

Challenges and Prospects of the Criminal Justice System in Handling Child Victims and Alleged Offenders in Ethiopia

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Abstract

The current study aims to explore the challenges and prospects of the criminal justice system in handling child victims and alleged offenders in Bahir Dar metropolitan city, North West Ethiopia. A qualitative research design was adopted to achieve this goal. Primary data was collected through semi-structured interviews conducted with victimized children ($n = 25$) and in-depth interviews conducted with key informants ($n = 15$). Data were analyzed using inductive thematic analysis. The general emergent theme— encumbrance and motivation reflected the challenges and opportunities of the criminal justice system in handling child victims and alleged offenders, respectively. The results from the study revealed that the absence of child-friendly police stations, limited overall assessments and psychosocial supports for child victims, slow, tardy and insensitive justice process, and legal system gaps were critical issues at the initial police contact, investigation, and trial stages of the criminal justice system. It appears from this study that the wellbeing and support needs of victims and witnesses are not yet being adequately addressed. In this study, a major challenge identified was the deficit of law enforcement in the criminal justice system as to the detection and investigation of a crime involving child victims. On the other hand, the initiatives to introduce child protection units and child-friendly police stations, provision of support and assistance, and awareness-raising about child-friendly practices among the criminal justice system are the major prospects that have been taken place within the criminal justice system.

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Introduction

Though international child rights and development frameworks have been adopted by virtually all UN member states (Pinheiro, 2006; UNICEF, 2004) on the need for child-friendly procedures in the criminal justice systems, the implementation of these reforms has been limited (UNICEF, 2008). The failure of the conventional criminal justice system to adequately respond to victims' needs has been noted by many academics and practitioners in criminology and social science (Strang, 2002; Tibbetts & Schicher, 2002).

In recognition of these issues, international child rights and development frameworks have been established to victims' reforms (UNODC, 2009). More specifically, the adoption of the United Nations Convention on the Rights of the Child (UNCRC) brought into being a clear statement of the rights of and special treatment for the child (UNCRC, 1989). According to the UN Economic and Social Council's Guidelines on Justice for Child Victims and Witnesses of Crime (2004), a child victim is a child and adolescent under the age of 18, who is a victim of crime regardless of his/her role in the offence or in the prosecution of the alleged offender or groups of offenders. More specific principles on the need for special treatment of child victims are contained in various declarations and Guidelines primarily at the UN level (African Charter on the Rights and Welfare of the Child ([ACRWC], 1990). The UN Guide-lines for Action on Children in the Criminal Justice System is one of the earlier such soft law instruments which require that any measure established to treat child victims should ensure that they are treated with compassion and respect for their dignity (UN Economic and Social Council, 2004).

Global standards for child-friendly and victim-friendly justice procedures are quite well defined (UNODC, 2006, 2009). Most international child rights framework guidelines on justice in matters involving child victims and witnesses of crime, include the rights of victims to be treated with respect and be protected from further harm (Njoki, 2008; Alemayehu, 2010; Marshet, 2013; Woldemu, 2014), the creation of making procedures and systems of child-friendly courts (Belay, 2007; Getnet, 2001; Mahider, 2008), the right to be equal before courts and tribunals (Woldemu, 2014; Birhan, 2015), the right to receive caring (Assefa, 2011; Bayenew, 2011; Braasch et al., 2008), fair (procedurally just) and respectful treatment from criminal justice professionals (Biejer & Liefwaard, 2011; UNODC, 2006).

Studies, in general, suggest that protecting children from violence and abuse is a key duty of the criminal justice system by applying child-friendly and victim-sensitive handling of children (Assefa, 2011; Marshet, 2013; Munyao, 2010; Winton & Mara, 2001; Woldemu, 2014; Betelehem, 2014). The literature underlies that a supportive and victim-centered response from the criminal justice system is important at all stages

of the criminal justice process (Jacobson et al., 2015; Metzger et al., 2015). Children need to be treated with respectful and fair compassion and professionalism by criminal justice personnel throughout the prosecution process (Perry, et al., 1995; Strang, 2002; UNICEF, 2008). In particular, police should facilitate the provision of medical services for victims of rape and sexual assault that aiming at making the procedures easier for child victims (Nicholas & Walker, 2004).

In addition, the criminal justice systems should provide assistance and supportive measures to victims in order to facilitate their ability to participate in the criminal justice system (Tibbetts & Schicher, 2002). In doing this, the criminal justice systems should make obligatory individual assessment procedures by trained professionals to conduct individual assessments in a child-sensitive, age-appropriate way that can reduce the trauma of child victims and child witnesses' experience (Kippenberg, 2009; Noto, et al., 1997; Girl Power Alliance, 2016). In particular, research shed light on the strategies used by criminal justice professionals that involve effective, age-appropriate interaction and practices that can reduce the trauma of child victims and child witnesses' experience (Yehualashet, 2015). Research highlights that professionals can accommodate victim participation in the criminal justice process in ways that benefit both victims and the criminal justice process (Biejer & Liefwaard, 2011; Metzger et al., 2015).

Despite such frameworks, studies suggest that the criminal justice process remains insensitive to child victims and witnesses in most legal systems in the world (Metzger et al., 2015). From the beginning of the investigation process to the judicial trial of cases, a child victim is subjected to multiple levels of traumatization thereby prolonging the initial abuse (Amnesty International, 2010; Belay, 2007; Bayenew, 2011). Indeed, the criminal process has been known as being re-victimizing or causing "secondary victimization," for many child victims (Assefa, 2011; Braasch et al., 2008). In particular, studies have shown that the process of cross-examinations have the effect of perpetuating the traumatization of the child no less than the act of victimization itself (Dignan & Marsh, 2001; Westcott & Page, 2002).

