

# WAYS OF IMPROVING RELATIONSHIP BETWEEN STREET CHILDREN AND LAW ENFORCEMENT AGENCIES

**Kudenga Mugove**

*Lecturer, Department of Psychology, Faculty of Applied Social Sciences, Zimbabwe Open University.*

## ABSTRACT

*This is part of a broad research that sought to find out the perceptions of street children on law enforcement agents. This study sought to identify the mechanisms that could be put in place in order to improve the relationships between law enforcement agents and street children. There seems to be a gap in knowledge as to why these children have taken the streets as their home. The street children are also ignorant of the reasons behind some of the activities of law enforcement agencies. The study used qualitative methodology. A descriptive survey research design was used in the study. The research used interviews and observation check lists as instruments to collect data. The sample composed of ten street children selected by use purposive sampling in the streets of Harare. The study found out that law enforcement agencies treated street children inhumanly; they confiscated their wares and demanded money in order to release the arrested street children. The study showed that the law enforcement agencies took street children to be criminals and did not understand why these children were living in the streets. The study recommends that law enforcement agencies be trained on ways of handling street children. There is also need for the street children to desist from engaging in illegal activities. The street children should be taught legal ways of getting money while these children were living in the streets. The study recommends that law enforcement agencies be trained on ways of handling street children. There is also need for the street children to desist from engaging in illegal activities such as stealing, consuming alcohol in public places and shoplifting. The street children should be taught legal ways of getting money and solving challenges they faced while living in the streets*

***Key words; Street children, law enforcement agents, perceptions, children's rights, rehabilitation.***

## INTRODUCTION

Children who live in the streets do not have adult figure to provide for guidance and support. It is imperative that they have a working relationship with law enforcement agents since these have the state mandate to give them protection and enforce rights they are supposed to have. In most countries this working relationship is missing. The relationship between law enforcement agents and street children is shrouded in mistrust. The law enforcement agents are of the opinion that street children are always up to some form of mischief. The street children also think the law enforcement agents are always after them. It is the purpose of this study to explore ways of improving the relationship between law enforcement agents and street children.

## RESEARCH QUESTION

How can the relationship of street children and law enforcement agencies be improved?

## LITERATURE REVIEW

### Definition of street children

In Zimbabwe The Child Protection and Adoption Act (1996) considers children to be anyone below the age of eighteen. It puts them in two categories which are „a child“ and „a young person“. A child is considered to be any person under the age of sixteen years and includes an infant. A young person is considered to be any person who has attained the age of sixteen but has not yet attained the age of eighteen years. In this study the term child is going to be considered as any person who has not yet reached the age of eighteen. This will include a yIn this study the term child is going to be considered as any person who has not yet reached the age of eighteen. This will include a young person.

The concept of „street children“ and/or „street kid“ according to Michaleon (2006) encompasses any child or adolescent under the age of eighteen who works and/or lives in the street alone or with his or her family or asylum seekers who are technically homeless and without support. In Zimbabwe the concept of asylum seekers who come in large numbers are rare. They were last experienced during the 1980“s during the times when there was political instability in Mozambique. This group is not included in the present study.

According to the Inter-Non Governmental organisation report cited in a United nations Journal (UNCHS 2000:73) street children are defined as :-

“Any girl or boy...for whom the street has become his or her habitual abode and or a source of livelihood, and who is inadequately protected, supervised or directed by responsible adults”.

The United Nations (2008) further defined street children as children on the streets who are engaged in some kind of economic activity during the day but return to their family home at night (UNICEF 2008). United Nations (2008) describes children of the street as those children who mostly survive on the street or outside the normal family environment. Glasser, (1994) states that street children include any girl or boy for whom the street has become his or her habitual abode and or source of livelihood, and who is inadequately protected, supervised or directed by responsible adults. Rede Rio Crianca (2007) preferred to refer street children as children for whom the street is a reference point and has a central role in their lives. In most instances these children have left their homes due to various reasons that include fleeing from abuse or having no one to take after both parents have died. They then spend most of their lives in the street. In the streets they do not have adult figures to look up for guidance and nurturance.

