ANALYSING THE EXPERIENCES OF STREET CONNECTED CHILDRN WITH THE JUSTICE SYSTEM: A CASE OF MZUZU CITY

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ABSTRACT

Street-connected children are among the most vulnerable populations interacting with the criminal justice system, often facing discrimination, criminalization, and limited access to legal protection. This study analyses the experiences of street-connected children with the justice system in Mzuzu City, Malawi, with the aim of understanding how legal institutions respond to their unique circumstances. The research explores patterns of arrest, detention, treatment by law enforcement officers, access to legal representation, and the broader social and structural factors shaping these interactions.

A qualitative case study approach was employed, drawing data from in-depth interviews with street-connected children, key informant interviews with police officers, social welfare officials, and representatives of civil society organizations, as well as document review of relevant legal and policy frameworks. The findings reveal that street-connected children in Mzuzu City frequently experience arbitrary arrests, prolonged detention, and verbal or physical abuse while in police custody. Many children reported limited knowledge of their legal rights and minimal access to legal aid or child-friendly justice mechanisms. Law enforcement responses were largely punitive, often influenced by negative stereotypes that associate street life with criminal behavior.

The study further identifies systemic challenges, including inadequate training of justice officials on child rights, weak coordination between the justice system and social welfare services, and insufficient implementation of child-protection laws. These challenges contribute to the continued marginalization of street-connected children and undermine their access to justice.

The study concludes that while legal frameworks exist to protect children in conflict with the law, their practical application remains limited in Mzuzu City. It recommends strengthening child-friendly justice practices, enhancing legal awareness among street-connected children, and improving collaboration between justice institutions and social support services to ensure.

KEYWORDS: Street-connected children, Justice system, Juvenile justice, Child rights, Law enforcement, Mzuzu City.

INTRODUCTION

Street-connected children constitute one of the most vulnerable and marginalized populations globally, particularly in urban centers of developing countries. These children, who live and/or work on the streets, often experience multiple forms of deprivation, including poverty, lack of access to education, exposure to violence, and social exclusion. In sub-Saharan Africa, rapid urbanization, economic instability, family breakdown, and the impact of HIV/AIDS have contributed significantly to the growing number of children connected to the streets. Malawi is no exception to this trend, with major cities such as Mzuzu witnessing an increasing presence of street-connected children.

Background

Street-connected children, often referred to as children living and working on the streets, are among the most marginalized and vulnerable populations in many urban settings. Globally, such children face multiple challenges, including exposure to violence, exploitation, substance abuse, and limited access to basic services such as education and healthcare. In the context of the justice system, street-connected children are particularly at risk of discrimination, unfair treatment, and criminalization for behaviors associated with street survival, such as begging, petty theft, or loitering.

In Malawi, and specifically in Mzuzu City, the phenomenon of street-connected children has been increasingly observed due to factors such as poverty, family breakdown, urban migration, and limited social support systems. Despite various national policies and international conventions, including the United Nations Convention on the Rights of the Child (UNCRC), there remain significant gaps in the protection of the rights of street-connected children, particularly in relation to their interaction with law enforcement and the broader justice system.

Context

Mzuzu City, as one of Malawi's major urban centers, has witnessed a growing population of street-connected children. These children often navigate complex social environments while facing systemic challenges from both governmental and non-governmental institutions. Interactions with the justice system can vary from minor arrests and detentions to involvement in legal proceedings, often without adequate legal representation or access to child-friendly justice mechanisms.

The local justice system in Malawi, like in many countries, has specific procedures intended for children, such as those outlined in the Child Care, Protection, and Justice Act (2010). However, practical implementation is often inconsistent, particularly in urban centers like Mzuzu, where police, courts, and social welfare services are under-resourced and street children are frequently viewed through a lens of suspicion and criminality rather than protection and rehabilitation.

This context raises critical questions about the lived experiences of street-connected children and the degree to which the justice system in Mzuzu City supports or hinders their rights, well-being, and reintegration into society.

Research Objectives

The primary aim of this study is to analyze the experiences of street-connected children with the justice system in Mzuzu City, focusing on both systemic challenges and individual narratives. Specifically, the study seeks to:

1. Examine the nature and frequency of interactions between street-connected children and the justice system in Mzuzu City.
2. Identify the challenges and barriers that street-connected children face in accessing justice, including legal representation, child-friendly procedures, and protection from abuse or discrimination.
3. Explore the perceptions and attitudes of justice system actors (police, social workers, judicial officers) towards street-connected children.

Assess the effectiveness of existing policies and programs intended to protect street-connected children within the justice system.

Provide recommendations for improving the experiences of street-connected children in the justice system, including policy, practice, and community-level interventions.