A particular challenge in the criminal justice system is related to the involvement of child victims in the court process (Whitcomb, 1992; World Vision International, 2011; UNICEF, 2015), especially with regard to the child's own testimony (Korkman et al., 2008) mainly due to the maturity of children with regard to physical, cognitive, and emotional development (Adem, 2011; Goel, 2009; Noto et al., 1997). In some situations, the justice system does not afford them any of the special treatments recommended by international standards of the UN (UNICEF, 2008, 2010; UNODC, 2006).

Coming to the case of Ethiopia, due to the overall influence of the international efforts to improve the conditions of child victims participating in the justice process, domestic legal systems in Ethiopia have shown some responsiveness (Girmachew & Yonas, 2012; Ministry of Women and Child Affairs of Ethiopia [MoWCA], 2016). However, the practical response to children's rights in general and the treatment of child victims during crime detection and investigation, in particular, is still quite limited and faced by several challenging factors (Assefa, 2011; Marshet, 2013; Woldemu, 2014). Studies depicted that the rights of children in Ethiopia are violated as children suffer from different types

of child abuses; physical, sexual, neglect and psychological/emotional violence (Belay, 2007; Getnet, 2001; Mahider, 2008). In addition, as in all countries, there are gaps between published policy and the implementation of legal systems (Beckett, 2007; Belay, 2007). For example, research conducted by African Child Policy Forum [ACPF] (2007) and a review of the literature by Assefa (2011) on the treatment of child victims by the criminal justice system in Ethiopia, highlight flaws and gaps in the Ethiopian criminal justice system. These studies demonstrated that child victims are not within the protective compass of the procedural and evidentiary laws of Ethiopia. Indeed, the procedural and evidentiary laws do not contain a single reference as to how the detection and investigation of a crime involving child victims should be carried out or how children in the system should be treated. Therefore, considerable problems regarding the treatment of child victims during crime detection and investigation remain (ACPF, 2007; Assefa, 2011).

Unfortunately, with only very few exceptions, the Ethiopian literature on this topic is sparse (Belay, 2007; Getnet, 2001; Mahider, 2008; Woldemu, 2014; Yehulashet, 2015). Little research has been conducted on the issue and the few available studies focused on Child Abuse Management (Getnet, 2001), social worker practice in the court with sexually abused children (Marshet, 2013), magnitude of violence against children (African Child Policy Forum, 2014), juvenile delinquency (Woldemu, 2014), and child protection response in general (Yehulashet, 2015). However, these studies were deficient in addressing the challenges and prospects of the criminal justice system for protecting children from interpersonal violence, and did not include parents, child victims, police officers, prosecutors, judges, and alleged offenders in their study. Therefore, the current study tried to fill the gap by investigating the challenges and prospects of the criminal justice system in handling children with victim and alleged offenders in Bahir Dar metropolitan city, Northwest Ethiopia.

Method

The present study adopted a qualitative research design to explore the challenges and opportunities in the criminal justice system in handling children victims of crime and alleged offenders. A qualitative research approach was chosen because qualitative methods are especially useful to explore the criminal justice system in handling children who are victims of crime. The study was conducted in Bahir Dar metropolitan city with special focus on Bahir Dar City Woreda Court and the selected police stations.

Study Location

The study was conducted in Bahir Dar metropolitan city, in North West Ethiopia, with special focus on Bahir Dar City Woreda Court and the selected police stations. In this city administration, there are seven Police Stations (1st, 2nd, 3rd, 4th, 5th, 6th, and 7th) and two Police Commissions, for example, Amhara Regional Police Commission and West Gojjam Zone Police Department. However, the current study has only taken

five Police Stations (it did not include 3rd and 4th Police Stations), where the informants work because child protection units and specialized child and women police officers were available in these selected Police Stations. In addition, the city administration has also four courts: Amhara Regional State Supreme Court, Amhara Regional State High Court, and Bahir Dar City Woreda Court. From these, Bahir Dar Woreda Court was selected as this court has been established with special child-friendly court, social workers, psychologists, and sociologists. All provide child friendly justice for children who are victimized by interpersonal violence. The court has also setup Closed Circuit Television (CCTV) where the child victim who sits in the special room is assisted by an intermediary to answer all the questions forwarded from the courtroom.

Participants

The study population for this study included four groups: children who experienced crime and alleged offenders, social workers, police officers, and judges. A non-probability purposeful sampling was used to access participants that yielded appropriate information on the issue under consideration (Ahuja, 2010). Such sampling technique was used for the reason that it focused on particular characteristics of a victimized child that are of interest and which would best enable us to answer our research questions (Creswell, 2007, 2009).

To identify the participants we used two methods of data collection with a qualitative approach: semi-structured interviews with victimized children and in-depth interviews with key informants to explore the various challenges and prospects of the protection of the fundamental human rights of children victims of crime in the criminal justice system.

A semi-structured interview was conducted with victimized children and alleged offenders to discern their perceptions and experiences in the criminal justice process. The interview schedule for victimized children was constructed around their experiences at different stages of the criminal justice system, namely the initial police contact, investigation, and trial.

To recruit participants we asked help from police station and court personnel who worked with children. Criteria were set on what would make a good informant, and what would make a bad informant. Based on these, a list of qualifications was composed. It is especially important to be clear on informant qualifications when using purposive sampling. Showing the list of qualifications to resource people such as police officers, judges, lawyers, and social scientists who could help find informants did save much time and effort that could be generated by misunderstandings. Resource persons were asked to individually name the appropriate informants. Best informants were considered to be the persons who were mentioned most times by multiple resource persons. Bypassing this process, 60 of the victimized children were mentioned by the resource persons as best informants. However, 25(41.7%) interviewees were purposively selected for data saturation.

