters and cells. There is, however, a practice of allocating a small extra budget for the upkeep of the infants and children, which is usually used for nutritional supplements. There are no allocations for educational and medical facilities for children.

Children in prisons and police stations are not adequately provided with protection from violence by their mothers and other inmates. They live and sleep in the same room with women convicted of all sorts of crimes.

Recommendations

The study recommends a number of specific intervention measures for the treatment of children in prisons and detention centres in Ethiopia. It should be recognised that children cannot wait, and, therefore, immediate action should be taken to ameliorate the condition of those who are already in prisons and detention centres.

This therefore means first and foremost that immediate measures should be taken to **enhance the capacity of prison and detention officials** and improve the physical environment in prisons and detention centres. This requires the:

- ▶ Establishment of information management systems relating to the detention, rehabilitation and reintegration of children;
- ▶ Separation of detained children from adult prisoners;
- ▶ Provision of support and follow-up services to imprisoned and detained children;
- ▶ Enhancement of the capacity of detention and prison authorities to effectively protect the rights of detained children through training; and
- ▶ Provision of adequate funds and resources to prison and detention centres to enable them to provide the necessary services and facilities.

Secondly, as a long term solution, there is need for **policy and legal reform**. The existing policy and legal framework has gaps in the protection of the rights of children in conflict with the criminal justice system. These need to be addressed by up-grading and harmonizing the whole criminal justice system with relevant international standards. The crucial areas that need legal reform to avoid or minimize the detention of children include the;

- ▶ Revision of the law on the minimum age of criminal responsibility by raising it from age 9 to 12 years in line with the recommendation of the UN Committee on the Rights of the Child;
- ▶ Revision of the law to ensure special measures of protection to all children below 18 years;
- ▶ Revision of the law on vagrancy to avoid automatically criminalising children by virtue of their status;
- ▶ Creation of an effective system of birth registration so that the ages of children can quickly and easily be ascertained;
- ▶ Promulgation of a legal regime for the protection of infants of women suspected, charged of, and detained for criminal action; and
- ▶ Publication of the texts of the UNCRC and the ACRWC and other relevant human rights instruments in the official legislative gazette to give them the legal authority bestowed on them by the Ethiopian Constitution.

Thirdly, there is also need to **promote non-custodial treatment of children** coming in contact with the law. Article 37 of the CRC calls for the use of custodial measures only as a last resort. This means interventions should aim at diverting children from the formal criminal justice system towards less formal system (preferably by using community structures). This includes the:

- ▶ Establishment of effective non-judicial and non-custodial alternatives in the treatment of children coming in contact with the criminal justice system;

- ▶ Provision of legal and psycho-social support to children coming in contact with the criminal justice system, and;
- ▶ Establishment of special units and structures for the protection of children coming in contact with the formal criminal justice system.

CHAPTER 1- THE LEGAL FRAMEWORK

The United Nations Convention on the Rights of the Child (UN CRC) states that "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." Under the Ethiopian law majority is attained at the age of eighteen. Thus, the term child is understood, in this study, as any human being below the age of eighteen.

"Deprivation of liberty" refers to the placement of a child in any kind of establishment from which he or she cannot leave at will. For the purpose of this study 'children deprived of their liberty' are those who are imprisoned and detained due to the fact that they are in conflict with the law. It also refers to children who are imprisoned and detained with their mothers suspected, charged of, and detained for criminal actions.

1.1. International Laws and Standards

Children deprived of their liberty for being in conflict with the law or those with their detained or imprisoned mothers require special treatment and protection. Consequently, there are a number of special laws and standards applicable during the course of putting children in custody and their treatment during detention that are recognized both under international and domestic laws. This part briefly discusses the special laws and standards, as they form the background for the assessment of the situation of children deprived of their liberty in Ethiopia.

The most pertinent international laws and standards applicable to children deprived of their liberty⁵ are to be found in the Convention on the Rights of the Child [CRC]⁶, the African Charter on the Rights and Welfare of the Child (ACRWC)⁷, the UN Guidelines for the Prevention of Juvenile Delinquency, the UN Rules for the Protection of Children Deprived of their Liberty⁸, UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)⁹, and the Standard Minimum Rules for the Treatment of Prisoners¹⁰. The CRC and the ACRWC are legally binding agreements containing specific implementation provisions and structures while the others are recommendations that interpret the relevant provisions and principles in the two agreements to the specific condition of children deprived of their liberty.¹¹

The Constitution of the Federal Democratic Republic of Ethiopia which came into force in 1995 recognizes international human rights standards, including those of the rights of the child. It makes all international instruments ratified¹² by Ethiopia an integral part of the law of the land through article 9(4)¹³. Such recognition is further extended by international human rights instruments under article 13(2) making them standards for the interpretation of chapter three of the Constitution dealing with fundamental rights and freedoms.

⁵ The provisions of general international agreements, especially those relating to freedom of movement, the rights of persons accused, detained and incarcerated and the administration of Justice, are also applicable to children deprived of liberty.

⁶ Convention on the Rights of the Child, adopted 20 Nov. 1989, GA Res. 44/25, 44 UN GAOR Supp. [No. 49] at 165, UN Document A/44/736 (1989)

⁷ African Charter on the Rights And Welfare of the Child, OAU Doc. Cab/Leg/24.9/49 11990)

⁸ General Assembly Resolution 45/113 of 14 December 1990

⁹ General Assembly Resolution 40/33 of 29 November 1985

¹⁰ Adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders (Geneva, 1955) and approved by Economic and Social Council Resolutions 663 C [XXIV] of 31 July 1957 and 2076 (LXII) of 13 May 1977

¹¹ The Standard Minimum Rules for the Treatment of Prisoners is applicable to all prisoners including children deprived of their liberty

¹² Ratification is a legislative process through which international agreements signed or acceded to by the executive, usually the official of the concerned ministry or a country representative in an international body, are approved and adopted by the legislative or lawmaking body of a country - in the case of Ethiopia, the House of Peoples' Representatives. Merely signing an International Instrument does not mean that it will be binding on the country; it has to be ratified by the body empowered by the laws of the country to do so.

¹³ Pursuant to Article 9(4) of the Constitution of the FDRE international agreements ratified by the Ethiopian government become part

Ethiopia ratified the Convention on the Rights of the Child in 1992¹⁴ and the African Charter on the Rights and Welfare of the Child on 4 July 2000¹⁵. Thus, besides the obligation assumed under international law, the CRC and the ACRWC are considered as part of the domestic laws of Ethiopia.

1.1.1. General Principles in the CRC and the ACRWC

The international and regional child rights framework set out in the CRC identifies four basic principles for the realization of children's rights¹⁶. The choice of these articles as "general principles" was made by the UN Committee on the Rights of the Child during its first session in September-October 1991, when it agreed on guidelines on how the initial reports by governments should be written and structured¹⁷. Subsequently, the principles have been integrated in the provisions of the ACRWC. These principles provide that the rights enumerated in the Convention apply to all children irrespective of their status or the status of their parents;¹⁸ that the best interest of the child should be the primary consideration in decisions affecting children;¹⁹ that states shall ensure to the maximum extent possible the survival and development of the child;²⁰ and that states shall ensure children have the opportunity to express their views and be heard in matters affecting their lives²¹. These four principles are applicable to the rights of all children, including children deprived of their liberty. As such, it is prohibited to discriminate against children deprived of their liberty in the realization of the rights of the child; the best interest of the child should be the primary consideration in deciding whether a child should be detained and in determining the conditions of detention; deprivation of liberty should be aimed at promoting the survival and development of children; and the views of children deprived of their liberty should be heard and given consideration.

The instruments also recognize rights that are relevant to the context of children deprived of their liberty. These rights include the right to enjoy the highest attainable standard of health²², a standard of living adequate for the child's physical, mental, spiritual, moral and social development²³, the right to education²⁴, the right to rest and leisure, the right to engage in play and recreational activities and to participate freely in cultural life and arts²⁵. These provisions, especially when considered with the principle of non-discrimination, imply that children deprived of their liberty should enjoy a standard of living, access to essential social services, recreation and participation available to other children.

and parcel of the integral law of the land. Proclamation 3/1995 provides that courts can take judicial notice of laws published in the *Negarit Gazzetta*. The Committee on the Rights of the Child has recommended the publication of the Convention in the official law gazette, *Negarit Gazzetta*. However, this has not been compiled with until now by the government and it has been one of the obstacles for the realization of the rights and principles enshrined in the Convention and the African Charter. The failure to publish the Convention and the African Charter in the *Negarit Gazzetta* has resulted in a number of repercussions. The Convention on the Rights of the Child is rarely invoked by courts of law in the adjudication of cases brought before their attention. The absence of official translation of the Convention and the Charter in different vernaculars of the country makes it difficult for courts of law to adjudicate on the basis of these agreements. Furthermore, there is a plethora of translations of the Convention by various stakeholders as there is no official translation of the Convention.

¹⁴ Proclamation 10/1992

¹⁵ Proclamation 283/2000

¹⁶ These principles are embodied in the provisions of articles 2, 3, 6 and 12 of the CRC.

¹⁷ General guidelines regarding the form and content of initial reports to be submitted by States Parties under article 44, paragraph 1(a), of the Convention on the Rights of the Child. UN Doc, CRC/C/5 (1991); see also Official Records of the General Assembly. Forty-seventh Sess., Supp. (No. 41), UN Doc, A/47/41. Annex III (1992).

¹⁸ Article 2 of the CRC and Article 3 of the ACRWC

¹⁹ Article 3/1/ of the CRC and Article 4 of the ACRWC

²⁰ Article 3/2/ of the CRC and Article 5 of the ACRWC

²¹ Article 12 of the CRC and Article 4/2/ & 7 of the ACRWC

²² Article 24 of the CRC and Article 14 of the ACRWC

²³ Article 27 of the CRC

²⁴ Article 28 of the CRC and Article 11 of ACRWC

²⁵ Article 31 of the CRC and Article 12 of the ACRWC

1.1.2. Criminal Responsibility, Arrest and Trial of Children

a) *Age of Criminal Responsibility*

Criminal responsibility is imposed on a human being who, at the time of the act, was capable of understanding what he/she was doing or regulating his/her conducts according to this understanding. A child, however, by reason of his/ her tender age, is not capable of possessing such qualities and hence it will be morally unacceptable and an unsound policy to make children criminally responsible²⁶. The CRC and ACRWC do not set the minimum age of criminal responsibility. Instead both instruments require states to fix the minimum age below which children shall be presumed not to have the capacity to transgress the penal law and could not be held criminally responsible²⁷. Though the actual minimum age has not been set, the rationale behind this conviction in itself demands that the minimum age should not be fixed too low. This does not, however, mean that the minimum age of responsibility marks the maximum age of protection as a child. In fact, the international legal standards protect those children deprived of their liberty who are past the minimum age limit but have not attained majority at the time of detention or imprisonment.²⁸

b) *Rights Relating to Arrest and Trial*

The international legal framework relating to the administration of juvenile justice does not distinguish between the different stages of the criminal justice process. That is, the, CRC and the ACRWC do not distinguish between rights at the pre-trial stage and during trial²⁹. This partly has to do with the applicability of most of the rights at all stages of the process. However, there are some specific rights that are more relevant to one stage than another.

Article 37 (b) of the CRC implores states to ensure that children are protected from unlawful or arbitrary arrest, and that arrest is effected only as a measure of last resort. The provision reads:

"No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."

This general provision of the Convention is further elaborated under Article 40. At the outset, the provision requires that children coming in contact with the law should be accorded their rights:

"In a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others, and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."³⁰

The provision then proceeds to enumerate some particular rights that need to be ensured by states in the treatment of children alleged to have committed crimes.³¹ These include: non retroactive application of criminal law. Presumption of innocence until proven guilty according to law; to be

²⁶Supreme Court of Ethiopia, Assessment of Existing Ethiopian Laws Pertaining to Child Rights (available at: www.etcourts.gov.et/Juvenile/AssessmentofEthiopianLaw.htm)

²⁷Article 40/3/a of the CRC and Article 17/4/ of the ACRWC

²⁸Both the CRC and the ACRWC set the age of majority at 18.

²⁹The same approach is taken by the ICCPR which deals with the whole process under Article 14.

³⁰Article 40/1/ of the CRC

³¹It should also be noted that the protection of accused persons under other general international instruments also apply to children.

informed promptly and directly of the charges against him or her, and, if appropriate ate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense; speedy and fair determination by a competent, independent and impartial authority or judicial body; presence of parents or legal guardians; protection from coercion and forced confession, free assistance of an interpreter; and protection of privacy.

Most of these rights are often understood to be relevant only up to the trial siage. However, the wording of the Convention does not imply such limitations. Similar conclusions have been reached by the United Nations Human Rights Committee regarding the scope of application of Article 14 of the ICCPR. In its general comments regarding the administration of justice, the Committee stated: "*In general, the reports of States parties fail to recognize that article 14 applies not only to procedures for the determination of criminal charges against individuals but also to procedures to determine their rights and obligations in a suit at law.*"

c) Deprivation of Liberty as a Measure of Last Resort

The CRC provides that arrest, detention or imprisonment or a child should be a measure of last resort to be taken where there are no alternatives.¹² Even then it should only be conducted according to the law and for the shortest appropriate period of time. Detention of a child is to be avoided with a view to "counteracting the detrimental effects of all types of detention and to fostering integration in society".³³

Detention may be before trial, during trial and after conviction. The need to exhaust all other options is applicable to all stages. Detention pending trial is especially advised against, since it poses the danger of criminal contamination.³⁴ Even during trial, the use of close supervision, intensive care or placement with a family, in an educational setting or a home for children are recommended as alternatives to detention.³⁵ Similarly, measures of care, guidance, supervision, probation, community service, financial penalty and restitution, order for group counseling, foster care, living in communities or other educational settings are recommended instead of institutionalization.³⁶

The CRC also recognizes a right for children in conflict with the law to have access to diversion and other non-judicial mechanisms. Accordingly, article 40(3) provides that "States Parties shall seek the establishment of ... (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. The recognition of these alternatives to judicial proceedings would contribute significantly to avoid unnecessary detention of children in conflict with the law.

d) Detention Pending Trial

When pre-trial detention is unavoidable, the child should be detained separate from adults and convicted children.³⁷ These children are also entitled to the rights normally accorded to adults in the same situation, including presumption of innocence, the right to legal counsel, speedy trial, communication with their legal advisors and family members, and confidentiality of such communications.³⁸ In addition, children deprived of their liberty pending trial should. In as

³²Article 37/b/

³³UN Rules for the Protection of Children Deprived of their Liberty

³⁴Rule 13 of the UN Rules for the Protection of Children Deprived of their Liberty

³⁵Rule 13 of the UN Rules for the Protection of Children Deprived of their Liberty

³⁶Rule 13 of the UN Rules for the Protection of Children Deprived of their Liberty

³⁷Article 37/c/ of the CRC, Article 17/2/b of the ACRWC, and Rule 18 of the Beijing Rules

³⁸Article 37/c/ and /d/ of the CRC. Article 17/2/c/ of the ACRWC and Rule 18 of the Beijing Rules

much as possible, be given the opportunity to continue their education or training, pursue remunerative work and to receive and retain materials of leisure and recreation.³⁹ It should be noted that these forms of protection are accorded to children deprived of their liberty awaiting trial over and above the standards for the treatment of children deprived of their liberty.

1.1.3. Standards for the Treatment of Children Deprived of their liberty

Though the basic rules and principles of juvenile justice are set out in the CRC and ACRWC, the specific standards for the treatment of children deprived of their liberty are mainly elaborated in the UN Rules for the Protection of Children Deprived of their Liberty adopted by the UN General Assembly in 1990.⁴⁰ These rules provide for detailed minimum standards for the treatment of children deprived of their liberty at all stages of the trial and the administration of juvenile detention facilities.

a) Admission, Registration and Notification of Rules

Upon admission to a detention facility, children should be promptly informed of their rights and obligations, the competent authority to receive complaints and the address of the organisations from which they can get assistance. All this should be done in a language they understand." The facility should also open a record wherein facts pertaining to each detained child will be recorded. The particulars in such a record should at least include the identity of the child, the reason for detention, the authority ordering the detention, the day of admission, transfer and release, the details of notification to parents and guardians upon admission, transfer and release, and the details of known physical and mental health condition of the child.⁴²

b) Classification and Placement

The placement of children within the facility should be made taking into consideration the type of care best suited for the needs of a particular category of children and protection of their physical, mental and moral integrity as well as their wellbeing.⁴³ In principle, children should be detained separately from adults unless they are members of the same family.

c) Physical Environment and Accommodation

The physical environment within detention facilities for children should be such that the health, safety and dignity of children are ensured." This includes sleeping arrangements that are not crowded; separate, sufficient and clean bedding that is regularly and timely changed; and, clean and accessible sanitary installations.⁴⁵ In relation to clothing, the children will as much as possible be allowed to wear their own clothing or be provided with personal clothing that is appropriate for the climate, adequate to ensure good health, and which is not degrading or humiliating.⁴⁶ The children should be allowed to wear their own clothing whenever they have to leave the facility. In addition, suitably prepared meals of sufficient quantity and quality by standards of

³⁹ Rule 18 of the UN Rules for the Protection of Children Deprived of their Liberty

⁴⁰ To a lesser extent, the provisions of the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), and the Standard Minimum Rules for the Treatment of Prisoners are also relevant to the Issues at hand.

⁴¹ Rule 24 of the UN Rules for the Protection of Children Deprived of their Liberty

⁴² Rule 21 of the UN Rules for the Protection of Children Deprived of their Liberty

⁴³ Rule 28 of the UN Rules for the Protection of Children Deprived of their Liberty (As stated elsewhere In this chapter, children should be detained separately from adults and children awaiting trial should not be mixed with convicted children)

⁴⁴ Rule 31 of the UN Rules for the Protection of Children Deprived of their Liberty

⁴⁵ Rules 33 & 34 of the UN Rules for the Protection of Children Deprived of their Liberty (Though these rules provide for the possibility of small group dormitories and individual bedrooms, the Standard Rules for the Treatment of Prisoners require that not more than two detainees should share a cell)

⁴⁶ Rule 36 of the UN Rules for the Protection of Children Deprived of their Liberty

diet, hygiene and health should be served at regular hours. Water should be made available to the children at any time.⁴⁷

d) Education, Vocational Training and Work

Children deprived of their liberty should be provided with education and vocational training that will help them in their future reintegration in society.⁴⁸ Education should be provided for all children including those who are beyond the compulsory school age so that they could easily continue once they have been released. However, diplomas and certificates awarded within the detention facilities should not indicate that the children have been institutionalized so that they could be protected from discrimination once they are released. Whenever possible, children deprived of their liberty should have the opportunity to engage in remunerative work.⁴⁹ It should be noted that the international standards relating to child labour and young workers also apply to children deprived of their liberty.

e) Recreation

Contingent with the requirements relating to accommodation, the physical setup of detention facilities for children should provide adequate room to associate with peers, to participate in sports, physical exercises and leisure time activities.⁵⁰ This should include time for open-air exercises and recreational activities.⁵¹

f) Religion

Children should be allowed to exercise a religion of their choice and freely take part in religious practices.⁵²

g) Medical Care

The detention facility should comprise of adequate medical services that are appropriate for the physical, mental and other health needs of children with the possibility of receiving specialized medical care in an independent institution where necessary."

h) Communication with the Community

Children deprived of their liberty should be allowed to communicate with their families and friends as well as representatives of the religion of their choice, through correspondence or other media, or by receiving visits.⁵⁴

i) Protection from Violence

Children deprived of their liberty have the right to be protected from violence, including psychological, physical and sexual abuses. In particular, disciplinary measures constituting cruel, inhuman or degrading treatment such as corporal punishment, placement in a dark cell, and closed or solitary confinement should be prohibited."

⁴⁷ Rule 37 of the UN Rules for the Protection of Children Deprived of their Liberty

⁴⁸ Rules 38 - 42 of the UN Rules for the Protection of Children Deprived of their Liberty

⁴⁹ Rules 44 & 45 of the UN Rules for the Protection of Children Deprived of their Liberty

⁵⁰ Rule 31 of the UN Rules for the Protection of Children Deprived of their Liberty

⁵¹ Rule 47 of the UN Rules for the Protection of Children Deprived of their Liberty

⁵² Rule 48 of the UN Rules for the Protection of Children Deprived of their Liberty (Such religious freedom also includes freedom to decline religious education, counseling or indoctrination)

⁵³ Rules 49, 51, 52 & 54 of the UN Rules for the Protection of Children Deprived of their Liberty

⁵⁴ Rules 37, 39 & 48 of the UN Rules for the Protection of Children Deprived of their Liberty

⁵⁵ Rule 67 of the UN Rules for the Protection of Children Deprived of their Liberty

j) Reintegration in the Community

Upon release from detention facilities, children should be assisted to reintegrate into their communities. For their successful reintegration in their communities, to the extent possible, they should be provided with suitable residence, employment, clothing and sufficient means to maintain themselves upon release.⁵⁶

k) Administration of Detention Facilities

Detention facilities for children deprived of their liberty should be staffed with an adequate number of qualified people whose qualification is kept up to date with regular training on relevant topics.⁵⁷ The administration of such facilities should comply with regulations issued by the competent authority which should especially provide for the execution of disciplinary measures whenever there is a breach of commitment⁵⁸ In addition, there should be accessible mechanisms through which children can lodge complaints to those in charge of the facilities as well as to judicial or other appropriate authorities.⁵⁹ The facilities also need to be inspected by external inspectors for conformity with applicable standards in a mechanism that gives the children the chance to talk in confidence with the inspecting officers.⁶⁰

1.2. Domestic Laws and Standards

1.2.1. The Constitution of the Federal Democratic Republic of Ethiopia

The Constitution of the Federal Democratic Republic of Ethiopia (FDRF) addresses the right of children separately under article 36. The provision states that the best interest of the child shall be the primary consideration in all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies.⁶¹ More specific to the treatment of children deprived of their liberty, the provision directs corrective or rehabilitative institutions to keep children in conflict with the law separate from adults.⁶² Corporal punishment and cruel and inhuman treatment in institutions responsible for the care of children are also prohibited.⁶³

The Constitution also provides for the rights of arrested and accused persons as well as the rights of persons held in custody and convicted prisoners; these provisions also apply to children deprived of their liberty to be respected.⁶⁴ The rights of arrested persons include speedy trial, habeas corpus, the right to bail and protection from self-incrimination⁶⁵ Rights recognized for persons held in custody and convicted prisoners include the right to public trial, presumption of innocence, right to be represented by legal counsel (including representation at state expense), right to treatment respecting their human dignity, and rights relating to communication.⁶⁶

⁵⁶Rules 79 and 80 of the UN Rules for the Protection of Children Deprived of their Liberty

⁵⁷Rules 81, 82 & 85 of the UN Rules for the Protection of Children Deprived of their Liberty (ideally, the staff profile of such Institutions includes educators, vocational instructors, counselors, social workers, psychiatrists and psychologists while recommended areas of training include child psychology, child welfare and international standards and norms on human rights and the rights of the child, including the rights of children deprived of their liberty)

⁵⁸Rules 63, 64, 66, 67 & 68 of the UN Rules for the Protection of Children Deprived of their Liberty

⁵⁹Rules 75 - 77 of the UK Rules for the Protection of Children Deprived of their Liberty

⁶⁰Rules 72 & 73 of the UN Rules for the Protection of Children Deprived of their Liberty

⁶¹Article 36/2/ of the FDRE Constitution

⁶²Article 36/3/ of the FDRK Constitution

⁶³Article 36 /1/e/ of the FDRE Constitution

⁶⁴Articles 19-21 of the FDRE Constitution

⁶⁵Article 19 of the FDRE Constitution

⁶⁶Articles 20 & 21 of the FDKE Constitution

1.2.2. The Criminal Code and the Criminal Procedure Code

The 1957 Penal Code of Ethiopia was revised and replaced with a new Criminal Code which entered into force in May 2005.⁶⁷ Though similar revisions are underway, the Criminal Procedure Code issued by the Imperial Ethiopian Government in 1961 is still in effect.⁶⁸ Both these codes incorporate provisions relating to children deprived of their liberty. However, no of these codes have provisions specifically dealing with children living with their detained mothers.

a) Age of Criminal Responsibility and Classification of Children

The Criminal Code sets the age of criminal responsibility at 9 years, implying that contraventions of the Code by 'children' below this age will not be considered as a crime.⁶⁹ The Code has maintained the minimum age under the old Penal Code in spite of calls on the part of the Committee on the Rights of the Child to raise it indicating that 9 is too low for criminal responsibility.⁷⁰ Children between the ages of 9 and 15, named 'young persons' in the Criminal Code benefit from protection as juvenile offenders. Children above the age of 15 are generally treated as adults if they are accused of violating the Code. However, judges are given the discretion to mitigate sentences passed on such offenders or to use the special provisions applicable to 'young offenders'. Besides, the death sentence cannot be imposed upon them.⁷¹ In cases where imprisonment is imposed as punishment on children above 15, they are to be incarcerated separately from adults.

b) Protection of 'Young Persons'

Pre-Trial Stage

The Criminal Procedure Code provides that investigations into offences committed by 'young persons' are to be conducted as per instructions by a court.⁷² This also applies to the initiation of criminal proceedings.⁷³ The Code directs the police, the public prosecutor, the parent or guardian to immediately take the 'young person' to the nearest Woreda Court⁷⁴ which will receive formal complaints and give instructions to the police on how to conduct the investigations.⁷⁵ The Court will also decide whether the formal complaints are sufficient or whether there is a need for the preparation of a formal charge by the prosecutor.⁷⁶

⁶⁷Proclamations No. 414/2004

⁶⁸Proclamations No. 185/1961

⁶⁹Article 52 of the Criminal Code (In such cases, appropriate measures may be taken by the family, school or guardian)

⁷⁰Committee on the Rights of the Child, Forty-third session. Consideration of Reports Submitted by States Parties under ⁶⁹ Article 44 of the Convention, Concluding Observations: Ethiopia, CKC/C/KTH/CO/3, 29 September 2006.

⁷¹Articles 56(1) and 117 of the Criminal Code

⁷²Article 22 of the Criminal Procedure Code (This provision cross-refers to article 172 and the special procedures to be followed in cases concerning young persons provided for under Book IV, Title II, Chapter 3 of the Criminal Procedure Code, i.e., articles 171-180.)

⁷³Article 40/2/ of the Criminal Procedure Code: The public prosecutor shall not institute proceedings against a young person unless instructed to do so by the Court.

⁷⁴The 'Woreda Court' referred to in the Criminal Procedure Code of 1961 is the lowest level in the judicial structure at the time (consisting of Woreda Courts, Awradja Courts, a High Court and a Supreme Imperial Court as could be inferred from article 182 of the Code). The present structure of the judiciary is substantially different. Article 78 of the 1995 Constitution of the FDKE stipulates a dual judicial system consisting Regional Courts and Federal Courts. As could be seen from the establishing proclamations of Tigray, Amhara, Oromia, and Southern Nations, Nationalities and Peoples, Regional states, the Regional court system has three levels: Woreda Courts, High Courts (also called Zonal Courts) and the Regional Supreme Court. Similarly, the Federal court system has three levels: the Federal First Instance Court, the Federal High Court and the Federal Supreme Court. This three-level Federal court structure has been affirmed by the proclamation establishing the Federal Courts (Proclamation No. 25/96).

⁷⁵Articles 172/1/ & /2/ of the Criminal Procedure Code

⁷⁶According to article 108/3/ of the Criminal Procedure Code, the provisions of the Code dealing with the criminal charge do not apply in cases concerning young persons unless an order to the contrary has been made by the Court.

