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Belgium

## EDUCATION OF MINORS DEPRIVED OF LIBERTY IN AFRICA

### FORUM FOR A CONCERTED ACTION OF AFRICAN CIVIL SOCIETY ORGANISATIONS

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La Grand Chez Johnson Hotel, Kampala, Uganda

## Conclusions and strategy for action



*“The way a country treats its children who have broken the law is a test of its civilisation and maturity”.*

Judge Andrew Becroft in *Hard question*

## PRECONDITIONS FOR EDUCATION OF MINORS IN PRISONS

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### Fundamental principles:

- Quality social services accessible to all and socio-economic development of communities are the most effective ways to prevent children from being in conflict with the law.
- No child younger than 1 belongs to prison.
- Preventive detention shall not exceed 48 hours. All youngsters awaiting trial who are detained longer than 48 hours must be released.
- Involving families in the educational process.
- Detention conditions must be in compliance with international standards, in particular what concerns separation of adults and minors.
- Deprivation of liberty is by no means a deprivation of other rights.
- Fundamental needs (material and psychological) of youngsters in prison must be met.
- Promote education as a vital need just like other these other needs.

### Legal framework and regulations:

- Existence of the appropriate legal framework and protection mechanisms (nationally, locally).
- Internal regulation of prisons stressing the right to education.

### Material conditions and human resources:

- Ensuring a physical space dedicated exclusively to education, either inside the prisons (issue of the relevance of creating real schools in prisons) or in outside schools.
- List material and human educational resources available in prisons to mobilise them.
- Availability of school material and equipment in sufficient quantity and quality.
- Sufficient and qualified human resources (teachers, prison staff) in the centres.
- Assessment of educational needs of children in prisons.

### Actors:

- Cooperation among competent authorities (ministries, social services, justice, the police) and with civil society at all stages; starting with a mapping of problems and possible solutions.
- Formalizing partnership agreements between the various stakeholders.
- Allow and promote access of civil society to prisons (watch dog role; representation of the children and their needs).
- Budget tracking (budget allocation; availability and effective use of funds) by civil society.
- Specific training of all actors (judges, prison staff, etc) on: the stakes of education of minors in conflict with the law, the legal instruments, the educational needs of minors in prison, restorative justice.
- Stressing the fundamental role and responsibilities of the parents for the well-being and development of their child.
- "Open door" policy: possibility to come out of prison for specific activities; allow children detained with their parents to attend external education facilities; facilitate family visits.
- Ensure access to education / training after coming out of prison.

## **EDUCATIONAL PROGRAMMES FOR MINORS: OBJECTIVES, CONTENT AND IMPLEMENTATION**

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- **Objectives**

- Education is a fundamental right of *everyone*. Education for minors in prisons is thus consistent with the Education For *All* goals.
- Facilitate socio-economic reintegration after prison (employment, life in the family and society at large).

- **Content**

- General principles:
  - Conciliate formal education (cf. in line with national education programmes) and informal education
  - Integrate modern teaching techniques: participative approach (involve the children in the definition of their educational needs, foster expression), ICT.
- Literacy
- Vocational training
- Life skills
- Civic education, education to peace, to parenthood
- Information the law, on rights and duties, on how the justice system works
- Psycho- social activities: thematic, artistic workshops (stimulating creativity), sports, games.
- Conflict management, non violent communication, restorative circles.
- Hygiene, sexual education, prevention of HIV/Aids, malaria, etc.
- Self esteem

- **Implementation**

- Civil society to advocate for education programmes for minors in prison
- Harmonisation and integration of these programmes in governmental education policies. This implies in particular ensuring official recognition of the programmes (validity of the courses and diplomas).
- Establish coordination committees including all concerned stakeholders (competent authorities and social services, police, justice, prison staff, civil society, parents) and responsible for:
  - Coordinate the setting-up of education programmes.
  - Allocate appropriate human and financial resources.
  - Monitor and evaluate the programmes.
- Strengthening the state structures
- Strengthen the capacities of State services and that of the other stakeholders
  - Training of police officers, judges and prison guards: Human Rights, rights of juveniles in conflict with the law, restorative justice, non violent communication.
- Awareness to possible deceptive effects (avoid creating “attractive” prisons that offer better services than what can be found on the outside).
- Create transition and training centres for the juveniles released from prisons
- Individual follow-up mechanisms – tutoring.