To employ the actual interview, we first adopted the Penal Reform International (2013) tests for the protection of children in the criminal justice system (CCJS) and used them for the current study. CCJS covers children in conflict with the law, and child victims and witnesses who may be at risk of entering the criminal justice systems either due to social circumstances or because they have committed an act that would be considered criminal. It includes, but is not limited to, the presumption of innocence, the right to be notified of the charges; the right to remain silent; the right to counsel; the right to the presence of a parent or guardian; the right to confront and cross-examine witnesses; and the right to appeal to a higher authority. Nevertheless, the questions were modified based on the context so as to sensitize them to the realities of the local communities. A version of the semi-structured interview schedule was developed and administered to the victimized children and the alleged offenders. By its inception, an open-ended questionnaire for the victimized children and alleged offenders was employed. The questionnaire for victimized children and the alleged offenders had two parts. The first part contained demographic and contextual data about the respondents including age, educational status, religion, gender, violence type, the severity of violence, educational status, and religion. The second part comprised the challenges and prospects of the criminal justice system in protecting children from crimes against children. Following this, we questioned the victimized children and the alleged offenders who have passed through the criminal justice system. The asked questions were, "In what way the police officers, judges and social workers assisted and made you feel comfortable to express your feelings?", "How do they help you in fighting against crime against children?", "How do you feel when you have been exposed to crime?", and "What challenges have you ever faced? Victimized children injured by crimes against persons were asked to follow the order of the interview guide with suggested themes (Desai & Potter, 2006) and the order of the questions could be changed and some of the questions might stay uncovered or the format of the questions might change (Robson, 2007). We conducted face to face interviews. The time taken for each interview was 30 min.

Another method of data collection that the current study used was key informants. Key informants include police officers (who have vividly followed up the protection of children at police stations and courts), social scientists (sociologists, psychologists, and social workers) who have served as a consultancy at police stations, and judges. Before recruiting key informants, we listed 41 potential key informants who have had first-hand information about the experiences of crime against persons in the criminal justice system in the selected police stations and proceeding courts. However, we only selected 15(36.6%) key informants (police officers, $n = 7$; judges, $n = 4$; social scientists, $n = 4$) from 41 due data saturation. A guideline of key informants was developed and administered to the individuals who had the first-hand information about the challenges and prospects of criminal justice system in the protection of children crime against children. After they agreed to be interviewed, they were asked questions such as "What are the services that provided for children to protect them from crime in your office?", "What are the prospects of the criminal justice system for effective child protection practice?" and "What were the challenges faced to protect from crime

against children?" We carried out face to face interviews. The time taken for each interview was 30 min.

Data Analyses

The qualitative data were analyzed using inductive thematic analysis, a process of coding the data without trying to fit into a preexisting coding frame (Braun & Clarke, 2006) in order to establish major themes.

We used four major stages to analyze and interpret the participants' perspectives, feelings, and experiences about the challenges and prospects of criminal justice in handling the victim of crime against children and alleged offenders. The first step was an initialization stage. This stage helped researchers to organize and prepare the data for analysis by transcribing interviews and sorting the responses into different types based on the sources of information. In this stage, we first changed the audio records into papers and transcribed them from Amharic. The audio recorded were transcribed verbatim by English language experts. This is due to the fact that the majority of the Bahirdar city residential including victimized children, police officers, judges, and social scientists (social workers, sociologists, and psychologists) who worked in police stations and court are fluent in the Amharic. To obtain adequate information, the local language (i.e., Amharic) was used during the preparation of guidelines and interviews. After we collected the data using Amharic, the data were transcribed by the individuals who are English language experts; all of the English translation of the responses (excerpts) from the Amharic language was rigorously edited by the professionals and used for this study

In this primary step of data analysis, all authors read the interview transcripts to exclude contradictory statements from the respondents; authors furthermore identified any repetitions of ideas from each informant; and, finally, condensed raw data into a manageable size so as to describe the trend of the participants' perspectives and experiences about crime against children in the criminal justice system.

The second stage was a categorization stage. During this stage, the analysis involved intensive reading and re-reading of transcripts and generating categories of descriptions. We reflected on the process of organizing codes and compare them in terms of similarities and differences. At this stage, a theme became categorized in a way that a group of codes is repeated in a patterned way and in multiple situations throughout the data. Following this, rigorously categorized sub themes resulting from the process of coding and classification, were determined. Only themes that were agreed upon by both researchers were included. Then, these themes were further analyzed by both authors and organized into a series of major findings or major themes: Encumbrance and motivation. Themes related to encumbrance were mainly generated from the responses of the polices, judges, and social workers who identified challenging factors to the protection of children's rights in the criminal justice system; on the other hand, the theme related to possible motivation was primarily generated from victimized children who perceived some positive effort from the criminal justice system. During data analysis, several themes and subthemes were identified. Themes and categories were

highlighted through chosen “meaning units” (participant quotes) and were reflected on in relation to the research objectives to uncover meaning behind participant responses (Bengtsson, 2016).

The third stage involved substantiation. We essentially began the process of checking and confirming, to ensure a relative certainty regarding the developed major themes and sub-themes. The last phase was a finalization phase. We started narration development with word frequencies. The two authors recorded all the data to quantify how many participants endorsed each theme. It encompasses a short line that gave a holistic view of the prospects of the criminal justice system in fighting against interpersonal violence and its associated daunting challenges.

