

## **CHAPTER 2: THE DISCOURSE OF RESTORATIVE JUVENILE JUSTICE**

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The chapter seeks to review relevant literature in the corpus of scholarship on the discourse of restorative juvenile justice with much emphasis on the hurdles constraining effective participation of social workers in implementing the PTD Programme. While informed and guided by the study's key objectives, an in-depth review of related literature is done at global, regional and finally, local level. Thus, the key objectives underpinning the study encompass firstly, an assessment of the nature (purpose or goals, available diversion options, involved stakeholders, applicable legislative frameworks and source of support or resource support base) as a tool to promote restorative juvenile justice among young offenders. Secondly, the study endeavours to establish the factors impeding social workers' effective participation in implementing the PTD Programme and finally suggest possible measures towards improvement. This literature review process will help to orient the study to the current research gap within the juvenile justice system. This is in as far as social workers' substantive participation within the PTD programme is concerned. More so, the chapter shall also present two theoretical frameworks (the social welfare and restorative justice models) informing the study. These two models are integrated in the study as they comprehensively provide normative guide or parameters for in-depth, well-informed, context-based and holistic assessment, analysis and presentation of the phenomenon under study. Lastly, the chapter summary is also provided.

The study has adopted the social welfare (welfarist) model. While it is deeply embedded in the Person-In-Environment (PIE) and child rights legal theories (UNCRC, 1989 and ACWRC, 1999 in particular), it acknowledges the role played by the environment in influencing juvenile crime and behaviour (Kaseke, 1993; Harvagovan, 2013). The environment to this end, relates to the socially constructed

circumstances (poor parenting, poverty, mental health condition or lack of access to basic needs among others). All these factors can influence juveniles' behaviours in a negative way. Hence, a need for more rehabilitative and welfarist approach to the resolution of these juveniles' plight for better and improved social outcomes (Sibisi, 2020; Gxubane and Mellish, 2020). In this context, it appreciates the doctrine of '*parents patriae*' (courts' responsibility in protecting juveniles) and '*doli incapax*' rule that children have no capacity to commit crime as compared to their adult counterparts. This model also values the best interest of the child in all processes concerning his/her welfare. In the same context, the model puts particular emphasis on role of social workers (custodians of the courts, the state and children) in safeguarding and protecting vulnerable children in need of care (Vengesai, 2014; Tembo, 2018; Nyazema, 2018). That is, the model mainly it stresses the centrality of considering the needs and welfare rights of the juvenile in the process of addressing the problem in question (unacceptable behaviour or crime). These welfare needs and protection aspects generally encompass: the emotional, psychological, physical, mental, social, economic, cultural and political coupled with the geo-environmental factors or dimensions.

As such, this model best suited the study as it sets the normative guide for restorative juvenile justice promotion among young offenders in Zimbabwe particularly, and across the globe in general. Its doctrine of '*parens patriae*' advocates and provides for a separate juvenile justice system (PTD programme in this context) that is tailor made to the unique and sensitive needs and welfare of juvenile offenders (Vengesai, 2014; United Nations, 2016; Wilson, Olghere and Kimbrell, 2017). The latter position is in line with the provisions of Article 37 and 40 of the UNCRC (1989) for better outcomes (regarding access to restorative justice) among young offenders. To this end, this model establishes an opportunity for the researcher to explore the extent to that the PTD Programme (in terms of its nature or structure) is child-friendly, child rights and needs sensitive. The social welfare model also provides the lenses for the researcher to explore if the involved stakeholders in

implementing the PTD programme are competent enough in addressing the plight of these juvenile offenders. This is in as far as juveniles' protection and welfare needs are concerned. The social welfare model thus, suggests diversion, probation, supervision and institutionalization in juvenile homes and foster homes (Mangwiro and Chitereka, 2021:184). This is opposed to the criminal justice model that emphasises on punishment and accountability.

On the same note, the best interest of the child considered by this welfarist model is in tandem with the provisions (key child rights principles) of the Children's Amendment (No.8) of 2023, UNCRC (1989) and ACRWC (1999) to that (the latter two frameworks) Zimbabwe is a signatory. To this end, this model clearly provides for the need to ensure active and full participation of child rights, needs and welfare sensitive professionals (social workers being the most instrumental ones) in implementing diversion programmes. This will consequently lead to equitable and ensured access to restorative justice among young offenders. Nonetheless, adoption of this model alone could not have fully help and guide the researcher to fully conceptualize and explore the phenomenon under study. This is so because this model seems to partly neglect and/or trivialize among others, the concept of 'responsibility' (accountability) that comes as a result of committing a crime and more importantly, even before committing any crime (prevention of crimes). This latter scenario has necessitated the integration of the restorative justice model that gap-fits the identified loop-holes for well-informed understanding and exploration of the phenomenon under study.