Under normal circumstances, the 'young person' is to be released for the duration of the investigation to the custody of the parents, guardians or relatives or to a person who will be responsible for the appearance of the 'young person' in court.⁷⁷ This applies even if the case falls under the jurisdiction of a superior court or has to be transferred to another court. If the person responsible for the child is not present, he/she will be summoned by the court immediately.⁷⁸ If no such person appears after the summons or where the offence carries a punishment exceeding imprisonment for ten years or more or the death penalty, the Court will appoint legal counsel and release the 'young person' to the custody of 'a reliable person'.⁷⁹

During Trial

At the trial stage, proceedings in which the accused is a 'young person' shall be heard in chambers with only witnesses, experts and the person representing the 'young person' present; the proceedings shall be informal: the complaint or charge should be read to the 'young person'; the Court may pass judgment on the basis of admission of guilt by the 'young person' if convinced that the 'young person' fully understands the accusation or charge: if not, the court will proceed to hear evidence from both sides. The examination of witnesses will be conducted by the Court after which the defence may conduct cross-examination.⁸⁰ If evidence or comments to be made in a chamber is believed to be 'undesirable' for a 'young person' to hear, the 'young person' will be removed from the chamber.⁸⁵

Sentencing and Execution of Judgment

If the 'young person' is found guilty, the Court has the discretion to call on knowledgeable persons of the character and antecedents of the 'young person' so that it can reach a decision which is in the best interest of the 'young person', in that respect the defense can summon similar testimony or submit a reply.⁸² The court may also proceed to give judgment as in an ordinary case pursuant to the provisions of the Criminal Code without calling character witnesses.⁸³ In all cases, the Court may modify the punishment at a later time if it is in the interest of the 'young person'. The sentences may include admission to a corrective institution, supervised education, oral reprimand, school or home arrest and commitment to rehabilitation centres before taking recourse to criminal fines and imprisonment.⁸⁴

The Criminal Code of 2005 does not directly deal with the conditions of detention for young persons. However, it contains a provision which criminalizes the ill-treatment, neglect, over-tasking and/or beating of minors by parents, legal guardians and other custodians.⁸⁵

1.2.3. The Federal Prisons Commission Establishment Proclamation

Ethiopia is a federal state with the administration of justice shared between the Federal and Regional governments. Accordingly, the House of Peoples' Representatives has issued the Federal

And, as per article 172/3/ the Court will only direct the Public Prosecutor to frame a formal charge if the alleged crime carries a punishment exceeding imprisonment for ten years or more or the death penalty. In other cases the formal complaint will be sufficient.

⁷⁷ Article 172/4/ of the Criminal Procedure Code

⁷⁸ Article 173 of the Criminal Procedure Code

⁷⁹ Articles 174 a 172/4/of the Criminal Procedure Code

⁸⁰ Article 176 of the Criminal Procedure Code

⁸¹ Article 175 of the Criminal Procedure Code

⁸² Article 177/1/ of the Criminal Procedure Code

⁸³ Article 177/2/ of the Criminal Procedure Code

⁸⁴ A 'corrective institution' is a special institution for the correction and rehabilitation of young offenders.

⁸⁵ Article 576 of the criminal code dealing with *Maltreatment of Minors* provides under sub-article 1 that: "Whoever, having the custody or charge of a minor, ill-treats,, neglects, over- tasks or beats him for any reason or in any manner... is punishable with simple imprisonment not exceeding three months".

Prisons Establishment Proclamation. The Amhara Regional State Council has also issued a similar regional law and most regional states are in the process of enacting similar laws. An examination of these laws shows that the regional laws are very similar to the federal proclamation in terms of the treatment of children deprived of liberty as well as children living with their imprisoned mothers.

The Federal Prisons Commission Establishment Proclamation, which came into force as of September 2003, established that the Federal Prisons Commission is responsible for all federal correctional institutions including those that ward children deprived of liberty.⁸⁶ Except for mentioning age in relation to placement in the provisions relating to accommodation⁸⁷ and where female prisoners are with dependent infants⁸⁸, the Federal Proclamation does not make reference to children deprived of liberty. Instead, the proclamation anticipates the issuance of regulations by the Council of Ministers and directives by the Federal Prisons Commission for the implementation of its provisions, including the particulars of the treatment of prisoners.⁸⁹

Admission, registration and notification of rules: Children may be admitted to federal prisons in three ways: as convicted prisoners serving a sentence passed by a court authorized by law; as a person detained upon judicial remand pending or during trial; and, as dependent infants of female prisoners.⁹⁰ In all cases, the proclamation prohibits the admission of any person, including children, into custody without a court warrant.⁹¹ Registration, the keeping of records and notification of rules upon admission have not been provided for in the Proclamation.

Classification and placement: Female prisoners, including girls and female prisoners with dependent infants, are to be warded in premises entirely separate from male prisoners.⁹² However, the placement of prisoners in separate accommodation on the basis of age, offences and similar factors are to be sought only "to the extent that circumstances allow".⁹³ As such, the federal law has failed to re-assert international standards providing for the placement of children deprived of liberty separate from adult prisoners and the need to segregate accommodation on the basis of offences.

Physical environment and accommodation: There is a general provision in the Proclamation, providing that accommodation and facilities in federal prisons should not be hazardous to the health of inmates and should have fresh air and sufficient lights.⁹⁴ It does not, however, take into consideration the type of care best suited to the needs of a particular category of children and the protection of their physical, mental and moral integrity and wellbeing as provided in the appropriate international standards.

Education, vocational training and work: The academic education and vocational training of prisoners is only mentioned by the Federal Proclamation in detailing the powers and duties of the Commission.⁹⁵ Even then, the issue is seen from the perspective of facilitating their post release rehabilitation rather than realizing a fundamental right as is the case with children. In relation to work, the Proclamation provides that every prisoner will be assigned a task that does

⁸⁶Proclamation No. 365/2003 which replaced the Prisons Administration Establishment Proclamation No. 45/1944

⁸⁷ Article 25 of the Federal Prisons Commission Establishment Proclamation

⁸⁸ Article 28 of the Federal Prisons Commission Establishment Proclamation

⁸⁹ Article 39 of the Federal Prisons Commission Establishment Proclamation

⁹⁰ Article 2/5/ & Article 25 of the Federal Prisons Commission Establishment Proclamation

⁹¹ Article 22 of the Federal Prisons Commission Establishment Proclamation

⁹² Article 25/1 / of the Federal Prisons Commission Establishment Proclamation

⁹³ Article 25/2/ of the Federal Prisons Commission Establishment Proclamation

⁹⁴ Article 26/1/ of the Federal Prisons Commission Establishment Proclamation

⁹⁵ Article 6/4/ of the Federal Prisons Commission Establishment Proclamation

not affect his health.⁹⁶ Again, international standards relating to anonymity of certification and protection from child labour have not been addressed. These concerns can be addressed through directives to be issued by the Commission.

Recreation: Except for the statement of undertaking and encouraging 'tasks, services and activities necessary for the physical and mental wellbeing of prisoners' as one of the duties of the Commission, the Proclamation does not deal with the issue of recreation. The Proclamation I leaves the particulars of these services to be determined by directives to be issued by the Commission.⁹⁷

Religion: Religious leaders are one of the categories of persons with whom a prisoner has the right to communicate.⁹⁸ The Proclamation does not, however, mention anything about the individual or collective practice of religion within the prison. This issue seems to have been considered a part of the 'tasks, services and activities necessary for the physical and mental wellbeing of prisoners' which are to be determined by directives to be issued by the Commission.⁹⁹

Medical care: The Proclamation stipulates that inmates should, in as much as possible, be provided with medical care and treatment necessary to maintain their health.¹⁰⁰ One of the duties of the Federal Prisons Commission is to 'maintain prisoners' health care and provide prisoners with free medical treatment in accordance with directives to be issued by the Commission.¹⁰¹ The Commission is also entrusted with the task of providing 'what is necessary to the health and wellbeing of the infant', where a child is allowed to stay with its mother.¹⁰²

Communication with the community: The Proclamation recognizes the right of prisoners 'to communicate with their spouses, close relatives, friends, medical doctors, legal counselors and religious leaders' in accordance with directives to be issued by the Commission.¹⁰³ This right also extends to the right to 'promptly' inform family members and other persons of being imprisoned and transferred to another prison.¹⁰⁴ Though the particulars are to be determined by directives to be issued by the Commission, the Proclamation also gives some indication as to the possibility that prisoners may get permission to attend to social problems with escort outside prison.¹⁰⁵

Protection from violence: The first principle guiding the treatment of prisoners under the Proclamation is respect for human dignity.¹⁰⁶ The Minister of Federal Affairs, to whom the Federal Prisons Commissioner is administratively accountable to, is entrusted with the responsibility of ensuring that the rights of prisoners are respected.¹⁰⁷ The Proclamation provides that prisoners have the obligation to respect the disciplinary requirements set down in regulations and directives issued to implement its provisions.¹⁰⁸ In relation to the infringement of 'prison rules' by prisoners while in custody, the Commission has been empowered to 'determine and implement disciplinary measures' in accordance with its own directives and regulations to be issued by the Council of Ministers.¹⁰⁹ Though the forms of disciplinary measures are generally left to the discretion of the Commission and the Council of Ministers, the Proclamation prohibits

⁹⁶ Article 31/1/ of the Federal Prisons Commission Establishment Proclamation

⁹⁷ Article 6/3/ of the Federal Prisons Commission Establishment Proclamation

⁹⁸ Article 29 of the Federal Prisons Commission Establishment Proclamation

⁹⁹ Article 6/3/ of the Federal Prisons Commission Establishment Proclamation

¹⁰⁰ Article 27 of the Federal Prisons Commission Establishment Proclamation

¹⁰¹ Article 6/3/ of the Federal Prisons Commission Establishment Proclamation

¹⁰² Article 28/2/ of the Federal Prisons Commission Establishment Proclamation

¹⁰³ Article 29 of the Federal Prisons Commission Establishment Proclamation

¹⁰⁴ Article 30 of the Federal Prisons Commission Establishment Proclamation

¹⁰⁵ Article 31/2/ of the Federal Prisons Commission Establishment Proclamation

¹⁰⁶ Article 22/1/ of the Federal Prisons Commission Establishment Proclamation

¹⁰⁷ Article 9/5/ of the Federal Prisons Commission Establishment Proclamation

¹⁰⁸ Article 32 of the Federal Prisons Commission Establishment Proclamation

¹⁰⁹ Article 6/6/ of the Federal Prisons Commission Establishment Proclamation

any treatment that violates human dignity.¹¹⁰ Prisoners are liable under criminal law for the commission of offences while under custody.¹¹¹

Reintegration in the community: The objectives of the Federal Prisons Commission include providing prisoners with reformatory and rehabilitative services so that they could become 'law abiding, peaceful and productive citizens'.¹¹² As such, one of the principles for the treatment of prisoners under the Proclamation is that it should facilitate respect for the law and rehabilitation 'towards self-supporting reintegration into society.'¹¹³ Moreover, in addition to providing the basic services discussed above, the Commission has the duty to provide social work service and counselling services to facilitate their 'post-release rehabilitation'. The Proclamation, however, delegates the determination of the particulars of such services to regulations and directives to be issued by the Council of Ministers and the Commission.¹¹⁴

Administration of detention facilities: Though the organization of the Federal Prison Commission is to be determined by the Minister of Federal Affairs, the Proclamation provide for the engagement of 'prison wardens and civil service staff necessary for its function'.¹¹⁵ Prison wardens are defined in the proclamation as members of the Federal Prisons Commission who are employed after receiving training on basic prison warden-ship.¹¹⁶ Thus, the reference is to prison security personnel who are voluntarily recruited by the Federal Prisons Commissioner. The conduct of prison wardens is governed by regulations issued by the Council of Ministers.¹¹⁷ The Proclamation also provides for the establishment of a complaints hearing organ within the Commission as per directives issued by the Commissioner.¹¹⁸ As could be assumed from the types of services provided for in the Proclamation, the civil service staff working in prisons under the Commission will include social workers, counselors, medical staff, educators and vocational instructors and administrative staff. The Commissioner is responsible for the recruitment, employment and training.¹¹⁹

1.3. Gaps and Problems in the Domestic Legal Framework

Publication and translation of international instruments: As discussed above, the Constitution of the Federal Democratic Republic of Ethiopia makes all international instruments ratified by Ethiopia an integral part of the law of the land through article 9(4). Such recognition is further extended to international human rights instruments including the UNCRC and the ACRWC under article 13(2) making them standards for the interpretation of chapter three of the Constitution dealing with fundamental rights and freedoms. However, the instruments already adopted by Ethiopia, including the UNCRC and the ACRWC, have not been officially translated and published. This creates problems of implementation despite the fact that the instruments have become part of the law of the land upon ratification.

Low minimum age of criminal responsibility: One of the major areas of concern repeatedly mentioned by the Committee on the Rights of the Child in examining the periodic reports submitted by Ethiopia has been the minimum age of criminal responsibility. However, despite the Committee's recommendations on the desirability of setting the highest possible minimum age, the minimum age of nine in the 1957 Penal Code has been maintained in the Criminal Code of 2005.

¹¹⁰Article 37 of the Federal Prisons Commission Establishment Proclamation

¹¹¹Article 33 of the Federal Prisons Commission Establishment Proclamation

¹¹²Article 5 of the Federal Prisons Commission Establishment Proclamation

¹¹³Article 22/2/ of the Federal Prisons Commission Establishment Proclamation

¹¹⁴Article 6/4/ of the Federal Prisons Commission Establishment Proclamation

¹¹⁵Article 7/1/ /c/ of the Federal Prisons Commission Establishment Proclamation

¹¹⁶Article 2/6/ of the Federal Prisons Commission Establishment Proclamation

¹¹⁷Article 21 of the Federal Prisons Commission Establishment Proclamation

¹¹⁸Article 20 of the Federal Prisons Commission Establishment Proclamation

¹¹⁹Article 10/2/ /c/ of the Federal Prisons Commission Establishment Proclamation

Classification of children in relation to their entitlement to special protection: The protection accorded to children alleged to have committed crimes, charged or sentenced under the international legal framework, extends to all children. That is, all persons under the age of 18 are entitled to the enumerated protection. The Ethiopian criminal justice system, however, has excluded children above the age of fifteen from most of these forms of protection in contravention of articles 37 and 40 of the CRC and article 17 of the ACRWC. The only special protection they are subjected to is judicial discretion in sentencing. The law effectively deprives this group of children of their entitlement to protection by making them subject to the same substantive and procedural rules as adults.

The absence of laws that sufficiently recognize diversion and other non-judicial and non-custodial mechanisms: While the Ethiopian criminal justice system gives some level of Judicial discretion to impose non-custodial measures in the sentencing of children aged 9 and 15, it does not recognize measures for dealing with such children without resorting to judicial proceedings. This is not consistent with Article 40(3) (b) of the CRC which requires states to promote the establishment of laws, procedures, authorities and institutions alternative to the formal judicial proceedings whenever desirable or appropriate.

Absence of a birth registration system: Birth registration by itself is a fundamental right of children which is recognized under both the UNCRC and the ACRWC. In addition to its relevance as a right per se, birth registration is a fundamental precondition for the realization of other rights of children since entitlement to the right of a child is contingent upon one's recognition as a child. This is particularly true for entitlement to special protection accorded to children coming in contact with the law and children deprived of their liberty in Ethiopia. In practical terms, the determination of age of criminal responsibility as well as determining whether a child falls under the 9-15 or 15-18 age groups is dependent upon the existence of a functional birth registration system. Such a system does not exist in the current legal framework in Ethiopia. As a result, entitlement to child protection has been hampered by the often irregular age determination at local hospitals. Unfortunately, the time taken to ascertain the age of a child is likely to hamper the speedy investigation of cases.

Vagrancy law: The Ethiopian substantive criminal law has a broad definition of the offence of vagrancy. While the application of this law is not specifically limited to children, a large number of children who live and work in the streets immediately qualify as vagrants under this definition. As such, a sizable section of vulnerable groups of children are automatically criminalized by virtue of their status. The problems of children are further aggravated by the extensive powers of arrest and detention without bail given to the law enforcement bodies.

CHAPTER 2- CHILDREN IN CONFLICT WITH THE LAW

2.1. Nature and the Prevalence of the Problem

In Ethiopia children are detained mainly in three places. The police station is the first place where children who are accused of committing an offence may be detained. The ordinary prison; the second place where children awaiting trial, those on trial or those sentenced are commonly detained. Prisons also hold in custody children detained with their mothers. The third place is a Rehabilitation Centre where children in conflict with the law between the ages of 9 and 15 maybe detained. However, it is in police stations and ordinary prisons that children are usually detained in most parts of the country, this is so as a Rehabilitation Centre is available only in Addis Ababa.¹²⁰

As a rule, only children within the age range of 15-18 are detained in prisons and police stations. However, for various reasons such as waiting for age verification and due to the absence of Rehabilitation Centres, many children who are below the age of 15, including small children detained with their mothers, are found in police stations and ordinary prisons. As far as the Rehabilitation Centre in Addis Ababa is concerned, generally children within the age range of 9-15 are under custody.

In Ethiopia there are about 120 prisons. The number of male inmates constitutes 95%, while females make up 5%. The number of children in conflict with the law could reach up to 2% all over the country.¹²¹

Accurate data is not available on the number and profile of children in detention facilities in the areas covered by the study, except for the Rehabilitation Centre in Addis Ababa. A total of 71 children, 59 boys and 12 girls were detained in the Rehabilitation Centre in Addis Ababa at the time of the data collection visit. Although registration of every child imprisoned takes place in all the prisons and police stations covered by this study, the available data is not segregated and compiled by age. Moreover, as the release of detainees and the admission of new ones take place regularly, it is difficult to state the exact number of children in the detention facilities.

However, information gathered from prison and police officials indicates that children constitute a significant fraction of persons deprived of their liberty in most of the detention facilities covered by the study; as low as 11 percent and as high as 30 percent in some prisons and detention centres.¹²²

The trend also indicates that children being detained are increasing every year. In the absence of systematized data, informants from the police, courts and prosecution offices could only guess the increase in juvenile delinquency and in the number of children being sent to detention centres and prisons. Astonishingly, a research conducted recently indicates that the number of detained children, which was about 118 in 2001, had increased to 389 in 2004, growing at the rate of 75% per annum.¹²³

¹²⁰Currently, there is only one Rehabilitation Centre/remand home catering exclusively for children deprived of their liberty that is located in Addis Ababa, i.e., the Addis Ababa Rehabilitation Institute for Juvenile Delinquents. The facility functions as a detention facility for children in conflict with the law aged 9-15.

¹²¹Information obtained from Prison Fellowship Ethiopia as of December, 2006. Interview with project officer of the organization

¹²²Interview with prison administrators in the Addis Ababa Remand Home and prison facilities in Dessie, Jimma, Ambo, Ziway, Awassa and Bahir Dar

¹²³Prison Fellowship Ethiopia. *The situation in children, lit Ethiopian prisons, 2005 (unpublished)*

In terms of gender, in all places where children are detained, boys make up the majority. In particular the number of girls detained in most police stations covered by the study has been found to be very small, being even non-existent in some stations. However, girls are present in ordinary prisons, even though their number is significantly very small compared to boys. At an rate, the trend may show an apparent increase in statistics concerning girls as well. For instance, the Rehabilitation Centre in Addis Ababa started to admit girls only five years ago.

2.2. Profile of Children Deprived of their Liberty and Reasons for their Detention

As indicated above, the number of children deprived of their liberty has become a pressing social problem. There are several socio-economic factors that account for the vulnerability children to come in conflict with the law and to consequently be deprived of their liberty. The personal and family profile of children contacted for this study as well as the opinions of both child and adult informants indicate that some groups of children are more vulnerable to be victims of the deprivation of liberty.

Poverty, especially at the household level, was cited as the most important factor contributing to the vulnerability of children to be deprived of their liberty. Almost all detained children contacted for the study described their family's economic situation as poor or extremely poor. This is commonly found among detained children who are working to help themselves and, in some cases, who are the sole breadwinners of their families.

"I work as a daily labourer to feed myself. I quit school two years ago. I had no money to pay for school fees nor did I have sufficient study time. We are family of nine. My parents are alive. My mother sells bread. My father is without a job. He is a former soldier."

(A 17-year-old boy, detained in Addis Ababa prison on dangerous vagrancy)

Adult informants also agree that poverty is the most crucial factor contributing to the increasing number of children deprived of their liberty. This problem increases vulnerability to delinquent behaviour among children and the youth.¹²⁴ One prison official states that:

*"The large number of child offenders could be attributed to economic problems, especially among boys above 15; they engage in antisocial and criminal behaviour mostly because their various needs have not been fulfilled. This is why you do not see a similar number of younger children from well-to-do families within the same age group reflected in the prison population"*¹²⁵

A police official from Ziway similarly commented:

*"The major causes of children deprived of their liberty relate to socio-economic problems at the family level. Children usually turn to criminal behaviour when they cannot get what they want from their families and communities. Most of the delinquents who are brought to our station come from economically challenged families."*¹²⁶

The profile of children deprived of their liberty also shows that orphans are one of the most vulnerable groups who become victims of deprivation of liberty. A little over half of the children

¹²⁴UNICEF. Justice for Children: Good Practices and Remaining Challenges in the Area of Justice for Children in Ethiopia, December 2005.

¹²⁵Interview with prison administrator at Ajeje (Ziway) prison

¹²⁶ Interview with Police officials of Adami Tulu Woreda [Ziway]

deprived of their liberty contacted by this study are either half-orphans or full orphans.¹²⁷ The death of parents increases the vulnerability of children to their deprivation of liberty. Being an orphan aggravates household poverty, forces children to live on the street and denies them of parental care, guidance and supervision. A 16-year-old orphan boy in Ziway Prison stated as follows:

"Even before coming here my life was miserable since I had no parents. I used to live in a house of strangers. In the absence of parental guidance I became a victim of the pressures of my so-called friends who got me into drinking and stealing. This is how I ended up in this prison. Had my mother been alive. I would not have become so miserable and she would have guided me with good advice."

Low-levels education is another factor that characterizes the profile of children deprived of their liberty. More than three-fifth of the detained children contacted for this study either had no formal education or had dropped out of school at the time of detention.

Street children are also among the most vulnerable groups to be deprived of their liberty. The number of street children in Ethiopia is high and it is increasing rapidly due to poverty and HIV/AIDS. UNICEF estimated that there were 600,000 street children throughout the country and more than 100,000 in Addis Ababa by the end of 2005.¹²⁸ 'Streetism' is aggravated by parental illness and parental inability to support children due to decreased household income.

Other factors for the increase of the number of street children relate to family disintegration, abuse and neglect, lack of access to education, social and environmental influence.¹²⁹ Street children are engaged in begging as well as in jobs in the informal sector. This is mainly because government and privately-run orphanages and institutions cannot accommodate every child in need of care. Though it is difficult to estimate the number of children who have been detained from among those who are living and working in the street, the prevailing negative attitude among the public including law enforcement officials is noticeable. Subsequently they are viewed as criminals which makes their survival highly vulnerable.¹³⁰

Children who migrated or are trafficked from rural to urban areas form other vulnerable group. This is more noticeable among girls deprived of their liberty.

"My family lives in Agaro town. My mother is dead. My father was not sending me to school. He buys cattle instead. I was responsible for all the work in the house. I am the oldest child in the family. If I don't work, my father screams at me saying that I have stopped obeying him. If I don't spend the day in the house he beats me. I fled from home and came to Jimma to find a job. I was working as a housemaid when my employer accused me of theft."

(A 16 year- old girl in Jimma prison)

At the Rehabilitation Centre in Addis Ababa, for instance, out of the 14 girls detained, the majority had migrated from rural areas looking for jobs. Most of these girls are working as housemaids in Addis Ababa.

An analysis of the charges on which children were deprived of their liberty also confirms that poverty and the other vulnerability factors contribute to the deprivation of liberty of many children. When the reasons for their detention, petty theft is the most recurrent crime accounting for about two-fifth (45%) of the children contacted.¹³¹ which children are often victims of a bid to satisfy one's hunger and survival. In response to a question, a police station we look at chief in Bahir Dar said: *"The most recurrent crimes*

¹²⁷For Instance, among the 8 children who participated In FGDs in Bahir Dar, 6 have only one parent living (3 from female-headed families, i.e. only the mother is alive) while 2 have lost both their parents.

¹²⁸US State Department Report on Human Rights Practices in Ethiopia 2005.

¹²⁹*The Situation of Street Children in Eight Major Towns of Ethiopia*: Forum on Street Children, 2003. p. 2

¹³⁰UNICEF, *Justice for Children: Good Practices and Remaining Challenges in the Area of Justice for Children* in Ethiopia. December 2005. December 2005, p. 39 (Also see: FSCE. Annual Report, 2003)

¹³¹Results of questionnaires distributed to children deprived of their liberty.

committed by children are theft, insult a defamation. However, children sometimes come to us accused of very serious crimes. For example, there is the case of a 14-year-old child prosecuted for homicide in 'Chaca' Woreda.”

Table 1. Responses of Children Concerning Criminal Charges

Site	Theft		Bodily Injury		Dangerous Vagrancy		Rape		Homicide		Others		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Dessie	9	1	3	-	2		1	-	3	2	1	-	22
Jimma	8	2	1	1	-	-	1		4	1	1		19
Ambo	4	-	4	-	1	-			7	3			19
Addis Ababa	13	5	4	1	5	-	5		-	-	2	2	37
Zwai	8	2	1	-	1	-	2		1				15
Debre Birhan	10	-	2	1	-	-	2	-	4	1	7	5	32
Awassa	7	2	1	1	2	-	1	-	1	-	-	-	15
Bahir Dar	13	2	-	-	3	-	1	-	-	-	1	-	20
Total	72	14	16	4	14	-	13	-	20	7	12	7	179
	45%		11%		8%		7%		16%		11%		100%

There is, however, a noticeable peculiarity between children residing in rural areas and children from urban areas covered by the study as far as the type of crimes committed is concerned. This is very true particularly for the crime of homicide. The research team observed that more children coming from rural areas were suspected of homicide whereas only a few children living in urban areas were accused of such a crime.

Apparently, there is also a gender dimension to why children are detained. Girls are usually suspected of the crime of theft while boys often find themselves in detention centres for a number of other crimes such as rape, dangerous vagrancy and bodily injury.¹³²

The following story of a 15-year-old boy in Bahir Dar Prison represents a typical example of the vulnerability and experience of most children deprived of their liberty in Ethiopia.

BOX 1. Life before Detention
(Translation of the child's own words)

"I used to live with my parents in Fenote Selam. I was in the 7th grade when my mother died. My father remarried later on. But, I could not live in peace with the woman he married. Since I was the eldest child, she gave me too much work to do. As if that was not enough, she started to beat me up saying that I am lazy. My father, on the other hand, forgot I even existed and became excessively fond of his new children. I also started refusing to do household chores, for which I was beaten almost daily.

A boy from the neighbourhood who had gone to Bahir Dar told me that it was a nice town. This made me long for Bahir Dar and this prompted me to be more of a headache at home.

¹³² Data from the Rehabilitation Centre shows that all the 13 girls are suspected of theft, while boys are detained for rape, bodily injury, damage to property and homicide as well.

One day I heard my stepmother say: "This boy has gotten used to the stick: I have to burn his eyes with smoking pepper." On the same night, around 12:30 a.m., I ran away. First, I went to the 'Meneharia' [Bus Station] area and stood around listening to the music from the bars. When the children around me started to leave, I asked one of them where he will be sleeping. He told me that he sleeps on the balconies of the shops. I went with him to his sleeping place and slept there. My first night on the street was horrible. The next morning, I went to Bahir Dar as an assistant on a mini-bus. The driver gave me Br. 5 for lunch, but, when I returned from my lunch, I could not find the vehicle. All mini-bus vehicles looked the same. After some time, I forgot about the mini-buses and started admiring the buildings. That night, I slept on the street. After living on the street for some time, I made some friends.

One day, when I told them that I hadn't had anything to eat, they proposed: 'let's grab somebody's mobile phone like the others do'. We did it and sold the phone for more than a hundred Birr. However, since everybody knew us around 'Meneharia' we were arrested shortly afterwards. We were detained at the police station for five days and later presented before the court. The court set our bail at Br. 1,500 and my friends produced their bail. I, on the other hand, had nobody in Bahir Dar to bail me out and was sent to prison. I have been here for eleven months without being sentenced. I do not know if my parents know that I am in prison. Life in prison is much more difficult than life with my stepmother. While in the prison, I split wood, wash shoes and take out the urine pail to get the 50 cents I need for soap. I sometimes wish I had never been born."

2.3. Treatment of Children upon and During the Pre-trial and Trial Arrest Processes

Children in conflict with the law are accorded protection and special rights for their treatment upon arrest and during both the pre-trial and trial processes under the international instruments and domestic laws. However, the practical implementation of such protection and rights in Ethiopia are compounded with challenges in ensuring the realisation of the rights of children in conflict with the law.

