

Deprivation of children's liberty as the last resort

Kampala conference

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Penal Reform International

Independent Monitoring Mechanisms
and the Tanzanian Experience



Why do we need independent monitoring?

- Children in detention are vulnerable and at risk of abuse and harm
- International standards state that independent bodies should visit places of detention regularly to monitor treatment and conditions and investigate complaints



International Standards

The UN Committee on the Rights of the Child
says:

Independent and qualified inspectors should

- conduct inspections on a regular basis and undertake unannounced inspections on their own initiative; they should hold confidential conversations with children in the facilities



UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)

- Inspectors and unrestricted access
- Qualified medical officers should participate in the inspections
- The inspector should submit a report including the degree of compliance with national law
- Any violation should be investigated



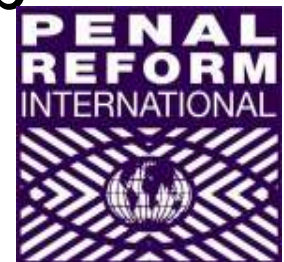
Bangkok Rules for women and girls

- Girls' needs are different to boys'
- The team monitoring girls' places of detention should include women members
- Girls are more at risk than boys
- Girls have different health and hygiene needs
- Girls should have equal access to education and vocational training



Establishing a monitoring mechanism

- Independence
- Adequate funding, resources and training
- Freedom to publish reports
- Contact with civil society organisations
- Inspecting and documenting conditions
- Assessing compliance with standards
- Making recommendations and follow up



Monitoring Teams

- Range of professional skills
- What to inspect:
- Material conditions
- Recreational facilities
- Disciplinary measures and restraints
- Medical care and services
- Gender issues
- Preparation for release



Interviewing Children

- Ethical issues to be resolved
- Informed consent
- Right of child to feel safe and free from reprisals
- How to interview a child
- What questions are relevant
- Disclosing information – let the child know



Vulnerable groups

- Girls in detention
- Mothers and babies in detention
- Mental illness and self-harm
- Medical care and services



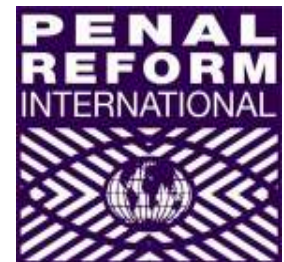
TANZANIA EXAMPLE

- Commission for Human Rights and Good Governance – right to inspect places of detention
- PRI and UNICEF training and technical assistance for monitoring
- Inspection team and methodology
- Number of places inspected and people interviewed



Findings

- Offences – theft, assaults, rape, drugs
- Time held in detention pre-trial
- Treatment by the police
- Access to lawyers and families
- Children kept with adults
- Lack of consideration of alternatives to detention



Conditions and Treatment of Children

- One third of children complained of violence and abuse from other detainees
- Physical punishment and use of solitary confinement as disciplinary measures
- Poor living conditions
- Limited contact with families
- Staff lack training
- No special treatment for girls