In the present study the concepts of „street children“ or „street kids“ are used to mean the same as was adopted by Rialp (1991) at The Inter-Non Governmental Organisation Conference in Switzerland which regarded them as boys and girls who have not yet reached adulthood for whom the street has

become their habitual abode and or source of livelihood and who are inadequately protected, supervised or directed by responsible adults. The concept and definition will apply to both categories of children discussed above. In the context of this study, boys and girls who have not yet reached adulthood, mean those children who have not yet attained the age of eighteen, which is the legal age of majority in Zimbabwe. Those under the age of eighteen are legally considered to be minors and should be dependent on adults for most of their needs. These adults could be parents, relatives or other people who can be legally responsible for the needs of such children

## **TYPES OF STREET CHILDREN**

Street children are categorised into two groups according to the United Nations definitions .The first type is of children who are homeless, resides in the streets in the urban areas and their source of livelihood are the streets on which they sleep and live in. The second type is those who work and live in the street during daytime but return back home at night where they sleep. The second occasionally sleep in the streets and has some contact with their families (UNCHS 2000). The congruency between the two definitions from the United Nations is that the children obtain their source of livelihoods from the streets. They earn money and food from activities they do in the streets. Ruparanganda (2008) alluded that the street is a source of street children's livelihood. Beazley (2003) cited that street childhood has invariably been seen as a career for the children's survival. These children would be inexperienced from how to run their lives and in turn resort to criminal activities and run cat and mouse games with law enforcement agencies.

## **WAYS OF IMPROVING PERCEPTION OF LAW ENFORCEMENT AGENCIES BY STREET CHILDREN**

CRC Coalition (2000) recommended that raising awareness among police officers and social workers dealing directly with cases of exposure to child delinquency is very important in changing the nature of service provision. In particular, enabling security officers to gain an appreciation of the culture of poverty and the need to address its symptoms at their core; i.e. within the family. This will strengthen their understanding since in many cases, street children need to be understood as victims rather than criminals, and lead to promoting family-based treatment. When law enforcement have an in-depth knowledge of the circumstances that lead these children to choose the streets as their home they will be better able to treat them in an informed way.

A study by Human Rights Watch (2006) in Uganda on street children indicated that the government should ensure that street children are afforded the same rights and protections under domestic Ugandan law and regional and international provisions as all other Ugandan children. In Zimbabwe the constitution clearly spells out the rights for every human being and that includes the street children. The study called on the government of Uganda to meaningfully implement its child protection system and ensure that authorities in child protection at the district level have the means, support, and training to adequately perform their duties. The street children have the same rights like any other child in the country. The law enforcement agencies are by law expected to ensure that all children are accorded their rights. The rights include right to life, live in a safe environment, right to

shelter and decent clothing, education, health, etc. They are not expected to be seen to be abusing the same children they are supposed to protect.

Human Rights Watch (2009) recommended that the Ministry of Gender and Local government officials should cease ordering roundups of children and arbitrary arrests. They should instead focus on ending the stigma associated with street children by providing education and positive campaigns on the rights of all children throughout the country. The arbitrary arrests do not work. There is need to fully understand the situation in which these children are in and then give them relevant assistance. In Zimbabwe according to Bourdillon (1991) attempts were made to forcibly remove these children from the streets and place them at rehabilitation centres but the street children would always find their way back in the streets. There is need to fully involve the street children in whatever action that is intended to benefit them.

Chirwa and Wakatama (2000) note that the intervention programmes are less effective because they have been designed by adults based on the perceptions of adults. There is need to consult the persons involved in this case the street children when deciding ways of assisting them. Kudenga (2015) states that there is need to allow the street children themselves to have a voice for they know the reason why they are in the street. When the street children are involved in crafting solutions to their problem they develop a sense of ownership which will lead to the success of the programme. If the solutions are imposed on them, the solutions may not be addressing their actual problem of the street children but the problem as perceived problems by those in authority.

A study carried out in Egypt in 2004 recommended that complaints against law enforcement personnel should be promptly and thoroughly investigated by an independent agency with subpoena power and an adequately trained investigatory staff. This agency should be directly accessible to street children. The same study also recommended that all complaints of illegal detention, physical abuse, and killings of children by law enforcement officers should be thoroughly investigated. The investigations need to be done in transparent manner and the perpetrators made to account for their actions in a way that will deter further perpetration.