Ethical Considerations

Potential participants received an informed consent form with detailed information regarding the study. All participants were informed about the aims of the study, how it would be conducted, the types of information to be collected, as well as the data storage protocols. Participants were also notified that their participation was completely voluntary and at any time, and that he or she may have withdrawn from the study with no penalty. Participants were assured that the study was completely confidential and anonymous. To maintain the confidentiality of participants’ data, a numbering system was implemented to refer to each participant. The research follows strong ethical principles based on best practice from child research organizations and the United Nations, ensuring amongst other things, avoidance of re-traumatization, confidentiality and informed consent for all participants.

Results

This study explored the various challenges and prospects in the criminal justice system in the protection of the fundamental human rights of children victims of crime and alleged offenders among criminal justice system. Two distinct major themes emerged from the research data. The major themes identified from the results of this study included: encumbrance and motivation. The data is organized according to victims’ and alleged offenders experiences at different stages of the criminal justice system, namely the initial police contact, investigation, prosecution, and trial.

The researchers selectively presented the responses of interviewees by quoting them directly and in indented spaces under the topics or themes generated from the analysis.

Challenge of Child Protection in the Criminal Justice System

The first theme emerged from the responses to explore the challenges of the criminal justice system in the protection of the fundamental human rights of children with victim of crime and alleged offenders among criminal justice system were *encumbrances*.

Under this major theme, four subthemes were identified: (a) child-friendly police stations, (b) limited overall assessments and psychosocial supports for child victim, (c) slow, tardy and insensitive justice process, and (d) legal system gap.

Encumbrance: child-friendly police stations. The first challenge that faced all victimized children and alleged offenders, faced in the early stages of arrest and investigation, was the absence of child-friendly police stations. Children were asked a series of questions about their experience at the police station and with the police officers at the time of arrest and investigation. Based on their responses, three subthemes were identified: absence of facilities at the police station, the privacy of the child victim, and judgmental attitude.

Absence of facilities at the police station: Victim-blaming. The finding of the study indicated that the majority of interviewees in this study claimed that the police officers and the victimized children mentioned that the police stations were not equipped with appropriate facilities and failed to offer the privacy and experiential safety the victimized children and alleged offenders require. Similarly, one respondent highlighted this challenge: “The police stations do not have an appropriate physical set up to comfortably accommodate me when I arrive at the police station” (Participant #7, interview response).

Insensitivity to the privacy of the child victims and alleged offenders. Closely related with absence of facilities is the insensitivity of the police officers for the privacy of the victimized children and alleged offenders, leading to feelings of embarrassment. A lack of sensitivity and respect within the police staff were observed during interviewing and investigation to be the major issues among the victimized children which affected privacy, safety, and confidentiality. One young person explained how she felt “I usually feel nervous and ashamed when confessing matters in front of many people who wait for other services” (Participant #7, interview response). Similarly, a lack of sensitivity, dignity, and respect were observed among the alleged offenders during their initial interactions in the early stages of arrest with the police. One young person explained how he felt:

“I came here because I am accused of rape. As soon as I arrived here, the police officers did not ask me about my case, rather they simply sent me to the places (rooms) where adults were jailed. While I was with adult prisoners, I feel ashamed and they all laughed at me” (Participant #19, interview response).

Judgmental attitude. Issues of unfair treatment, such as being stereotyped by police at the time of arrest and early stages of investigation were also raised as a serious point of concern by alleged offenders. Child prisoners pointed out several examples where police officers failed to treat every child prisoner with dignity and respect. One expressed his feelings in this way:

“The police officer suspected me as being a thief when he got me around the bus station. He brought me to the police station. As soon as I arrived at the police station, he immediately slapped me. I was crying because I don’t know what I did. But, I was not a delinquent. That was not enough. He sent me to the place where the other adult offenders were jailed. My experience on that day was not good to me and made me feel so bad, really bad” (Participant #7, interview response).

Encumbrance: limited overall assessments and psychosocial supports. In this study, a second subtheme or the second challenges facing the criminal justice system was related to limited overall assessments and psychosocial supports for child victim. Challenges related with limited overall assessments in the criminal justice system was reflected by two interrelated patterns, including a) constraints placed on victim input as a result of the lack of effective victim participation mechanisms, and b) lack of practice of witness preparation.

Constraints placed on victim input. In this study, a sub-theme identified as “limited overall assessments” was: constraints placed on victim input. The finding of the study indicated that one challenge that faced the criminal justice system in the early stages of investigation was related to constraints placed on victim input or giving testimony. Based on interviewees held with different criminal justice system authorities, the basic challenge was that children did not want to speak and would not answer questions. For example, an officer at the police station commented: “. . . two months ago, a five year old girl was raped by a 15 years old boy in a neighborhood. The girl could not understand what happened to her and she could not tell us who was the offender and other issues” (Participant #6, key informant response). Another police officer said, “In most cases children are so afraid and cannot respond to questions. Then, we sometimes get confused about what to do.”

Similarly, another participant highlighted this challenge:

“Child victims who came to the court cannot explain themselves and they do not understand what actions were performed on them. Consequently, we were in trouble to bring the case to the court for final decisions. In the end, with the help of her mother, she revealed that they did commit sexual harassment to her. So, it is difficult to get valid and ample information from the victimized children who come to the court” (Participant #10, key informant response).

The finding of the study indicated that criminal justice professionals often fail to communicate properly with victims resulting in constraints placed on victim input.

Lack of practice of witness preparation. Another related constraints identified in relation to limited overall assessments process in this study was the lack of practice of witness preparation as a result of limited psychosocial supports for child victims in the system. The study revealed that there was no practice of working together with other institutions and experts to properly provide for witness preparation with victims.