2.3.1. Treatment of Children upon Arrest

Ethiopian law clearly specifies the manner in which suspects are arrested. As a rule, the police should arrest a suspect above the age of 15 with a warrant though there are explicit provisions allowing the police to arrest a suspect without a warrant. As far as children between the ages of 9 and 15 are concerned, the police or any other person who takes custody of children for alleged crimes is directed by law to present the child at a court of law as per article 172 of the Criminal Procedure Code.¹³³ The practice of detaining children is in accordance with the rules applicable to adults which requires that a person be arrested, taken to the police station and presented to court within 48 hours."¹³⁴ In some instances, a group of children may be arrested indiscriminately by the police to ascertain the real wrongdoer later. This usually happens with children living on the streets.

The recently issued law with regard to dangerous vagrancy has also contributed to the prevalence of arbitrary arrest and detention of many children. This particular law defines dangerous vagrancy so broadly that almost every ordinary person on the streets could be charged of the Crime.¹³⁵ Due

¹³³ Article 172 of the Criminal Procedure Code refers to the need to bring the child 'immediately' before the court.

¹³⁴ Article 58 and 29 of the Criminal Procedure Code

¹³⁵ Interview with lawyers in Bahir Dar, Lawyers assisting persons accused of the crime of dangerous vagrancy usually defend the case only by trying to prove the accused had a job at the time of the arrest.

to this reason, a number of children the research team interviewed and who were accused of dangerous vagrancy were not convinced that the crimes they had committed deserved detention¹³⁶ The law, apart from making the punishment more severe, seems to stress that a child suspected of such a crime wouldn't have the right to be released on bail.

According to a police official in Bahir Dar, *"When a complaint is lodged to us alleging the commission of a crime by a child, we first carry out preliminary investigations into the matter. If there is a need for further investigation, then request an order from the court,"* It is obvious from these statements that children are seldom, if ever, taken to the immediate court upon arrest. Rather, they are first taken to the police station where the need for further investigation is determined.

In places outside Addis Ababa where there are no CPUs, the police usually reaffirm that they do not Keep children below the age of 15 in detention, however, according to some respondents it appears that they do so. Usually children in this age group are arrested by the police and taken to the police station. Though these children would not actually be thrown into prison, they are required to stay around the premises of police stations. In places where CPUs are functioning in the police stations, children are 'brought' by the police to the office located in the police station where uniformed police officers provide advice, without any court authorization, to the child with or without the presence of parents or relatives before sending him/her home or to the streets. While the law tries to avoid the contact of children with the police force, the present practice shows that children are rather required to visit the police stations regularly and obviously come in contact with police officers wearing uniforms.

Normally, the police do not inform the family of the children between the ages or 15 and 18 before or after the arrest unless parents and relatives are accidentally present at the time. The police rather attempt to contact families only for children below the age of 15, but usually after the arrest and detention has taken place. Police officers claim that they only arrest and detain children below 15 until they present him/her before a court. When the child has no parent to hand him/her over; he/she could remain under police custody for several days.¹³⁷

The stories told by children also indicate that they are usually interrogated in the absence of parents, guardians and witnesses. In the words of a 13-year-old child serving sentence for theft in Bahir Dar Prison, *"The owner took me to the police station slapping me all the way there... they [the police] started to beat us with sticks. I was scared and confessed'.*

However, in some police stations, especially where CPU's are established, there are efforts and initiatives to carry out interrogations of arrested children under the age 15 in (he presence of parents or guardians.

¹³⁴A child at Addis Ababa prison mentioned that he was arrested by the police for dangerous vagrancy only because he ran away when he saw a policeman.

¹³⁶Interview with project manager. FSCE. Dessie

BOX 2. Good Practice during Criminal Investigation

Observation of the research team: A police woman, Asnakech Tsegaye, was interviewing a 12-year-old child at the 1st Police Station. The child is a 1st grader who had dropped out of school a month ago. The complaints were lodged by neighbours who alleged that she has borrowed money from them claiming that her mother had sent her. Apparently, her mother had died in hospital after a long illness. Before starting the interview the police woman asked for the presence of a witness who is a relative of the child. Accordingly, Abebech Teklemariam, a 35-yearold woman who was selected by the child as a witness, was summoned.

The interview was conducted in the presence of, and sometimes through, the witness. After the interview the child was released to file custody of the witness. The police woman said: "If the suspect is a child, I will not detain the child during the period of the investigation. The proper thing to do is to release her/him to the "custody of somebody they know. That person would then be responsible for bringing her/him to the police station if and when she/he is needed."

Although the law provides that children should not be subjected to any violence upon arrest, many children contacted by the study confirmed that they had experienced some form of abuse.¹³⁸

Table 2. Responses of Children to Physical and Psychological Abuse

Site	Physical/psychological Abuse		Never abused		Total
	Male	Female	Male	Female	
Dessit	8	2	9	3	22
Jimma	11	2	6	1	20
Ambo	11	3	5	1	20
Addis Ababa	15	6	5	9	35
Zwai	6	4	3	2	15
Debre Birhan	13	2	10	3	28
Awassa	5	3	5	2	15
Bahir Dar	4	-	7	2	13
Total	73	22	50	23	168
Percentage	43%	13%	29.5%	13.6%	

instances where we used to punish them on our own discretion. However, as a result of the training I received and my involvement in the CPU, I now treat them as victims of social problems and not as criminals."

¹³⁸ The majority of children interviewed said that the abuse by the police usually takes place before they are put in detention.

2.3.2. Treatment of Children during the Pre-Trial and Trial Processes

The treatment of children in conflict with the law after arrest is one of the major causes for the increase in number of children deprived of their liberty in Ethiopia. The principle that children should be detained only as a last resort is a cornerstone in the administration of juvenile justice. The existence of laws, institutions and practices in the administration of the juvenile justice system that contravene the CRC and other international standards have increased the instances. Most of the informants for the data in the above table were children between the ages of 15 and 18. The above data is not, however, helpful to make comparative assessment on the treatment of children upon arrest between places where CPUs exist and where they do not exist, as CPUs only deal with children below 15. However, statements of children indicate that they are better treated by police officials working in CPUs. Most of the children drawn from the Community Based Correction Centre in Addis Ababa, who participated in the FGD, reported that the police did not maltreat them when they were apprehended and detained.

Police officials spoke of the attitudinal change that had come about after they had started working in CPUs. A policewoman who worked in one of the CPUs in Addis Ababa stated that *"previously we were treating child offenders in the same way as adult criminals and there were even* where children are unnecessarily taken into custody, detained for longer periods, and punished with imprisonment.

a) Detention without Sufficient Evidence and the Practice of Bail Rights

Contrary to the provisions of the CRC and other instruments making detention a measure last resort, various practices in the administration of justice contribute to the deprivation of liberty of children during the pre-trial and trial processes. The Police usually start criminal investigations by detaining the accused, including cases where the accused, is a child, in particular between ages of 15 and 18. Detention of accused children by the police without sufficient evidence is often carried out on the basis of an accusation made by a victim. Detained children who participated in FGDs explained the situation as follows:

"The number of children (under 18) being imprisoned is increasing from time to time. Children suspect ed of even a petty crime or minor offence are taken to the police station and simply detained together with serious criminals. For instance, if anyone loses three Birr and he/she is a child from a poor family around, community members tie him/her up and take him/her to the police station. The police detain him/her without having sufficient evidence."

Once children are arrested and detained there are certain arrangements such as bail or other conditions that make it possible for the detained to be released. Even where bail rights are granted for detained children by the police or a court, some children are unable to meet the bail conditions as most of them do not have families or are from poor families.¹³⁹ As a result, they remain in detention until the trial is over. Some might be found not guilty at the end.¹⁴⁰ Thus, the practice of

¹³⁹ A 16-year-old girl who was interviewed at Addis Ketema police station whose parents are outside Addis Ababa was told that she is not allowed to have her parents as guarantors for her release unless they are from Addis. The police officer, however, rejects the allegation. He, however, noted that the police prefer guarantors residing in Addis Ababa.

¹⁴⁰ As an encouraging initiative, APAP has established a special fund for bail bond in Addis Ababa. This fund is named the Menbersehaye Revolving Fund, after the current Vice President of the Federal Supreme Court, who has initiated the idea and contributed Br 2000 for the purpose. Accordingly, children are being released from detention after APAP has deposited the money from the fund it has set aside for people who cannot afford to deposit ball bond.

arresting and detaining children by the police without sufficient evidence coupled with the inability of some children to meet bail conditions, result in the detention of many children. The following statements of detained children support this assertion.

"I had to pay 800 Birr for bail. But I didn't have the money. My mother is poor. Thus I am in prison."

(A 16 year-old boy in Dessie prison suspected of theft)

"The court granted me bail on a bond of Birr 1000. But my mother could not raise that amount of money. She tried to mortgage her house but she did not have a title deed."

(A 17 year-old boy in Jimma prison suspected of theft)

"One night, while I was selling boiled eggs, some boys came and bought eggs from me. While some of them were talking to me, one grabbed the wallet of a girl and all of them runaway. They did not even-pay me for the six eggs they ate. When the police came, they said that I know the robbers and I will go to prison if I do not tell them who they are. I was taken to the police station and later presented before a court. Though I cried and begged, the judges did not listen to me. I was asked to present bail for Br. 600. Since I have no money or anyone to pay it for me, I was sent to prison. My mother visits me every day and she always cries. I also cry at night thinking of my mother. Life in prison is difficult I have no one to bail me out."

(A 15 year-old boy in Bahir Dar Prison,

b) The Practice of Alternatives to Judicial Proceedings

The use of alternatives to judicial proceedings plays a significant role in promoting the rights of children in conflict with the law and realizing the principle that deprivation of liberty of children should be a measure of last resort. Accordingly, the CRC recognizes non judicial mechanisms providing that "States Parties shall seek the establishment of ...

Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings..."

Most of the children who come in conflict with the law are children who invariably are facing challenges in their care and protection and in their relationship to their families, society and communities. Moreover, the majority of children in conflict with the law are first time and petty offenders, accounting for over 90% or more in most countries.¹⁴¹ Subjecting these children to the formal judicial proceedings, which are basically designed to deal with serious risk cases to public safety, has been considered inappropriate and practically proved to be unsuccessful. This is in terms of reducing the re-offending and in rehabilitating and reintegrating children. Evidence shows that alternatives to judicial proceedings like diversion programmes are likely to have a positive impact on reducing the number of offenders.¹⁴² Diversion is also recommendable in terms of the rights of the child and child development considerations.

The legal framework in Ethiopia for the administration of juvenile justice, however, does not sufficiently recognize alternatives to judicial proceedings, in particular pre-trial diversion. In principle every child accused of an offence has to appear before a court. The law partially recognizes post-conviction diversion at the judiciary level in the form of referring young offenders to corrective institutions, supervised education, school or home arrest, custody under reliable persons or organizations for the education and protection of children. However, the law is silent on pre-trial diversion at the community, police or public prosecutor office levels.

Despite the lack of legal backing, diversion of petty and first time offenders by the police (CPUs); to Community Based Correction Centers (CBCC) is being practiced in a limited manner in Addis Ababa and a few other places. The CBCCs provide educational, counseling, and recreational services to petty and first time offender children between the ages of 9 and 15 referred to them by the CPUs. The centers cover educational fees, materials and uniforms of the children and provide tutorial and basic education to those who have never been to school through volunteer tutors. These educational activities are conducted in collaboration with schools, parents and guardians who supervise the enrolment and attendance of the children.

Volunteers and community workers also conduct a limited number of home visits to follow up on the progress of the process to assess the situation of the children and to provide support. Guidance and counseling services targeting children and their parents and guardians are also provided by social workers and volunteers with support of the CPUs. The diversion programme also involves community elders drawn from community structures in providing advice to children in conflict with the law and at risk of offending; and promoting awareness about child rights among community members.

The assessment of the diversion structures that are currently in operation have indicated the significant potential of the mechanism in minimizing the problem of children deprived of their liberty, protecting the rights of children in conflict with the law, rehabilitating children, etc.¹⁴³ According to a study, the diversion programme "is perceived by parents, the police and other sectors of the society as a successful model in protecting children and it is a model that is appropriate to the local condition."¹⁴⁴ Most of the children who are enrolled in the programme and have participated in the FGD have also emphasized the positive changes the programme has brought in their life. Some of their statements include:

'Before I enrolled in the programme I used to attend school irregularly. I was passing time with thieves and bad boys. I did not have respect for anybody both in school and in my neighborhood. Now I have Proper regard for people.'

(A 13 year-old boy enrolled at CBCC in Addis Ababa)

"Before I enrolled in the programme I seldom opened my exercise books and textbooks. I used to rank above 30 in my class. Now I am ranked 4th in class. My relationship with my mother has also improved a lot."

(A 14 year-old girl enrolled in CBCC at Addis Ababa)

Similar stories of success of the diversion programme in terms of bringing about positive changes in the behavior and overall life of children in the programme are numerous, according to children, parents, social workers and community elders contacted by this study.

¹⁴¹This estimate is given by Defense for Children International: *Kids Behind Bars*, 2004

¹⁴²Petty C. and Brown M., *Justice for Children*, 1998. at 13.

¹⁴³UNICEF, December 2005

¹⁴⁴Save the Children Sweden. *Case Study: Diversion of Children in Conflict with the Law in Community-Based Programme Centers*, Ethiopia, 2005. Addis Ababa, at 14.

BOX 3. The Story of a 13 year-old Girl in Community Based Correction Programme

Fana is a 13-year-old girl who was brought to the police because she used to steal small amounts of money from her family. She comes from a family that earns its living from petty trade. When she joined the Centre, her educational performance was very low and she used to play truant on various occasions.

During the first months at the Centre, Fana received counseling and tutorial support. Fana's performance and school attendance showed a great deal of improvement in a short while. An NGO which operates in the locality agreed to provide material support to her. Currently, she is in grade eight and her performance is top of her class.

After having been discharged, she continues to go to the Centre, to help other children in their studies. She was also among a few children that took part in a musical training. The group of which Fana is a member aspires to start its own small traditional music band in the future.

(A case taken from: Save the Children Sweden, "Case Study: Diversion of Children in Conflict with the Law in Community-Based Programme Centres, Ethiopia", 2005.)

Despite the commendable achievements and its significant potential in realizing the rights of children in conflict with the law, the present diversion programme is limited in terms of geographic coverage,¹⁴⁵ profile of benefiting children, and lacks a clear statement of aims, objectives and standards.¹⁴⁶ Apart from legal backing, the existing programme is faced with various challenges and constraints. The establishment of CBCCs was undertaken without involving some important legal and social duty bearers like government authorities on child affairs, community structures, and other important actors with relevant duties and mandates. Consequently, the possibility of integrating the activities of the centers into the structures and operations of these key actors with a view to ensuring the sustainability of results achieved has been somewhat undermined.

The adequacy of the services provided by the centers in terms of coverage and quality is another issue of concern. Mainly due to capacity limitations and the number of children who benefit from the services provided is very limited. Interviewed children also revealed that the quality of the services leaves much to be desired. The rehabilitation regimen in the CBCCs also lacks a responsibility component to educate children on their duties/responsibilities. Another critical challenge related to the capacity limitation is the lack of follow-up on the re-integration of the children once they leave the correction centers.

In addition to the above challenges and constraints, the existing diversion programme has limitations in terms of utilizing different types of diversion strategies and approaches like community service, mediation, arbitration, family group conferences, etc.

¹⁴⁵By the end of 2005, there were six CBCCs in Addis Ababa handling cases of 'petty offenders' and first time offenders' referred by CPUs. Similar efforts have also been initiated in Arba Minch town of SNNPRS,

¹⁴⁶UNICEF, December 2005, pp. 55 - 57

BOX 4. International Experiences Concerning The Non-Custodial Treatment of Children

Pre-trial Community Service Orders: NAMIBIA

One of the diversion options in use in Namibia is 'pre-trial community service' whereby the young person 'pays back' to the community for the harm she/he has done. The young person works for a number of hours in a 'non-profit' organization. The conditions are that the young person is 14 or over, admits to the offence and has no history of mental disorder. The young person and parents sign a contract with the placement agency and a social worker. A time sheet is kept which is returned to the court as proof that the young person has completed the order so that the case can be withdrawn.

Community Mediation: LAOS

Children's village mediation units were established by the Ministry of Justice throughout Laos with the specific intention of dealing with the overwhelming majority of child offenders who commit minor offences. This body brings the complainant and accused together to make an amicable settlement through negotiation. It is not a court and has no power to force a settlement against the will of the parties involved. Decisions are guided by mediators, usually the head of the village - if dissatisfied the complainant can still take the matter up with the police. The intention is to provide a flexible and acceptable local, non-custodial solution for children in conflict with the law. In 2002/2003 in the areas where these Units had been operational, 90% of children were diverted from coming to court either to the Units or by police using cautions.

Family Group Conference: NEW ZEALAND

In the case of a family group conference, meeting at a time and a place chosen by the family is attended by a young offender, the victim, their family, the police, a youth advocate and any other people whom the family wishes to invite. The conference is organized by the Youth Justice Coordinator who acts as facilitator and mediator between family and police although the Coordinator can invite others to act as facilitators. Usually, after introductions and greetings, the police describe the offence and the young person admits or denies it. If there is no denial, the conference proceeds with the victim describing the impact of the offence on him or her. Views are then shared about how the matter could be resolved. The family deliberates privately, after which they make recommendations and plans.

In most societies in Ethiopia various kinds of alternative dispute settlement mechanisms are widely practiced. In particular, settlement of dispute through arbitration by neighborhood/community elders is a common practice in most cultures. This and other traditional dispute settlement mechanisms could be utilized as different types of diversion programmes. In fact one of the reasons for the success of the existing diversion programme is "its correspondence to socio-cultural practices concerning arbitration and correction, which to a great extent is characterized by settlements of disputes and reparation outside formal legal or administrative systems."¹⁴⁸

Involving community structures is very important in designing and implementing effective diversion programmes. In this regard, involving Idir (the most popular self-help community structure in most parts of Ethiopia) seems very appropriate. Although the function of Idirs has traditionally been limited to funeral services, involving them in the fight against HIV/AIDS and

¹⁴⁷ Prison Reform International. *Good pretence in reducing pre-trial Detention, 2003* available at <http://www.penalreform.org/download/Good%20practice%20paper.pdf>

¹⁴⁸ Save the Children Sweden, *Case Study: Diversion of Children in Conflict with the Law in Community -Based Programme Centers, Ethiopia, 2005*. Addis Ababa, at 14.

other development activities has become a common practice recently. Thus, their existence at community level in most parts of the country and their shifting mandate to be involved in all socio-economic matters affecting the community present a significant opportunity and potential to effectively engage them in different diversion programmes. In addition, religious institutions, youth and women associations and organizations working for and with children could also play important roles in diversion programmes.

c) The Practice of Speedy and Fair Trial

Speedy and fair trial are basic rights recognized both under international and domestic laws for a child accused of an offence. As provided in the CRC, any accused child has a right to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to the law. In practice, however, the right to speedy trial is not usually available for most accused children in Ethiopia. For reasons mostly attributed to limited institutional capacity, workload, attitudinal problems and structural issues; law enforcement and judicial institutions in Ethiopia are often associated with slow proceedings.

It takes a disproportionately long period for the police to complete investigations, for the public prosecutor to institute charges and for the courts to make decisions. As a result, it is quite common to find children who are on remand beyond a reasonable period.

"I appeared before a court for the first time after I was detained for 25 days at a police station".

(A 16 year-old boy at Awassa prison)

"I was told that the formal charge comes through the prison administration. Now a month has gone by and I am still waiting for the charge."

(A 16 year-old boy in Dessie prison)

"I was detained at a police station for an initial 17 days. But now, it has been about 5 months since I came to this prison. Even though I appeared before a court a few times, a formal charge is not yet brought against me."

(A 14 year-old child in Awassa prison)

BOX 5. International Experience Concerning Custody Time Limits¹⁴⁹

Custody time limits are useful in focusing the minds of the prosecuting and investigating authorities on the requirements of 'due processes'. Complex cases (conspiracies and serious fraud) will take longer to prepare than summary matters. Time limits place the burden on the police and prosecuting agencies to speed up the criminal process and limit adjournments. In Uganda, custody time limits have been introduced with some effect. However, they depend on enforcement by the courts and proper resources being made available to the investigating bodies if they are not to fall into misuse. For instance, when the court discharges the accused, the police should not as a matter of course promptly re-arrest the accused so that the time period starts again.

Unfortunately, the absence of laws and structures relating to birth registration are seriously the right to speedy trial of children in conflict with the law. The Ethiopian Civil Code, was adopted in

¹⁴⁹ Prison Reform International. *Good practices in reducing pre-trial Detention*, 2003 available at <http://www.penalreform.org/download/Good%20practice%20paper.pdf>

1960, devotes 107 provisions dealing with birth registration. However, provisions have not entered into force owing to the provision of Article 3361 of the Code, which provides that these rules will not become operational until the issuance of an order by the state that has not yet been issued.

The absence of birth registration results in a variety of ramifications in the juvenile justice system which affects the right to justice by many children. Determining whether or not a child has reached 15 years of age is particularly essential since the results are crucial in deciding whether or not the child benefits from the protection accorded by Ethiopian criminal law to 'young persons', i.e., children between 9 and 15 years. The absence of birth registration contributes to the prevalence of child detention in two main ways. If the age of an accused child is contested, the usual practice is to verify through medical examination, a process which usually takes a long time. The process makes the trial time longer and would result in longer detention periods for the child. The other scenario is that a child who is actually below the age of 15 and who should have benefited from the special protection under the law could be detained until the age is verified by a medical examination. Moreover, the accuracy of age determination by medical examination is sometimes very questionable. According to the following story, a child who was estimated to be 12-13 years old by medical examination was estimated again to be 17-18 after an interval of six months.

BOX 6. Children and Age Determination

(Translation of the child's own words)

"I was caught for the third time while carrying a sack of charcoal. This time, the police sent me to the hospital to have my age determined. The hospital told them that I was 12-13 years old at the time. They had to let me go free again."

"I did not do anything wrong for about five months. But, I was tempted one day when my friend asked me to steal something with him. ... We stole a sack of charcoal and while carrying it away we met a policeman on the way who arrested us and took us to the police station in Kebele 04. They immediately called the police station in Kebele 01 where I am already known. ... We were then registered [gave our statement on record] and detained.

"I was later taken to the same hospital I went to for age determination. This time, I couldn't believe my ears when they said that I am 17 to 18 years old. After spending some time in the police station, I was presented at the Woreda Court. When the judge asked me how old I am, I told him that I am 13. The prosecutor said, "He has a medical certificate" and gave him a piece of paper. On the second day, the Judge told me that I am going to prison. That is how I came to be here. I am confused and did not find any solution to my problem."

A law enforcement official described the problem of the absence of birth registration on the juvenile Justice system as follows:

The major problem we face in relation to implementing the laws applicable to children is the difficulty in ascertaining their age, Since most of them lack birth certificates or official educational records testifying their age, we have to resort to medical tests. However, the necessary medical tests are available only in Adama and Addis Ababa. Thus, whenever there is doubt as to the age of a child accused or suspected of a crime or where there is dispute on the

matter, we have to take the child to Adama or Addis Ababa. The problem is compounded by the very limited budget of the Office which cannot cover food expenses for detainees, let alone transportation and other expenses associated with taking each child to the cities."¹⁵⁰

The lack of a fair trial is also contributing to the prevalence of children in detention centers. Various factors work against the right to a just and fair trial of children in conflict with the law. Children are seldom represented by a lawyer in their trial. Almost all children interviewed for this study stated that no legal service was provided to them. The Children's Legal Protection Centre (CLPC) of the African Child Policy Forum (ACPF) in 2006 initiated the provision of legal assistance to children in conflict with the law in all towns covered by this study except Ziway. The full impact of this initiative on the treatment of children in conflict with the law is yet to be seen. Action Professionals' Association for the People (APAP) has also established legal aid centers in a few towns, for instance, Addis Ababa and Dessie and it provides free legal aid service to any indigent person. In particular the legal aid centre established in the premises of Addis Ababa prison is meant for all inmates, both children and adults.¹⁵¹

Violation of the principle of presumption of innocence is also another factor denying children in conflict with the law the right to fair trial and, consequently leading to unnecessary deprivation of liberty.

The existence of specialized units dealing with children in the structures of judicial and law enforcement organs plays a significant role in ensuring fair and speedy treatment and trial of children in conflict with the law. Such units have been operational in a limited scope in the police structure. CPUs were first introduced in the Addis Ababa Police Commission and then replicated in some regional towns covered by this study, such as Awassa, Bahir Dar and Dessie. Most of the children who passed through the CPUs reported that they were treated fairly and their matters were handled satisfactorily without delay.

Child Friendly Benches have recently been established in the Federal First Instance Courts in Addis Ababa where certain cases of children in conflict with the law between the ages of 9 and 15 were handled. Such specialized benches are being set up in the courts of other regional towns as well. According to the President of the Federal First Instance Court, the establishment of the Child Friendly Bench has contributed to the discharging cases of children efficiently and fairly in an informal and child-friendly environment. The research team's observation of the proceedings of the Child-Friendly Bench also concurs with the above statement. A 14-year-old girl who appeared before the bench said that *"the overall environment and the treatment by the judge was good. He made me comfortable and I did not feel afraid."*

However, the existence of only one child-friendly bench for the whole city of Addis Ababa has created problems in the efficiency of the bench as well as the right to a speedy trial. A police official working in one of the CPUs stated the problem as follows:

"Files can only be opened in the bench in the mornings. If a child is apprehended in the afternoon, he/she has to wait until the next day to appear before the Court. Thus, we may be forced to detain him/her until then. Moreover, since the Court is not nearby, sometimes delay in presenting children to the Court occurs. The workload of the bench is also creating a problem. Sometimes we could not open a file because the maximum number of cases the judge can handle in a day had been already met."

¹⁵⁰ Interview with official of the Adami Tulu Woreda Police Office (Ziway)

¹⁵¹ The research team met with two children who were being assisted by the centre.

The establishment of specialized units for handling cases of children in conflict with the law in the Prosecutor's Office has not been strongly pursued. In general, specialized units in the judiciary and the police structures currently operational have indicated their significant potential in minimizing the problem of children deprived of their liberty. However, the limited geographic coverage, the capacity limitations and the lack of effective coordination and communication within existing specialized units are important issues that need to be addressed.

▶ Every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which reinforces the child's respect for human rights and fundamental freedoms of others.

▶ State Parties shall in particular:

- a) ensure that no child who is detained or imprisoned or otherwise deprived of his/her liberty is subjected to torture, inhuman or degrading treatment or punishment;
- b) ensure that children are separated from adults in their place of detention or imprisonment;
- c) ensure that every child accused of infringing the penal law:
 - i) Shall be presumed innocent until duly recognized guilty;
 - ii) Shall be informed promptly in a language that he or she understands and in detail of the charge against him, and shall be entitled to the assistance of an interpreter if he or she cannot understand the language used;
 - iii) Shall be afforded legal and other appropriate assistance in the preparation and presentation of his or her defence;
 - iv) Shall have the matter determined as speedily as possible by an impartial tribunal and if found guilty, be entitled to an appeal by a higher tribunal;
- d) Prohibit the press and the public from trial.

▶ The essential aim of treatment of every child during the trial and also if found guilty of infringing the penal law shall be his or her reformation, re-integration into his or her family and social rehabilitation.

Article 17 of the African Charter on the Rights and Welfare of the Child

2.4. The Treatment of Children Deprived of their Liberty in Prisons and Detention Centers

This part presents the situation of children detained in police stations, ordinary prisons or in a correction centre in the areas covered by the study. The findings of the situation of children detained in these places are presented below based on major categories of standards for the treatment of children deprived of their liberty identified under international human rights law.¹⁵²

2.4.1 Admission, Registration and Notification of Rules

In all study areas, the ordinary prisons and the Rehabilitation Centre admit children by explicit order from the courts. Indeed in the prisons and Rehabilitation Centre where access was permitted, no incident was encountered where a child is admitted without an explicit court order.¹⁵³

¹⁵² Substantial reference is to the UN Rules for the Protection of Children Deprived of their Liberty

¹⁵³ SOCIAL courts at kebele level may also send children to prisons for a maximum of one month. The research team has met with children, for instance, in Ambo and Jimma prisons by the order of kebele social courts.