Maria Burnett, senior researcher in Human Rights Watch's Africa division, says: "What Uganda needs to do is to ensure children can report violence of any kind to the authorities and then prosecute police and members of the public who abuse children." (Human Rights Watch Report July 2014:4). The law enforcement agencies treat street children in an inhuman way. These law enforcement agencies as the ones who are the custodians of the law should not break the law while trying to enforce the law.

Office of the High Commissioner for Human Rights recommended that states should ensure responsibilities are clearly delegated, roles are clearly defined and obligations are met, so that children's rights can be respected and fulfilled. When obligations are not met and violations occur, the State must be able to hold accountable those responsible and guarantee children access to legal redress.

Human Rights Watch 2008 concluded that training for law enforcement officers on child rights and child protection should be initiated by some states, for example in 2008-2009, the Consortium for Street Children partnered with Ethiopia's Police University College and UNICEF to train police trainers, who have since, in turn, trained 36,000 police officers throughout that country. Such initiatives would make police officers appreciate the circumstances that lead these children leave their homes to stay in the streets. The training also makes the officers aware of the rights of street children and ways of enforcing them.

## **METHODOLOGY**

This study used qualitative methodology. It employed the descriptive research design. This method was used as the researcher felt it was the most ideal for the study. The descriptive survey research designs are defined by their methodical collection of standardised information from any representative sample of the population (Christensen, 1994). In addition, this research design suits the context under which the present study was taken as the descriptive survey represents a probe into a given state of affairs that exists at a given time. It therefore means that direct contact was made with the individuals whose characteristics, behaviours and issues were relevant to the investigation under study. In this case the researchers had direct contact with the street children. It allowed the researcher to choose from a wide variety of instruments and in this research it was the interview schedule.

This research design has the advantage of the researcher being in direct contact with the research participants who were children living in the streets. The direct contact affords the researcher to be able to observe other information like non-verbal cues in the form of voice tone and facial expressions that quantitative techniques cannot capture. Data collected using descriptive survey method can be easily summarised and analysed.

This research design has the disadvantage of the researcher becoming carried away when carrying interviews. This occurs when a researcher encounters a case which touches one's heart a case likely to occur when working with street children. This problem was overcome by formulating questions in the interview schedule that were clear to the respondents so that answers required needed no much explanation.

Sampling involves selecting people from the population to represent the entire population, (Polit 2001). Purposive sampling was utilized in this study and the best available people provided rich data on the research questions. Polit (2001) describes purposive sampling as selecting participants with a broad general knowledge on the topic or those who have undergone the experience. The researcher selected ten (10) street children who resided or operated from the streets of Harare Central Business District. The participants were selected on the basis that they had had contact with law enforcement agencies in one way or another. This could have been by having been rounded up or having been arrested.

The data was collected through the use of a semi-structured interview. McNamara (1999) states that in an interview the interviewer can control the response situation scheduling with the participation of the respondents to be mutually agreeable in time, place and the controlling of the question pace and sequence to suit the circumstances of the situation. Interviews are adaptable and help in creating trust

and good rapport with the respondents. Interviews also allow the researcher to probe further there is feeling that the respondent has not given an adequate answer or there is need to explore an issue more deeply. In order not to disturb the flow of questions the data was recorded electronically. Few notes were taken to keep track of the interview.

## RESULTS

The study revealed that law enforcement agents should respect the rights of children. They were not aware that the street children enjoyed the same rights as the children in families at home. Sixty percent of the respondents said police officers should respect children's rights. The respondents had this to say,

### Excerpt 1

*"I think police officers and municipal police should be made aware that we are also human. We are just like their own children too. They should treat us in the same way that they treat their children. We are not criminals."*

### Excerpt 2

*"The police officers should understand why we are staying in the streets. It is not by choice for we also want to stay in homes. It is the situation which forced us to come and stay in the street. They should understand we are also people like them"*

### Excerpt 3

*"Our life in the street is very difficult. The officers should understand that. They treat us as if we were not humans. They forget we have blood just as they have but they treat us roughly. If we were their children they would not treat us like that. When they catch you they always think you have money".*

Some respondents thought police should take the lead in protecting street children from all forms of abuse. They need to be trained in human rights according to the United Nations and African Union Children's Charter.