LITERATURE REVIEW

Introduction

Street-connected children, often referred to as children living and working on the streets, represent one of the most marginalized groups in urban societies worldwide. Their interactions with social and legal institutions are shaped by both their vulnerability and societal perceptions of criminality. Research has highlighted the complex challenges these children face, including poverty, family breakdown, and systemic neglect, which often result in negative encounters with the justice system (Aptekar, 2019; Lansdown, 2018). Understanding these interactions is crucial for developing child-centered policies that respect their rights while addressing social concerns.

Street-Connected Children: Definition and Global Context

Street-connected children are typically categorized into children "of the street" who live full-time on the streets, and children "on the street" who spend significant time working or begging on the streets but maintain family connections (Ennew, 2016). Globally, estimates suggest that millions of children live and work on the streets, particularly in low- and middle-income countries (ILO, 2020). Factors driving children to the streets include poverty, domestic violence, orphanhood, migration, and lack of access to education (Baker & Woods, 2017). In urban African contexts, street-connected children are often subjected to stigma, criminalization, and social exclusion, particularly by law enforcement agencies (Aboagye, 2018; Tetteh, 2019).

Street-Connected Children and the Justice System

Research indicates that street-connected children frequently interact with the justice system under adverse conditions. Studies in sub-Saharan Africa show that street children are disproportionately targeted for petty crimes and may face arrest, detention, or abuse without proper legal representation (Obradovic, 2020; UNICEF, 2017). In Kenya, for instance, street children were reported to experience regular harassment by police and were often denied access to juvenile justice procedures (Mwaura, 2018). Similarly, in Malawi, street-connected children often encounter the justice system as offenders rather than as children in need of protection, reflecting gaps in policy implementation and societal attitudes (Phiri, 2019).

Challenges in Accessing Justice

Street-connected children face multiple barriers when accessing justice. These include:

Lack of legal representation: Many street children are unable to afford lawyers and are unfamiliar with legal processes (UNICEF, 2017).

Stigma and discrimination: Law enforcement officers and judicial actors often perceive street children as criminals, leading to biased treatment (Tetteh, 2019; Aptekar, 2019).

Inadequate child-friendly procedures: Although Malawi's Child Care, Protection, and Justice Act (2010) provides for child-centered justice mechanisms, implementation is inconsistent, particularly in urban centers like Mzuzu (Phiri, 2019).

Exposure to abuse: Detention and police interactions sometimes expose children to physical or psychological harm (Aboagye, 2018).

Policy and Institutional Responses

International and national frameworks emphasize the protection of children's rights in contact with the justice system. The UN Convention on the Rights of the Child (1989) underscores the principle of prioritizing rehabilitation over punishment. Malawi's Child Care, Protection, and Justice Act (2010) similarly aims to protect children in conflict with the law, ensuring access to legal aid, non-custodial measures, and child-friendly court procedures. However, several studies indicate that these policies are not consistently enforced due to resource constraints, lack of training, and negative societal attitudes (Mwaura, 2018; Phiri, 2019).

Street-Connected Children in the Malawian Context

In Malawi, urbanization, poverty, and family instability have contributed to the growth of street-connected children, particularly in cities like Lilongwe, Blantyre, and Mzuzu (Phiri, 2019). In Mzuzu, anecdotal evidence and NGO reports suggest that these children are often criminalized for survival activities such as petty theft or begging (Chimwaza, 2021). Despite the existence of social welfare offices and child protection units, service delivery is limited, leaving street-connected children vulnerable to repeated cycles of arrest and marginalization (Chimwaza, 2021; Banda, 2020).

Gaps in Literature

While considerable research has been conducted on street-connected children in Malawi and the broader region, there is limited empirical work specifically examining their lived experiences with the justice system in Mzuzu City. Most studies focus on either general welfare issues or urban street life (Banda, 2020; Chimwaza, 2021), leaving a gap in understanding how justice system interactions shape children's rights, protection, and social reintegration. Addressing this gap is essential for informing child-centered policies and practices in Malawi's urban centers

METHODOLOGY

Research Design

This study employed a qualitative research design, guided by a phenomenological approach, to explore and understand the lived experiences of street-connected children interacting with the justice system in Mzuzu City. Qualitative methods were chosen because they allow for an in-depth exploration of complex social phenomena, capturing the perspectives, emotions, and coping mechanisms of street-connected children, which cannot be fully quantified (Creswell, 2014). The study aimed to uncover both systemic and personal factors influencing interactions with law enforcement and judicial authorities.

