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Rehabilitation and Reintegration of child offenders into society: Perspective from Africa

Under the African Charter on the Rights and Welfare of the Child, the essential aim of the treatment of child offenders is the child's reformation and reintegration into his or her family and social rehabilitation. Similarly, the United Nations Convention on the Rights of the Child speaks of promoting the child's reintegration and the child's assuming a constructive role in society.

Rehabilitation is the process of reformation of child offenders to become law abiding and behave in conformity with the norms and values of the society. Reintegration is the process of taking back children from the street or institutions to their families and communities. Though both terms sound different in meaning, they are very synonymous in their application. Reintegration starts with rehabilitation, and it is sustained by it

Rehabilitation requires positive psychological and physical changes in the child, which can be exhibited by good behavior that is acceptable by the society. Though the focus of rehabilitation is usually on the offender, the victim too may have an important role to play. This is because the psychological aspect of rehabilitation of a child offender may require forgiveness and reconciliation with the victim including the indirect victims. However, it is advisable to note that victim's participation in this process should be purely voluntary and in certain cases can be very challenging. Though not necessarily a pre-condition, achieving offender's reconciliation with the victim is a crucial milestone in the process of rehabilitation and reintegration of a child offender.

The first step is to have thorough knowledge about the child. This requires well skilled social workers who can illicit correct information about the child from the child and other people including parents and teachers. Most children in conflict with the law would hardly like to disclose their true identity simply because most justice systems usually use it against them instead of helping them. Comprehensive information about the child is required for a development of treatment plan for the child.

The procedures used by most legal systems cause further harm to the child before even finding him/her guilty, which may result to additional trauma. For this reason, it is important to develop a child friendly justice system that takes into account the welfare and safety of the child at every stage of the proceeding. The system should give opportunity to the child to participate and share his/her views that can help those concerned to take decisions that seek the best interest of the child.

Mr/Madam chairperson, let me briefly present some methods of rehabilitation:



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Traditional/cultural methods of rehabilitation- In many cultures in Africa, the conduct of certain crimes is perceived to be a sin or curse. In this case traditional ceremonies are performed to cleanse the offender. The pre-condition is that the offender has to confess and ask for forgiveness. A ceremony is then performed on the offender for cleansing. The arrangement of the ceremony however involves financial and social costs that are born by the offender. This can also be described as therapeutic jurisprudence, where justice, reconciliation and rehabilitation take place together. This process is governed by traditional bi-laws.

Institutionalized form of rehabilitation- This is the colonial type of judicial rehabilitation that is still very dominantly in many countries. The UNCRC Committee General Comments No. 10 obligates State Parties to use deprivation of liberty as a measure of last resort. However in practice, it is more frequently used because it is expected to create a balance between punishment for the satisfaction of the victim and rule of law and rehabilitation. Institutionalized rehabilitation is often dominated by punishment and severe deprivations including due to lack of adequate and efficient personnel and sufficient resources and services. These institutions have failed many children by limiting their chances of developing their potentials.

In reintegrating the child particularly from penal institutions, measures should be put in place to prevent the child from re-offending. This requires the facilitation of the child's acceptance by the family, school, peers and the community. The child would also need social and economic support to be able to easily re-adapt and live with people in society. I would also stress the fact that in most cases, reintegration is much more difficult when a child has been taken out of his/her home because it may break the link and trust with the family; which would be challenging to amend. Deprivation of liberty and placement of the child in any institution often creates stigmatization for the child and can make his/her rehabilitation and reintegration much more difficult.

Child reintegration is a process that requires competent facilitator, who is able to facilitate the child's access to social services and can also provide continuing psychological support. In playing such role it is advisable for the social worker to fully involve the child and family where available in ideal situation. The family would also require support to be able to keep the child and other children. An important component of child's reintegration is to address the underlying problems that led to delinquency of the child, which may include neglect, deprivation, poverty, abuse and/or social exclusion.

To conclude, I would like to emphasize that juvenile justice should not only be looking at the crime of the child but a broader issue including social and economic injustices within the family and society, which are crucial for prevention, rehabilitation and reintegration.



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The child and family should be given opportunity to play an active role throughout the process of rehabilitation and reintegration.

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