The study also adopted the restorative justice model. This model comprehensively provides the framework for the promotion of restorative justice among juvenile offenders. Being grounded in socio-criminology, moral and intellectual development research, this model was popularized by Zehr, among other theorists (Berg, 2012; UNICEF, 2013; Sithole, 2023). In Justice Service Commission's (2016) view, this

model views restorative juvenile justice (PTD programme) as a system that constitutes three (3) fundamental pillars. Firstly, there is engagement, participation or involvement of an enlarged circle of parties who have a stake to the offence in question. Social workers in this context, are part of this circle of parties in as far as young offenders' access to restorative justice (diversion services) is concerned. The second pillar is harm and needs that must be balanced with obligations. The final pillar is 'obligations' that must emanate from the harm posed; that then implies responsibility and accountability for the harm caused. The latter two pillars differentiate this model from the above adopted model (welfarist). More interesting about this model is that, it stresses the centrality of reparation, rehabilitation, restoration, crime prevention, corrective justice, reintegration, healing, reconciliation and mediation in addressing juvenile offending (Wong et al., 2016; Mangwiyo and Chitereka, 2021:184; Wilson et al., 2017). The model is also hinged (just like the welfarist model) on the '*doli incapax*' and '*parens patriae*'.

In this context, this model highly suited and applied in the study due to its vividly insightful and rich philosophical tenets and assumptions (as explained hereunder) on restorative justice. That is, the integration of the model's key pillars (three) becomes key in firmly establishing a conducive room for a broader, comprehensive and holistic account or deep exploration of the phenomenon under study. The latter in this context, relates to the exploration of key barriers behind limited participation of social workers in implementing the PTD programme in Zimbabwe. According to Martin (2005), the model also provides a more rehabilitative and reformatory approach to the promotion of juvenile justice. Just like the welfarist model that is built on '*doli incapax*' and '*parents patriae*' doctrines (as highlighted above), the restorative justice model presents itself as a protectionist model. That is, it views minors or juveniles as physio-cognitively incapable of committing crimes; hence vulnerable. As such, it best suited the study as it highlights the importance of social workers' participation in implementing any restorative justice programme (diversion programme) for effective and

quality outcomes. Social workers' effective participation in this light, becomes indispensable as they are highly trained and sensitized to better handle these children in a more constructive, restorative, protective and rehabilitative manner.

More so, the model also advocates for a distinct juvenile justice system (informed by a robust legislative blueprint) that is compatible with meet juveniles' unique and diverse needs. Again, this model like the former one, emphasises on the significance of incorporating child rights concepts (the best interest of the child, right to life, survival and development, non-discrimination and right to be heard) in all juvenile justice processes as the primary considerations (Bazemore and Schiff, 2005; Singh, 2022; Promise, 2023). In this context, it views social workers as key custodians mandated by law and the state to defend the protection rights and needs of vulnerable children in conflict with the law. Hence, lack of effective participation among these child rights, needs and welfare-sensitive social workers' in the diversion process can impede and deflect the aimed diversion outcome. Therefore, this model greatly helped the researcher to fully and contextually explore the underlying factors inhibiting social worker from effectively participating in the PTD Programme implementation process in Zimbabwe.

In its whole phenomenal sense, the PTD Programme as posited by Davis and Busby (2006:102) cited in Kleinhans (2013:44) aims at encouraging young offenders to accept responsibility for the damage they might have caused through their behaviour. This is achieved through diverting them from the formal court procedures that involve prosecution, incarceration and punishment. Being tailor made to suit juveniles' unique needs and welfare, the PTD programme strives to prevent juvenile offending and reoffending or recidivism (Skelton and Tshehla, 2008:53). In Kleinhans's (2013:44) views, the main purpose of diversion programme (in whatever form or structure) encompass but not limited to ensuring young offenders' access to reformatory, rehabilitative, corrective, preventive, protective and restorative justice. Consequently,

this will help in preventing the juveniles from having a criminal record while promoting their dignity and well-being. Finally, this also might contribute towards developing these young offenders' sense of self-worth and ability to contribute to society (United Nations, 2016; Oliveira and Alvarez, 2023; Sithole, 2023).