Many of child victims and professionals who participated in the research indicated that the criminal justice system professionals failed to provide for witness preparation using criminal justice professionals. For example, one respondent claimed, "In child-friendly court, the overall assessments conducted by social workers are very limited and the social workers spend less time with the offenders" (Participant #11, key informant response). This implies that the criminal justice system often makes decisions on child victims without preparing them properly. This practice can have devastating consequences for child victims involved. Several participants commented on this issue. For example, a judge respondent claimed, "Many child cases were given decisions by judges without letting the social workers deal with the children themselves or their families. These decisions have resulted in overlooking the benefits and privileges of the victimized children" (Participant #9, key informant response). Another respondent shared similar concerns:

"In a child-friendly court, every responsible body is supposed to work for the best interest of the child. But on many occasions, child cases were given decisions by judges without letting the social workers deal with the children themselves and their families" (Participant #6, key informant response).

When asked to describe the reason for such a lack, several people in positions of authority said that the law of the country does not provide for such a requirement.

Encumbrance: slow, tardy and insensitive justice process. The third challenge facing the criminal justice system is its slow, tardy, and insensitive practices. Under this sub-theme, several interconnected patterned themes were identified, including the absence of referrals to victim support services and the risk of retribution from the perpetrator.

The absence of referrals to victim support services. One of the main issues identified in the criminal justice system as related to its being slow, tardy and, insensitive is the absence of referrals to victim support services and a lack of giving priority to cases of child victims. The study revealed that the justice system failed to promptly provide medical services for victims of rape and sexual assault. There was a clear consensus across participants that the wellbeing and support needs of victims and witnesses are not yet being adequately addressed. For example, key informant response reported, "There is no referral system for counseling and other psychosocial supports to prevent future criminal actions" (Participant #11, key informant response). Moreover, another said, "children who stood before the court were denied their right of getting psychosocial supports by experts" (Participant #9, key informant response).

The criminal justice system does not provide crisis intervention, such as medical services for victims and psychological aid or referring to appropriate services. When asked the reason, there was a clear consensus across participants that this was related to the deficit of law enforcement in the criminal justice system. This challenge is related with the procedural and evidentiary laws pertaining to the justice process involving child victims. In this relation, one of the main issues related to the practice

of not giving priority to cases of child victims is the attempt to maintain similar or higher evidentiary thresholds for cases involving crimes against children. A police officer who participated in this study attested to the following:

“Many rape cases reported to our police station were dined of justice because they were either delayed in being reported or missed concrete evidences. For instance, victims who are sexually abused do not go to the health institution in time. Thus, it is difficult to know the harm inflicted upon them. As a result, provision of medical evidence becomes problematic too” (Participant #15, key informant response).

According to participants, this challenge was related to the nature of victimization. For example, 42.9% of the police officers, 75% of the judges, and 72% of the child victims mentioned that the offenders had employed a variety of acts to conceal real information about their cases and this situation created evidentiary difficulties associated with child victims to deal with the perpetrators.

The risk of retribution from the perpetrator. The study showed that a further challenge facing the criminal justice system for its being slow and tardy is the likelihood that the perpetrators attempt to either divert the issue by confronting victims directly or by harassing the victim in retaliation for having reported the matter to the authorities. In the case of the former, the study showed that when the criminal justice system becomes slow, the perpetrators attempt to divert the issue by confronting the matter with victims. The police staff member expressed the following concern, “When the court gave postponements, some child victims were seen to deal with the perpetrators illegally. The dealing may be in terms of money and materials. This has brought serious problems both to the court and the victims themselves” (Participant #10, key informant response).

Closely related to the discussions around a slow and tardy criminal justice system is the likelihood that victims find themselves at risk of retribution from the perpetrator. One participant confessed how the perpetrator harassed the victim in retaliation for having reported the matter to the authorities and how this might elongate the pain and suffering of the child victims, leading them to live in a potentially dangerous situation. A police officer attested the following, “A boy has raped her at night and taken her virginity at this time. He threatened to kill her if she informed his or her family of the happening.” After she received the offender’s threat to kill and hurt, she could not give us detail information about her case (Participant #4, key informant response).

Encumbrance: Legal system gap. In this study, the fourth subtheme, or challenge, identified under encumbrance, was the legal system gap. Absence of child-friendly courts and the definition of child were prominent themes within the legal system gap.

Absence of child-friendly courts. In relation to absence of child-friendly courts, the law enforcement officials who participated in the study all said that one of the most serious problems in the criminal justice system for dealing with crimes against children and

alleged offenders was the absence of child-friendly courts. The study found that almost all trial cases involving child victims were undertaken in the same way as cases involving adults. One participant mentioned:

“Cases related to child sexual abuse, child labor and physical abuse were treated and dealt with in regular courts like every other case appearing in courts. Child victims and offenders sometimes were confined and jailed with adult prisoners. This created problems so that child offenders were not able to correct themselves from their mistakes and rather they were frequently jailed for further offenses” (Participant #3, key informant response).

One of the major reasons given by authorities for why they do not implement child-friendly procedures was the deficit of law enforcement in the criminal justice system, legal system gap requirement or direction in the detection and investigation of a crime involving child victims. Thus, re-victimization or secondary victimization is likely to happen once they enter the criminal justice arena.

Definition of child. In relation to the definition of child, the study found that the criminal justice system does not treat child victims and alleged offenders of more than fifteen years as a child. One respondent mentioned cases in which the criminal justice system would not consider a child of more than 15 years of age as falling within the definition of a child:

“Both UN conventions on the right of children and the African charter stated that all persons under the age of 18 years old are recognized as children. But with indifference, our national criminal law asserts that all persons above the age of 15 years are not children rather they are adults. This leads to the confinement of child victims and offenders with adults in the same room and making the victims face the system shortcoming” (Participant #9, key informant response).