- Accessibility to children with disability and other vulnerable groups (ethnic/linguistic minorities, etc).

## COMMON STRATEGY FOR AN EFFICIENT ACTION IN FAVOR OF EDUCATION OF MINORS IN PRISONS IN AFRICA

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### GOALS:

- **Document** comprehensively the status of the right to education of children and youngsters deprived of their liberty in Africa;
- **Advocate for and raise awareness on** the right to education of this category of minors, with practical and realistic recommendations;
- **Foster improved coordination and collaborations** among all stakeholders.

### 1. Mapping

The objective is to collect data in order to establish the situation of minors in prison, their access to education and strength and weaknesses of existing programmes.

This mapping may be designed with a national template, or be harmonised on a regional basis which would enable comparisons and exchanges.

#### **Content:**

- Mapping of detention centres (especially those for minors) and of juvenile detainees.
- Causes for imprisonment, average length of detention time, number of minors awaiting trial.
- Age, gender, psychosocial situation and academic level (or equivalent) of the minors in prison.
- Detention conditions (sanitary situation, access to and quality of food, other).
- Legal and regulatory instruments/provisions addressing the right to education of minors in prison.
- State budget allocated to education of minors in prison.
- Existing education programmes (official, non governmental); strengths and weaknesses analysis.
- Status of academic curricula.
- Guardians' training status; existing training programmes, content of these programmes.
- Stakeholders involved in the sector and key contact persons / services (for advocacy purposes).

The mapping exercise should be conducted with a government representative with the view of sensitising the authorities, fostering cooperation with them and make them accountable.

The juveniles in detention and those who have been released should be involved as well in a participative way.

#### **Follow-up and monitoring:**

Organise national (and regional) validation workshops gathering: competent authorities at all levels; judiciary, police and prison personnel; civil society; parents / community representatives.

### 2. Compilation of a “Guide to education of minors in prison”

This Guide would serve for advocacy and awareness-raising towards the decision-makers, principally:

- the government

- traditional authorities
- international authorities
- police, judiciary and prison personnel
- donors

The Guide should summarise the traditional “arguments” opposed to education of minors in prison, and present a clear and solid argumentation recalling the duties of all stakeholders, relevant legal instruments, cultural values and the social impact that are supportive of the right to quality education of minors in prison.

As recommended by the stakeholders, it is also necessary to engage:

- the detainees themselves
- the families
- the public/media at large

However the diversity of publics to address calls for a range of appropriate tools. Engaging families or the general public, for instance, implies a communication strategy (content and communication supports) that differs from the one used to address the decision-makers. The same applies to working with young detainees: the approach must be adapted to this specific audience – both object and actor of the proposed action.

### **3. Implementing the recommendations**

- Fostering preventive measures,
- Definition of standards and performance criteria,
- Implementing pilot projects,
- Drafting a national academic curriculum,
- Conduct advocacy and sensitisation (towards competent authorities locally and internationally, communities, etc), adapting the content and form of the message to the audience and the contexts,
- Encouraging legal action to set examples; promoting the introduction of restorative justice,
- Setting up an early warning mechanism,
- Reach out to the media (traditional, mass media, social networks, etc),
- Evaluation of results.

### **4. Creating a coordination platform**

#### **Goals:**

- Synchronise advocacy among the actors / participants to the regional action plan;
- Distribute roles and activities based on areas on expertise;
- Provide enhanced visibility to the collective action.

The creation of this platform shall take place as early as possible to facilitate implementation, follow-up and evaluation of the action. However it should not be a precondition to the launch of foreseen activities.

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