The contents of the court order for the admission of a child to a prison or the Rehabilitation Centre may vary depending on whether the child is on remand, awaiting trial or on trial ,¹⁵⁴ sentence or detained with a mother. The order normally specifies the duration of the sentence, if the child is found guilty of committing the alleged crime. It is also common to find a number of children awaiting indictment. This is not in line with the applicable international standards¹⁵⁵ prohibiting the detention of suspected children with convicted children. This is further reaffirmed the federal law¹⁵⁶ which prescribes differential treatment.

In police stations, children could be detained with or without a court order. The Criminal Procedure Code gives wide discretion to the police to make arrests without a court warrant.¹⁵⁷ When children are accused of an offence, at times the police is to arrest them without a court warrant and to take them to a court afterwards. However, a warrant for detention has to be issued by the police itself before putting a child to a cell. Since children above the age of 15 are generally treated as adults in the Ethiopian criminal justice system, the practice may be considered legitimate though inappropriate. However, the practice with children below the age of 15 is a violation of the provisions of the Criminal Procedure Code which requires the police to immediately present the child below the age of 15 to the nearest court with first instance jurisdiction and seek instructions.¹⁵⁸

Once a child finds himself/herself in prison or at the Rehabilitation Centre, the standard registration takes place. The registration, in almost all study areas, includes such items as name address, age, sex, the reason for detention, duration of the sentence if convicted, etc. However, the procedure does not include, for instance, health problems that the child might have as provided for under international instruments.¹⁵⁹ In police stations registration and records are normally limited to name, age, address and the type of offence the child is suspected to have committed.

The process of registration in the detention facilities is also unsystematic with particulars on the status of children deprived of liberty mixed with those of adult prisoners in all surveyed prisons except the Rehabilitation Centre in Addis Ababa.¹⁶⁰ It is even difficult to determine how many children are being detained in the respective prisons. This unsystematic registration of children deprived of their liberty is a contravention of the international standards requiring that such records be handled in such a way that they are easily understood.¹⁶¹

¹⁵⁴According to a police officer at Addis Ketema police department, the child-friendly court ordered for age examination while the children are in detention.

¹⁵⁵Article 37/c/ of the CRC, Article 17/2/b of the ACRWC and Rule 18 of the Beijing Rules

¹⁵⁶Article 22/3/ of the Federal Prisons Commission Establishment Proclamation

¹⁵⁷Article 50 and 51 of the Criminal Procedure Code

¹⁵⁸Articles 22, 172/1/ & 172 /2/ of the Criminal Procedure Code

¹⁵⁹Rule 21 of the UN Rules for the Protection of Children Deprived of their Liberty

¹⁶⁰The exception is the Addis Ababa Rehabilitation Institute for Juvenile Delinquents which is the only specialized correctional institution for children in the country.

¹⁶¹Rule 19 of the UN Rules for the Protection of Children Deprived of their Liberty

¹⁶²Rules 24 and 25 of the UN Rules for the Protection of Children Deprived of their Liberty

¹⁶³Field notes of researchers deployed to Awassa and Ziway

At the time of admission, it is required that children should be given a copy of the rules governing the detention facility and a written description of their rights and obligations while in the prison or detention centers as well as addresses of institutions receiving complaints and organizations providing legal assistance.¹⁶² While prison rules are written on walls or notice boards in some prisons visited during this study,¹⁶³ notification of rules in most cases is limited to oral orientation. In some cases, even the oral orientation on prison rules is done once every month for newly admitted inmates. Generally, consultations with prison staff and officials at police stations covered in this study and through direct observation revealed that orientation of new child detainees is normally limited to oral notification; is focused mainly on notifying obligations rather than rights of the detainee; and these are not always conducted at the time of admission.

Table 3. A Written Note on Rights and Duties of Prisoners:

Prison Rules	
Duties of prisoners	Rights of prisoners
<ul style="list-style-type: none"> * <i>To be disciplined</i> * <i>To carry out anything he/she is told to do by the authorities</i> * <i>Not to carry out what he/she is told not to do</i> * <i>Not to move outside the area permitted</i> * <i>To respect orders given by the different prisoners committees</i> * <i>To serve as a committee member if elected</i> * <i>To elect members of the different prisoners' committee</i> 	<ul style="list-style-type: none"> * <i>To get shelter</i> * <i>To be served with meals provided by the prison administration</i> * <i>To obtain medical services</i> * <i>To communicate with families</i> * <i>To obtain information</i>

(Source: Prison in Dessie town)

Findings reveal that children are not formally and comprehensively informed about their rights, including how they can access legal assistance or other fundamental rights.¹⁶⁴

2.4.2. Classification and Placement

Classification and placement of prisoners in all institutions of detention is uniformly limited to separate accommodation for female and male prisoners. The study identified a consistent practice of placing children in the same room with adults both at the police stations and in prisons. To compound matters, there is no segregation of prisoners who are serving sentence from those on trial or awaiting trial.¹⁶⁵ Not only do children spend the night in the same cell together with adults serving sentences for very serious crimes such as homicide, they are also in close contact with them during the day due to the limited open space available in the prisons. This is a clear violation of both international standards and Ethiopian laws on the classification and placement of children deprived of liberty which, among other things, require that children should be detained separately from adults and children awaiting trial should not be mixed with convicted children.¹⁶⁶ The prevalent practice in the placement of children detained with their mothers is keeping them with the other female prisoners. In Dessie and Debre Birhan, however, women with children have separate rooms. Similarly there is no categorization of children at the Addis Ababa Rehabilitation Centre for Juvenile Delinquents. Children under trial and those who are serving

¹⁶⁴ Interview with prison official. Dessie

¹⁶⁵ There is no consistent practice to provide separate rooms for the very old and sick inmates. At Debre Birhan children complained that the mentally ill (who are continuously screaming) rotate every cell in the prison to distribute the incontinences to all prisoners

¹⁶⁶ Article 37/c/ of the CRC, Rule 29 of the UN Rules for the Protection of Children Deprived of their Liberty. Article 36/3/ of the FDRE Constitution, Article 25/2/ of the Federal Prisons Commission Establishment Proclamation

¹⁶⁷ It is only five years ago that the Rehabilitation Centre started to admit girls.

¹⁶⁸ Interview with Jimma Zone High Court president. The court ordered the police not to mix the child with adults pending age verification but this only happened after the child spent months in prison

sentences are kept together. Though the institution has separate buildings for boys and girls, categorization that fits the specific situation of the individual child with respect to age, behavioral disposition and health requirement is not practiced.¹⁶⁷

At the police stations visited, segregation generally amounts to separate rooms for men and women. Children are generally assigned to either of the rooms. In a few of the cases where children below 15 years of age were detained at police stations, the officials try to avoid mixing them with detainees above 15 years of age.¹⁶⁸ The police often keep the younger children in their offices or allowed them to spend the night in one of the rooms the police use for purposes other than detention. It is only in Addis Ababa that officials mentioned that they have a separate room. Where children below the age of 15 would be detained.¹⁶⁹ However, as the research team observed, the so-called separate cell is only adjacent to the other rooms and children share all other facilities with adults.

The main justification consistently given by police and prison officials for not observing the rule on separate detention of children and adults or prisoners serving sentence and those on trial or awaiting trial is resource limitation. Although this justification is partly valid, other factors like-lack of awareness about and commitment to child rights, as well as giving due attention to the issue and using available resources appropriately also explain the situation. For instance, it could be possible to minimize the effects of the problem by reserving some of the cells to separately detain children, as there are several cells in most prisons and police stations. When this idea was raised to prison and police officials, some of them admitted that the idea has never occurred to them, which shows that appropriate attention was not given to the problem. Other officials, however, argued that having separate rooms for children might not guarantee the possibility of avoiding contact with adult detainees as long as they spend the day in the same compound.¹⁷⁰

Both prison/police officials and children interviewed agree that the practice of detaining children with adults is a serious problem that defeats one of the major purposes of detaining children, which is rehabilitation.

"Some adults give advice and try to convince me to be their partner in robbery and theft. They beat me if I refuse to smoke or chew chat."

(A 13 years- old boy in Awassa prison)

"Detaining children with adults is not proper. They conspire against us. They discriminate against us. All duties related to our rooms are left to us."

(Children who participated in FGD at Addis Ababa prison.)

2.4.3. Physical Environment and Accommodation

Living Arrangements: The rooms in prisons and police stations visited are always overcrowded. A child detained at Awassa prisons stated: *"There are more than 106 prisoners in my room, a room not more than fifty square meters in area. Sleeping space is assigned by measuring with the hands."*¹⁷¹ This was confirmed by prison officials who disclosed that detainees have to sleep on a space of about 50 cm width due to the disproportionate number of court orders assigning prisoners.¹⁷² On some occasions, prisoners reportedly have to sleep in a sitting position all night

¹⁶⁹Interview with police officials at the Addis Ketema Sub-City of the Addis Ababa City Administration

¹⁷⁰Interview with police officials

¹⁷¹Focused Group Discussions with children deprived of their liberty, Awassa

¹⁷²Interview with prison officials

long due to large number of new comers. The overcrowding of prisoners is also confirmed by observations and prison statistics.¹⁷³ Judges contacted for the study on their part attribute the problem to the limited number of correctional institutions and the absence of alternative non-custodial measures.¹⁷⁴ In one interview a judge stated that courts are being forced to set 'juvenile delinquents' free due to the lack of space in prisons. Prisoners are not normally provided with enough private space where they can keep their personal belongings. They either throw their bags in a room with no individual closet reserved for such purposes or hang their belongings on the wall above the place where they sleep.¹⁷⁵ There is of course a possibility of inmates inspecting or stealing some items from the bags.

Similarly, in the room and outside, a child or an adult can not enjoy a decent private space since every space where an inmate is allowed to move around is appallingly overcrowded. In some of the prisons, the open space is so limited that detainees have to wait for their turn to stretch their legs and walk around in the small space available.¹⁷⁶ This problem is more evident in police stations where there are only a few, usually two, rooms for detention and the detainees are not allowed to go outside the rooms.

While prison officials are passive in the study areas, in some countries in Africa, prison authorities are proactive to minimize the overcrowding. For instance, an amendment to the South African Criminal Procedure Act allows prison heads to apply to court to authorize the release of people who have been granted small amounts of bail, but who have been unable to pay. New provisions in the new Malawi Prisons Bill also allow heads of prisons to approach the Chief Magistrate in their area when his/her prison is 'so overcrowded that the safety, human dignity or physical care of prisoners is being affected materially' to consider bail for any remand prisoner; or when an un-sentenced prisoner is seriously ill; or when his/her trial has not begun within a reasonable period.¹⁷⁷ Since many children and adults are detained because they are unable to pay the bail money set by the court, similar arrangements could be envisaged in Ethiopia too.

Diversion programmes for adults could also minimize overcrowding. In Sudan, for instance, the Criminal Procedure Act states: "an injured or interested party may relinquish his/her private right in the criminal suit by pardon or conciliation at any time before passing a final judgment." Lawyers and NGOs apply this provision regularly to release many waiting trial prisoners - including those facing homicide charges. The lawyers/NGO representatives communicate the regret of the offender to the victim(s) and family and ask for their forgiveness by offering compensation for the harm caused. One central tenet of Islamic law is that it is based on pardon and reconciliation. In fact many indigenous cultures of Ethiopia emphasise "pardon and reconciliation" and, in many places where the formal justice system is not functioning, many disputes are being resolved by traditional conflict resolution mechanisms in such manner. It would therefore contribute a lot to improve the situation of children conflicting with the law if such mechanisms are formally recognized.¹⁷⁸

Meals: In all the prisons visited and at the Rehabilitation Centre in Addis Ababa, meals are provided three times a day at assigned times for breakfast, lunch and dinner. The meals are usually delivered in the rooms where the inmates sleep and it is also the responsibility of everyone to have their plates and cups ready to receive the provisions.¹⁷⁹

¹⁷³For Instance, in Jimma, the prison built for less than 1000 prisoners is now entertaining more than 1800.

¹⁷⁴Interview with Judges

¹⁷⁵Field notes of researchers assigned to Ambo prison

¹⁷⁶Field notes of researchers assigned to Jimma prison

¹⁷⁷Prison Reform International, *Good practices in reducing pre-trial Detention*, 2003 available at <http://www.penalreform.org/download/Good%20practice%20paper.pdf>

¹⁷⁸Ibid

¹⁷⁹FGD with children at Bahir Dar. Children mentioned that the prison administration does not supply plates or dishes to receive shiro wat. As a result they mentioned the possibility of inmates with no relatives eating only the injera without the shiro wat for lack of plates or dishes at the time of supply.

In the prisons, in particular, the children complain that the food is not of good quality and is lacking in variety. Many of the children contacted complained that they could not eat the food for some days, sometimes up to two weeks, due to the quality and the monotonous meals of a cup of tea with a piece of bread for breakfast and 'injera¹⁸⁰ and shiro wat'¹⁸¹ for lunch and dinner.¹⁸² The bread for breakfast is sometimes distributed the day before and the children usually eat it on that same day when they feel hungry and are left with only a cup of tea for breakfast.¹⁸³ Many of them prefer the police station where they have been detained before joining the prison as regards food because at the police stations they used to get meals from families almost every day. Since they are not easily accessible by their families while in prison, they only have to get used to the food everyone hates to eat.

Informants noted that in the past they used to have meals with meat once a month or in two months. But due to recent price increase on some food items, serving such meals has become impossible at the moment. Actually prisoners themselves are responsible as far as administering financial issues related to foodstuffs are concerned. The food committee composed of prisoners would make decisions on the available budget, including the manner of procurement. In fact, the prisoners themselves understand the problem that the budget at their disposal cannot improve the quality of food. Even though they have requested for budget increase many times, it is not heeded to by the government.¹⁸⁴

Perhaps due to the financial constraint mentioned, the prison administrations do not provide special meals for children who are not able, for instance, to eat the ordinary meal for health reasons. Therefore, children who are having a stomach problem (gastritis) would be left with no other choice than consuming the food that causes pain to them all the time.¹⁸⁵

In the police stations, the practice with regard to the provision of food may vary from one place to another. In some places, the police may not have a budget to provide food for detained children. In others,¹⁸⁶ the police may have a very small amount of budget for detainees without families or relatives who can bring them food.¹⁸⁷ But the amount is usually used up in the first few days of the month. If a child with no relative is admitted after all the money is spent, he/she has to rely on other detainees for his/her survival at the detention centre. The situation is relatively better in the Addis Ababa police stations where detainees regularly get one meal in 24 hours.¹⁸⁸

At the Rehabilitation Centre in Addis Ababa, the situation is relatively better compared to the prisons and police stations though it is not ideal. The children are provided with meals of a relatively better quality and variety. However, children detained in the institutions are complaining about the quality as well as quantity of food being served.¹⁸⁹ They all agree that the meal is not sufficient and no meat or milk products are included in the breakfast menu. One of the tutors also agrees to the allegation made by the children about the small quantities of food noting that some children, after they have finished their meals, would wait for others to pick up any leftovers.

Bedding and Other Services: As far as the sleeping arrangement in the prisons is concerned, children and other prisoners are not provided with stuff necessary for a good night's sleep. In all areas, clothes, beds, mattresses or blankets are not issued to prisoners. In all prisons the research team visited, the sleeping arrangement is either an empty room or a mat made of grass spread

¹⁸⁰A pancake like local bread made of teff

¹⁸¹A stew made up of ground beans and peas.

¹⁸²FGDs with children deprived of their liberty at Awassa prison

¹⁸³FGD with children deprived of their liberty at Ambo prison

¹⁸⁴It is currently 3.50 birr/day for every prisoner

¹⁸⁵FGD with children deprived of their liberty at Ambo prison

¹⁸⁶Interview with police officials at Ambo and Debre Birhan. for Instance

¹⁸⁷Interview with police officials at Jmma and Dessie (the budget is limited to 2-3 Birr per day for a prisoner

¹⁸⁸Interview with police officials at police stations in Addis Ababa

¹⁸⁹FGD with children deprived of their liberty at the Addis Ababa Correctional Institute for Juvenile Delinquents

over the floor. This is so for both male and female cells. It is common knowledge that the rooms could be infested with lice and other kinds of vermin that could easily transmit diseases. Children complain that, due to the congestion, the room sometimes becomes very hot during the night in summer. On the contrary during cold weather, the room temperature gets very low. The small windows on the walls of the rooms cannot be closed. Though the rooms are being cleaned by the prisoners on a regular basis, the research team observed that the smell of dampness could still be detected in almost all sites.¹⁹⁰ It is also normal that detainees use a plastic container for a toilet, which is unhygienic.¹⁹¹

In most of the prisons, children are not issued with clothes and blankets when they are admitted.¹⁹² There are cells with wooden beds, but, in most instances, children sleep on floors. Prisoners are allocated a better sleeping place according to the number of days they have stayed. The longer a prisoner stays in a cell the better becomes his/her sleeping quarter.¹⁹³ However, committee members responsible for the distribution of beddings in the rooms could unfairly use their power to break the rule in exchange for money or other privileges.¹⁹⁴ Normally prisoners buy mattresses (about 10 cm thick and 50 cm wide) with Birr 3-5 from prisoners who do such business in the prison. Some detainees, who can afford, could buy more expensive beds as well. Since most of the children cannot afford, they have to sleep on the freezing floor with nothing more than a piece of cloth or thin straw mattress.¹⁹⁵ Though many of the girls in the Addis Ababa prison have the exceptional privilege to sleep on a bed, some of them were, however, complaining that they have to share the bed with adults.¹⁹⁶

The following statement by a child contacted for this study gives a typical overview of the conditions of the accommodation in the prisons:

*"The food is of very poor quality and we are not given enough portions. The rooms in the prison are also very crowded. We sleep on a thin straw mattress on the floor without blankets or bed sheets. There is also a shortage of water in the prison compound; water is rationed with each prisoner getting a liter or two for drinking and washing. The number of latrines is not sufficient, forcing us to stand in line for a long time to use a toilet. Moreover, the toilets are always dirty and are not properly maintained."*¹⁹⁷

Children have to buy soap with their own money or beg their acquaintances for soap. One child said: *"I sold my clothes to buy a bar of soap."*¹⁹⁸ Although children confess that they can have a shower and wash their clothes now and then, the research team observed a different situation. They rather look dirty and troubled. In some areas, however, water is not always available and detainees are only allowed to use it for a specified time during the day.¹⁹⁹

"The door of our cell is usually closed around 5:00pm. After that, we are not allowed to go out for whatever reason. We use a plastic container as a toilet during the night. If someone pees after 5:00am in the morning, he has to empty the container when the door opens in the morning. Sometimes, I struggle to control myself not to pee after 5:00am"

(A 17-year-old child in Ambo Prison)

¹⁹⁰As per FGD and Interview with children, this is perhaps due to the fact that inmates, due to lack of budget, rarely use detergents to clean the rooms.

¹⁹¹FGD with children. Bahir Dar

¹⁹²The exception is the prison at Jimma

¹⁹³At Bahir Dar, during FGD, children were complaining that older inmates or inmates who have some money have a better sleeping quarter while small children and inmates with no money are forced to sleep in the poor place or near the door where inmates pee during the night.

¹⁹⁴Interview with the head of the Prisoners' committee at Jimma prison

¹⁹⁵FGD with children deprived of their liberty at Ambo and Awassa prisons

¹⁹⁶Interviewee, at Addis Ababa, mentioned that she sleeps with an old woman on the small bed. She says that she is always nagged by the woman to give her more space as a result of which she spends sleepless nights but she compensates the loss by sleeping during the day.

¹⁹⁷FGD with children deprived of their liberty at Awassa prison

¹⁹⁸interview with a 16-year old child at Ambo prison

¹⁹⁹FGD with children deprived of their liberty at Awassa prisons

With regard to the Rehabilitation Centre; beds, mattresses, blankets and sheets are issued to every child admitted to the institution. Children are also provided with bars of soap regularly to keep their body and clothes clean and, unlike prisons and police stations, the bathrooms are accessible 24 hours a day. The rooms are also relatively spacious and look comfortable. However, many children complain that the mattresses are sometimes torn in half due to old age. Personal clothing is also provided at the institution, though a child might wait until the court finds him/her guilty. Otherwise, he/she could be wearing very dirty and worn-out clothes for some days after he/she is admitted to the institution.

2.4.4. Education, Vocational Training and Work

Education: In many prisons, formal education is available in the prison compound and in general it is only up to grade 6 or 7.²⁰⁰ The teaching is conducted following the regular curricula of the Ministry of Education (MOE). Therefore, only children who have not yet completed grade level 6 or 7 would have the opportunity to continue their education while in prison. Children who have already completed grade 6 will have to sit idle or join a lower grade they have already passed through. The services given by the schools are also limited due to capacity limitations. One informant said:

“There is a school for grades 1 through 7 as well as vocational training in woodwork and metal work’ in the prison. But, the school does not have enough teachers. Thus, those children on remand and those staying in prison only for a few months are not admitted. Only those who have been sentenced for a longer period attend school. The same thing is true for vocational training.”²⁰¹

There is no practice of allowing children in all the prisons visited to pursue their education outside prison. As a rule, officials at the Rehabilitation Centre do not recommend children to pursue their education outside the compound to avoid their escape.²⁰² Notable exception is that at the Rehabilitation Centre, there was a boy attending grade 9 in a public school outside the institution as per a court order upon the recommendation of officials of the institution.²⁰³

Unfortunately, the majority of children interviewed do seem to lack enthusiasm to join school while in prison. One of the major reasons is that they are not entirely sure for how long they would be staying in prison since many of them are awaiting a formal charge or expecting to be released at any time. Previous studies also indicate that more than half of the children are in prison for a duration of less than a year.²⁰⁴ Therefore, children would find it meaningless to start attending school only for a few days or weeks. Others, particularly those children coming from the rural woreda, are illiterate and as a result do not seem to show interest in education. On the other hand, in many places, children themselves have to cover expenses for exercise books, pens and books.²⁰⁵ At times, children are incarcerated after the deadline for school registration has passed leaving them no chance for the entire academic year.²⁰⁶ The medium of instruction could also exclude some children from pursuing education. In Jimma, for instance, courses are delivered in **oromiffa** making it difficult for children speaking other languages.²⁰⁷

At any rate, the schools that are available are not up to the standard in providing quality education for children. In some places, for instance Jimma and Dessie, there is shortage of rooms and lack

²⁰⁰A notable exception at Debre Birhan, school is up to 8th grade

²⁰¹FGD with children deprived of their liberty at Awassa prison

²⁰²Interview with officials at the Addis Ababa Rehabilitation Centre for Juvenile Delinquents

²⁰³The boy in question is allowed only because he is a foreigner (a Sudanese) and according to officials he has no intention of escaping because he has nowhere to go.

²⁰⁴Prison Fellowship Ethiopia, The study on *the situation on children in Ethiopian prisons*, 2005(unpublished)

²⁰⁵In Addis Ababa prison (Addis Ababa) some children have noted that they do not attend school because they are unable to cover such expenses.

²⁰⁶Interview held with a child at Debre Birhan complained. He said that he could not pursue his education in the prison because he could not present the certificate from his previous school. The administration has not helped him to get it.

of relevant books. The libraries accessible to detainees have only a small number of books which are sometimes worn out due to old age.²⁰⁸ The prison administrations apparently **are** not capable of furnishing the libraries or students with the necessary up-to-date educational materials. In rare instances, for instance in Jimma, children sometimes obtain exercise books, pens, books etc, from the International Committee of the Red Cross. The libraries have been equipped with books donated by the International Committee of the Red Cross and few other NGOs. As usual, the prison administrations argue that they are not able to cover such expenses due to limited financial resources.

At the Rehabilitation Centre, children attend a school situated within the compound. The school also admits children from the neighborhood to make the situation look normal for the detained children.²⁰⁹ Apart from the regular class hours, the school also organizes tutorial lessons for children to help them improve their performance. However, some teachers stated that children from the Rehabilitation Centre are not very serious about education. The children might be displaying such a disposition perhaps because they are not very certain about their fate in the future as many of them have been separated from parents for a long time.

Generally, the prison administration and the police do not pay adequate attention to the education of children. There are neither counseling services nor any other mechanisms to help children appreciate the value of education in all detention centers.

Vocational Training: Officials in various prisons claim the availability of vocational training for prisoners. The fields of training include woodwork, metal work, tailoring and handicraft for men and tailoring, weaving, embroidery and stitching for women. One official remarked:

*"Vocational training is available In the prison. I personally know of a number of former prisoners who have been employed in the fields they were trained here after being released. There Is also a plan to construct a new building for this purpose."*²¹⁰

The training packages apparently reflect a strict gender division in the types of vocational training that is provided to men and women. The prison administrations note that it is not obligatory for women or men to stick to their traditional roles. However, they mentioned that they have not come across an instance whereby female inmates prefer to take the training packages provided to men. The girls interviewed seem to have no intention of joining the metalwork or woodwork which is traditionally considered as men's profession. Nevertheless, in almost all prisons, the vocational training is not functioning properly due to lack of funds to purchase the necessary equipment or the prison administrations are unable to maintain the old ones.²¹¹ In sites where there is vocational training available, most children have already missed the deadline for registration or else the available vacancies are full.²¹² On the other hand, projects such as metal and woodwork were initiated by Prison Fellowship Ethiopia in some prisons to reach, in particular, children below the age of 18 with qualified trainers employed. However, the coordinator of the project at Jimma complains about the lack of commitment on the part of the children. At Ambo, the same organization established vocational training in tailoring to a small number of adult inmates serving long sentences. The trainees with small seed money are now earning an income from the skills they acquired during their detention.

²⁰⁷Prison Fellowship Ethiopia, *The study on the situation of children in Ethiopian prisons*. 2005(unpublished)

²⁰⁸Based on the observation of the research team, the library in Bahir Dar is relatively better with relatively spacious room and a large number of books

²⁰⁹Interview with a teacher at the school

²¹⁰Interview with prison officials at Awassa prison

²¹¹At Bahir Dar, vocational training is available in weaving and metalwork, but due to few spaces available, only inmates sentenced for more than two years are entitled to it, virtually excluding many children.

²¹²FGD with children. Addis Ababa Prison

In most cases, children rather struggle to learn skills from other prisoners who have spent longer period of time in the prison other than through formal training. On the other hand, quite a number of detainees are making money by engaging themselves in tailoring, woodwork and handicraft. Unfortunately, a child may only have a chance to learn tailoring, for instance, only if the owner of the sewing machine is interested to teach him/her. Children have to pay or do some free service in order to learn the skills.²¹³ In some cases, the owners of the sewing machine. - may even forbid the child from watching while they are sewing.

At the Rehabilitation Centre, the officials noted that vocational training is available, including training on the farm. However, the metal and wood workshops are not functioning in a regular way. At the time of the data collection, children were not producing the quality materials they used to produce in the workshops some years ago due to poor training and lack of funds.

Some initiatives are, however, being taken, in some prisons to improve vocational training. For instance, the Oromia Prison Administration was organizing vocational training in wood work, metalwork, tailoring etc for about 15 inmates in Jimma prison. The arrangement is that the trainees would then train other inmates in the prison.²¹⁴

Working Conditions: Remunerating work is not always possible for detainees. In some prisons, the preparation and distribution of meals to inmates are remunerated.²¹⁵ since the payment is normally very small, these tasks are mostly done by children. However, prisoners, including children, are not remunerated for the tasks assigned to them. The tasks assigned to children in these prisons include fetching firewood, shifting out chaff from teff or maize to be processed and to be prepared for lunch and dinner for prisoners and doing other manual tasks.²¹⁶ A child lamented:

"There is a lot of manual work and the tasks we are assigned to do- Yet it is too difficult for us to carry out. For example, we are assigned to remove mud and to collect sand from river beds. Those who have money can use wheelbarrows while those who do not have money carry the sand in sacks. Though wet sand is too heavy for us to carry, we do not have a choice other than doing what we are told to do. If we fail to do the work we are punished. All this work is done without payment."²¹⁷

Another child mourned: "We carry big sacks of teff and maize. However, we don't even receive soap to bathe and to wash our clothes"²¹⁸

Though children have been complaining about this problem for sometime, it has not yet been resolved. A girl also informed the research team that the above mentioned tasks were consuming her study time. On the other hand women with small children revealed that they lacked the time for weaving to make money and cover expenses for soap and for food for themselves and their children.²¹⁹

"I hurt my foot when splitting firewood. I still feel the pain. No one listens to me when I request that we should be given lighter tasks."

(A 16 year-old child at Debre Birhan Prison)

²¹³For instance, up to 5 birr at Ambo Prison.