According to the participants, the blame once again is related to the deficit of law in Ethiopia.

Prospect of Child Protection

In this study, a second major theme identified was: “opportunities for change and improvement” within existing practice, which we labeled motivation. Under this major theme, there were three subthemes, including a) Initiatives to introduce child protection units and a child-friendly police stations, b) support and assistance, and c) awareness-raising about child-friendly practices

Motivation: Initiatives to introduce child protection units. The study found that an interesting initiative has been taken to put in place child protection units at police stations and a child-friendly justice process that provides and facilitates the provision of specialized services and treatment necessary for victims, offenders, and witnesses who go

through law enforcement and justice processes. Key informants stated, "Several police stations in major towns and cities have now child protection units who will handle cases of children as victims of interpersonal violence or as offenders" (Participant #5, key informant response). This finding shows that child protection units at police stations are beginning to put into place judicial and administrative mechanisms to enable child victims and offenders to obtain prompt, fair, and accessible redress, including restitution and/or compensation for losses sustained.

Seemingly, another key informant said, "In Bair Dar City child-friendly court, the police officer, the prosecutors, and the court is working in a coordinated manner which created an accelerated decision-making process and both child victims and offenders are getting legal protections as per to their crime cases" (Participant #6, key informant response). The study has also indicated that some NGOs have been providing support and assistance for children, including child victims. For example, the Children's Legal Protection Centre of the ACPF and the Ethiopian Women Lawyers Association—one of the pioneer civil society organizations—have provided legal advice and support for child victims of crime and their parents. These efforts are encouraging and have to be multiplied. Of late, however, the Ethiopian government's legal measure to restrict the involvement of civil society actors in the protection of rights may dampen their contribution in this regard (see Charities and Societies Proclamation No. 621/2009, Arts. 14 and 57).

Motivation: support and assistance. Another interesting initiative in the criminal justice system is the provision of specialized services and treatment necessary for children who go through law enforcement and justice processes. Achievements in this regard include support and assistance for both child victims and offenders. This was attested to by the youngsters and parents as well as the justice personnel who participated in the study. For example, 52% of victimized children, 75% of the social workers, and 50% of the judges stated that victimized children obtained multifarious services from different institutions in the research site.

In addition, participants pointed out that child protection units provide and facilitate the provision of specialized services and legal advice and support for child victims and their parents. One participant described, "Bahir Dar City woreda court in its child friendly unit has started exclusive psycho-legal services to child victims and offenders who appeared before the court" (Participant #9, key informant response). Another participant also said, "Social workers held meetings among the victims, offenders, and the victims and offenders' families to minimize the stress of reprisal" (key informant Participant #14). In strengthening the above findings, one social worker said, "In most cases, we social workers made collaboration with parents and guardians to conduct detail assessments on the overall conditions of child victims and offenders. Then, we recommended propositions that first hold the best interest of the child" (Participant #24, key informant response).

Similarly, child protection units also provide support and assistance for offenders who go through law enforcement and justice processes. For example, one respondent said, "While I was jailed in the police station, a court reached a consensus working with

UNICEF to get material, food and medical supports for my emotional abuse minimization” (Participant #17, interview response). Another also acknowledged, “While I was arrested in the police station, the police officer has sent me to a psychologist to get psycho-social support. And, he consulted me not to commit any sort of crime” (Participant #17, interview response). The provision of specialized services and treatment by the justice system, is beginning to sensitize children who go through law enforcement and justice processes on how to fight crimes against children. In this relation, 40% of the victimized children and 50% of the social workers mentioned that awareness on how to fight crime against children has been created from the trainers by referring to the amended policies of the country. For instance, one participant mentioned,

“The revised penal code changes many acts of crime against children to be criminalized like infanticide, sexual violence, abduction, maltreatment, neglect and negligent treatment, and sexual exploitation of children” (Participant #15, key informant response).

Motivation: Awareness-raising within the criminal justice system. Another interesting initiative and development in the criminal justice system is the effort to raise awareness about issues relating to child rights and protection among the criminal justice system professionals. One respondent mentioned:

“Although we judges have no special training related to violence against children, the Justice Organs Professionals Training Center that has been established very recently, has started providing a course on human rights including child and women’s rights” (Participant #9, key informant response).

Another participant also said, “The trainers have frequently given us an orientation about the violence and its associated impacts. They gave us a short training on how to rehab from sexual and psychological violence at the police stations and courts” (Participant #25, interview response).

Discussion

The current study aimed to explore child victims and alleged offenders’ experiences in the Ethiopian criminal justice system. The detailed interviews and fieldwork from the research have produced rich information about children’s experience in the justice system.

The general emergent themes, namely encumbrance and motivation, reflected the challenges and opportunities of the criminal justice system in handling child victims and alleged offenders, respectively.

Challenges in the Criminal Justice System

The first theme emerged from the responses to explore the challenges of the criminal justice system in handling child victims and alleged offenders. This was *encumbrances* at different stages of the criminal justice system in protecting the fundamental human

rights of children with victim of crime and alleged offenders. The analyses showed that the absence of child-friendly police stations, limited overall assessments and psychosocial supports for child victims, slow, tardy and insensitive justice process, and legal system gap were the challenges faced by the criminal justice system.

