

COMMUNITY LAW CENTRE AT THE UNIVERSITY OF THE WESTERN CAPE

Children's Rights Research & Advocacy Project

"YOUTH ADVOCATES PROJECT"

WHAT IS IT?

The Children's Rights Research and Advocacy Project of the UWC Community Law Centre has launched a court-based project to assist children who appear in juvenile court. The aim of the project is to ensure that the legal and human rights of children at risk or in trouble with the law are respected and protected. The project, as a mini "Public Defender" office for youth, is the first of its kind in South Africa.

WHAT IS THE PROBLEM?

At present, there is no organised system of justice for youth who are arrested in South Africa. The majority of children who appear before the courts are charged with minor, non-violent offenses such as shoplifting or loitering or are in fact children "in need of care". Due to budgetary constraints, lack of education and training in the area of children's rights as well as gaps in the law, the juvenile courts are often unable to adequately assess and handle these children. As well, children and parents are usually unaware of their rights under the law. Moreover, in the past, linkage to alternative sentencing mechanisms, diversion and other community-based social services were tenuous to non-existent. Corporal punishment has been the most common form of sentence. Rarely are children legally represented. Consequently, many children spend unduly long periods awaiting-trial in prisons, police cells and secure places of safety. Simply put, the system of justice for children in South Africa has become one which shapes, creates and hardens children into criminal offenders. In addition, the Apartheid system has resulted in one kind of system for whites and another for blacks. It is black children and their families who have suffered the most. There is no general consensus and understanding in all quarters that this state of affairs must change. Thus, it is now possible to address the injustices and shortcomings of the system in a constructive manner that benefits all children.

HOW DOES THE YOUTH ADVOCATES PROJECT HELP?

Due to the need to assist juvenile courts and court officers in the adjudication of these children, the Juvenile Justice Project, with the approval of the Attorney General's Office/Cape Town, has placed final year law students, or "Youth Advocates", into the various courts in the Cape Town region. These students have been specially trained to work with children in the juvenile court. They will sit in juvenile court, consult with awaiting-trial youth, contact families and provide guidance in obtaining legal representation and advice. Their goals are to (1) ensure that children are held in the least restrictive manner while awaiting trial, preferably in the home or community; (2) assist the courts in adjudicating children's cases with urgency and speed; and (3) guide the courts in selecting alternative forms of sentencing, such as diversion or community service, whenever possible and in protecting children's rights. Ultimately, the project aims to make informed recommendations about the future treatment of children by the criminal justice system in South Africa.

OBJECTIVES OF THE YOUTH ADVOCATES PROJECT

- * To increase the quality and scope of legal representation and social services for children at risk or in trouble with the law, especially those who have been specifically disadvantaged as a result of apartheid.
- * To ensure the establishment, enforcement and protection of legal and human rights of children at risk or in trouble with the law in current practice, future legislation and constitutional policies.
- * To ensure that the courts, police and social services, along with child advocacy groups, provide services to children in the least restrictive manner and with minimum interference in their lives and the lives of their families.
- * To educate, train and empower the general populace on the rights of children at risk or in trouble with the law towards the re-integration of young persons back into their homes and communities.
- * To liaise and consult with communities most directly affected about the project so as to advance its objectives in co-operation with them.

WHO CAN USE A YOUTH ADVOCATE?

- * Any CHILD under the age of 17 years who is arrested or in trouble with the law.
- * Any PARENT, FAMILY MEMBER OR CONCERNED FRIEND of a child who is in trouble with the law.
- * Any CHILD ADVOCACY OR COMMUNITY ORGANISATION that is concerned with a child who is in trouble with the law.
- * LAWYERS AND SOCIAL WORKERS who work with children in trouble with the law.
- * POLICE, PROSECUTORS, MAGISTRATES AND PROBATION OFFICERS who work with children in trouble with the law.

**IF YOU OR A CHILD YOU KNOW IS IN TROUBLE
WITH THE LAW, CONTACT A "YOUTH
ADVOCATE" NOW!**

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