²¹⁴Interview with the prison administrator, Jimma Prison

²¹⁵Interview with prison officials in study areas

²¹⁶Sometimes children avoid the task if they can afford to pay some amount of money. At Debre Birhan, a child said that he avoided carrying a heavy sack by paying 25 cents.

²¹⁷FGD with children deprived of their liberty at Ziway prison

²¹⁸FGD with children deprived of their liberty at Ambo prison

²¹⁹Interview with female prisoners with dependent Infants at Ambo prison

The most common practice in several prisons is for children to work as assistants to other prisoners who are already competent handicraftsmen, traditional shemanes, or tailors. Since some children urgently need the money, they work for a small amount of money paid by these 'employers'. In some places, children, usually girls, are 'employed' by adult inmates to carry out such tasks as cooking and washing clothes.²²⁰ The majority of the interviewed children noted that the reason why they do not work in the prisons is not because of lack of expertise, but because the jobs that are offered are difficult and are not well paying. Officials in the prison administration, on the other hand, blamed the children for lack of commitment but, however, admitted that there has not been any attempt on the part of the administration to help them improve their attitude in a positive way. Whenever a child succeeds in producing a souvenir item or a ready-made garment, she/he has every right to sell the product within or outside the prison but she/he has to pay a certain amount of "duty" to the prison administration.

"There are some jobs in the prison compound. There is weaving, dyeing cloth, and splitting firewood. We can only weave a fabric if a prisoner has assigned the job to us. We can do dyeing and get paid 75 cents for a whole day's work. You are also paid 25 cents for taking out the urine pail from our rooms."

(A child's comment during the focus group discussion with children, Bahir Dar)

2.4.5. Recreation

In prisons and police stations, the space available for detainees is very small. This restricts strolling around let alone playing such outdoor games as soccer or volleyball.²²¹ One child informant said: "Though we all spend the day outside our rooms, the compound does not have sufficient open space for playing."²²² In this regard the situation at the police station is even worse. In some instances, children are locked up in their cells day and night. But whenever they are allowed to come out of their cells during daytime, there is no space for any meaningful exercise or movement. "This was typical of the police stations visited.

In prisons where open space is more available to inmates, there is a small sports ground (usually not more than 20x20 sq.m.) that is used for a few outdoor games usually like soccer and volleyball. In light of the large number of detainees, the space available is not enough for decent recreational activities.²²³ It is very unlikely that children would have an equal chance with adults to enjoy the small space available. The most popular game in several prisons is table tennis. One may find one or more tennis tables in every prison. Since the tables are controlled by adult prisoners, children have, therefore, to pay a small amount of money to play for a few minutes.²²⁴

Consequently, children do not participate in most of these outdoor activities due to lack of money. Some children are not interested at all. Particularly, those coming from the rural areas because they had no prior experience of playing these types of games. Thus, many of the children spend much of their time by sitting idle, anticipating the day when

²²⁰Interview with children at Addis Ababa prison and with a child at Bahir Dar Prison

²²¹In some areas, for instance Debre Birhan, children do not have the necessary materials such as soccer balls to play the games in the first place. Some children asked the research team to convey a message to an NGO in Addis Ababa requesting for sport kits such as soccer balls

²²²FGDs with children in Awassa prison.

²²³1800 prisoners were in Jimma Prison.

²²⁴For instance, 10 cents and 20 cents a game at Bahir Dar and Ambo prisons respectively.

they will ever leave the prison or the outcome of their trial. At the Rehabilitation Centre in Addis Ababa, however, children can play table tennis made available in their bedrooms and also play soccer and volleyball in the playground. However, children frequently find themselves locked up in their cells and miss the games outside their rooms. The officials at the Rehabilitation Centre admit that they lock them up when the tutors are not around to prevent their escape.

*"Prisoners who play table tennis are only the older inmates and those who can afford it."
(FGD with children. Bahir Dar)*

As far as the opportunity for leisure is concerned, female prisoners apparently receive less attention, perhaps due to their small number. There is no space arranged, for instance, for girls to play such games as volleyball, table tennis or similar outdoor games at the Rehabilitation Centre. As a result, female children spend much of their time talking to each other in their rooms. Even chatting in groups could be restricted sometimes. Some children note that tutors usually separate children when they see them talking together to prevent a conspiracy escape.

There is no programme or arrangement to encourage or to motivate prisoners, children in particular, to be actively involved in leisure and sporting activities in almost every prison or detention centre. According to the research team's observation, children look very detached and more often display a defeatist attitude. They feel they have no right for such luxury while they are in prison. On the other hand, girls appear more disadvantaged since they are few in number compared to older women. As a result, it is difficult for girls to find peers with whom to associate. Many of the girls recount their unhappiness.

Some children sometimes enjoy reading novels they borrow from the libraries or receive from relatives outside the prison.²²⁵ But since the libraries do not have sufficient collections, it is not always possible to read books that interest children. In some places, the librarians are some, times reluctant to lend books to children alleging that they will damage them.²²⁶

2.4.6. Religion

Children interviewed during the study disclosed that they follow different religions such as the Ethiopian Orthodox faith, Islam and Protestantism. Surprisingly, one can observe buildings that are constructed for prisoners to exercise their faith in all prisons. By and large, the cost for building and organizing such places of worship is covered by other organizations such as Prison Fellowship Ethiopia. The presence of these places of worship is very much appreciated by some children. A number of them enjoy spending a lot of time in the mosque or in the church praying or meditating.²²⁷ These religious services are mostly available for male detainees because the buildings are usually located in the compound where men are detained. Even though women are allowed to join the men in the places of worship, they are always escorted by the prison guards.

²²⁵However, in many places (e.g. Bahir Dar, Jimma, and Dessie) children note that they are not allowed to read any newspapers and magazines except those containing news and articles on sports and romance.

²²⁶For instance, FGD with children at the Rehabilitation Centre and at Ambo.

²²⁷FGD with children, Ambo prison

But since the prison guards are most of the time reluctant to accompany them (as they claim it is not part of their job description), the attendance of women and girls in places of worship depends entirely on the willingness of the guards. Most female detainees do not show any articulate interest to go to the church or the mosque as they do not consider it as a right.²²⁸

"There is no counseling service here. It is full of people who talk politics and accuse us of being fed by the government for sitting idle."

(FGD with children, Bahir Dar)

While children detained in police stations and in the Rehabilitation Centre speak about their religious faith with confidence, the absence of any programme for children to exercise their faith individually or in groups will probably have a negative impact when they join the community later on as the Ethiopian community bestow great value on religious persons.

2.4.7. Provision of Medical Care

Medical Services: When children are admitted to prisons, they are not required to undertake medical examinations. They may utilize the medical service available in prisons when they fall sick during detention. In some places, to avoid communicable diseases from new arrivals, a room is reserved where the newly admitted detainees are quarantined for some days to allow them to clean their clothes from parasites that could transmit diseases.²²⁹ Despite such measures, children fall sick from communicable diseases such as typhus and typhoid.²³⁰ The practice of quarantine is not carried out in police stations and in women's wards, where newcomers with all their dirt (and sometimes with vermin) are allowed to mix and sleep close to other detainees.

There are small clinics usually run by health assistants in the prisons. The health assistants treat minor complaints on the spot and refer more serious cases to hospitals. Children, however, are not happy with the services rendered in these small clinics in terms of quality and service availability. In some places only a fixed number of inmates have a chance to see the health assistant.²³¹ Unless it is an emergency, the child has to wait until the next day to be the lucky one to be selected by the health committee to see the health assistant. It is also unlikely for the child to get another chance to see the health assistant if he/she falls sick again after few days. This procedure is followed presumably to give an opportunity for each sick detainee to have a chance to see the health assistant.²³²

Once a child is admitted to the clinic, the health assistant may treat him/her and prescribe medicine if the illness is a minor one. In some of the prisons, the clinic provides cheap drugs, such as painkillers free of charge. If the drug prescribed is expensive, the child has to procure it by himself/herself. In few instances, for example at Jimma prison, the prisoners' committee covers expenses for medication for seriously sick detainees who cannot afford the cost.

The quality of the service and the manner in which children are treated by the health assistants is not adequate, as many children claim. At Ambo, children complain that the health assistant does not treat them as patients and usually shouts and screams at them. Sometimes the health assistant

²²⁸FGD, with children in several study sites

²²⁹Interview with prison officials at Ambo prison

²³⁰Interview with prison officials at Addis Ababa prison

²³¹In Addis Ababa prison, for instance, 6 persons from a cell selected by the health committee, can get access to health services. In Debre Birhan, a child complained that even though he requested the health committee to allow him to be treated for a disease caused by tapeworms two months ago, he had not been treated yet.

²³²FGD with children, Addis Ababa Prison.

does not consider children's complaints as genuine. A child from Ambo Prison complained about a pain in his stomach which prevented him from eating his meals, but according to him, the health assistant did not pay adequate attention to his problem. Some children (at the Rehabilitation Centre) also complain that they do not receive proper medication in accordance with their need. The authorities, on their part, accuse the children of pretending to be lit because they want to get a chance to go outside their cells.

"We don't get medical services immediately. If one ask for medical treatment today, he/she would be taken lo the clinic after a week. For instance, I reported tonsillitis in the morning. But I was told to wait until the next day."

(A 12 year-old child al the Addis Ababa Rehabilitation Centre)

Having only a health assistant in the prisons might have compromised the quality of the services. In some instances; for example, in the Addis Ababa prison, some children were complaining that they were given drug prescription intended for other types of disease. Some children with broken hands or legs (the research team witnessed their condition) were only given painkillers for treatment. They were neither given x-ray tests nor allowed to see a qualified doctor.

"Only a person who has money can go to hospital. A person who has no money is likely to meet his death."

(A 16 year-old child in Jimma prison)

Almost in every study area, substance abuse prevention and rehabilitation services are not available despite the presence of detainees who smoke cigarettes in all prisons and detention centers. The Rehabilitation Centre in Addis Ababa is the only exception where smoking is prohibited. Some children in different study areas informed the research team that they are now addicted to smoking cigarettes after their detention in the police station. However, almost all children contacted during the research denied any addiction to stronger drugs. While detainees have the right to smoke cigarettes, no professional intervention is taken by prison authorities to prevent children from smoking. The prison in Ambo, at some point in time, tried to ban the selling and smoking of cigarettes inside the prison in an attempt to stop the habit of smoking. However, the ban was lifted shortly because there was a strong opposition from prisoners, and it was practically impossible to prevent the underground sale of cigarettes. Moreover, some prisoners suffered from nicotine withdrawal symptoms.²³³

At the Rehabilitation Centre in Addis Ababa, smoking and possessing drugs or cigarettes are prohibited. However, since there are some children who are already addicted to smoking cigarettes or stronger drugs, as alleged by the tutors, they seem to be experiencing health problems as a result of the ban. But strangely enough, it is not considered a problem that needs attention. In the absence of a drug rehabilitation programme, children are thus left to cope with the problem on their own. Perhaps the frequent attempt by children to flee from the Rehabilitation Centre might have been triggered by a problem related to drug or cigarette addiction.

Psychosocial Support: One may easily observe the expression children display everywhere in the detention centers and prisons. A lot of uncertainty and confusions are visible on their faces. Children are afraid of simply finding themselves in prisons. Even though most of them have not yet been formally charged of a crime, they consider themselves guilty because they are put in prison. Some children, who were charged with theft allegedly committed on the streets, were found guilty, and were sentenced after they failed to present defense witnesses. Some children do

²³³Interview with a prison official at the Addis Ababa Rehabilitation Centre

not even bother to present defense witnesses because they think that the court knows the 'truth'. For instance, a child of 17 convicted of rape in the Addis Ababa Prison is still refusing to accept the fact that he had been convicted. As a result, he spends sleepless nights. Since counseling services are not available in prisons, he is borrowing sleeping pills from an adult prisoner who is aware of his unfortunate predicament.

It is true that it will be difficult for most prisons to find qualified personnel to provide counseling and related services to children and adults. Detained children are thus left alone to endure a psychological trauma that could easily be addressed. At the Rehabilitation Centre, though the counseling services provided to children are formally recognized, they do not seem to be helpful. Most of the time, counseling about good behaviour and discipline is carried out by the head of the institution in a series of lectures in the conference hall. In the opinion of the tutors, such practice is not yielding any fruit in improving the behaviour of the children. It is rather boring to the children and they usually do not pay attention to it. The children instead chat with each other during such sessions. There is no individual counseling support provided to children, including those accused of serious offences such as rape. In the absence of such indispensable services to children, it can be concluded that the successful rehabilitation and integration of children would not be possible.

Notification of Health Problems: There seems to be no practice to inform families when their children fall sick. In the prisons, it is usually the detainees who try to contact their families when they fall sick in order to obtain financial support for medication. In many cases, particularly in prisons outside Addis Ababa, since many of the children are from rural woreda, officials were practically unable to call families in times of sickness. It is usually when a prisoner dies that the prison administration makes every necessary effort to reach families or relatives to hand over the corpse. At the Rehabilitation Centre, the practice is not any different. The officials do not worry very much to contact families in case of any illness.

2.4.8. Contact with the Community

Generally, in prison and at police stations, there is a practice of allowing detainees, including children, to communicate with families. The level of privacy allowed is, however, different in both places. Since many of the detainees at police stations are suspects, whose cases are still under investigation, communication with family members is highly restricted to avoid tampering with the evidence yet to be collected by the police. Even though families are allowed into the police stations to bring food to the detainees, the level of contact with the detainees is not more than simply handing over the food packages and exchanging a few words of greeting over the fence. Communication via letters/mail is also highly censored both in prisons and police stations. Though this style of communication with family members is not popular as far as children are concerned, the police are adamant about censoring the few letters coming in and going out. The use of the telephone by children is very rare or totally absent. The telephone is usually used by the police to call families or relatives when a child below the age of 15 is under custody for an alleged crime.

Communicating via telephone is not common in prisons. There is no telephone line or a pay phone the prisoners can use to contact their families. In some places, for example at Jimma prison, officials allow detainees only to receive calls from outside but not to make calls. Many of the children are not as worried about the availability of telephones as to the opportunity of meeting with their families. At the Rehabilitation Centre, the situation is not any different. There

is no budget allocated for telephone calls or other related expenses. A few children contacted by the research team had complained that they could not call their parents.²³⁴

As far as the situation in prisons is concerned, there is a weekly arrangement whereby detainees can meet their visitors in person. The arrangement varies from one prison to another. In some prisons (for instance, Dessie prison) there is a daily programme during certain hours. In others, it is two to three days a week. This arrangement, however, is not a rigid one because visitors coming from woredas located far off are given opportunities to meet with the detainees outside the regular programme. There is an open hall for the purpose of meeting visitors.²³⁵ Normally benches are arranged in the hall allowing visitors and detainees to face each other at arms length, where they can also have a chance to embrace and hug their relatives or families. However, the atmosphere seems to allow little chance of having a private talk.

Generally, in prisons, children are not affected by the inconvenience of the visiting programmes. They are rather worried because their parents do not come to see them. One of the reasons for this is that most parents reside far away and may not afford the transportation cost to visit them regularly. Children prefer the police station to prison because in the police stations they are visited by families almost every day due to proximity. Another reason could be that parents have the impression that children who are in prison are in safe hands and therefore they do not bother about regular visits. A mother of a child staying at the Rehabilitation Centre in Addis Ababa said that she had heard that the institution is a very good place for children in every respect. Consequently, she has never been too eager to visit her child.²³⁶ The Rehabilitation Centre used to allow children to visit their families when schools are closed. In a previous study, it was stated that children could leave the facility for vacation and join their families.²³⁷ But this practice does not exist any more. In fact the head of the institution noted that he was not aware that such a practice existed in the past.²³⁸

Access to the outside world through the media is generally permitted in every place of detention with some restrictions in police stations. Detainees in prisons can watch TV or listen to the radio in their rooms. But in many places, the radio and the TV sets are privately owned.²³⁹ In order to enjoy such privileges, detained children said that they had paid 2 Birr the first day they were admitted.²⁴⁰ In Dessie, girls were made to watch TV every other day due to shortage of TV sets. Getting access to the latest newspapers is almost impossible everywhere.

At the Rehabilitation Centre in Addis Ababa, children can watch TV and video films. Some detained children explained that their chance of watching TV was dependent on the discretion of the tutor. The tutors argue, however, that the TV set is only moved to a different place to avoid any damage being done by the children.

In all detention centres and prisons detainees are not permitted to leave the facility for family visit or education. However, in exceptional cases, for instance when members of the families of the child (usually close relatives) are seriously ill or are dead, the prison administration makes arrangement for children to visit their sick relative or attend the funeral.

²³⁴FGD with children at Rehabilitation Centre in Addis Ababa

²³⁵It is built by Prison Fellowship Ethiopia in all study areas, interview with Programme Officer

²³⁶Interview with a mother of a detained child, Rehabilitation Centre

²³⁷Radda Barnen. Save the Children (UKI and Children and Youth Affairs Organization; *Innocent Offenders; the state of children in conflict with the law and juvenile justice administration in Ethiopia (1996)*

²³⁸Head, rehabilitation centre, Addis Ababa.

²³⁹For instance, Jimma and Ambo prisons

²⁴⁰FGD with children at Ambo prison

2.4.9. Protection from Violence/Abuse and the Complaint Mechanism

Physical and psychological violence: Violence can have many effects on children, which can be felt many years later. Effects may include: physical and health problems, as well as changes in the development of the brain, bruises and fractures. Other effects include difficulties in dealing with other people, learning problems, inability to express feelings in a way that others can understand, emotional health problems such as anxiety, depression, aggression or desire to commit suicide, using drugs, or having sex at a very young age.²⁴¹ Children, almost in all detention centres and prisons, stated that they do not experience physical violence from peers and older inmates. At the same time, out of respect or fear of abuse, children run errands for older inmates, such as fetching water or washing clothes.²⁴² It appears, therefore that children have to behave to please grownups and to avoid any type of abuse.

However, children are subjected to violence if a discipline committee composed of prisoners finds them guilty of wrongdoing and prescribes a type of punishment to be administered on them. As many children pointed out, the type of corrective measures administered by this body includes forced labour, strenuous physical exercise, and cuffing. Despite the denial by prison officials that solitary confinements and corporal punishments do not exist as types of punishment, some children confirmed their experiences in some prisons.²⁴³

I Think the prison is good for me. But what I hate is the beating or chaining when we refuse to work."
(A 17 year-old boy from Ambo Prison)

Children could also be subjected to collective sanctions.²⁴⁴ In Dessie, for instance, a missing piece of soap in a shower room resulted in penalizing a group of six children in an attempt to find the actual wrongdoer.²⁴⁵ Similarly, at the Rehabilitation Centre in Addis Ababa, it is common to penalize a group of children to identify the actual offender if something is missing or damaged.²⁴⁶ Accordingly, children complain that they are frequently beaten with brooms and sticks if they talk to each other while having meals. At times, they could be subjected to excessive punishment. A simple laughter, for instance, could cost a detained girl 75 sit-up.²⁴⁷ The previous practice of chaining and solitary confinement of children for wrongdoing is claimed to have been abandoned, despite the fact that some children still allege to have experienced these punishments.²⁴⁸

In most cases, the police officers seem to avoid individual responsibility since they stress that abusing suspects in the police station is officially prohibited. On the other hand, psychological abuse appears to be common in every detention centre. The majority of children reported that they have been called names or insulted by the police during arrest and afterwards. Even the girls who were lucky enough to evade physical abuse could not escape the psychological offence. In the Rehabilitation Centre, where the interview FGD was held with children, physical and psychological abuse appears to be a common practice.

²⁴¹ UN Study on Violence against Children, 2005

²⁴² FGD with children, Addis Ababa prison

²⁴³ Interview with children in Ambo, Dessie and Bahir Dar

²⁴⁴ In Bahir Dar. Children spoke emotionally during a FGD that whenever there is an allegation that they have committed some wrong Everybody would beat and insult them. They also mentioned the presence of a bad smelling dark room Infested with snakes and rats, which may make a person go crazy.

²⁴⁵ Interview with a child, Dessie prison

²⁴⁶ FGD with children. Rehabilitation Centre in Addis Ababa

²⁴⁷ FGD with children. Rehabilitation Centre in Addis Ababa

²⁴⁸ A study conducted a decade ago had depicted the appalling practice of chaining and solitary confinement. Radda Barnen, Save the Children (UK) and Children and Youth Affairs Organization; Innocent Offenders; the state of children conflicting with the law and juvenile justice administration In Ethiopia (1996)

Sexual Violence: Perhaps the most striking difference the research team had noticed between Addis Ababa and the rest of the study areas is the response obtained in relation to the problem of sexual violence. In the regions, children and other groups of informants are very explicit in ruling out the presence of sexual violence in the detention centres and prisons.²⁴⁹ In Addis Ababa, on the other hand, the problem of forced male to male sexual intercourse is confirmed by prison officials as well as children.²⁵⁰ One of the main fears of male children in the prison is that they could be sexually assaulted by an older inmate at anytime. They related instances where inmates they have trusted as friends were caught while they were sexually abusing other inmates. According to the observations of the children, those alleged to have sexually abused other inmates, including the victim, are usually exiled, as a preventive mechanism, to the corner of the room (usually near the door) in order to easily identify them as homosexuals. Apparently, those inmates who engage in consensual male-to-male sexual intercourse will also face the same fate. This could be the main reason why children in the Addis Ababa Prison said that both the perpetrator and the victim will be forced to move to the corner of the room to be easily identified as 'homosexuals'. Every one should avoid mixing with them until they are discharged.

It also appears that such a problem, according to some girl informants, is found only in the men's quarters.²⁵¹ It is a consistent practice in all study areas that female prisoners are guarded by female prison staff. This procedure has contributed to the prevention of sexual abuse by male prisoners or staff against female prisoners.

Children, who were victims of sexual assault, are likely to experience anxiety disorders, depression and helplessness. They also end up being victims of drug or alcohol abuse, fear, flashbacks, lowered self-esteem, sexual dysfunction, physical complaints, suicidal tendencies, suspiciousness and post-traumatic stress. Others suffer from a sense of social isolation and such other forms of disorder or disturbance.²⁵²

Complaint Mechanisms and Children's Participation: The administrative setup followed in every prison is almost similar. All prisons are governed by a set of regulations explaining how the prison should be administered. As far as children are concerned, the most relevant institutions governing their everyday life are the various committees operating in the prisons. About 9 to 11 committees are established to deal with various issues affecting prison life such as health, food, discipline, and housing. (*As an example, see annex V: the structure of the prisoner's council in Bahir Dar prison*).

As a rule, the committees are composed of 5 to 6 members elected from the prisoners.²⁵³ There is also a higher committee that supervises all the sub-committees. The internal rule indicates that the committees have all the power to decide on matters related to their specific mandates. For instance, the health committee is responsible to shortlist patients in a cell who will visit the clinic the next day.²⁵⁴ The house committee is responsible for the allocation of beds and sleeping quarters. Likewise, if quarrelling and fighting takes place between prisoners, the disciplinary committee will be responsible to quell it and pass disciplinary measures against the wrongdoer.

²⁴⁹However, the South Wollo Zone court president mentioned during an interview of an exceptional case where a 15 year old child was sexually abused in prison at Haik Town few years ago. In Bahir Dar prison, a child also mentioned during a FGD that an older inmate attempted to abuse him sexually.

²⁵⁰FGD with Children in Addis Ababa Prison. In the Rehabilitation Centre, children responded that they have not encountered an instance of sexual abuse. However, in the interview held with the program officer of Prison Fellowship Ethiopia, about 65% of the children at the Rehabilitation Centre mentioned, in the previous study, that they have heard about 'homosexual act' in the Centre. Unfortunately, It is not clear whether the alleged response refers to consensual or forced male-to-male Intercourse.

²⁵¹In Awassa, a previous study showed an instance where a fourteen year old was raped by one of the staff within the prison compound. Prison Fellowship Ethiopia, a study on the situation of children in Ethiopian prisons. 2005.

²⁵²See Weibe. "The mental Health Implications of Crime victims' Rights", in Wexler & Winick (eds), *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence* (Durham NC, Carolina Academic Press, 1996).

²⁵³Prison official at Ambo. however, mentioned that they hand picked the leaders of the committees.

²⁵⁴For instance, Addis Ababa prison

Hence, the committee can pass disciplinary measures such as advice, forced labour, heavy exercise or chaining against any prisoner (including children) without informing the prison administration about it. Even though prison officials assert that corporal punishment and solitary confinement is not practiced, the experience of some children in some of the prisons proves the contrary.²⁵⁵

There is no tradition of allowing children to be represented in the various committees or to establish a committee of their own. As a result of this, children are discriminated against in many ways.²⁵⁶ For instance, when NGOs donate clothes, blankets, sheets, etc, priority could be given to adult prisoners who are serving relatively longer sentences than the young ones.²⁵⁷

If children are overlooked or physically abused by an older prisoner or by their peers, they have to lodge a complaint with the disciplinary committee which would investigate the allegation and takes appropriate measures. But many children are not happy with the attitude of the various committee members, in particular, members of the disciplinary committee. Of course, if children are not satisfied with the decision of the disciplinary committee, they can lodge an appeal to the higher committee supervising all the smaller ones. It is only after exhausting these remedies that children present their grievances to the prison administration. But almost all children in the study centres are frustrated because they are often abused by members of the committee under the guise of disciplinary measures. With regard to bringing complaints to the prison administration, some children reported that it does not yield satisfactory outcomes.

To make sure that prisons discharge their responsibilities consistent with the rights of children, the inspection of detention centres by independent organs is indispensable. As far as prisons are concerned, the public prosecution office is the main organ that inspects the prisons and police stations regularly. While prosecutors interviewed in several centres confirmed that they regularly visit prisons to inspect as to how the administration is handling the facility, they were not able to resolve problems related to budget constraint except making sure that duties are discharged in accordance with the available funds. The prosecution usually visits the prisons to check whether there are persons unlawfully detained or when disturbances or brawls occur.

The inspectors interviewed by the research team also agree to the allegation made by children that inspectors do not normally consult with them with regard to prison conditions. They usually talk to adults. In some instances, inmates, including children, who dare to complain to the inspecting officials, could be warned and punished for simply expressing their discontent.²⁵⁸

In the Rehabilitation Centre in Addis Ababa, children are desperate about the responses they obtain from tutors and other officials. While complaints related to accommodation, leisure, health and education are taken note of by officials as a problem of a limited budget which the institution may not be able to improve immediately, complaints related to physical and psychological abuse of children who suffer in the hands of tutors, according to the children, are not handled to their satisfaction at any level.

²⁵⁵Interview and FGD with children in all prisons visited

²⁵⁶FGD with children at Debre Birhan. children noted that older inmates remark that they should not demand equal treatment before serving at least five years.

²⁵⁷Prison Fellowship Ethiopia, 'a study on the situation of children in Ethiopian prisons', 2005

²⁵⁸Ibid.

CHAPTER 3- CHILDREN WITH IMPRISONED AND DETAINED MOTHERS

3.1. Nature and Prevalence

Small children detained with their mothers could be found in a number of prisons. Incidentally, the research team did not find children detained with their mothers in any of the police stations and in the Rehabilitation Centre at the time of the data collection. However, police officers who were interviewed in various police stations pointed out that small child could also be placed in police custody while their mothers are detained pending criminal investigation. In the Rehabilitation Centre in Addis Ababa, officials said that they never had mothers with their children in the institution.

The current trend indicates that children being detained with their mothers are increasing year by year. According to a previous study the number increased, for instance, from 160 in 2002 to 659 in 2004; thus growing over fourfold.²⁵⁹

Table 4. Number of Children Detained with their Mothers

	NAME OF PRISON	NUMBER
1	Addis Ababa prison	8
2	Jimma prison	6
3	Ziway prison	4
4	Awassa prison	7
5	Ambo prison	3
6	Oebre Birhan prison	3
7	Dessie prison	6
8	Bahir Dar prison	11
TOTAL		48

3.2. Causes of the Problem

The main reasons for children to be detained with their mothers are related to socio-economic problems as well as gaps in the legal system.