It should also be noted that, these diversion programmes (as discussed hereunder) may differ in content and structure (involved stakeholders, applicable laws, options, alternatives and eligibility criteria) from one country to another. Yet still, most of these diversion programmes, in overall, share the same objectives as indicated above. In the interest of the study however, diversion practices in other countries have been considered with the purpose of gaining a global and regional view on restorative justice and social work. This is with much focus on the key factors impeding the effective participation of social workers in implementing these diversion programmes. By so doing, insightful lessons might be drawn from the experiences of others, and providing a point of departure regarding Zimbabwe's diversion programmes. As such, the countries discussed hereunder were chosen for review because they have been operating diversion programmes for many years, some in the absence of well-trained social workers and a legal framework for diversion just like Zimbabwe. This was also the case in South Africa prior to the implementation of the Child Justice Act 75 of 2008 in April 2010.

Wong and Wing Lo (2010:8) cited in Kleinhans (2013:39) attest that, restorative justice was introduced to Hong Kong, China in 2002. This concept was seen as a way to divert youth offenders away from the punitive and retrogressive criminal justice system. The 2000s has to this end, ushered in, the increased alternatives to the courts and new community-based diversionary options in Hong Kong, China (Wing Lo, Wong & Maxwell, 2006:11). The Police Superintendents Discretion Scheme is utilised in diverting young offenders who might have committed minor offences away from the criminal justice system.

Kleinhans (2013:39) reveals that, even though there were no restorative justice programmes around the 1990s and 1980s, the young offenders who were warned by police could be required to attend aftercare supervision. Police could also refer them to support services and require them to attend counselling sessions (Wing Lo *et al.*, 2006:11). Thus, it can be closely observed that, social workers' participation was not that much emphasised on; thereby leading to poorly implemented restorative justice programmes.

In the same vein, Kleinhans (2013:39) reveals that, many issues were raised in relation to the restorative justice approach's implementation. Some of these encompassed that, restorative justice might be a breeding ground for crime, and mediation could be influenced by political parties in Hong Kong. As argued by Wong and Wing Lo (2021:8,11,12), this approach was practiced and experimented with in schools and in some welfare organisations with learners who had behavioural problems and with juveniles. Nonetheless, there was uncertainty pertaining the implementation of this approach as a diversion alternative or option in Hong Kong. This was because it was an unfamiliar concept that had no firm regard for the incorporation of child-rights and welfare sensitized professionals particularly social workers. More so, these diversion programmes had no specific legislative framework to underpin their operationalization; a situation that eventually saw many young offenders exposed to re-offending and unnecessary detention and dehumanization.

Regarding Australia, Clancey and Howard (2006:377,378) aver that, many diversion programmes have been introduced to deal with the plight of young offenders. That is, through the use of Drug juvenile courts for example, there has been an increase in diverting drug-using offenders to treatment. These Drug courts were developed to particularly address the skyrocketing cases of drug-using juvenile offenders on the principle that the law is viewed as the therapeutic

agent. Kleinhans (2013:40) supports that, by addressing the substance abuse issues, the criminal behaviour could be stopped or mitigated. This is so because, substance abuse is considered to be one of the leading factors to criminal activities (possession of illegal substances, theft, and violence due to the effect of the substance on the brain). According to Clancey and Howard (2006:381) however, only a limited number of juvenile offenders from the communities were in diversion schemes. Most of these diversion schemes still could not be effectively implemented due to among other factors, ritual and/or complete exclusion of social workers in the diversion processes. As a result, this scenario would eventuate in these offenders' limited access to diversion services. Hence, likely to result in fewer offenders having the opportunity to be rehabilitated, thus contributing to recidivism and so continuing the cycle of crime (Kleinhans, 2013:40). In this context, the reasons or factors behind poor participation and involvement of social workers in diversion processes however, are not fully accounted for.

