

Title

Impeding factors hindering juvenile offenders' access to pretrial diversion services in Zimbabwe: study of St Marys, Chitungwiza Urban Centre Zimbabwe

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Abstract

This paper aims at exploring the antecedent factors affecting access to Pre-Trial Diversion (PTD) services by juvenile offenders from high density suburbs in Zimbabwe with particular focus on St Marys high density suburb. Having been tailor made to suit these offenders' core rights and needs, this program seeks to promote preventive, protective, rehabilitative, reformatory and restorative justice among young offenders. This is achieved through diverting them from the formal criminal justice system that is firmly hinged on punishment, incarceration and prosecution. To this effect, out of 156 administrative districts, Chitungwiza District was selected for this study because of proliferating cases of juveniles' incarcerations and prosecutions besides it being the oldest and first district to host this program. This paper's key objectives thus, are to profile the PTD program as a tool to access restorative justice, assess the factors or barriers behind juvenile offenders' failure to access diversion services and finally, to suggest possible intervention measures to improve access to the aforementioned services. Thus, the restorative justice theory informed this study as it advocates and sets parameters for the establishment of a child-friendly justice system. Again, this study adopted the qualitative research approach and more so, case study design informed this study. To this end, data were collected from participants using a combined set of data collection methods. These methods include documentary review of three reports from Justice for Children Trust (JCT), the Ministry of Justice, Legal and Parliamentary Affairs and UNICEF accordingly. Seven (7) in-depth and five (5) key informant interviews of young offenders and key professionals (within the diversion committee) respectively were also conducted. The study also conducted two (2) focus group discussions with firstly, key stakeholders with a bearing in juvenile justice promotion and secondly, with young offenders for rich and comparative insight. Submissions from participants revealed that there are seven (7) diversion options provided for juvenile offenders including counselling, victim-offender mediation, group conferencing, reparation, community service among others. Regardless of the existence of these options, the findings established that, most of these juveniles lacked the impetus to access diversion services due to a myriad of socio-economic, politico-legal, physical and religio-cultural barriers. These factors generally include limited diversion options, resource constraints, shortage of skilled labour, knowledge, poor involvement of significant others, poor infrastructure, beliefs and perceptions about the causes of juvenile offending, lack of political will and the absence of the Child Justice Act. Cognisant of these barriers to this end, it was recommended that there is need to expedite the enactment of the Child Justice Bill in particular, increase awareness raising on children's rights, build capacity building among key stakeholders coupled with decentralizing the program while increasing participation of parents or guardians in diversion processes.

Key words

juvenile offender, restorative justice, diversion services, Pretrial Diversion Program, social worker

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Indexing