Socio-economic Problems: Most mothers of the children detained in prison are either accused of serious crimes (such as homicide) or less serious crimes (such as bodily harm and theft).²⁶⁰ Most of the mothers in the prisons are from a poor economic background. For instance, according to the statistics taken from the Addis Ababa prison in 2001, 86.2% of the female prisoners were within the age group of 15-30, of which 40% were unmarried but were mothers; 43% of them committed their respective crime due to their economical problems; and more than 50% of them are either domestic servants or petty retail traders.²⁶¹ Hence, whenever the women are sent to prison for non-bailable offence like homicide, there is no one around to take care of their children mainly because their own families and relatives are in a similar economic situation that may not guarantee the proper upbringing of the child. Even when the mothers are accused of bailable offences, they could still be in prison because they are unable to pay the small amount of bail money set by the police or the court.²⁶²

²⁵⁹Prison Fellowship Ethiopia, the situation of children in Ethiopian prisons, 2005 (unpublished)

²⁶⁰According to data obtained from Prison Fellowship Ethiopia, about 50% of females are accused of homicide (In particular, allegedly murdering their husbands), Interview with the Programme Officer

²⁶¹Fitih Hltsan, The Federal Supreme Court Juvenile Justice Project, bl annual newsletter. September 2002. Volume 1 no 1. P. 6

²⁶²In Jimma prison, a woman with a child accused of the crime of theft was unable to pay 400 birr bail set by the Jimma Woreda court.

*"..Mothers from poorer communities are also brought to the police with their small children when they are suspected of committing crimes. Since they cannot leave their children behind with anyone, the children stay in police custody at least until their mothers are brought to court"*²⁶³

Problems related to the Legal System; The criminal proceedings follow the ordinary procedure even in the case of women with small children. According to the judges contacted by this study, having a child may help in reducing the sentence at a later stage. Based on few cases encountered by the research team, it was confirmed that even the issue of bail might not be assessed differently. There were some mothers, the research team contacted during data collection in prisons, who were unable to pay the small amount of bail money set by the courts or the police.

During the sentencing stage, the judges usually listen to plight of the mother and give order for the child to accompany her to prison. It appears that the best interest of the child is not taken into account in such cases. Although the judges try to order the custody of the child to families and relatives, they do so usually upon the consent of the mother. Some judges do not make an independent inquiry on their own initiative, such as summoning relatives or NGOs to offer the child a better chance. In Jimma, judges sometimes had doubts whether the accused was in fact the biological mother of the child.²⁶⁴ According to them, the accused woman may carry a child who is not hers' to persuade the court for a lighter sentence or else to unfairly utilize the accommodation available at the prison. Apparently some judges seem to be concerned more about the budget of the prison administration than the wellbeing of the child.

3.3. The Situation of Children Imprisoned with their Mothers

Admission to Prison; In the case of children detained with their mothers, the court order only instructs that the child should get accommodation in the prison until the time the mother is discharged from the institution.²⁶⁵ The federal law provides that only children below 18 months may stay in detention with their mothers.²⁶⁶ However, children as old as two years have been admitted in prisons with their mothers.²⁶⁷ Prison administrations pay stipends to female prisoners detained with their children until the infants reach the age of five. Even though the research team did not find children detained with their mothers in the police stations during the data collection, the police officials interviewed revealed that efforts are made to speed up the criminal investigation process of cases involving women with children so that they can quickly be sent home.²⁶⁸

Classification and Placement: As mentioned elsewhere, classification and placement of prisoners in all institutions of detention is uniformly arranged to separate accommodation of female and male prisoners. The study has identified a consistent practice of placing children in the same room with adult women both at the police stations and in prisons. Similarly, the prevalent practice of the placement of children detained with their mothers is keeping them with the other adult female prisoners.²⁶⁹

Physical Environment and Accommodation: Normally, children detained with their mothers are considered and treated as any other prisoner as far as meals and accommodation are concerned. They are allowed to benefit from the daily budget like adults. The practice in several

²⁶³ Interview with Police officials of Adami Tulu Woreda (Ziway)

²⁶⁴ Interview with Jimma Zone High court president.

²⁶⁵ It may happen that children may stay for years in prisons. A prison official at Debre Birhan, for instance, remembers a child who was born and stayed in the prison until he reached the age of 7.

²⁶⁷ Article 28/1/ of the Federal Prisons Commission Establishment Proclamation

²⁶⁸ Interview with female prisoners with dependent children at Awassa, Ziway, Dessie, and Jimma ²⁶⁹ Interview with Police officer, Jimma town police

²⁶⁹ In Dessie and Debre Birhan, however, women with children have separate rooms.

prisons shows that, until the child reaches a certain age, he/she would be provided with cooking oil, milk, pasta and macaroni purchased with the budget allocated for any inmate.²⁷⁰ The mothers of these children, however, complain that such provisions would only last for 15 days at most unless the children, at the same time, are being breast-fed.²⁷¹ The situation has improved substantially in some of the prisons with the opening up of nursery schools, by Prison Fellowship Ethiopia. At the nurseries children are served breakfast, lunch and dinner during weekdays.²⁷²

No special treatment and attention is given to women who breast-feed in all prison facilities. The mothers normally eat the ordinary meal supplied by the prison administration. In all study areas it was learnt that mothers do not get adequate support from relatives. They thus reprocess the meals they receive from the prison to make them more palatable. The mothers are also responsible for additional costs relating to their children.

Education, Vocational Training and Work: There are no adequate educational facilities available to children detained with their mothers in all prisons. Prison Fellowship Ethiopia is providing pre-school education for children within the premises.²⁷³ These children play and receive basic education with the help of one or more tutors who work full time during weekdays. When the children reach formal school age they have to join a public school outside the prison.²⁷⁴

Additional income generation activities in the women prisoners' compound include: tapestry, weaving, sewing, cultivating lettuce, pepper and spinach within the compound. However, the women's compound is very small. In exceptional cases, the prison administrations provide additional plots of land for cultivation purposes.²⁷⁵

Recreation: Since the court order does not indicate how a child detained with his/her mother should be handled, the welfare of the child is not taken into account in many respects. Prison officials keep an eye on these children like adult prisoners. As a result, it is problematic for the children to receive permission to leave the prison compound to visit families and relatives on holidays and vacations. In places where Prison Fellowship Ethiopia is operating, it is sometimes possible to arrange vacation or tours for the children to go outside the prison after seeking permission from officials, which is not guaranteed on a regular basis.²⁷⁶

Medical Care and Psychosocial Support: Children detained with their mothers get medical treatment like other prisoners. They use the services which are not always satisfactory. However, mothers interviewed have confirmed that vaccination is administered to children regularly. Unfortunately, there seems to be no special treatment for women prisoners who give birth in prison or women who are admitted with a few-days-old baby. In Ambo, for instance, a woman who gave birth to a child after being admitted to prison was sleeping on the rough and cold floor with the newborn baby when the team visited the centre. In Jimma, a woman, who was admitted with her few-days-old child, avoided sleeping on the floor only because she could afford to pay for a small wooden bed to make herself and the baby comfortable.

²⁷⁰The Debre Birhan prison is better as far as the provision of milk is concerned. Since the prison administration owns a farm, children get fresh cow milk more regularly.

²⁷¹Interview with female prisoners with dependent infants. In Debre Birhan. female prisoners live in a better place built by Prison Fellowship Ethiopia

²⁷²These nurseries are found in Ambo and Jimma prisons

²⁷³Ambo and Jimma prisons

²⁷⁴Prison Fellowship Ethiopia. Jimma

²⁷⁵For instance, Bahir Dar prison

²⁷⁶The Coordinator of Prison Fellowship Ethiopia. Jimma. remembers the joy on the children's faces when he took some children for vacations outside the prison. He was sad because on one occasion a child as old as four was surprised to see a donkey for the first time.

Counseling services are not readily available in most of the prisons for rehabilitation of mothers or children. Incidentally, in Bahir Dar, there are prison staff who were trained for one week to provide counseling to inmates. But, still, the focus is on behavioral issues related to dispute resolution among the women inmates.

Rehabilitation and Reintegration of Mothers and Children: In all prisons, children detained with their mothers can stay there until their mothers are released. Some prison officials, judges and the police interviewed in the study sites remember that in some cases in the past children who were born in prison had stayed with their mothers for more than ten years. Only in very rare cases have some NGOs taken care of such children.²⁷⁷ Apart from the inadequate services of accommodation, education and medical care, this group of children live a life of a prisoner despite their innocence. The situation these children are faced with might make their rehabilitation and integration in the community very difficult at a later stage.

In a situation where the mothers do not get psycho-social support to start a normal life after their release, the lives of their children would also be difficult. The majority of women accused of capital crime do not seem interested to go back to their village after serving their prison sentences due to stigma and discrimination and to avoid becoming victims of revenge. In the absence of any support after they are released, they end up working in bars/hotels and similar low- paid jobs.²⁷⁸

²⁷⁷Prison official in Debre Birhan remembers an NGO taking children detained with mothers about four year olds from the prison.

²⁷⁸According to Prison Fellowship Ethiopia, about 90% of female prisoners do not want to go back to their villages. Interview with the Program Officer.

CHAPTER 4- REHABILITATION AND INTEGRATION OF CHILDREN

4.1. The System of Justice for Children

The Criminal Justice Process: In some instance, the capacity of the judicial and law enforcement institutions are seen as generally limited in preventing, curbing and treating the problem of children coming in contact with the law. Children are often handled by these institutions in no different way from other cases of criminality. This is true despite the attempt of the law to provide a diversionary mechanism.

Due to the absence of institutionalised rehabilitation centres or community-based correction centres such as those initiated by the FSCE in places outside Addis Ababa, children below the age of 15 are often immediately released after being 'advised' or 'reprimanded' by the court or the police when they are found guilty of committing offences. There is no explicit mechanism to monitor children who are advised and reprimanded in the presence of their parents by the court.²⁷⁹

"There are many children below the age of 15 who have committed offences repeatedly. Every time they are accused of an offence, we advise and reprimand them. Because they know that they would not be detained, they commit offences again. There is no solution."

Police officer, Debre Birhan

"Children below 15 years of age are committing offences again and again. In particular, we release children to the street after only advising them. Because, they know they will not be punished, they commit offences again...! know of children who will have attained 16 years of age but are serving in prison after committing crimes they grew up with."

Police officer, Dessie town

Absence of Formal Mechanisms of Integration: Once outside the gate of prison many children do not even have any money to pay for transportation to return to their place of origin. The situation apparently was better in the past, where some little assistance was provided for bus fares and a few days per diem for all prisoners to return to their places of origin.²⁸⁰ In fact, prison officials and police officers in different towns mentioned that some children never return to their families after they are released and, often, turn into street children. In such instances, the purpose of keeping children in prison is undermined. Hence, it is unfortunate that many of the children turn into recidivists.

"I fled from home and came to Jimma to find a job. I was working as a housemaid when my employer accused me of theft. I wanted to return home. But my father may not let me. ...I will try, but I am ashamed to go back since I am accused of theft.. Maybe I will look for a job in other places.... maybe in Addis Ababa. But I have no money and clothes now."

(A 16 year- old girl in Jimma Prison)

"I am worried that my neighbourhood may believe that I am in prison because I was involved in stealing. Therefore, I may not get a job after I am released."

(A 16 year-old boy working as a Wayla (bus assistant), Ambo prison.)

²⁷⁹In case of street children, no one is around to follow up their behavior

²⁸⁰Andargaew Testaye, *The crime problem and its correction* Volume II, Addis Ababa University press. 2004. p. 265

In very rare instances, a few children, particularly in Addis Ababa, could have a chance of being reintegrated into the community. The Rehabilitation Centre in Addis Ababa, for instance, is sometimes approached by an NGO that is interested to receive one or two children after their release.²⁸¹ As a result, some children are staying at the Centre for some time after they have served their sentence to enable them take advantage of such rare opportunities. Since such promises by the officials are not dependable, children prefer to be released as soon as possible despite the fact that they have no family or relative to go to.²⁸² However, there were some success stories in the past due to the support provided by the NGO in question. In Ambo, a prison official related a rare instance where an NGO had requested, for the purpose of reintegration of prisoners, a list of names of those who had served their sentences.

The role of NGOs and other actors: The role of Children's Legal Protection Centre, Prison Fellowship Ethiopia, Forum for Street Children Ethiopia, and Action Professionals' Association for the People are notable interventions even though the services made available by them are very limited in scope and coverage.

Prison Fellowship Ethiopia, with the aim of rehabilitating and integrating children in conflict with the law, has been very active in introducing vocational and skill training to children in some prisons such as Jimma.²⁸³ But at this point in time the organisation has already learnt a valuable lesson that providing vocational training opportunities alone would not guarantee the reintegration of children into the community. It is also equally necessary to note that children need some social and material support to survive in society after they are released from prison. As a result, the organisation is in the process of developing interventions aimed at establishing partnerships with other micro-financing institutions in the near future to ensure the proper reintegration of children.²⁸⁴

4.2. The Perception of Children towards Rehabilitation and Integration: Aspirations of Children

As per the finding of the study, primarily children do not perceive the prisons and the Rehabilitation Centre as a place where they could positively change their behavior. Children revealed that, once they are released from the prison, they will avoid being imprisoned again. Most likely they make such statements because of their experience in the institutions. As a result, detention may not at all guarantee positive change in behavior as far as children who have actually committed offences are concerned. The perception nurtured by some children is that persons admitted to prisons and police stations, naturally, have to accept all the suffering they would experience there. In fact, some children were not aware that prisons should have such facilities as schools, medication and accommodation.

There are those who are equally not aware that they are safeguarded by acceptable standards of human rights including the right to legal counsel, psycho-social support and participation.

The views expressed by children in different areas concerning their future after they are released from prison are mixed. Some of them are very worried and strongly discouraged to join their respective communities due to the stigma attached towards detained children. Some girls (particularly those who were working as housemaids) had already decided to abandon their previous neighborhood. Others, who believe that they are wrongfully charged or convicted, are confident to join their respective communities as they did not commit any wrong. At any rate, the majority of children have the feeling that the community would not be comfortable with children coming out of detention centres.

²⁸¹Interview with an official at the Rehabilitation Centre. The NGO mentioned is named CHAI

²⁸²FGD with children. Rehabilitation Centre

²⁸³Prison Fellowship Ethiopia provides skill training in six prisons in Ethiopia, interview with Programme officer

²⁸⁴Interview with programme officer. Prison Fellowship Ethiopia

4.3. Constraints and Potentials of Traditional /Community-Based Institutions

In Ethiopia, we find diverse community structures and mechanisms which address different needs of communities. Generally, two groups of community institutions are relevant to addressing the problem of children in conflict with the law. These include indigenous/community institutions (such as idir, religious groups, clan structures.) and those recently emerging voluntary groups in urban and semi urban areas (such as youth and amateur groups, student clubs, etc.). Even though the role of some of the community/ traditional institutions is diminishing due to urbanization and modern life style, they still retain their influential position in the society. Despite their shortcomings in appreciating the rights of children in general and children in conflict with the law in particular, they demonstrate a great potential in promoting these rights if engaged creatively.

Constraints of community institutions towards the rights of children in general and children in conflict with the law in particular: It is observed that the attitudes regarding the rights of children prevalent among the community at large apparently are not conducive to the realization of the rights of children. First of all, a good number of people do not perceive children as holders of special rights. The prevailing attitude as to the role of the family with regard to its children is that of providing for the basic necessities of life (and in many urban areas for the formal education, and proper disciplining of the child, so as to enable him/her to grow up and support his/her family.²⁸⁵

The general attitude prevalent among the community members interviewed indicates that offences committed by children are defined by the society. They are judged not on the basis of consideration of legal principles, but by having regard to an ideal standard of behaviour that is derived from the belief that children should be obedient and conforming to the wishes of their parents and the community at large.²⁸⁶ The negative attitude of the community towards street children seems to reinforce the assumption that these groups of children have violated what is expected of them. They are on the streets either by fleeing from home or by no longer obeying families and elders as is expected of them.

Oftentimes, the nature of the offences committed by children is viewed by the community in a significantly different manner than is the case with the Penal Code. For instance, in a previous study, cigarette smoking, chewing chat, watching video films,²⁸⁷ playing table football, fashionable dressing, drinking alcohol, pregnancy, and courting were enumerated as wrongdoings committed by children none of which are specified as criminal offences by the Penal Code.²⁸⁸ In many areas, community members describe children nowadays as fast learning and enthusiastic. But, at the same time they are disappointed that there is a change of attitude and that children, have become less respectful towards their parents and the community.²⁸⁹ This opinion perhaps demonstrates the gradual break-up of communal and community structures (including the role of elders) in urban and semi-urban areas.

"I have two kids. Before joining high school they were attending school in a private religious school they were respectful towards me. They listen to my advice. But after they joined high school, they have changed. They no longer listen to what I say. They don't respect me. I don't beat them because I don't believe in corporal punishment. But if they don't listen to my advice, then what should I do...I am really desperate."²⁹⁰

²⁸⁵Radda Harnen. Save the Children (UK) and Children and Youth Affairs Organisation; *Innocent Offender the state of children In conflict with the Inui and Juvenile justice administration in Ethiopia (1996)*

²⁸⁶Ibid

²⁸⁷Informants such as police officers. Judges, prosecutors and community members believe that watching violent video films as a contributing factor for the Increase in delinquency.

²⁸⁸Radda Barnen. Save the Children (UK) and Children and youth Affairs Organization; *Innocent Offenders, the state of children in conflict with the law and juvenile justice administration in Ethiopia (1996)*

²⁸⁹Ibid

²⁹⁰Interview with Police officer, Ambo town

A large proportion of adults consider physical and psychological punishments as an acceptable way of disciplining a child, as long as it is not excessive. Punishing children is seen as a primary mode of teaching children how to behave and is regarded as necessary for the children's own good.²⁹¹ in the community, a variety of correction methods are administered by parents against children based on the gravity of the offence committed. They include; advice, reprimand, scolding and being thrown out of home; Corporal punishments such as hitting with stick, slapping and pinching seem to enjoy universal acceptance.²⁹² (See also the table below). Perhaps due to the prevailing attitude of the community, some informants, including officials from the law enforcement bodies and the judiciary, approve the detention of children in prisons; at least of those aged 15-18, as a corrective measure but the majorities of informants are against the detention of children in the present state of prisons and detention centres.²⁹³

A single mother of child said she was not happy that the court has sent her child to the Rehabilitation Centre in Addis Ababa, because she is convinced her child needed to be punished rather than rehabilitated.

*"I have never visited my 13 year-old son since he joined the Rehabilitation Centre three weeks ago. This is the first day I am visiting him. He begged me to take him out of the Centre saying that the place is dreadful but I want him to be punished for some more days. I am having a peaceful sleep while my child is in the Rehabilitation Centre. If he is released, I would have been worried day and night thinking about every awful thing that might happen to him."*²⁹⁴

Table 5. Children's Experiences of Corporal Punishment at Home

Types of punishment	Addis Ababa	Oromia	Amhara	Tigray	SNNPRS
Hitting with stick	48.0%	53.8%	60.5%	44.8%	70.2%
Whipping with a belt	48.6%	48.9%	48.0%	39.2%	50.0%
Slapping	46.0%	56.5%	55.4%	38.3%	58.9%
Kicking	32.0%	45.7%	48.5%	31.9%	44.5%
Hitting on the head	55.1%	52.3%	55.9%	41.8%	55.2%
Pinching	49.8%	52.0%	50.7%	42.5%	55.1%

(Source: The African Child Policy Forum)²⁹⁵

In recent times, the emergence of youth/amateur clubs as well as student organisations in urban and semi-urban areas have taken the issue of children's rights to a different level compared to the more traditional ones. These groupings are voluntary, more democratic and are often run by the children and youth themselves. They are more egalitarian and have a positive attitude towards the rights of children compared to some traditional institutions dominating many localities in Ethiopia.

²⁹¹the African Child Policy forum; sticks, stones and brutal words: the violence against Children in Ethiopia. 2006. p.25

²⁹²Radda Barnen. Save the Children (UK) and Children and Youth Affairs Organization; Innocent offenders; the state of children in conflict with the law and juvenile justice administration in Ethiopia (19961)

²⁹⁴Interview with informants ^{2M}A mother of a 13 year old in the Rehabilitation Centre in Addis Ababa The mother is raising her child alone. She is convinced that her son is becoming unruly because he has no father (a man) around to physically punish him.

²⁹⁵The African Child Policy Forum; sticks, stones and brutal words: the violence against children in Ethiopia. 2006. p. 34

Potential of community/traditional institutions in rehabilitation and the integration of children: The current situation clearly demonstrates the challenges of the modern institutions of justice to live up to the expectations of the law, This problem is due to the capacity limitation of these institutions relating to their financial, infrastructural, and human resources. Partly, it is possible to attribute this failure to the very nature of the law that side-lined community institutions. Not only have the laws not taken these institutions into account when they were enacted, but have also not provided for their incorporation in the process of their enforcement. This is particularly true of criminal law and procedure. Thus, in no area was there any community institution that had explicitly dealt with the problem of children in conflict with the law. In most cases law enforcement and judicial agencies had made limited use of existing community structures in any stage of the process of juvenile criminal justice as a diversionary system of conflict resolution, which saves children from the rigors of the formal judicial process.²⁹⁶

However, the practice in other countries demonstrates that traditional and community institutions could play a significant role in the rehabilitation and integration of children. For example in Malawi and the Philippines, the communities are actively and effectively involved in juvenile justice administration.

In community-based programmes initiated in the Philippines, for instance, children are diverted from the formal justice system to help them change their behaviour in order to reintegrate them into the community after their release from custody. In Malawi, in particular, crime prevention committees are formed usually by distinguished members of the community, people who - on account of their position or their integrity - are regarded by the community as role models. Hence, whenever a child from the community comes in conflict with the law. The Community Crime Prevention Committee tries to solve the problem within the community itself without resorting to police or prison officials. The committees aim to divert children in conflict with the law from the court system. Sometimes parents and teachers go to the crime prevention committee to discuss issues related to "unruly" children who do not want to go to school and children who damage school property, etc.²⁹⁷

In the Ethiopian context, despite the limited commitment in addressing the problem of children in conflict with the law, the different functions that community institutions are undertaking could be seen as addressing the problem in an indirect manner. Thus, in terms of preventing children from being in conflict with the law, community institutions are seen to be engaged in the provision of different forms of social services ranging from advice and counselling to material resources. They are also active in defining norms for families and children and in enforcing these norms. As mechanisms of conflict resolution

²⁹⁶ Radda Barnen, Save the Children (UK) and Children and Youth Affairs Organization; Innocent Offenders: the state of children in conflict with the law and juvenile justice administration in Ethiopia. (1996)

²⁹⁷ Protecting the rights of children in conflict with the law: program and advocacy experiences from member organizations of the interagency coordination panel on juvenile justice, 2005. available at [http://www.omct.org/pdf/cc/2005/Protect the rights of children in conflict with the law.pdf?PHPSESSID=be93a53fc82f642565e3d55f9ccfa3cf](http://www.omct.org/pdf/cc/2005/Protect%20the%20rights%20of%20children%20in%20conflict%20with%20the%20law.pdf?PHPSESSID=be93a53fc82f642565e3d55f9ccfa3cf)

for marital disputes, they are in a key position to ensure the proper custody of children. In terms of providing a diversionary mechanism for the treatment of children in conflict with the law, they are active in handling and disposing of disputes of a criminal nature in which children are involved. Thus, whether their role is acknowledged or not, community institutions are active (though largely in an isolated manner) in addressing wide-ranging aspects of the problems of children in conflict with the law.²⁹⁸ These community institutions could also have been used in the present state, for instance to avoid the detention of children who are unable to pay the small amount of money to be released on bail.

In South Africa, for instance, an effective scheme was developed where the judge invites community leaders to address the court whether or not the community would be willing to have the accused back on provisional release. This would provide the judge with an informed view as to the character of the accused, the seriousness with which the offence is considered and the likely threat of harm to the accused (i.e. whether to remand the child for his/her own protection; or find an alternative address far away for the child). This process also serves to inform the community about the purpose of bail; and it publicizes the return date to the community so that they can ensure the accused returns on the court on the day of trial.²⁹⁹

In the Ethiopian context, as far as children and youth groups are concerned, their involvement in the rehabilitation and integration of children is hitherto limited despite their considerable potential. They could be actively involved, for instance, in the promotion of the rights of the child and engage in related activities aimed at addressing the problem of children in conflict with the law.

The potential that community institutions exhibit, however, can only be realized if a number of obstacles that are likely to hinder the assumption by the institutions of such wider and systematic roles are removed. These obstacles may be summarized as those related to attitudes and expertise, resources and infrastructure and the legal regime which is not formally acknowledging the monitoring role these institutions can play.³⁰⁰

²⁹⁸ Ibid

²⁹⁹ Ibid

³⁰⁰ Ibid

CHAPTER 5- CHALLENGES FACED BY THE PRISON ADMINISTRATION

The prison administration and law enforcement bodies contacted by this study in various towns are constrained by a number of factors to effectively discharge their duties towards children placed under their custody. These factors, in a majority of cases, relate to financial constraints, low levels of awareness about child rights, limited coordination amongst relevant institutions and low incentives to the staff.

5.1. Factors Related to an Insufficient Budget

In all the police stations and prisons, the problem of limited resources is noticeable. There are insufficient financial resources available for accommodation, health, education and other services. The budget for health and education is not distinctly allocated to children. Detainees have to depend on their families or relatives to provide some of the necessary services. Children without supportive families or relatives have to look to the support of acquaintances to survive in the detention centres. In prisons, accommodation, education, and health services are not up to standard. Services such as counseling are missing in some prisons. Due to financial constraints, a qualified psychologist/ psychiatrist is not employed almost in all the study areas.

At the Rehabilitation Centre in Addis Ababa even though the services provided to children are relatively better compared to prisons and police stations, the quality and availability of the service leaves room for improvement. The budget for accommodation has not been increased for many years. The number of tutors attending to children was cut by half. This has a direct impact on the enjoyment of some of the basic rights of the children. Currently there is no psychologist, though there were about three a few years ago. Due to financial constraints, a vehicle and a driver that were available for emergency situations are no longer operational.

Officials in charge of police stations, prisons and the rehabilitation centre are soliciting NGOs to come to their rescue in an attempt to improve the situation in the detention centres and prisons. And, luckily, there are a few NGOs that are providing some essential services, including building toilets, rooms, libraries, nurseries, developing vocational training projects, distributing both text and exercise books, blankets, and soap etc.³⁰¹ Similarly, in Jimma, Prison Fellowship has rented a house from the prison administration itself to set up a nursery for children detained with their mothers.³⁰² However, such services are project-based and are not provided on a regular basis, and hence their sustainability is not guaranteed.

The limitation of a section of the legal profession to meet the demands of the legal system has led to many accused of crime not to get legal counselling. The absence of any of the legally envisaged institutions to administer the educational measures prescribed by the Penal Code is a limitation to the judicial and law enforcement bodies. It may appear that the absence of a corrective institution in any of the regions is a significant factor accounting for the absence of a working system in administration of juvenile justice. Paradoxically, in Addis Ababa, where there is a corrective institution in place, the results are substantially the same as those described above.³⁰³

³⁰¹Usually the Red Cross and Prison Fellowship Ethiopia are mentioned by officials

³⁰²Interview with the coordinator, Prison Fellowship Ethiopia

³⁰³Radda Barnen, Save the Children (UK) and Children and Youth Affairs Organization; Innocent Offenders; the state of children in contact with the law and juvenile justice administration in Ethiopian (1996)

5.2. Human Resource Capacity

The officials in all the detention centres could not be blamed outright for the manner they are handling children. Most of the personnel have never received adequate training to treat children in a better way. At the police station, for instance, personnel had no formal training on relevant topics, including child psychology, child welfare, human rights and rights of the child. There are, of course, a few officials, usually judges and prosecutors, who had received training on human/child rights organised by NGOs for, normally, 2-5 days.³⁰⁴ However, oftentimes, those who are trained might not be utilizing the knowledge because of the frequent reshuffle.³⁰⁵ But it is rare to find police officers or prison officials trained on the rights of the child, child psychology or welfare even for a single day. In prisons, in particular, there were very few officials who had received training on the relevant subjects related to the rights of children. In almost all prisons, the position of a psychologist is vacant, as a result of which counselling services are totally absent. At the Rehabilitation Centre in Addis Ababa, counselling services are currently being provided only by a sociologist. Some of the tutors in the institution did not receive formal education, let alone formal training related to child psychology and child rights.

5.3. Factors Related to Perception

Whenever a child is arrested and placed in the police station, he/she usually comes in contact with the police first. In general there is attention paid to the principle of the best interest of the child in applying judicial and administrative measures, as well as limited understanding of the Criminal Procedure Code's rules on diverting children from the formal criminal justice process. Even though many personnel of law enforcement agencies and the judiciary are somehow aware of the legal procedure envisaged for children in conflict with the law, they are not deeply conversant with the rights of children, nor for the most part, does their level of awareness have any significant impact on their perceptions of children in conflict with the law.

