Cornell Law Students Write Handbook on Juvenile Justice in Zambia

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At an event in Lusaka, Zambia, on August 6, Cornell Law School and the Center for Law and Justice released a new handbook for judicial officers and legal practitioners on juvenile law in Zambia. Produced by the Avon Global Center for Women and Justice and the International Human Rights Clinic, both of Cornell Law School, and the Center for Law and Justice, the *Handbook on Juvenile Law in Zambia* is the first-ever practice guide on Zambian juvenile law.

The handbook was coauthored by Chris Sarma ’15 and Amy Stephenson ’15, Cornell Law School J.D. candidates who work in the International Human Rights Clinic. They were supervised by Liz Brundige, assistant clinical professor and executive director of the Avon Global Center, and Tinemenji Banda, a co-founder and director of the Centre for Law and Justice, a Zambian organization that works to protect and promote the welfare of children and juveniles. Banda ’15 is a J.S.D. candidate at Cornell Law School.

At the event, hosted by the Law Association of Zambia, a panel of Zambian juvenile law experts drawn from magistrates, prosecutors, and the police reflected on the handbook's insights and discussed strategies for addressing the challenges that prevent juveniles from accessing justice through the courts. Cornell Law School Professor Muna Ndulo, director of the Institute for African Development, moderated the panel.
Quoting Nelson Mandela, Ndulo pointed out that "there can be no keener revelation of the society's soul than the way in which it treats its children." He observed, "It is shameful that after 50 years of independence, the Zambian justice system does not have adequate facilities to help reform children that come into conflict with the law. It means that in the post-independence era absolutely nothing has been done in terms of creating new infrastructure."

Ndulo emphasized the need for the community to take responsibility of these juveniles and for better public education.

"I wouldn't worry about who is causing the problem because society must take responsibility," he said. "It's very important to look at the comparative experience, as to what others are doing. There is nothing wrong with looking elsewhere. Many of the issues raised here are not specific to Zambia."

Zambia's domestic laws grant children and young people special legal protection, yet many remain vulnerable and are unable to access the protection to which they are entitled. Magistrates, prosecutors, and legal practitioners representing juveniles grapple with enormous backlogs, lack research capacity, and do not have access to statutory updates or relevant case law. As a result, juveniles in contact with the law, including child victims of abuse, are denied justice. This handbook addresses this gap by providing a compilation and analysis of Zambian juvenile law, which governs juveniles who come into contact with the law as defendants, witnesses, or victims.

The handbook aims to function as a practice guide for judicial officials and legal practitioners who work in the area of juvenile law. It addresses a range of issues, including the constitutional, statutory, and human rights framework of juvenile law, special issues that arise in cases of child sexual abuse, and procedural protections for juvenile witnesses. In his foreword to the new publication, Mumba Mailila, attorney general of Zambia, wrote, "This handbook serves as a reminder that legal practitioners, judicial officers, and citizens alike are responsible for protecting the rights of juveniles." He urged these groups to "make frequent use of this handbook" in order to "help ensure that juveniles in Zambia are able to access justice through the courts."

"Judges, magistrates, prosecutors, and lawyers have a range of tools at their disposal to protect the rights of juveniles," Brundige explained. "For example, international law standards counsel against juvenile detention while a new Zambian statute enables magistrates to issue orders of protection that shield juveniles from abuse. Understanding and applying these tools is critical to ensuring that all children and young people have meaningful access to justice."