Study Area

The research was conducted in Mzuzu City, the administrative capital of Malawi's Northern Region. Mzuzu has a growing urban population, and like other Malawian cities, it faces challenges related to poverty, unemployment, and street-connected children. The city was chosen due to its manageable size for fieldwork and the presence of social service organizations, including NGOs and local police stations, which facilitate access to participants.

Target Population

The study focused on street-connected children aged 10–17 years who either live on the street full-time or spend a significant portion of their time there. Additionally, key stakeholders such as social workers, police officers, and community leaders were included to provide a holistic understanding of institutional interactions. According to Phiri (2018), Mzuzu has an estimated 200–300 street-connected children, making the population accessible for qualitative inquiry.

Sampling Techniques

A purposive sampling technique was employed to select participants who could provide rich information regarding their experiences with the justice system. This method ensured that children with direct interactions—such as arrests, court appearances, or engagement with social services—were included. Snowball sampling was additionally used to identify participants who might otherwise be difficult to reach due to their transient living conditions (Babbie, 2016).

The study aimed for a sample of

20–25 street-connected children

5–10 social workers and NGO staff

5–8 law enforcement officials or community leaders

This sample size was considered sufficient for reaching data saturation, where additional interviews no longer yield new insights.

Data Collection Methods

Multiple data collection methods were utilized to ensure triangulation and enhance validity:

Semi-Structured Interviews

Semi-structured interviews were conducted with street-connected children to allow flexibility while covering key topics such as:

Experiences with police and court officials

Reasons for interactions with the justice system

Perceptions of fairness and justice

Coping strategies and support networks

Interviews lasted 30–60 minutes and were conducted in Chichewa or Tumbuka, depending on the participant's preference, with translation and transcription handled carefully to preserve meaning.

Focus Group Discussions (FGDs)

FGDs were conducted with NGO staff and social workers to explore systemic perspectives and intervention strategies. Each discussion involved 5–7 participants and lasted approximately 60–90 minutes. FGDs allowed cross-validation of individual interview accounts.

Key Informant Interviews (KIIs)

KIIs were conducted with law enforcement officials and community leaders to understand policies, procedural challenges, and perceptions of street-connected children. These interviews highlighted institutional factors that shape the experiences reported by children.

Document Review

Relevant policy documents, court records, police registers, and NGO reports were reviewed to supplement primary data and contextualize findings.

Data Analysis

Data were analyzed using thematic content analysis. The steps included:

Transcription: Interviews and discussions were transcribed verbatim and translated into English where necessary.

Coding: Open coding was used to identify recurring concepts and patterns. Codes were then organized into broader categories reflecting themes such as "criminalization of survival," "access to legal aid," and "perceptions of justice."

Despite these limitations, methodological triangulation and rigorous ethical safeguards enhanced the credibility and reliability of findings.

RESULTS

Participant Overview

Total participants: 25 street-connected children, 10 NGO/social workers, 6 police/community officials.

1. Majority of children were male (72%), aged 14–17 years.
2. Most had spent over a year on the streets.
3. Only 20% were attending school.

Themes and Key Findings

Criminalisation of Survival Activities

Children frequently arrested for begging, street vending, scavenging, or sleeping in public.

Many had multiple arrests in the past year for minor survival-related activities.

Quote: "I was taken to the police for selling water… they said I was disturbing people." – Male, 15

Implication: Poverty-driven behaviour treated as criminal activity rather than a social issue.

Limited Access to Justice

Most children lacked legal representation; few were aware of their rights.

Some were detained without explanation or guardian notification.

Courts often prioritized formal procedures over children's protection.

Only a small minority (approx. 12%) had access to legal aid.

Negative Interactions with Law Enforcement

Reports of verbal harassment, intimidation, and occasional physical abuse.

Children felt stigmatized and mistrusted authorities.

Negative experiences discouraged reporting crimes or seeking help.

Coping Strategies

Peer networks: Children supported each other during police encounters.

NGO support: Shelter, mediation, and legal guidance were provided where available.

Community assistance: Sympathetic adults occasionally acted as informal advocates.

Policy and Implementation Gaps

Malawi's Child Care, Protection and Justice Act exists but is poorly enforced for street-connected children.

Police and judicial officers often unaware of child-rights provisions.

Inconsistent application of protective policies leaves children vulnerable to repeated arrests and detention.

Participant Overview

Demographics of Street-Connected Children (N=25)

Characteristic	Frequency	Percentage
Gender		72%
Male	18	28%
Female	7	
Age		
10-13 years	8	32%
14- years	17	68%
School Attendance		
Attending	5	20%
Not attending	20	80%

DISCUSSION

Introduction

This study explored the experiences of street-connected children in Mzuzu City when interacting with the justice system. The findings highlight patterns of criminalisation, limited access to legal support, negative interactions with law enforcement, and reliance on informal coping strategies. This discussion interprets these results in relation to existing literature, considers policy and practice implications, and reflects on systemic challenges in protecting street-connected children.