There is also an attitude widely held by the police, prison officials as well as judges to exclude persons within the age range of 15-18, as children. Therefore, whenever they are asked about the situation of children, they usually refer to children below 15 years of age. While lack of awareness about the rights of children might have contributed to this attitude, the Penal Code's categorization of criminal responsibilities of children into three levels or degrees is the main reason to this confusion. On the other hand, looking at the opinion of several judges, prosecutors and prison and police officials about the present law and practice concerning children, few are enthusiastic to suggest any revision with regard to children within the age range of 15-18. Even a judge at the child-friendly court in Addis Ababa is comfortable with the present penal law provisions concerning children between the ages of 15 and 18 due to the hostile attitude of the Ethiopian society towards this group of children as well as the limited capacity of the courts to deal with the problem at present.³⁰⁶ A prosecutor also disagrees with the similar treatment of this group of children to those below 15 years of age. According to her, the present law is perfect, except that children are being detained with adults. Otherwise, it would mean the same thing as tolerating the proliferation of crime.³⁰⁷

³⁰⁴However, the research team has witnessed in Dessie what appears to be the result of an empowering training. At the time of data collection, they met judges and prosecutors at Woreda level who had received short-term training on juvenile justice administration organized by the Federal Supreme Court. They were initiating a child friendly court to be established outside the court compound they are at the initial stage and were calling on stakeholders, including social and labour affairs office, to support the idea and the practicability of the venture.

³⁰⁵interview with FSCE staff, Ambo Town Police

³⁰⁶Interview with child friendly court Judge, Addis Ababa

³⁰⁷Interview with prosecutor, head of Lideta Branch Office

5.4. Factors Related to Prioritisation of Children Issues

Juvenile justice administration has not been adequately prioritized. For instance, at Awassa and Bahir Dar, buildings once constructed for the purpose of the institutional correction of children are being used for other purposes. On the other hand, government bodies, such as social and labour affairs departments, have not prioritised the problem.³⁰⁸ In some cases they are not even aware the number of children detained in prison.³⁰⁹

5.5. Factors Related to Coordination

Due to the current administrative procedures practiced in various institutions, limited channels are available to help children in prisons.³¹⁰ In many places, children stay in overcrowded prisons and prosecutors fail to prepare charges on time. Children are also unable to be released on bail for lack of sufficient amount of money. Even though the courts, the police, the prosecution and the prison administration have a role to play, they seldom resolve the problem in collaboration.

Prisons and Rehabilitation Centre officials are however cooperative in welcoming interested organisations to improve the current situation. Some organisations, notably Prison Fellowship, the Red Cross and ACPF/CLPC, provide material support (such as construction of buildings, blankets, soap, exercise books). In particular, Prison Fellowship Ethiopia undertook vocational training projects, for instance in Jimma, with the objective of helping children below 18 years to be able to sustain themselves after they are released from prison.

5.6. Factors Related to Incentives

Judges, prosecutors, the police, and prison officials often complained about the inadequacy of their salaries with respect to the workload and the living standard. Due to low salary scales, few individuals with the required qualification would be willing to join these institutions. For instance, the position of a psychologist, in prisons requires a degree-level education but it is unlikely that there would be anyone ready to join with the low salaries and privileges in relation to other available opportunities. These factors, contribute to the low motivation and lack of commitment on the part of some officials towards their jobs.³¹¹

³⁰⁸Interview with Officials, of Labour and Social Affairs Departments in study areas

³⁰⁹Prison Fellowship Ethiopia. The situation of children In Ethiopian prisons, 2005 (unpublished)

³¹⁰At Bahir Dar the research team observed a system, (apparently lacking in other places,) where every week the prosecution office sends a list of names of prisoners and the status of their cases to the prison administration. And the document is posted on the notice board for inmates to read.

³¹¹For instance, psychologists have left Addis Ababa prison for a better salary Interview with officials.

CHAPTER 6- RECOMMENDATIONS

Highlights of Recommendations

- ▶ Capacity building of detention authorities and law enforcement agencies;
- ▶ Establishment of specialized institutions for children in conflict with the law;
- ▶ Provision of legal and psycho-social support to imprisoned and detained children;
- ▶ Harmonization of the criminal justice system with international standards;
- ▶ Raise the minimum age of criminal responsibility from 9 to 12 years;
- ▶ Special protection to infants with imprisoned and detained mothers;
- ▶ Publication of the UNCRC and ACRWC in negarit gazetta;
- ▶ Establishment of a comprehensive birth registration system; and
- ▶ Establishment of non-custodial treatment of children in conflict with the law.

The findings of this study indicate that the situation of children coming in contact with the criminal justice system needs to be improved in many respects. Many of the problems identified in the study call for fundamental changes in the law, policy and practice.

Indeed, such changes require the design and implementation of different levels of intervention through the active involvement and sustained commitment of a cross section of actors from across a number of sectors. While it is not possible to provide a comprehensive list of key actors at this juncture, the involvement of relevant government institutions, indigenous CSOs/NGOs working on child rights issues, and international organisations operating in Ethiopia with child-focused mandates is crucial.

Hence, based on the findings of this study, the recommendations are based on three major areas of intervention.

1. Enhancement of the capacity of prison and detention centres;
2. Policy and law reform; and
3. Promotion of non-custodial treatment of children coming in contact with the law.

1. ENHANCEMENT OF THE CAPACITY OF PRISON AND DETENTION CENTRES

Since the treatment of children detained in prisons and detention facilities in Ethiopia falls short of applicable international standards on a number of counts, the following measures are recommended to address this problem.

1.1. Establishment of information management systems relating to the detention, rehabilitation and reintegration of children:

Lack of a complete and up to date record of child detainees by relevant authorities has created a basic programming problem since intervention efforts by the government or other actors could not be properly designed without such information.

Thus, the problem can be addressed through supporting detention centres to develop better information management systems, through capacity building, by making available direct support and training opportunities.

1.2. Separation of detained children in police stations and detention facilities:

Ensuring separation of children from adults is a fundamental state obligation in the treatment of children in prisons and detention centres which apparently is not complied with in Ethiopia. The underlying cause often boils down to the absence of facilities catering exclusively for children. The only such facility currently operational in the country is the Addis Ababa Rehabilitation Institute for Juvenile Delinquents.

Though the primary approach in addressing this problem should preferably be promoting diversion and non-custodial treatment, some actions should be undertaken to address the practical problems.

The permanent solution to this problem can only be achieved by lobbying the government to take policy measures. This involves engaging key actors in advocacy efforts to influence and support the government to build separate correction centres and detention facilities for children.

In the short term, however, some localized experiences may be beneficial to address the problem at the moment. These include lobbying and working with the police and prison authorities to build separate rooms or fencing off a portion of the compound for children and women with infants and dependent children

1.3. Provision of support and follow-up services to detained children:

The need to provide legal and psycho-social support to children coming in contact with the law does not end at detention. On the contrary, it is often during detention that children need such support. The meaningful re-integration of the children into society also requires follow-up and support. In fact, both the UNCRC and the ACRWC explicitly recognise the rights of detained children to promptly access legal and other appropriate assistance.

The almost non-existent support given to children in prisons and detention centres at present is in violation of the obligations the Government of Ethiopia assumed under article 37/d/ of the UNCRC.

Therefore, different child right actors could play a role in strengthening the existing initiatives by facilitating experience sharing and replication of achievements. More specifically, partnerships should be established with organisations that have relevant initiatives and to support their efforts by organising experience sharing forums, making available information on local and international experiences and to use specific cases emerging from this experience to sensitize key actors to initiate, support and strengthen similar initiatives to support efforts to improve access to social services, especially education and health services, to detained children.

1.4. Enhancement of the capacity of detention and prison authorities to effectively protect the rights of detained children:

In order to support the efforts undertaken by detention authorities to protect the rights of detained children, two approaches are recommended.

The first is the development of information and training resources like operational guidelines and training manuals in line with international standards. Such resources can be developed for use either by prison authorities to build the capacity of their personnel or by organisations working on similar issues, drawing from local experience as well as foreign experience in managing correctional facilities for children for this purpose. Some of the aspects where the development of information, training and operational guidelines would be especially important include information management systems, the rights of the child, child development, the treatment of detained children, counselling and social support, follow-up and re-integration, alternative basic education, skill training, and pre-school education.

The second approach is supporting the creation of forums/platforms for inter-agency dialogue on the protection of children coming in contact with the criminal justice system. Such forums may be organised at different levels and may be used to facilitate experience sharing among key actors from across sectors in addition to dialogue within the criminal justice system. The existence of such forums on a more regular and permanent basis would also present the opportunity to create and maintain a comprehensive and up-to-date database on the number and profile of children in prisons and detention centres.

1.5 Provision of adequate funds and resources to prison and detention centres:

To strengthen the efforts that are currently underway, adequate funds and resources need to be allocated for prison and detention centres. The availability of resources to prison and detention centres will help them provide the necessary services and facilities to children.

2. POLICY AND LAW REFORM

The existing policy and legal framework has gaps in the protection of the rights of children in conflict with the criminal justice system. These need to be addressed by up-grading and harmonizing the whole criminal justice system with relevant regional and international standards. The crucial areas that need legal reform to avoid or minimise the detention of children include;

2.1. Revision of the law on the minimum age of criminal responsibility and raising it from age 9 to 12 years in line with the recommendation of the UN Committee on the Rights of the Child:

Under the existing legal framework criminal responsibility starts at the age of 9 which is considered to be very low. This has in fact been a concern repeatedly pointed out by the UN Committee on the Rights of the Child which recommended the minimum age of criminal responsibility to be extended to the age 12.

It is therefore recommended that all efforts should aim at influencing the law making process to increase the age of criminal responsibility in Ethiopia as recommended by the Committee on the Rights of the Child.

2.2. Revision of the law to ensure special measures of protection to all children below 18 years:

While children between 9 and 15 years benefit from extensive special protection provided in the criminal justice system, children between the ages of 15 and 18 are, for the most part, treated as adults. The practical implications are manifold.

Considering the international standards and accepted practices in other countries, the exclusion of children in Ethiopia between 15-18 years from protection as 'children' is a gap in the protection of the rights of children. The UNCRC, which introduced the concept of 'evolving capacities' in determining the autonomy of children in exercising their rights and accounting for their actions, directs us to take into account individual contexts in determining their autonomy and parallel duties. The existing laws in Ethiopia have an across-the-board classification, on the basis of age. It appears as if these children cease to be children at the age of fifteen. This is also contrary to the generally recognized principle of criminal law on the individualization of punishment.

Eligibility of all children for protection is of particular urgency in light of the number and profile of children affected as well as the nature of violations. Once the principle has been established, courts may be given some discretion to treat older children as adults based on the severity of the offence and circumstances of its commission.

Hence, the law should be revised to provide uniformity of treatment to all children below the age of 18 years.

2.3. Revision of the law on vagrancy to avoid automatically criminalising children by virtue of their status:

The current law on vagrancy in Ethiopia hinders the full realization of the rights of children, especially children living and working on the streets which, apparently, criminalise children whose life choices are dictated by poverty and those who are forced to the streets. This in effect results in double victimisation. At least, two measures are recommended to address the problem.

The first, which may be undertaken as a provisional measure, is promoting changes in law enforcement practice towards a restrictive interpretation and application of the law on vagrancy. Secondly, advocacy activities may be designed and implemented by targeting law enforcement bodies and officials with a view to encouraging non-legislative or self-imposed restraint in applying the law. Such efforts may also extend to lobbying relevant officials towards the creation of institutional safeguards in the form of operational guidelines and procedures.

While law enforcement agencies may be more accessible, especially at lower levels, interventions at this level do not comprehensively address the criminalization of vulnerable children. Thus, the longer-term objective that interventions should be changes in the law itself.

2.4. Creation of an effective system of birth registration so that the ages of children can quickly and easily be ascertained:

Currently, Ethiopia does not have a functional birth registration system such as that recognized by the UNCRC and the ACRWC. For practical purposes, age is normally ascertained through testimony of family members, neighbours and relatives. However, contradictory to this, law enforcement and judicial practice exclusively relies on medical certificates provided by government hospitals as incontrovertible proof of age.

Two potential areas of engagement emerge from the absence of a birth registration system in Ethiopia. The first, which may be considered a provisional measure, involves seeking to influence the judicial practice in determination of age. This could be achieved by targeting law enforcement structures and the judiciary through advocacy messages promoting the application of alternative methods of ascertaining age. These may include the testimony of witnesses and registers of birth kept by religious institutions. While this is more realistic in the short-term because of its

accessibility by the target audience and achieving results of limited scope, it will not replace the absence of an effective birth registration system.

Secondly, in the long-term, it is recommended that efforts should aim at influencing the law making process to put in place a mandatory, comprehensive and uniform birth registration system in conformity with international child rights standards.

2.5. Promulgation of a legal regime for the protection of infants of women suspected, charged of and detained for criminal action:

Another legislative lacuna in the Ethiopian criminal justice system is signified by the lack of an explicit and comprehensive legal regime on the protection of infants of women suspected, charged of and detained for criminal acts.

The current situation of children imprisoned with their mothers is in violation of the principle of the best interest of the child recognized in both the UNCRC and ACRWC. It is contrary to article 30 of the ACRWC, which requires states to ensure special treatment for expectant mothers and women with dependent infants. The ACRWC even goes to the extent of recommending non-custodial measures for such women and, failing that, they should be detained in a separate facility. Since the Ethiopian criminal justice system focuses on the crime committed by the mother to the consequent exclusion of the rights and interests of the child, it is very likely that the whole spectrum of the rights of the child is put in jeopardy.

This problem could be addressed by lobbying for the promulgation of an explicit and comprehensive legal regime for the protection of infants of women suspected of and/or charged with criminal action.

As a provisional measure, however, interventions aimed at bringing about changes in law enforcement and judicial practice towards special treatment of women suspects, defendants and offenders in consideration of the best interests of the unborn or infant child should be undertaken.

2.6. Publication of the texts of the UNCRC, the ACRWC and other relevant human rights instruments in the official legislative gazette of Ethiopia:

The absence of **official** translations of the human rights instruments, including the UNCRC and the ACRWC in Amharic is one of the most crucial challenges faced by the judicial system. In the absence of **official** translations, these laws on the basic rights of the child remain less accessible to those responsible for their implementation. More importantly, lower level government bodies and community actors have not been able to sufficiently utilize the texts of these Instruments to explain their activities as well as use them as resources for awareness raising and sensitization. In addition to the jurisprudential challenges to the use of texts that have not been published in the official gazette, courts have to grapple with evidential debates on the admissibility of unofficial translations.

One of the recommended measures to be undertaken within a reasonably short period of time is to lobby for the official publication of the UNCRC and the ACRWC conventions in the federal legislative gazette, including the uniform translations of the UN Minimum Standards relevant to the treatment of children in the criminal justice system.

3. PROMOTION OF NON-CUSTODIAL TREATMENT OF CHILDREN COMING IN CONTACT WITH THE LAW

One of the basic principles recognized in the international legal framework for the protection of children coming in contact with the law is the use of custodial measures only as a last resort. That is, the rights of these children are best protected by making sure that they are not detained. Ideally this could be achieved by diverting the children from the formal criminal justice system towards less formal, preferably by using community structures as the first point of contact with the formal system.

Where diversion is not possible, non-custodial measures could also be put to use in conjunction with the formal process by providing for alternatives to detention. Such alternatives may be used to avoid detention of the children in the pre-trial stage, during trial and as a punishment. Ensuring that children can effectively access the legal system and benefit from existing protection provisions would also contribute to the same end.

The following are specific recommendations in promoting non-custodial treatment of children coming in contact with the criminal justice system.

3.1. Establishment of effective non-judicial and non-custodial alternatives in the treatment of children coming in contact with the criminal justice system:

The Ethiopian legal system does not formally recognize the diversion of children suspected of crimes by the Police. This is one of the obstacles to the implementation of this principle in Ethiopia.

To this end, the official and legal recognition of existing non-judicial and non custodial measures on the basis of government commitment to promote non-judicial alternatives under article 40/3/ of the UNCRC is essential.

At the same time, continuous support should be provided to existing interventions by enhancing the involvement of communities in the correction and rehabilitation of children coming in contact with the criminal justice system and supporting experience sharing with a view of replicating successful initiatives.

3.2. Provision of legal and psycho-social support to children coming in contact with the criminal justice system:

One of the problems in relation to the protection of the rights of children coming in contact with the criminal justice system is the inaccessibility to legal and social support. Contrary to international standards, the children in Ethiopia are not provided with legal counsel and additional support before, during and after trial. The problem also persists due to the absence of adequate follow-up mechanisms on the rehabilitation and integration of detained children.

Fortunately, there are a number of existing initiatives to address this problem such as those being undertaken by the Children's Legal Protection Centre of ACPF, APAP and EWLA. There are also a number of experiences in engaging the academic community, professional associations and community structures in the provision of legal services as well as establishment of community based resource centres.

It is, therefore, recommended that the replication of the above initiatives should be promoted by organising experience sharing forums, initiating networking among key actors and providing capacity building support.

3.3. *Establishment of special units and structures for the protection of children coming in contact with the formal criminal justice system:*

The primary legal responsibility to promote special institutions for the treatment of children within the criminal justice system lies with the government. The establishment of such special institutions by the government, within the formal structures of the Police, the Public Prosecutor's Office and the Judiciary in some areas, has advantages for a legal basis and for ensuring sustainability.

All of these efforts, while commendable, still suffer from some shortcomings. The establishment of CPUs outside Addis Ababa for instance still remains an NGO initiative while other structures have not been replicated.

One visible problem in relation to these efforts is the limited documentation and experience sharing among the key actors. Hence, to address this gap interventions aimed at establishing an information management and experience sharing centre/mechanism should be carried out. It is also recommended to engage in providing information and in facilitating experience sharing with similar actors in other African countries.

Indeed, to carry out the recommended action, it requires the development and implementation of different levels of interventions through the active involvement and sustained commitment of a cross section of actors.

Annex I. Bibliography References

1. The African Child Policy Forum (ACPF), (2005). Report of Survey on Perception and Practice of Birth Registration in Addis Ababa and regional states of Oromia, Amhara and SNNPR
2. The African Child Policy Forum (ACPF): Sticks, Stones and Brutal Words: The Violence against Children in Ethiopia, 2006.
3. Andargachew Tesfaye, The crime problem and its correction Volume II, Addis Ababa University Press, 2004. p. 265
4. Committee on the Rights of the Child, Forty-third session, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Ethiopia, CRC/C/ETH/CO/3, 29 September 2006.
5. Fitih Hitsan, The Federal Supreme Court Juvenile Justice Project, bi annual newsletter, September 2002. Volume 1 no 1. P. 6
6. Forum on Street Children, The Situation of Street Children in Eight Major Towns of Ethiopia, 2003.
7. FSCE, (2003), Advocacy and Child Protection Program: Aims, Activities and Accomplishments
8. Marie Wernham and Consortium for Street Children, Police Training on Child, 2005
9. Mark Belsey, World Health Organisation, Health and Psychosocial Dimensions, World Congress against the Commercial Sexual Exploitation of Children, August 27-31, 1996
10. Radda Barnen, Save the Children (UK) and Children and Youth Affairs Organization; Innocent Offenders; the state of children in conflict with the law and juvenile justice administration in Ethiopia. 1996
11. Rights & Child Protection: Lessons Learned and Manual, 2005
12. Save the Children Sweden, (2003), Children's Right in Ethiopia: a Situation Analysis
13. Save the Children UK, Juvenile Justice, Modern Concepts of Working with Children in Conflict with the Law, 2004
14. Supreme Court of Ethiopia, Assessment of Existing Ethiopian Laws Pertaining to Child Rights
15. Supreme Court of Ethiopia, Problem Identification Survey on Institutional Rehabilitation Service for Juvenile Delinquents
16. UN Committee on the Rights of the Child, Concluding Observations of the Committee on the Rights of the Child. Ethiopia, U.N. Doc. CRC/I5/Add. 144, Geneva, January 2001
17. UNHCHR, Children's Rights: Creating a Culture of Human Rights, Basic Information Kit No.3, March 1998

18. UNICEF, Justice for Children: Detention As Last Resort, Innovative Initiatives in the East Asia and Pacific Region, 2005
19. UNICEF, Justice for Children: Good Practices and Remaining Challenges in the Area of Justice for Children in Ethiopia, December 2005.20.US State Department Report on Human Rights Practices in Ethiopia 2005.
20. US State Department Report on Human Rights Practices in Ethiopia 2005
21. World Organization against Torture (OMCT), Rights of the Child in Ethiopia: Report Concerning the Application of the Convention on the Rights of the Child by the Federal Democratic Republic of Ethiopia, Submitted to: Committee on the Rights of the Child, 29th Session - Geneva, 8-26 January 2001

International Instruments

1. African Charter on the Rights and Welfare of the Child, OAU Doc. Cab/Leg/24.9/49 (1990)
2. Convention on the Rights of the Child, adopted 20 Nov. 1989, GA Res, 44/25, 44 UN GAOR Supp. (No. 49] at 165, UN Document A/44/736 (1989)
3. Standard Minimum Rules for the Treatment of Prisoners, adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders (Geneva, 1955) and approved by Economic and Social Council Resolutions 663 C (XXIV] of 31 July 1957 and 2076 (LXI] of 13 May 1977
4. UN Rules for the Protection of Children Deprived of their Liberty, General Assembly Resolution 45/113 of 14 December 1990
5. UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules], General Assembly Resolution 40/33 of 29 November 1985

Domestic Laws

1. Constitution of the Federal Democratic Republic of Ethiopia
2. Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No. 414/2004
3. Criminal Procedure Code issued by the Imperial Ethiopian Government, Proclamation No. 185/1961
4. Federal Negarit Gazzetta Establishment Proclamation, Proclamation 3/1995
5. The Federal Prisons Commission Establishment Proclamation, Proclamation No. 365/2003

ANNEX II OBJECTIVES AND METHODOLOGY OF THE STUDY

Objectives of the Study

The overall objective of the study was to evaluate the situation of children deprived of their liberty in Ethiopia with the intention of informing policy development as well as making recommendations for the improvement of the wellbeing of the children based on the minimum national and international human rights principles and rules. The study had the following specific objectives:

- ▶ Assess the living conditions and treatment of children deprived of their liberty in Ethiopia; Assess the background and life expectation of children deprived of their liberty;
- ▶ Explore the social perception of children in conflict with the law. This would include the perception of families and communities; and their involvement or readiness to being involved in preventive interventions, diversion programmes and alternatives to sentencing, and support to children;
- ▶ Examine the policy/legal framework governing the treatment of children deprived of their liberty both at national and international levels;
- ▶ Explore the experiences of legal systems in other countries with the objective of drawing positive lessons;
- ▶ Explore policy/legal and programme reforms that should be introduced to ensure the observance of the rights of children deprived of their liberty; and
- ▶ Recommend a strategic/action plan to address the problem of children deprived of their liberty.

Methodology of the Study

This study mainly employed a qualitative method of investigation. The data required to conduct the study was gathered from both secondary as well as primary sources of information.

A. Secondary Sources of Information

Secondary sources of information were used to provide the conceptual framework and to acquire a general picture of the problem as well as to obtain specific information on various aspects of the study. Documents reviewed for the study included;

- ▶ International instruments and domestic legislations and policies related to the rights of the child and the administration of juvenile justice;
- ▶ Literature and research outputs on the administration of juvenile justice in Ethiopia and some similar countries; and
- ▶ Reports relevant to children deprived of their liberty (statistics or case studies) by governmental and non-governmental institutions.

B. Primary Sources of Information

The bulk of information for the assessment was gathered from primary sources owing to the nature of the study and shortage of secondary data on the situation of children deprived of their liberty in Ethiopia.

Research Areas

The collection of primary data covered the capital city, Addis Ababa, and other seven major towns in Ethiopia: Ambo, Awassa, Bahir Dar, Debre Birhan, Dessie, Jimma and Ziway. The selection of these areas, which are located in different regional slates, enabled the research team

to gather diverse and representative information on the situation of children deprived of their liberty in different parts/contexts of Ethiopia.

Informant Groups

The primary data necessary for the present study was gathered from the following five research/informant groups.

- ▶ **Children deprived of their liberty:** Children who are currently detained or held at police stations, prisons and remand homes;
- ▶ **Judicial, law enforcement and other government officials including police officials,** Administrators of prison and remand homes, prosecutors, judges, and officials of the children, family and social affairs departments;
- ▶ **Representatives of civil society organisations** working in the area of juvenile justice;
- ▶ **Families of children deprived of their liberty** including parents whose children are detained for committing offences and mothers in prison who are living with their children; and
- ▶ **Community members** living in a particular locality.

Primary & Secondary Data Collection Methods

In the collection of the required data and information from the primary sources, the following methods were employed.

1. **Interview:** This method was used to gather information from police officials, administrators of prisons and remand homes, prosecutors, judges, officials of children, family and social affairs departments, representatives of NGOs and families of detained children.
2. **Interview questionnaire:** This method was used to gather data from children deprived of their liberty.
3. **Focus group discussions:** Such discussions were held with detained children and community leaders.
4. **Document review:** This method was used to collect information from secondary sources.
5. **Case study:** Selected detailed case studies of individual children deprived of their liberty were conducted.
6. **Narrative research method:** This method involved conducting discussions with groups of children and asking them to write stories about their views, perceptions and experiences in detention centres.
7. **Observation:** Systematic observation of the places of detention and the whole process of the study was also an important source of information.

Sample Size and Selection

The sample size of each of the informant groups was determined by taking into account various factors like the size of population, accessibility "to respondents and the duration of the study. The respondents from each group of informants were selected by using both purposive and random sampling methods. The following table summarizes the sample size covered in the study by informant groups.

Table 6. Sample Size

Informant Groups	Sample Size Contacted	Data Collection Tool Used
Children	278	Interview questionnaires Focus group discussions Case studies Narrative research methods
Judicial, law enforcement bodies and other government officials	42	Interviews
Representatives of civil society organisations	14	Interviews
Families of children deprived of their liberty	30	Interviews
Community Members	43	Interviews

Data Analysis

Quantitative data from primary sources was tallied and coded manually. Statistical procedures such as frequency, sum and percentage were used to analyze the quantitative data numerically. The resulting data from the qualitative research tools was analyzed by using a grounded form of analysis, which involved coding around major themes, noting common themes, and assessing inter-relationships among recurring themes. The qualitative and quantitative data from primary sources and the data obtained from document reviews were analyzed by using the triangulation method for presentation.

Ethical Considerations

The assessment was carried out in line with the following research ethics:

- ▶ The need to give enough information/explanation to all research participants about the research (who it is for, its topic, purpose, objective, methodology, privacy criteria, actual and potential benefits to various bodies, the institutions carrying out the research, and the composition of the research team):
- ▶ The need to inform all research participants that they have the right not to partake in or withdraw from the research at any stage.
- ▶ The need to respect cultures, traditions, knowledge and customs in conducting the assessment;
- ▶ The need to avoid raising any unrealistic expectation by participants:
- ▶ The need to respect the privacy of the informant and the confidentiality of the information provided by respondents; and
- ▶ The need to employ methods to ensure the participation of children during the study and Respecting child ethics.

Limitations of the Study

The major limitations of the research were:

- ▶ The research team could not access children in police stations in some areas either due to the absence of the responsible person to give permission or the failure of the children in the police stations to appear for interviews.
- ▶ One of the informant groups for the assessment was made up of parents of detained children. However, though an effort was made, it was very difficult to locate these informants because many of the children are from rural areas while others are no longer living with their parents.
- ▶ As far as child informants are concerned, girls are very small in number compared to boys in all the study areas. **Thus**, boys make up the majority of the informants.
- ▶ The study only covered prisons located in bigger towns; and only eight prisons out of about 120 were contacted. Moreover, out of nine regions of Ethiopia, only four namely Amhara, Oromia Southern Nations, Nationalities and Peoples' regions, and Addis Ababa were targeted by the study. Hence, the findings of the study may not adequately address some specific issues that might be affecting prisons in other areas in Ethiopia.

