

SHE looked about 10 but may have been older. Her name was Zurina and she was under-dressed for the cold, standing on a street corner selling newspapers and asking for food money. She came from up-country. I asked her how she got to the city and she said: "My parents sold me to Fuaad. He took me."

There were other children like her, dodging traffic and selling newspapers by day, sleeping huddled together on bits of cardboard in cold dirty rooms at night, eating what Fuaad gave them, stealing the rest.

That was 15 years ago. Child slavery in Cape Town was suspected but nobody seemed interested in exposing it. The large newspaper companies who employed the area agents

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The legal justice system has severed young offenders from their families and communities.

Proposed reforms will try

to win them back.

DON PINNOCK reports

turned a blind eye to exactly who sold the papers on the streets. When I offered them the story and suggested they print it or clean up their distribution I was told my job as a journalist was on the line.

I resigned anyway and began writing a book about children on the streets. It didn't take long to discover the youth gangs. Inner-city removals undertaken in the name of apartheid had destroyed the verandah culture of the old quarters and smashed the extended families. With them went the informal community surveillance which kept children in check.

The kids hung around, supported each other, did things together. They gave their groups names which they wore like badges of honour: Born Free Kids, Young Americans, Cisco Yakis, Hard Living Kids. They battled for turf and made problems for their parents but they also created peer families, support networks for young urban hunter-gatherers.

And of course they were exploited – by

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young offender collided with it, he or she became its victim. And victims are generally more interested in revenge than restitution and reparation. In the eyes of young people in trouble with the law, the justice system was the enemy. And the first casualty was their respect for that law.

The tendency was to remove troubled and troublesome young people from the mainstream of society and to place them in institutions wholly inappropriate to social reintegration. This had led to the development of surrogate societies that reinforced criminal behaviour.

The obvious answer for the planning team was not to strengthen the existing legal system but to relax it. The model for this was

familiar environment among people they understood and respected.

An appropriate and truly just legal system for young people would have to:

- keep the mainstream criminal process at bay until a range of other options had been tried;
- ensure that diversion became the first option and the central consideration of the juvenile justice system;
- ensure that processes were culturally sensitive;
- ensure that no charge would be laid against young people unless they committed serious crimes or unless the conflict resolution process broke down;
- locate a central decision-making body –

the “family conference” – within the community. This process would favour community shaming over retribution and conflict resolution over unilateral decisions by magistrates;

- give both young offenders and their victims a say in the legal decision-making process;
- search for individual sentences which transformed and did not stigmatise; and
- keep young people out of jail.

The proposed integration of official and popular justice would take place in the family conference. This form of legal decision making had emerged in other parts of the world where indigenous opposition to colonial legal systems had developed – notably in New Zealand and Australia. Looking closely at the penalties handed down to young people in South Africa, it became clear that they were generally out of all proportion to the offence – a common colonial feature.

Although South Africa had tough, prison-hardened youngsters, most were young people who were passing through the

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