More specifically, the findings indicated that the absence of child-friendly police stations at the time of arrest and investigation was the major challenge faced by all victimized children and alleged offenders. Children identified a number of shortcomings in these first encounters. Indeed, the first challenge that all victimized children and alleged offenders faced in the first encounter of the police stations was the absence of child-friendly facilities and physical set up that comfortably accommodated victimized children and alleged offenders. In other words, police stations fail to provide for the privacy and safety needs of these children. The results also indicated that a consequence of the insensitivity of the police staff in taking into account the need for privacy and confidentiality of children during interviewing and investigation was a feeling of embarrassment likely to further exacerbate traumatic experiences.

On the alleged offenders' side, unfair treatment by police in their initial interactions with the police was mentioned as a serious point of concern. Specific issues identified were police being biased in the early stages of arrest and investigation. The alleged offenders expressed largely negative views regarding their initial contacts with police who failed to treat child prisoners with dignity and respect. It is clear that children's experience of the police will therefore affect the outcome / result of the case. The result of the present study is inconsistent with international child rights framework guidelines on justice in matters involving child victims and witnesses, and in particular the right to receive caring, fair (procedurally just) and respectful treatment from criminal justice professionals (Biejer & Liefwaard, 2011; UNODC, 2006).

This shows that considerable problems remain regarding the treatment of victimized children and alleged offenders in relation to respecting the privacy of the child victim during their initial encounters with the police. Generally, police failed to treat the children respectfully while instead allowed children to be being ridiculed, ignored, and harassed. In this relation, researchers reasoned that, as the first point of contact with the criminal justice system, the quality of police-victim interactions has the potential to shape victim willingness to proceed with a case and thus they should treat children respectfully (Strang, 2002; Save the Children, 2010, 2011; Nicholas & Walker, 2004; UNICEF, 2008), and facilitate the provision of medical services for victims of rape and sexual assault (Berhan, 2015; Biejer & Liefwaard, 2011; Braasch et al., 2008; Nicholas & Walker, 2004).

The results from the study also revealed that the basic challenge of the criminal justice system was its limited commitment for conducting overall assessments on child victims. The analyses revealed that the basic challenge was that children did not want to speak and would not answer their questions, thus resulting in limited victim input. These findings are in line with research that has shown that child victims and witnesses face some difficult issues that may impact their ability to participate effectively in the criminal justice process, especially with regard to the child's own testimony (Marshet, 2013; Munyao, 2010). Empirical findings showed that several challenges

related to the involvement child victims in the court process, especially with regard to the child's own testimony, as they are immature with regard to physical, cognitive and emotional development (Noto et al., 1997).

Based on interviewees held with different criminal justice system authorities, it was clear that this problem is basically related to criminal justice professionals' inability to communicate properly with victims as well as to the lack of practice of witness preparation involving relevant criminal justice professionals and experts, such as social workers. The result of the present study was consistent with the local research (ACPF, 2007; Assefa, 2011) which found a lack of practice of witness preparation involving relevant criminal justice professionals and experts. The existing literature also explains that supportive and victim-centered responses from the criminal justice system are important at all stages of the criminal justice process in order to facilitate their ability to participate in the criminal justice system and to give the kind of testimony that is required for the maintenance of the rule of law (Strang, 2002; Jacobson et al., 2015; Metzger et al., 2015; Tibbetts & Schicher, 2002).

The third challenges facing the criminal justice system is its being slow, tardy and insensitive in the justice process. This finding is consistent with previous studies, which demonstrated that child victims are subjected to a slow, tardy and insensitive justice process. Under this major sub-theme, several interconnected patterned themes were identified, including the absence of referrals to victim support services and the risk of retribution from the perpetrator. The study revealed that the justice system failed to promptly provide medical services, crisis intervention, and psychological aid or referring to appropriate services for cases of child. This finding is also inconsistent with the notion that police should facilitate the provision of medical services for victims of rape and sexual assault that aim the procedures easier for child victims (Watkins, 1990; Nicholas & Walker, 2004) and a special treatment recommended by international standards (UNODC, 2006; UNODC, 2009).

More important, the study showed that a further challenge facing the criminal justice system for its being slow and tardy is the likelihood that the perpetrators attempt to either divert the issue by confronting the matter with victims or harassing the victim in retaliation for having reported the matter to the authorities. In the case of the former, when the criminal justice system becomes slow, the perpetrators attempt to divert the issue by dealing directly with victims. In addition, when police failed to respond appropriately, victims found themselves at risk of retribution from the perpetrator. Thus, a secondary and repeat victimization, intimidation, and retaliation are likely to happen on the victims' side. Such a threat of retaliation by the offender may likely elongate the pain and suffering of the child victims. This finding is consistent with previous studies, which demonstrated that from the beginning of the investigation process to the judicial trial of cases, a child victim is subjected to multiple levels of traumatization thereby prolonging the initial abuse (United Nations, 1985; Amnesty International, 2010). This challenge is related with the procedural and evidentiary laws pertaining to the justice process involving child victims (ACPF, 2007; Assefa, 2011).

In the current study, the fourth challenge identified under encumbrance was a legal system gap. Under this subtheme, absence of child-friendly courts and the definition

of child were prominent themes within the legal system gap. The study found an absence of child-friendly courts within the criminal justice system. This problem is basically related with the legal system gap as related with the direction in the detection and investigation of a crime involving child victims. The result of the present study is consistent with previous research which showed that the criminal process has been known as being re-victimizing or causing "secondary victimization," for many child victims (Assefa, 2011; Woldemariam, 2011; Dignan & Marsh, 2001; Westcott & Page, 2002). In relation to the definition of child, the study found that the criminal justice system does not treat child victims of more than 15 years as children.