ANNEX III LIST OF KEY INFORMANTS

1. West Shoa Zone Prison Administration
2. West Shoa Zone High Court
3. Ambo Woreda Court
4. West Shoa Zone Prosecution Office
5. Ambo Woreda Prosecution Office
6. West Shoa Zone Labour and Social Affairs
7. West Shoa Zone Women Affairs Office
8. Ambo Woreda Police Department
9. Prison Fellowship Ethiopia, Ambo Branch
10. South Wollo Zone Prison Administration
11. South Wollo Zone High Court
12. Dessie Woreda Court
13. South Wollo Zone Prosecution Office
14. Dessie Woreda Prosecution Office
15. South Wollo Zone Police Department
16. South Wollo Zone Women Affairs Office
17. Ethiopian Human Rights Council, Dessie Branch
18. FSCE, Dessie Branch
19. Dessie Woreda Police Department
20. Dessie Woreda Police Department
21. Dessie Woreda Police Department
22. Jimma Zone Prison Administration
23. Jimma Zone High Court
24. Jimma Woreda Court
25. Jimma Zone Prosecution Office
26. Jimma Woreda Prosecution Office
27. Jimma Zone Police Department
28. Jimma Zone Women Affairs Office
29. FSCE, Dessie Branch
30. Jimma Woreda Police Department
31. Prison Fellowship Ethiopia, Jimma Branch
32. Addis Ababa Prison Administration
33. Addis Ababa Child-friendly Court
34. Addis Ababa Rehabilitation Centre for Youth
35. Addis Ababa Prosecution Office
36. Addis Ketema Sub-City Police Department
37. Kirkos Sub-City Police Department
38. FSCE, Addis Ababa
39. Prison Fellowship Ethiopia, Addis Ababa
40. Ziway Prison Administration
41. Ziway City Police Station
42. Ziway Woreda Court
43. Sidama Zone Prison Administration
44. Awasa City Court
45. Awasa City Prosecutor Office
46. Awasa City Police Child Protection Unit
47. SPNNRS, Bureau of Social and Labour Affairs
48. Bahir Dar Prison Administration
49. Bahir Dar City Police Station
50. Bahir Dar Woreda Court
51. Debre Birhan Prison Administration
52. Bahir Dar Woreda Prosecution Office
53. West Gojjam Zone Prosecutor Office
54. Bahir Dar Police Child Protection Unit

ANNEX IV DATA COLLECTION TOOLS

1: Interview Guideline to Gather Information from Parent /Families of Children Deprived of their Liberty

1. Background Information

Interviewee's Age _____ Sex _____
Address: Region _____ Woreda _____ Kebele _____

1.2. About the child deprived of liberty

Age _____ Sex _____
Time of Arrest/Detention _____ Place of Arrest /Detention _____
Reason for Arrest/ Detention _____

1.3. Your relation with the child.

Mother _____
Father _____
Family _____
Relatives _____

2. Procedure of Arrest and Detention

- 2.1 Who arrested/detained the child? Why? In what circumstances?
- 2.2. From whom did you learn about the arrest/detention?
 - from law enforcement officials _____
 - from other officials (please specify) _____
 - from family members, relatives and others _____
- 2.3 When did you learn about the arrest/detention?
 - the day the child was arrested _____
 - sometime after that day (please specify) _____.
 - reasons for the delayed information, (if it is delayed). _____
- 2.4 Whether or not the child has faced any form of physical or psychological abuse during arrest/detention?
 - yes _____ No _____
 - if yes, what happened? -what is the source of your information?
- 2.5 Is your child arrested for alleged crime? Yes _____ No _____
- 2.6 If your response is "no", who ordered the arrest and detention of your child?
- 2.7 Was your child presented before a court of law immediately after apprehension?
Yes _____ No. _____.
- 2.8 Which court? _____
- 2.9 Has the child been represented by you or your spouse or a lawyer during the arrest and detention? Yes _____ No _____
- 2.10 Was your child able to defend himself? E.g. Cross-examine witnesses, appeal? Why was your child not released on bail?

3. On the Conditions of the Child at the Arrest /Detention Centre

- 3.1 With whom is your child detained? With children or with adults?
- 3.2 How often are you allowed to visit your child at the detention centre? If there is any other form of communication with your child?
- 3.3 Who else is allowed to visit him/her? _____
- 3.4 Have you encountered any kind of prohibition/problem from officials while trying to meet with your child? Why? _____ Is your child well fed at the detention centre? How many times a day? Do you know about the quality of the meal? Are you allowed to take food to your child? If yes, how often do you do that? What care and support services are provided for the child at the detention centre in relation to clothing, sanitation, and sleeping facilities?
- 3.5 What about it in relation to his/her education, and health? Are there other services and facilities in the detention centre (e.g. counselling, recreation, vocational training etc.)?
- 3.6 Is your child taking part in a rehabilitation program? Are the children deprived of liberty forced to work in the detention centre? (Including kind of work, payment, if any, and working hours)
- 3.7 How do you evaluate the physical and psychological condition of your child before and after detention? Did you observe any positive or negative changes subsequent to the detention? Did you observe any misbehaviour the child had learned during and after detention? (Including addiction to drugs).
- 3.8 How do you assess the suitability of the detention centre for the education and rehabilitation of children in conflict with the law? What measures could be taken to address the problems you mentioned so that the detention centres could be improved?
- 3.9 Do you think detention was a measure of a last resort for your child? Why?
- 3.10 Do you think your child had committed the alleged crime?
- 3.11. Do you think the offence your child is alleged to have committed deserves detention?
- 3.12. Do you think your handling of the child contributed to his 'offending' behaviour?
- 3.13. Do you think children in detention centres come out with good behaviour to lead a decent life?
- 3.14. What is the attitude of the community towards children coming out of detention centres serving after a sentence?
- 3.15. What is 'justice' for you as far as your child is concerned?

2: Interview Guideline to Gather Information from Parents Detained with their Children

1. Background Information

- 1.1. Interviewee's Age _____ Sex _____
Address: Region _____ Woreda _____ Kebele _____
Time of Arrest/Detention _____ Place of Arrest/Detention _____ Reason for Arrest/ Detention _____
- 1.2. Have you been tried before a court of law? Which court?
- 1.3. Is bail granted? If yes, why are you not released from the detention centre?
- 1.4. Are you represented by a lawyer?
- 1.5. Information about the child detained with the interviewee
Age _____ Sex _____
Education Level _____

2. Condition of Detention and Available Services

- 2.1 The reason for the detention of the child with his parent/guardian?
- 2.2 If the child is provided with food, how often and in what quality?
- 2.3 Where do the children sleep? With their mothers, or is there any other arrangement?
- 2.4 Are children sexually or physically abused in the detention centre?
- 2.5 Does the child get services related to his hygiene, sanitation, education and health care?
- 2.6 Is your child born in a detention centre, or outside? If it is born in a detention, centre did you get the necessary medication and protection?
- 2.7 Are there measures taken to ensure the wellbeing and protection of children detained with their parents? (For example, do pregnant and breast-feeding mothers get special attention with regard to food, hygiene, etc.?)
- 2.8 What is the level of liberty the child enjoys in relation to his/her communication with the outside community, his/her education attendance and follow-up, his/her freedom or movement into and out of the detention centre and his her rest and leisure?
- 2.9 Are any measures taken for the protection of children detained with their parents? For example are they, protected not to mix with adult prisoners?
- 2.10 Do you think the detention centre is a good place for your child to grow up? Why?
- 2.11 Would you prefer your child to grow up outside the prison and stay with his father or other relatives? Why?
- 2.12 Would you prefer your child to grow up outside the prison and stay with institutions such as orphanages? Why?
- 2.13 Is your detention with your child a measure of a last resort taken by the court?
- 2.14 What is your perception about justice in the Ethiopian context?

3: Questionnaire/ Interview Guideline to Gather Information from Children Deprived of their Liberty

Area: _____

Police station _____ Prison _____

Basic information

Age _____ Sex, _____

Address: Region _____ Woreda _____ Kebele _____

Education level _____

Family situation _____

Reason for arrest _____

Time of arrest _____

Duration of stay at the detention centre _____

History of detention if frequent _____

1. Brief Life K-jtory of the Child Before Detention.

- 1.1. Explain the economic situation of your family
- 1.2. Explain your relationship within the family
- 1.3. Did you have access to basic necessities? Who is responsible for that?
- 1.4. Did you have enough time for rest and leisure activities?
- 1.5. Were you attending schools with a proper follow-up?
- 1.6. Do you work at home and outside? Why? What kind of work? Is it voluntary?
- 1.7. Other issues

2. Arrest

- 2.1 How were you arrested? By whom?
- 2.2 What were you doing when you were arrested?
- 2.3 Have you been informed of why you were arrested and for what crime at the time?
- 2.4 Were your parents informed of your arrest before or immediately after arrest? When were they informed of the fact?
- 2.5 Have you faced any physical or psychological abuse during arrest and while being taken to the detention centre (pushing, beating, insulting etc.)
- 2.6 Have you been taken to court since your arrest? When? (Immediately after arrest, sometime later, etc.)
- 2.7 Have you ever been assisted and consulted by your parents or a lawyer during arrest and in court proceedings?
- 2.8 Do you think that you were treated as innocent during your arrest and in court proceedings? Who treated you as innocent and who as a criminal? How?
- 2.9 What do you remember most about your arrest?

3. If the Child Has Gone Through Court Proceeding

- 3.1 Have you been tried in a court of law?
- 3.2 What court or tribunal tried your case?
- 3.3 How long has it taken?
- 3.4 Did you have parental or professional legal assistance during the proceeding? How sufficient was it?
- 3.5 Have you grasped the meaning of the charges against you? Has it been clear to you?

- 3.6 Has it been possible for you to present your side of the case and evidence thereto? How fair was the proceeding?
- 3.7 Do you feel listened to by the court throughout the proceedings?
- 3.8 Did the police or court grant you bail? If yes, why were you not released from the detention centre?

4. Conditions at the Detention Centre

- 4.1 Is it in the same institution that you are staying since your arrest? If not where were you?
- 4.2 What kind of detention centre is it? (Ordinary prison, remand home, other)
- 4.3 What is the living arrangement in the detention centre? Are you detained with children or adults?
- 4.4 How are the sleeping arrangement as well as the hygiene and sanitation? How sufficient are the rest and leisure facilities?
- 4.5 What about rest and leisure activities?
- 4.6 Do you get adequate space to sleep comfortably?
- 4.7 Do you have access to water and other sanitation materials? Are you allowed to bath and, wash, and use toilets? What restrictions are there?
- 4.8 Are you provided with food at the detention centre? How frequent and in what quantity and quality do you get it?
- 4.9 Do you get educational services at the detention centre? How?
- 4.10 Do you get health services at the detention centre? How?
- 4.11 Do you get visits from your parents, friends and relatives? How often? What other communication mechanisms are you allowed?
- 4.12 Do you have access to TV, radio, and newspapers? How often?
- 4.13 Do you have access to counselling and other psycho-social services? By whom? How often?
- 4.14 Is there any difference in the treatment and care of detained children depending on their type of offence and delinquency? How?
- 4.15 Is there any difference in the treatment and care of detained children depending on their sex and age? How?
- 4.16 Is there any difference in the treatment and care of detained children depending on their religion? In what way?
- 4.17 Do children experience physical abuse in the detention centre?
- 4.18 Do children experience sexual abuse in the detention centre?
- 4.19 Are there protective measures the relevant authorities take so that you will not face abuse and maltreatment, including that from older and adult inmates and officials?
- 4.20 What disciplinary measures exist for wrongdoers?
- 4.21 Have you ever been physically punished for disciplinary reasons? For what reason?
- 4.22 Have you ever taken part in vocational training? Do you think it is useful for you?
- 4.23 Are you forced to work in a detention centre? What type of work? Do you like it? Are you paid for what you do at the detention centre?
- 4.24 Have you ever been inhumanely treated in the detention centre (e.g. solitary confinement?)
- 4.25 Have you experienced discrimination in the detention centre vis-a-vis other prisoners?
- 4.26 Have you been consulted about the condition of detention by any official inspecting the detention centre? Have you seen any improvement as a result?
- 4.27 Are you aware of complaint procedures in the detention centre?
- 4.28 Have you ever complained about the situation at the detention centre to the authorities? How? (E.g. in writing, orally, in meetings) What was the result?
- 4.29 What do you like or dislike in the detention centre?
- 4.30 Is there change in your behaviour after you were in detention centre? How?
- 4.31 What is your vision of the future when you leave prison? Do you foresee positive things in your life?

- 4.32. Do you think that what you experienced in the detention centre would help you in effectively integrating into the family/community?
- 4.33. What is the attitude of your parents or families concerning your detention?
- 4.34. Do you think your detention is a measure taken as a last resort?
- 4.35. Do you think detention is the appropriate way to correct you? What other measures could you suggest?
- 4.36. Have you experienced detention before? For how long? What did you learn from the experience?
- 4.37. What is the perception of the community towards children who had spent/served time in prison? Is it friendly or hostile? Why?

4: FGD Guideline for Children Deprived of their Liberty

Participants: (children on trial, children serving sentence, young and older children)

1. What were you doing before detention? How was your life?
2. What is the social and economic status of your family?
3. Do you know why you are in jail?
4. How do you compare the arrest of children and adults? Have you noticed any different procedures?
5. How is the practice of legal representation and due process in relation to the arrest and trial?
6. What is the situation concerning access to food and clothing in the detention centre?
7. How is it in relation to accessing;
 - a. Health care and medical services
 - b. Education and information
 - c. Vocational training
 - d. Counselling services
 - e. Sanitation and hygiene facilities
8. Availability and management of leisure and recreation facilities in the detention centre?
9. What kind of forced labour/'work' exists if any in the detention centre?
10. How are the nature and management of disciplinary measures administered?
11. How in the prevalence and magnitude of child abuse, inhuman and degrading treatment?
12. What efforts are made towards the rehabilitation and education of children deprived of their liberty?
13. How is the children's sense of dignity and worth, while detained and afterwards?
14. How is the prevalence of discriminatory treatment and practice (age, religion, sex etc)?
15. Are girls treated differently? How? Why?
16. Is there awareness about the rights of children deprived of their liberty among the children and the officials?
17. Are communication and visitation arrangements put in place by the detention centre?
18. Is inspection conducted by officials and is there consultation with children to improve facilities and services
19. Is there a complaint procedure in the detention centre? How sufficient it is?
20. What is the priority need of children in the detention centre?
21. Is there violence against children? By whom is it committed?
22. Where do you experience more violence? (In streets, home, school, or In prison)?

5: Observation Checklist During Visit to the Detention Centre

Name of Prison /Detention Centre-----

- ▶ Any indication of physical abuse on the body of the child (e.g. beatings)
- ▶ What they eat
- ▶ What they wear (clothing,)
- ▶ The detention room, (beds, blankets, mattresses, size, lighting, cleanness, etc)
- ▶ The number of detainees in a room
- ▶ The physical appearance of the children, (clean, dirty, happy,)
- ▶ The toilet children use (clean and separate)
- ▶ Were children playing, working, sitting idle etc... at the time of visit
- ▶ Children addicted to drugs (e.g. smoking cigarettes)
- ▶ The level of contact of children with adult prisoners (are they spending time together?)
- ▶ Are there recreational places, games, libraries etc?
- ▶ The attitude of officials towards the children (verbal, physical, emotional etc.)
- ▶ Place for education (vocational training)
- ▶ Place where mothers detained with their children are accommodated

6: Checklist for Prison Administration /Detention Centres

Area: _____

Police station _____ Prison _____

	Rights of children deprived of their liberty	Yes	No	Remark
1	Existence of valid/legal commitment order in detention centre			
2	Proper registration and keeping of complete and secure record of information (the fact, reason and authority for detention, time, transfer and release, notification to parents, health problems)			
3	Presence of database on the number of children and their age			
4	Children are handled by trained personnel			
5	Children have time for daily leisure activities			
6	Children are separated from adults			
7	Preparation of individual treatment plan			
8	Decentralization of facilities			
9	Provision of vocational training			
10	Is there institutionalized (continuous) rehabilitation practice			
11	Children have time for daily exercise in the open air			
12	Access to news, TV, etc			
13	Provision of adequate preventive and remedial medical care			
14	Notification of health problems to family of the child			
15	Permission to leave the facility for family visit, education, etc.			
16	The right to communicate in writing or by through telephone			
17	Prohibition to carry and use weapons by personnel			
18	Availability of clear written disciplinary rules			
19	Regular Inspection by competent authorities			
20	Availability programmes to facilitate reintegration			
21	Freedom to exercise one's religion			
22	Freedom to participate in religious activities			
23	Availability of drug abuse prevention and rehabilitation services			
24	Notification of the death, serious illness or injury of family member to the child			
25	Are collective sanctions and more than one punishment prohibited?			
26	Availability of written complaint procedure/law			
27	Is there a regular evaluation of the work of the detention centre			

7: Participatory Tools

The research team uses participatory research methods to collect information from children as shown in the following chart.

Specific technique	How-----	Purpose	Sample
Mapping (including community, health and institution mapping)	Group of children come together to collectively do the mapping. The role of the researcher is to clarify the purpose and to facilitate the process.	To collect information on those health issues affecting children in the detention centre. To learn about facilities and services in the lives and community of children in (he detention centre. To see the level of access the children enjoy in relation to these facilities and services.	One mapping session at each study area involving 4-6 children
Daily activities chart	Children will be asked to make a record of their daily lives on a chart. This may involve record of the days activities or by taking a typical day in the lives of children	To learn more about the daily lives of children and to incorporate the finding into a case study analysis.	2 or 3 children from each area.
Narration	Children are asked to recall the circumstances of their arrest, trial and detention. This will be done by paying a periodic visit to the children. The story will either be written by the children themselves or recorded by the researchers.	To get an insight into the feelings and perceptions of the children about their arrest and detention. The information will also be used to portray individual cases.	2 or 3 children per area
Role play	Group of children play different roles regarding the conditions and circumstances of their detention.	<ul style="list-style-type: none"> • To allow the children to express their ideas and perceptions concerning the detention centre. • Perception about their future in relation to support for reintegration. • Perception about the relationship with families and the community. 	1 role play per area
FGD(see separate tool 4)	Group of children collectively discuss issues affecting them.	To get children's perspectives about the process of arrest and detention as well as about involved rights and their future.	1 FGD per area

8: Interview Guideline for NGOs/Government Offices Working for and with Children

1. About the Problem

- 1.1. How serious is the problem of children deprived of their liberty?
- 1.2. In what economic, social, cultural fields are most of these children deprived of their liberty?
- 1.3. How do you appraise their treatment in the detention centres in light of international and domestic human rights standards?
- 1.4. How do you evaluate their rehabilitation and reintegration process?

2. Intervention by NGOs

- 2.1. Are there interventions to avoid children from being detained?
- 2.2. Are there interventions to address the problem of children in detention centres?
- 2.3. Which organizations and structures in the government are involved in these interventions?
- 2.4. To what extent are these programs effective in addressing the problem of children deprived of their liberty?
- 2.5. What are the major challenges in implementing interventions targeting children deprived of their liberty?
- 2.6. What actions should be taken to address the problem?

9: Interview Guideline for Judges and Prosecutors

1. Appreciation of the Problem

- 1.1 How do you see the gravity of the problem of children deprived of their liberty? How serious in the magnitude and trend?
- 1.2 What are the root causes of the problem?
- 1.3 What are the most vulnerable groups of children?
- 1.4 What are the mandates *and* involvement of your organization?

2. Awareness about the Legal and Policy Framework on the Rights of Children Deprived of their Liberty

- 2.1 What are the relevant international and domestic laws on the handling and treatment of children coming in contact with the law and children deprived of their liberty?
- 2.2 What are the rights of children deprived of their liberty during arrest and trial?
- 2.3 What are the rights of children deprived of their liberty in detention centres?
- 2.4 Have you received any training related to the rights of children? For how long and on what specific subject?
- 2.5 What is the educational background of the personnel?

3. Status of Implementation of the Rights of Children Deprived of their Liberty

- 3.1. Please explain how serious juvenile delinquency has been (in terms of age and sex in particular) in the past three years?
- 3.2. What group of children usually come to court (e.g. their economic, social background?) Are there children imprisoned with their mothers? What measures do you take as regards their wellbeing?
- 3.3. How long does it take to pass judgment on cases involving children in conflict with the law? Is it any different when the children are imprisoned during trial?
- 3.4. Is there a possibility of "diverting" children from a formal court system (such as referral to CPUs)?
- 3.5. Is there the possibility of releasing children to the care and supervision of parents?
- 3.6. Are there other alternative programs available to avoid the detention of children?
- 3.7. Are children sent to prison as a last resort?
- 3.8. What rights do children have in prison? Please be specific with regard to gender and age
- 3.9. Do you think children in conflict with the law are handled in a way that rehabilitates and integrates them?
- 3.10. Have you received complaints from children in conflict with the law or from parents imprisoned with their children?
- 3.11. If yes, what is the complaint and what measure did you take?
- 3.12. Do children have access to legal aid?
- 3.13. What are the problems you encounter to put the appropriate, law in practice concerning children?
- 3.14. What is the attitude of the community towards children who have experienced life in detention centres or prisons?

4. Institutional, Legal and Capacity Problems to Properly Implement the Rights of Children Deprived of their Liberty - Legal and Policy Gaps

- 4.1. What are the problems related to institutional arrangements and coordination?
- 4.2. Do the institutions have the capacity to address the problem?

- 4.3. Are the personnel working in these institutions competent? (Training, skill, knowledge, attitude, remuneration)

5. Measures to Address Problems

- 5.1. What initiatives are being taken to address the problems in the area?

- 5.2. What measures should be taken?

- ▶ Related to policy and legal framework
- ▶ Related to training
- ▶ Related to institutional arrangements and coordination
- ▶ At the level of each institution
 - ◆ Police
 - ◆ The Court
 - ◆ Prosecutor's office
 - ◆ Prisons
 - ◆ Remand Homes

10: Interview Guideline for Prison Administration/Remand Homes

1. Appreciation of the Problem

- 1.1 How do you see the gravity of (he problem of children deprived of (their liberty? How serious in the magnitude and trend?
- 1.2 What are the root causes of the problem?
- 1.3 What are the most vulnerable groups of children?
- 1.4 What are the mandates and involvement of your organization?

2. Awareness about the Legal and Policy Framework on the Rights of Children Deprived of their Liberty

- 2.1 What are the relevant international and domestic laws on the handling and treatment of children coming in contact with the law and children deprived of their liberty?
- 2.2 What are the rights of children deprived of their liberty during arrest and trial?
- 2.3 What are the rights of children deprived of their liberty in detention centres?
- 2.4 Have you received any training related to the rights of children? For how long and on what specific subject?
- 2.5 What is the educational background of the personnel?

3. Status of Implementation of the Rights of Children Deprived of their Liberty

- 3.1. Number of juveniles detained in one facility, (is it small enough to facilitate individualized treatment?)
- 3.2. Is the right to privacy (in particular to keep personal effects) and leisure respected?
- 3.3. Provision of suitable food, clean bedding, sanitary services, suitable clothing
- 3.4. Provision of education (normal schools in the community, certificates should not indicate the fact of detention) including vocational training
- 3.5. Working conditions (entitlement to choose, opportunity to work in the community, observance of child labour standards, fair remuneration)
- 3.6. Do the children have the right to receive regular and frequent visit, at least once a week?
- 3.7. Is there a practice of cruel and inhumane disciplinary measures? (E.g. corporal punishment, placement in a dark cell, solitary confinement, reduction of food, restriction of family contact)
- 3.8. Is there due process in the application of disciplinary rules?
- 3.9. Are children protected from any form of abuse and exploitation?
- 3.10. Do the children have the right to make complaints about violations and getting response without delay?
- 3.11. Do rehabilitation service providers have access to the children in detention?
- 3.12. Do children have access to legal aid?
- 3.13. Are children imprisoned with their mothers protected in all matters? (Food, hygiene, education, leisure, etc..)
- 3.14. Is there an institutionalized rehabilitation program?
- 3.15. Do you have a written complaint procedure?
- 3.16. Do you have a written disciplinary procedure?
- 3.17. Is there a regular evaluation of the activities of the detention centre relating to children (including the effectiveness of the reintegration of children in the family and community)? By whom and how is the evaluation made?
- 3.18. What is the attitude of the community towards children who have experienced life in detention centres or prisons?

4. Institutional, Legal and Capacity Problems to Properly Implement the Rights of Children Deprived of their Liberty - Legal and Policy Gaps

- 4.1. What are the problems related to institutional arrangements and coordination?
- 4.2. Do the institutions have the capacity to address the problem?
- 4.3. Are the personnel working in these institutions competent? (Training, skill, knowledge, attitude, remuneration)

5. Measures to Address Problems

- 5.1. What initiatives are being taken to address the problems in the area?
- 5.2. What measures should be taken?
 - ▶ Related to policy and legal framework
 - ▶ Related to training
 - ▶ Related to institutional arrangements and coordination
 - ▶ At the level of each institution
 - Police
 - The Court
 - Prosecutor's office
 - Prisons
 - Remand Homes

11: Interview Guideline For the Police

1. Appreciation of the Problem

- 1.1 How do you see the gravity of the problem of children deprived of their liberty? How serious in the magnitude and trend?
- 1.2 What are the root causes of the problem?
- 1.3 What are the most vulnerable groups of children?
- 1.4 What are the mandates and involvement of your organization?

2. Awareness about the Legal and Policy Framework on the Rights of Children Deprived of their Liberty

- 2.1 What are the relevant international and domestic laws on the handling and treatment of children coming in contact with the law and children deprived of their liberty?
- 2.2 What are the rights of children deprived of their liberty during arrest and trial?
- 2.3 What are the rights of children deprived of their liberty in detention centres?
- 2.4 Have you received any training related to the rights of children? For how long and on what specific subject?
- 2.5 What is the educational background of the personnel?

3. Status of Implementation of the Rights of Children Deprived of their Liberty

- 3.1. Please explain how serious juvenile delinquency is (in terms of age and sex in particular) in the past three years
- 3.2. What group of children usually come to the police (e.g. their economic and social background)
- 3.3. Are there children imprisoned with their mothers? What measures do you take as regards their wellbeing?
- 3.4. How long does a child have to stay in the police station before he is brought before a court?

- 3.5. Is there the possibility of 'diverting' children below the age of 18 from a formal court system? (Such as referral to CPUs)
- 3.6. Is there a possibility of releasing children to the care and supervision of parents?
- 3.7. Are there other alternative programs available to avoid the detention of children?
- 3.8. Are children detained as a last resort?
- 3.9. What is the number of juveniles detained in one facility? (Is it small enough to facilitate individualized treatment?)
- 3.10. What rights do children below 18 years of age have in the police station? Please specify with regard to gender and age.
- 3.11. Is the right to privacy, in particular to keep personal effects, and leisure respected?
- 3.12. Provision of suitable food, clean bedding, sanitary services, suitable clothing
- 3.13. Do you think that children in conflict with the law are handled in a way that rehabilitates and integrates them?
- 3.14. Have you received complaints on the conditions in the police station by children in conflict with the law or by parents imprisoned with their children?
If yes, what is the complaint and what measure did you take?
- 3.15. What are the problems you encounter to put in practice the appropriate law concerning children?
- 3.16. Are children imprisoned with their mothers protected in all matters? (Food, hygiene, education, leisure, etc.)
- 3.17. Do children have access to legal aid?
- 3.18. Do you have a written complaint procedure?
- 3.19. Do you have a written disciplinary procedure?
- 3.20. Is there regular evaluation of the activities of the detention centre relating to children (including the effectiveness of the reintegration of children in the family and community)?
By whom and how is the evaluation done?
- 3.21. What is the attitude of the community towards children who have experienced life in detention centres or prisons?

4. Institutional, Legal and Capacity Problems to Properly Implement the Rights of Children Deprived of their Liberty - Legal and Policy Gaps

- 4.1. What are problems related to institutional arrangements and coordination?
- 4.2. Do the institutions have the capacity to address the problem?
- 4.3. Are the personnel working in these institutions competent? (Training, skill, knowledge, attitude, remuneration)

5. Measures to Address Problems

- 5.1. What initiatives are being taken to address the problems in the area?
- 5.2. What measures should be taken?
 - ▶ Related to policy and legal framework
 - ▶ Related to training
 - ▶ Related to institutional arrangements and coordination
 - ▶ At the level of each institution
 - Police
 - The Court
 - Prosecutor office
 - Prisons
 - Remand Homes

ANNEX V STRUCTURE OF PRISONERS COUNCIL {BAHIR DAR}



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