



# **Child Friendly Justice System: A Component of Child Friendly City**

**UCEP Nepal**

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# PART I:

Introduction about the  
organization





# Introduction

## Underprivileged Children's Educational Programs (UCEP), Nepal

- ✓ A social Organization (Not-for-Profit)
- ✓ Estd. in 1978 by Late Dr. Lindsay Allan Chenney
- ✓ Registered at DAO (Regd. No. 1374/2045) – Bhaktapur
- ✓ Affiliated to Social Welfare Council (SWC)
- ✓ General Members – 113 (Full Volunteers)
- ✓ Executive Board Members – 9 (Full Volunteers)
- ✓ Staff members – Full-time 55, Contract/Part-time 25  
(Headed by Executive Director)



# Thematic Areas

1. Education Support Program (ESP)
2. Technical Education and Vocational Training (TEVT)
3. Juvenile Correctional Home
4. Child Right Advocacy & Networking



# PART II:

## Child Friendly Justice System: A Component of Child Friendly City



# INTRODUCTION

- **Child Friendly City is a local system of good governance committed to fulfilling children's rights. (UNICEF)**
  
- **Nepalese context, Child Friendly Local Governance is defined as the governance modality of local level government mechanisms to institutionalize major issues of child rights like survival, development, protection and meaningful participation of children through local governance policies, plan, framework, procedures and action. (Child Friendly Local Governance National Strategy, 2011)**



- **Child protection is one of the fundamental pillars of CRC.**
- **The justice system is the implementing and ensuring mechanism of broader theme of Protection.**
- **In this connection, the focus of this presentation is more on the Justice system for children as part of a Child Friendly City.**



# FOUNDATION OF A CHILD FRIENDLY JUSTICE SYSTEM

- Crime is a social phenomenon; there can be no society without crime and criminals.
- Most of the hardcoded criminals start their criminal activities since adolescents.
- Preventive (crime) measures compliment requirements of Child Friendly City rather than punitive or corrective measures.
- CRC (1989), The Riyadh Guidelines (1990), Beijing Rules (1985) and Tokyo Rules (1990) are international documents related to preventive measures and diversion.



- **Despite the preventive measures children come in conflict with law.**
- **In this regards, Article 40 (4) of the CRC prescribes alternatives to institutional care.**
- **Similarly, Beijing Rules suggests diversion from criminal justice processing and Tokyo Rules encourages the development of non-custodial measures**
- **Therefore, Justice System should incorporate child friendly measures at all stages of the formal proceedings even when the proceedings are underway as last resort.**



# LEGAL SAFEGUARDS FOR CHILD FRIENDLY JUSTICE SYSTEM

- In case children come in conflict with the law, international as well as national laws relating to children justice system have insured some safeguards with emphasis on child-friendly procedure and treatment for children.
- Fair trial safeguards regarding children in conflict with law is ensured by CRC Article 40 (2) at international level.
- Article 24 of the Constitution of Nepal also ensures the fair trial rights.



- **Section 7 of the Children's Act, 1992 prohibits on torture or cruel treatment.**
- **Section 15 of the same prohibits on imposing rigorous punishment.**
- **Section 50 of the Children's Act, 1992 has the provision of suspending sentence and parental custody in trial and post trial phase.**
- **Section 55 of the Children's Act, 1992 has provision to form of Juvenile Court and Juvenile Bench (40).**
- **Juvenile Bench consists of a District Judge, a Psychologist and a Social worker**



- **Juvenile Justice (Procedures) Rules, 2006 ensures following rights:**
- **Special police unit or official for investigation of the cases of children.(Rule-3)**
- **Investigation by the police official without police uniform.(Rule-4(a))**
- **Inform the reason of arrest (rule-4(b))**
- **Inform the child about his or her constitutional rights.(Rule-4(c))**
- **Inform and interview in the presence of parent or legal guardian of the child.(Rule-4(d),(f) & 5(2))**



- **Examination the physical and mental health of the child.(Rule-4(e)**
- **Prepare the social inquiry report of the child. (Rule-4(g)**
- **Prohibition on continued interview (not more than an hour).(Rule 5(4)**
- **Interview and hearing of the case in a child friendly environment. ( Rule5(1) &12)**



- There are some legal safeguards emerged through the judiciary of Nepal:
- Concept of camera court
- Prohibition on demand of bail for children
- The case in which only juveniles are implicated can't be heard by the quasi judicial bodies
- However, the complaints are often received that such children are not treated in child-friendly manner.



# CHILD-FRIENDLY JUVENILE CORRECTION HOME: AN INTEGRAL PART OF CHILD FRIENDLY JUSTICE SYSTEM

- Article 37 (b) of CRC prescribes that deprivation of liberty shall be used only as a measure of last resort
- Children have the right to enjoy all provisions established by the national and international documents even in the period of deprivation of liberty
- 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. (CRC Article 37 c)



- **Article 2 of CRC establishes principle of non discrimination and equality**
- **Basic norms established by the national and international documents for child friendly correctional setting:  
Education and vocational training, psychosocial counseling, legal aid, health Care, recreation and sports, adequate standard of living, rehabilitation and social re-integration.**
- **Centralization (2 facilities) and overcrowded homes (107 & 47), unclear policies (Prison Act 1955 is applicable) are the core problems of Nepalese correctional facilities.**



# CONCLUSION

- Development of a human life commences with childhood. Childhood is entitled to special care and assistance.
- Crime prevention is an essential element of a Child Friendly Justice system as part of a Child Friendly City.
- Avoiding the situation of formal intervention regarding juvenile delinquency; applying concepts of diversion as alternative to institutional care and/or avoiding institutional care even at the stages of formal proceedings are prerequisite of a child friendly justice system.



- **Amidst the possibility of diversion at all stages of formal proceedings, some children are proceeded to the institutional care at the Juvenile Correction Home**
- **Child friendly services at the correction homes is also a part of child friendly justice system. After care should be integrated as core program component.**
- **There is room for improvement at policy level (a separate law to function a correctional home) and also at implementation level for establishing Child Friendly Justice System and ultimately for Child Friendly City.**



**Thank You**