As a whole, the findings from this study are not in line with the definition and Global standards set for child-friendly and victim-friendly justice procedures that the child defined as a person who is more than eighteen years (Biejer & Liefwaard, 2011; UNODC, 2006).

Prospect of Child Protection

In this study, a second major theme identified was the opportunity for change and improvement within existing practice which we labeled motivation. Under this major theme, there were three subthemes, including a) Initiatives to introduce child protection units and a child-friendly police station, b) support and assistance, and c) awareness-raising regarding child-friendly practices

The current study found that an interesting initiative has been taken to put in place child protection units and a child-friendly justice process that provide and facilitate the provision of specialized services and treatment necessary for victims, offenders, and witnesses who go through law enforcement and justice processes. According to key informants, several police stations in major towns and cities have now child protection units that handle cases of children as victims of crime or as offenders. In this regard, a child protection units and a child-friendly justice system provides justice for children affected by violence and abuse, and makes the justice process friendlier to all children who pass through the process. Similarly, judicial and administrative mechanisms were in place to enable child victims to obtain prompt, fair and accessible redress, including restitution and/or compensation for losses sustained. Furthermore, in Bair Dar City a child-friendly court has been established in which police officers, prosecutors, and the court are working in a coordinated manner which created an accelerated decision-making process and providing for legal protections to both child victims and offenders.

Another interesting initiative in the criminal justice system is the provision of specialized services and treatment necessary for children who go through law enforcement and justice processes. Achievement in this regard includes support and assistance for both child victims and offenders. For example, child protection units provide and facilitate the provision of specialized services and legal advice and support for child victims and their parents. Social workers collaborate with parents and guardians to conduct detailed assessments on the overall conditions of child victims and offenders. In addition, social workers held meeting among the victims, offenders, and the

victims and offenders' families to minimize the stress related to reprisal. The study also revealed that the justice system is beginning to sensitize on how to fight crime against children.

The study has also indicated that efforts have been made to raise awareness about issues relating to child rights and protection among the criminal justice system workers. The training at the police stations and courts includes a course on human rights including child and women's rights, violence and its associated impacts, and how to recover from interpersonal violence, and other forms of crime. In general, there has been a gradual change in the mindset of court and law enforcement officials who have received training on juvenile justice issues, in understanding the procedures and relevant laws, as well as an improved system of communication between police officers, lawyers, judges, social scientists, and children concerned NGOs.

Conclusion and Recommendation

The general emergent theme emerged in this study, *encumbrance* and *motivation*, reflected the challenges and opportunities of the criminal justice system in handling child victims and alleged offenders, respectively. The major encumbrance that the criminal justice system faced at different stages were: the absence of child-friendly police stations, limited overall assessments and psychosocial supports for child victim, slow, tardy and insensitive justice process, and a legal system gap. Children proceeding through the Ethiopian justice system, regardless of the reason, are frequently dealt with inappropriately by police. Taken together, the police stations are intimidating, insensitive, and disrespectful environments, particularly for child prisoners. More specifically, the absence of child-friendly police stations and courts for victimized children and alleged offenders in general, and the biased attitude toward the alleged offenders by police at the time of arrest and investigation in particular, was the major concern in the system. The insensitivity of the police staff and the police stations in turn made all children to feel embarrassed and further exacerbated their traumas. In addition, the basic challenge of the criminal justice system was its limited commitment to conducting overall assessments on child victims where it failed to make witness preparation by employing relevant professionals in the process. Thus, this practice may result in devastating consequences for child victims involved. Moreover, the criminal justice system is slow, tardy, and insensitive in that it failed to promptly provide medical services for victims and thereby prolong the pain and suffering of the child victims as it tends to open a chance for secondary and repeat victimization as a result of the intimidation and retaliation acts of the perpetrators.

In general, the wellbeing and support needs of victims and child prisoners are not yet being adequately addressed by the criminal justice system. This was in fact basically related to the deficit of law enforcement. The non-existence of laws in Ethiopia which require a child friendly conduct of court proceedings and the failing to consider a child within the age range of 15 to 18 as a child were a major policy related problem within the criminal justice system.

On the other hand, the opportunities for change and improvement within existing practice have been shown which could be regarded as a promising endeavor in protecting the wellbeing and support needs of victims and child prisoners. In this regard, the initiative to put in place child protection units and a child-friendly justice process, the provision of specialized services and treatment necessary for victims and offenders, and raising awareness about issues relating to child rights and protection among the criminal justice system workers are some of the possibilities of improving the criminal justice system.

The analysis of this research identified four key underlying issues to be addressed at different levels of the criminal justice system. First, to end the suffering of child victims in the justice process. The Ethiopian government should examine the gaps in the existing overall justice system responses in relation to the international child rights and development frameworks in general and Guidelines on Justice for Child Victims and alleged offender in particular. Among other things the government in the long-term, must pursue an active policy of ensuring the implementation of the international standards for improving the treatment of child victims and offenders. The Ethiopian government should adopt the implementing legislation for the International Criminal Court which contains strong provisions for the protection of victims and witnesses. Improving the experience of child victims and witnesses will require disciplined planning and action from all stakeholders in the Ethiopian justice system.

The Ethiopian Ministry of Justice should develop in a long-term a comprehensive strategy for the protection of child victims. This includes developing a victim-centered approach to criminal justice that focuses on the needs of the victims and witnesses in all judicial proceedings, establishing specialized offices and units to deal with cases involving offenses towards children, building appropriate court rooms, police stations and offices for prosecutors and other relevant staff. Further improvements should include building the capacity of justice system personnel by providing them with the necessary technical and practical skills for dealing with cases that involve children as victims and alleged offenders.

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