



Juvenile Justice Panel website: additional information

More about gender¹

The gender imbalance

There are many more boys than girls in criminal justice systems around the world. For example, in Albania there were 386 boys sentenced in 1998 but only one girl². This low percentage of girls may be accounted for by their relative minority in situations leading to conflict with the law in the first place (due to cultural and social factors) as well as differences in some countries in the way girls are processed through the system: for example, in Pakistan it is reported that girls are more likely to be diverted from the system at police stations³ and in general girls are less likely to be prosecuted or to be given a custodial sentence than boys.⁴ "However, it is not clear to what extent these differences derive from more lenient treatment, from a lack of facilities available for female offenders, or from the divergent patterns of offending behaviour displayed by boys and girls."⁵ Nevertheless, this gender imbalance in the criminal justice system has major implications for the treatment of both girls and boys.

Problems faced by girls

As criminal justice systems are traditionally orientated towards boys, girls are particularly vulnerable to human rights abuses. For example, due to lack of space in many police and detention facilities girls are often held in detention with female adults. Furthermore, limited numbers of female staff in the criminal justice system makes girls vulnerable to inappropriate handling and sexual abuse, particularly by law enforcement personnel. In general, "prisons are ill equipped to deal with young women who are damaged and who display extremely challenging and difficult behaviour. The numbers of juvenile girls within the system are small and as a result they are simply tacked onto the rest of the system with little recognition that their needs are different and separate from older women. It also means that they attract fewer resources..."⁶

¹ Adapted from Wernham, M., *An Outside Chance: Street Children and Juvenile Justice – An International Perspective*, Consortium for Street Children, 2004, pp. 15-16.

² Data from Ministry of Public Order, quoted in Hazizaj, A. and Barkley, S.T., *Awaiting Trial: A Report on the Situation of Children in Albanian Police Stations and Pre-Trial Detention Centres*, Children's Human Rights Centre of Albania (CRCA), May 2000, p.63.

³ AMAL Human Development Network and Consortium for Street Children, *Street Children and Juvenile Justice in Pakistan*, February 2004.

⁴ Roy, N. and Wong, M., *Juvenile Justice Review and Training Documents* prepared for Save the Children UK, 2002-3.

⁵ *Ibid.*

⁶ The Howard League for Penal Reform (UK) cited in Roy, N. and Wong, M., *Juvenile Justice Review and Training Documents* prepared for Save the Children UK, 2002-3.

Problems faced by boys

Discussions around gender in relation to juvenile justice often highlight the particular problems faced by girls. However, “overall, neither the human rights movement nor the CRC movement is treating imbalances in the well-being of *males* as a human rights issue, or even a ‘gender issue’”.⁷ Abramson points out that, despite evidence that “the penal system, adult and juvenile, is the most heavily gendered institution in society”, little – if anything – is being done by governments and child rights advocates to address the reasons why *boys* are so at risk in this area. He goes on to add that the general unpopularity or apparent lack of interest in addressing issues that disproportionately affect boys, rather than girls, is one of the most important reasons for the marginalisation of juvenile justice issues in the human rights movement.⁸

The need for gender-sensitive interventions

Any reform of the criminal justice system therefore needs to take into account this gender imbalance in order to ensure that interventions are appropriate and effective. For example:

- **Prevention programmes** need to address why boys are more at risk than girls of coming into conflict with the law and accordingly identify and mobilise protective factors which are gender-specific;
- The minority of girls in the system need to be protected through the **provision of adequate gender-sensitive staffing, facilities and services** (including gender-sensitive health services);
- **Psychosocial and rehabilitation interventions** with girls and boys need to take into account differences due to gender (e.g. research has shown that street migration for girls is more traumatic and the rupture more permanent than for boys; programmes in Kenya, Senegal, Bolivia, Brazil and Guatemala report that girls on the street display more psychological damage than boys – a combination of both sexual abuse and rupture in the family⁹; the internalisation by girls of the effects of domestic violence, sexual abuse and family break-up may find expression in violent behaviour, depression, withdrawal and self-mutilation¹⁰; girls appear to grow out of crime more successfully and at an earlier age than is the case with boys¹¹ - all of which have significant implications for professional counselling, family reintegration and other programmes);
- Programmes sensitising detention centre staff on **methods of discipline** which are not abusive or humiliating need to take into account any differences in the ways in which girls and boys are treated;¹²
- Facilities for a **full range of community penalties** should be available to girls as well as boys in the local area, including community punishment orders and attendance centre orders. This might involve:

⁷ Abramson, B., ‘Juvenile Justice: The ‘Unwanted Child’ - Why the potential of the Convention on the Rights of the Child is not being realized, and what we can do about it’, August 2003.

⁸ *Ibid.*

⁹ *Urban Girls: Empowerment in Especially Difficult Circumstances*, Gary Barker and Felicia Knaul, 2000, p.9.

¹⁰ This is born out by reports from Guatemala, Bolivia and the USA in *ibid.*, p.9.

¹¹ Roy, N. and Wong, M., *Juvenile Justice Review and Training Documents* prepared for Save the Children UK, 2002-3.

¹² For example, street children in Nigeria commented on the perceived preferential treatment received by girls as opposed to boys in detention: they felt that girls were given less harsh punishments than the boys and were “spoken to nicely, advised and treated as if they are the officers’ own children”. Human Development Initiatives and Consortium for Street Children, *Street Children and Juvenile Justice in Lagos State*, February 2004.

- ensuring that provision is in place to avoid the necessity of placing single girls alone with a group of boys;
- developing attendance centres for girls where these do not exist;
- providing child-care facilities where these are needed.¹³

In short, “a gendered problem needs a gendered solution – regardless of the subject, and irrespective of which sex is on the winner/loser side of things.”¹⁴ Practitioners must address the socio-economic and cultural factors that result in the massive over-representation of boys in the system whilst at the same time ensuring that service delivery does not discriminate against the female minority and that the particular needs of girls are not overlooked.¹⁵

¹³ Roy, N. and Wong, M., Juvenile Justice Review and Training Documents prepared for Save the Children UK, 2002-3.

¹⁴ Bruce Abramson, May 2004.

¹⁵ Adapted from Roy, N. and Wong, M., Juvenile Justice Review and Training Documents prepared for Save the Children UK, 2002-3.