Children’s Rights: Engagement in the criminal justice system

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Child abuse casts a shadow
the length of a lifetime.

Herbert Ward
Aim

1. To discuss childhood abuse

2. To highlight why children’s rights matter in terms of protection

3. To discuss pre-school children’s participation in the criminal justice system
A brief history in time…

• Child abuse is not a recent phenomenon
• Harsh forms of discipline was seen as parent’s rights and responsibility Wolfe
• 1950’s: official recognition of children in need of protection
• Media drives and public awareness of “battered child”
• 1960’s: focus on multi-stressed, multi-problem families
• Perpetrators seen as deviant, malicious, disturbed persons
• Focus shifted to acknowledge that child abuse does not discriminate based on gender, social standing, ethnicity, or religion
• Multi-dimensional perspective
What is maltreatment in children?

5 Types  WHO, 2016

- **physical abuse**: punching, beating, kicking, biting, burning, breaking of bones, hair pulling, shaking an infant
- **neglect**: inadequate nutrition, clothing and hygiene; medical neglect, being left unattended in a car, abandonment
- **sexual abuse**: grooming, exhibitionism, rape
- **exploitation**: making pornographic material or prostitution
- **emotional abuse**: marked inattention to child’s need for affection, domestic abuse in front of children, permission of drug / alcohol abuse by children
Some scary statistics…

- 10% of children experienced violence at home. [Social departmentet, 2001]
- 21% of adolescents in upper secondary school reported that they had experienced sexual abuse. [Landberg et al., 2015]
- 35% of young people interviewed in schools had experienced some form of sexual abuse. [Artz et al., 2016]
- Children with disabilities are more than twice as likely as children without disabilities to be physically and sexually abused. [Bornman, 2016]
Tools…

SUSTAINABLE DEVELOPMENT GOALS

16 PEACE AND JUSTICE

UN Convention on the Rights of the Child

In Child Friendly Language

“Rights” are things every child should have or be able to do. All children have the same rights. These rights are listed in the UN Convention on the Rights of the Child. Almost every country has agreed to these rights. All the rights are connected to each other and all are equally important. Sometimes, we have to think about rights in terms of what is the best for children in a situation, and what is critical to life and protection from harm. As you grow, you have more responsibility to make choices and exercise your rights.
Positive rights
(participation and provision rights)

Negative rights
(prevention rights)
5 Specific Articles from CRC

12. The child's right to be heard in any judicial and administrative proceedings.

13. The child's right to freedom of expression.

19. State obligations to protect children against maltreatment and abuse.

35. State obligations to prevent the abduction or trafficking of children.

37. State obligations to ensure that children are not subjected to torture, inhuman or degrading treatment or punishments.
Participation

Attendance
*(being there)*

Involvement
*(experience of being engaged while being there)*
Participation in criminal justice system

Attendance *(being there)*

Involvement *(experience of being engaged while being there)*
Attendance...being there

- Studies needed in poverty settings that focus on children’s needs on higher level of Maslow’s Hierarchy of Needs, e.g. safety Lynegård, Donohue, Bornman, Granlund, & Huus, 2013

- Listen to children’s own voices when designing policies and services aiming for them, in line with CRC Lynegård et al., 2013

- Caregivers (proxy raters) and children (self-raters) answered questions regarding basic needs (access to clean water, food to eat) in same way – but significant differences regarding higher order needs – importance to ask children themselves Huus, Granlund, Bornman, Lygnegård, 2015
Attendance …being there (2)

• Caregivers are concerned about Protection Rights = mentioned 172 times
  
  Huus, Dada, Bornman & Lyngnegard, 2016

• Statistical significant difference between rural and urban caregivers regarding
  – right to protection (p<0.001)
  – right to no discrimination (p<0.003)
  
  Huus et al., 2016

• Concerned adult that will initiate the process

• Access (police stations ; social workers ; court preparation officers ; court)
  
  Bornman, 2016
Involvement...

- Vocabulary needed to disclose abuse – implications for pre-schoolers  
  Bornman, Bryen, Kershaw & Ledwaba, 2011
- Vocabulary list needed to use in court: Who, What, Where, When & How  
  White, Bornman & Johnson, 2015
- Investigating barriers in criminal justice system (e.g. types of questioning allowed, testifying without facing alleged perpetrator, testifying in chambers not in court, use of intermediary  
  Bornman, White, Johnson & Bryen, 2016
- Use of Talking Mats visual framework to allow children to voice their own opinions  
  Murphy & Cameron, 2008
Involvement...

• Violence prevention programs, e.g. Stay Safe MacIntyre & Carr, 1999 Elements such as
  – naming & recognizing feelings
  – building self-esteem
  – developing assertiveness & social skills
  – knowing about personal boundaries & body space
  – learning about basic safety skills
  – introducing the vocabulary used in the lessons.

• Police training – sensitivity towards children with disability Viljoen, Bornman, Wiles & Tönsing, 2016
Concluding thoughts

"The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing."

-ALBERT EINSTEIN
Tack!

Thank You!

Dankie!

Siyabonga!

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References


References


