

14th July 2010, Mbabane- Swaziland's judiciary is concerned by an absence of detention facilities for children, which forces them to share jail cells with adult criminals.

"Do we have facilities for keeping a minor?" enquired presiding High Court judge Thomas Masuku during the recent trial of a 16-year-old boy, when it became apparent that the accused was being held in the same cell as adults in the northern town of Pigg's Peak.

"Why should children be kept with adults? It is not right for children to be kept in custody [in such circumstances]. I have to repeat it over and over," Masuku said from the bench.

Correctional Services spokesman Luke Malindzisa acknowledged that two minors - one aged 16 and the other aged 17 - were being held contrary to prison regulations at Pigg's Peak. "Under normal circumstances that is not supposed to be the case," he said.

"In every correctional institution there must be a wing to cater for minors before being convicted and taken to Mdutjane Juvenile Centre, and another wing for female offenders before they are convicted and taken to Mawelawela [Women's prison] if found guilty," Malindzisa said.

Swaziland's HIV/AIDS infection rate - the highest in the world - is reflected in the 12 or so detention and prison facilities scattered throughout the landlocked country.

"What is worrying is that children are vulnerable to being molested and abused by adult criminals, which is why they must be separated," Save the Children spokesman Elizabeth Kgololo told IRIN.

"I have raised this point again and again in the press and on the radio - the need for special facilities for minors under arrest and incarcerated for crimes. The police and the correctional services are not happy that I belabour this point, but something has to be done," she said.

Lack of will

"These boys and girls are being housed for long periods of time with hardened adult criminals," Kgololo pointed out. Although the law caters for children to be confined separately, "the lack of political will" meant this was not a reality.

"They always say there is not enough money, but it seems there is always enough money to do other things - for example, children and women are taken to court in the same vans as hardened adult male criminals; the fact that men and women travel together this way is bad enough," she commented.

"Children must be fetched at the children's remand facility and taken to court by police officers, and not be kept with adults on the excuse that those [adult prison] cells are closer to the

courts," Kgololo insisted.

Child welfare activists said children accused of perpetrating crimes, and even those convicted of crimes, warranted special treatment. "Some of us believe that prisons are for reform and not just punishment, and young people are the best to be corrected," Joyce Ngwane, a part-time teacher and abused children's counsellor in the commercial hub, Manzini, told IRIN.

"They have their whole lives ahead of them," she said. "No one who is not yet convicted of a crime should suffer punishment, which is what is happening to the child defendants who are housed with adult criminals."

Source: [IRIN](#)