### Excerpt 4

*"I wonder if these officers ever heard something about human rights. They show no respect altogether of us as humans. They should show respect of our right as human beings. They do not even know we have rights to be heard or move to any place we want. We are always engaged in a cat and mouse game with them. When caught we have to buy our freedom"*

### Excerpt 5

*"When the police see us they always think we have committed one crime or the other. Even we have done nothing wrong they are after us. When you are wronged they treat you as the*

*one who has done something wrong. Instead of protecting you they accuse you of other things you do not even know.”*

*Excerpt 6*

*“I wonder if these officers know anything about human rights. If they know they deliberately ignore them and treat us as if we do not have any rights at all”*

The respondents mentioned that police officers should be trained in issues which deal with street children. In most instances when the police arrested street children they treated them in the same way they treated hard core criminals.

*Excerpt 7*

*“Law enforcement agents should be trained so that they know how to treat us.”*

*Excerpt 8*

*“If these officers knew something about rights of children I think they would treat us more humanly. Now they are just ignorant about the rights and we have to depend on running away from them so that we are not ill-treated by the police.”*

*Excerpt 9*

*“These officers are not aware of our plight. They do not know the situations that led us to stay here. As a result they think we are all criminals. They need to be taught so that they treat us with respect”*

## **DISCUSSION**

The study revealed that to improve the relationship between the street children and the law enforcement agents there is need for law enforcement agents to be trained in handling children from the streets and respecting them. Most of the respondents thought the law enforcement agencies did not have any knowledge of rights of children as enshrined in the Charter for Children’s Rights. The respondents thought if the law enforcement agencies knew the rights then they deliberately did not use their knowledge. The officers need to know the rights of street children as human beings. CRC Coalition, (2000) states that to improve the relationship between street children and law enforcement agents there should be awareness among police officers and social workers dealing directly with cases of exposure to child delinquency as it will change the nature of service provision. In particular, enabling security officers to gain an appreciation of the culture of poverty and the need to address its symptoms at their core, that is within the family. This will strengthen their understanding that in many cases, street children need to be understood as victims rather than criminals and lead to promoting family-based treatment.

Officers who deal with street children need to be given special training so that they have an appreciation of the circumstances that lead street children to leave their homes to make the streets their homes. Human Rights Watch (2008) noted that in Uganda police officers were given training so

that they appreciate the circumstances that lead street children to come into the streets and the rights that they have as children living in the streets. The officers need to understand that these children are in street not by choice but due to circumstances they find themselves in. When the officers do not have an insight into situations that the street children are in they will continue to treat them inhumanly. When they see them moving in the streets they believe the street children are into some form of mischief.

The law enforcement agencies are expected to lead by example in making sure the rights of all citizens in the country are respected. These include those of street children. The study found out that street children thought the law enforcement agencies had no knowledge of the rights of street children. The street children stated that their right to movement was being deliberately infringed as they were chased away when they tried to visit some places. At times they were arrested at sight. In Uganda The Human Rights Watch (2009) recommended that the practice of rounding up street children and arresting them whenever they see them needed to be stopped. The officers would treat them like hard core criminals when they caught them for petty infringements which were at times very hard to understand. These included infringements like loitering.

Children are supposed to be under the guardian of adult all the time. If a child is found in the street there is an adult who has negated his or her duty. It is that adult who should be arrested and not the street child. In Zimbabwe the law enforcement agencies need to be made aware of The Child Protection and Adoption Act. This Act spells out the responsibilities of the various players in the upkeep of children.

## CONCLUSION

The findings of the study revealed that law enforcement agents needed to be trained, conscientised and enlightened on the rights of children. The officers were either ignorant of the statutes that relate to street children or they deliberately ignored implementing them. It was revealed from the study that police officers were engaged in some forms of abuse on street children. Some of the police officers were involved in corrupt activities where they demand favours for street children to obtain release or continue operating illegally.

## RECOMMENDATIONS

The study made the following recommendations after considering the results:

- The Government put in place programmes which look into and promote the welfare of children living in the streets
- That any violation of the rights of children living in the streets be brought to book and perpetrators prosecuted.
- The law enforcement agents need to be given special training so that they appreciate the circumstances that lead children to make streets their places of abode.
- The law enforcement agents need to be aware of the various statutes that relate to rights of children who are in the streets.



- There is need to empower the street children so that they would be able to deal with law enforcement agents who deliberately infringed their rights.

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