Criminalisation of Survival Activities

The findings show that children are repeatedly arrested for activities related to daily survival, such as begging, street vending, and scavenging. This aligns with studies in Kenya, Tanzania, and South Africa, where survival behaviours are often treated as criminal offences (Kamau, 2004; Mhando, 2002; Swart-Kruger & Donald, 1997).

The repeated criminalisation of minor offences has multiple consequences: psychological stress, trauma, and distrust of law enforcement. It reinforces social exclusion, pushing children further into informal and unsupervised street life. This pattern suggests that justice system responses in Mzuzu are more punitive than rehabilitative, echoing Barutciski et al. (2002), who argue that street children are often penalised for poverty rather than crime.

Implication: Policies and police practices need to shift from punishment to supportive, rehabilitative interventions. Decriminalising survival behaviours and providing alternative support programs could reduce repeated arrests and trauma.

Limited Access to Justice

Most children lacked legal representation or awareness of their rights. Many were detained without proper notification to guardians, reflecting gaps in the enforcement of Malawi's Child Care, Protection and Justice Act (2010).

These findings resonate with Chonya and Mwale (2010) in Zambia and Makombe (2015) in South Africa, where street-connected youth often navigate courts without legal support. Limited access to justice increases vulnerability to prolonged detention, coerced statements, or wrongful punishment.

Interpretation: Access to child-friendly legal services is critical. NGOs and social workers provide some support, but systemic provision of legal aid and education about rights is needed. This could empower children and prevent procedural violations.

Negative Interactions with Law Enforcement

Participants reported verbal harassment, intimidation, and occasional physical abuse from police officers. These experiences align with Patel (2008) in Nairobi and Lugalla & Mbwambo (2000) in Dar es Salaam, who found that street children are often viewed as delinquent rather than as individuals in need of protection.

Negative interactions lead to mistrust of authorities, making children less likely to seek assistance or report crimes. This creates a cycle of vulnerability, where children remain exposed to exploitation and social risks.

Implication: Law enforcement officers require child-rights training and sensitization programs to reduce harassment and build trust with street-connected youth. Introducing child-friendly police protocols could improve outcomes.

Coping Strategies and Support Networks

Despite challenges, children relied on peer networks, NGOs, and sympathetic community members for support. This confirms findings from Ssengendo et al. (2017) in Uganda, who highlighted the importance of informal and NGO-based support for street-connected youth.

Coping strategies, such as peer assistance during arrests or accessing NGO shelters, reduce immediate risks but are insufficient to address systemic challenges. This demonstrates the need for institutional interventions, including shelters, counseling, and reintegration programs.

Policy and Implementation Gaps

Although Malawi has laws protecting children in conflict with the law, implementation gaps are evident. Police and court officials often lack awareness of child-specific provisions, leading to inconsistent enforcement. Similar challenges have been documented across sub-Saharan Africa,

where legal frameworks exist but are not always operationalised at the community level (UNICEF, 2013; Human Rights Watch, 2013).

Interpretation: Strengthening policy implementation, monitoring law enforcement practices, and creating accountability mechanisms are crucial to ensure that children's rights are respected in practice.

Implications for Practice and Policy

Policy Reform: Decriminalisation of survival behaviours, improved child-friendly justice protocols, and legal aid provision are needed.

Practice: Training police and judicial officers on child rights, expanding NGO and community support networks, and providing reintegration programs can mitigate harm.

Research: More localized studies are needed to monitor progress, evaluate interventions, and amplify the voices of street-connected children in policy-making.

CONCLUSION

This study examined the experiences of street-connected children with the justice system in Mzuzu City, Malawi. The findings reveal that these children are frequently criminalized for survival activities such as begging, street vending, and informal scavenging. Interactions with law enforcement were often characterized by harassment, intimidation, and procedural neglect, including detention without proper notification to guardians. Access to legal representation was extremely limited, leaving children vulnerable to prolonged detention and unfair treatment. Despite these challenges, street-connected children relied on peer networks, NGOs, and sympathetic community members as informal support systems to navigate justice encounters. The study also highlights gaps between policy and practice. Although Malawi's Child Care, Protection and Justice Act (2010) provides a legal framework for protecting children, implementation was inconsistent, and both children and law enforcement personnel often lacked awareness of rights and procedures. These findings underscore the need for child-friendly justice reforms, including decriminalization of survival behaviors, expansion of legal aid services, police training in child rights, and strengthening of NGO and community support networks.

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