Considering diversion in Hungary and Budapest, Kleinhans (2013:41) postulates that, there is no formal system of diversion, although it might not necessarily imply that diversion is not practiced. To this end, Vandi (2007:37) reveals that, in implementing these diversion practices (that involve the settling of minor cases) the key stakeholders involved are parents, relatives, care-givers of victims and juvenile offenders in police stations, customary courts or even with community and religious leaders. Parental and family involvement in diversion programmes is pertinent as it aids to a more successful intervention and thereby decreasing re-offending or recidivism. In this regard, active participation of social workers in implementing these diversion programmes is not clear; neither is it something significantly provided for in Hungary's legal theory. Hansen (2006:1) cited in Kleinhans (2013:41) supports that, there is no separate legal system for juveniles in Hungary, hence, restorative justice cannot be used frequently. The lack of a legal system

for juveniles results in many youths being excluded from the opportunity to be rehabilitated.

In Asia, there have been significant attempts in recent years to deal with juvenile offenders outside the criminal justice system particularly in Singapore and Japan. Chen Zhang, Choo & Lim (2009:139) show that, various diversion services and programmes (including juvenile homes) have been utilised in these Asian countries to rehabilitate young offenders to reduce recidivism. Chen Zhang *et al.* (2009:139) cited in Kleinhans (2013:41) reveals that, the diversion programmes designed and adopted in Singapore and Japan to rehabilitate young offenders encompass guidance programmes, community service orders, weekend detention orders, periodic training orders and probation orders. Someda (2009:84) agrees with Chen Zhang *et al.* (2009:139) that, besides the latter mentioned programmes, there exists other diversion programmes (informed by a clear legal framework) to assist juveniles and their families in Singapore. These include the Streetwise Programme, Youth Family Care Programme and School-Probation-Courts. These programmes are operationalized within a legal framework (the Children and Young Persons Act). Added to the list of programmes is the drug court. The latter serves as a diversion alternative that targets non-violent drug abusers without serious anti-social tendencies in Japan (Someda, 2009:83). The aforementioned programmes are however ineffectively implemented as a result of poor involvement of professionals (particularly social workers) who are highly sensitized to the unique needs and welfare rights of these offenders. This has consequently saw many of these young offenders side-lined and exposed to recidivism and torture against the international law (UNCRC, 1989 among others).

In the United Kingdom (UK) and America, there are many diversion programmes meant to address the plight of juvenile offending in a more restorative and reformatory manner. For instance, there is the wilderness adventure programmes that is a 21-day diversion programme. In Walsh

and Russell's (2010:222) view, this programme was developed particularly in Minnesota, America (later spread to the UK) to assist young offenders address issues that led to their anti-social behaviour. Other diversion practices in the USA incorporate restorative justice programmes where young offenders are held responsible for the caused harm as a result of crime committed (Ellis, 2005:378). It should be noted that, these diversion programmes do not differ much from the diversion programmes in Australia among other Africa countries. Nonetheless, it is uncertain whether it is implemented in the same way and to what extend the resources differ between programmes in the different countries (Kleinhans, 2013:42). In terms of implementation, Kratcoski and Edelbacher (2009: 210,211) argue that these diversion schemes are applied partially or totally through the involvement of police and guardians. That is, when diversion is applied totally, the police do not act and only give the youth a warning. In partial diversion, the police refer youth who have committed minor offences to a programme. In the USA, just like in Hong Kong, the police are involved in managing diversion programmes. In UK on the other hand, social workers seem to assume an instrumental role (as provided in their legal frameworks) though dominance by other stakeholders particularly cannot be repudiated. To this end, one might clearly notice how social workers have not been actively and effectively involved in implementing diversion programmes. Little if any, in this context is known with regards to the constraining factors behind their ineffective participation in implementing such key programmes.

To this end, some similarities and differences can be noted from the discussions above. That is, Hong Kong and the USA capitalise on the use of police to manage diversion programmes. Secondly, the restorative justice approach is practised as a form of diversion in Hong Kong, Hungary and the USA. Thirdly, diversion in all the above discussed countries focus on rehabilitation and non-punitive measures in assisting these young offenders. More so, a legal framework for juveniles governs

diversion practices in all the aforementioned countries except Hungary. Again, drug courts are used as a form of diversion to address drug problems of young offenders in Asia and Australia because of the link that has been established between substance use and crime. Lastly, family involvement is encouraged by diversion practices in all the countries discussed as this contributes to the success of the intervention. On the far end, except in the UK, the effective participation of social workers in implementing the diversion programmes is not clearly accounted for. Most pathetic is the existence of scarcity of considerable literature with regards to the hurdles impeding their effective involvement in diversion implementation process.

Concerning most African countries within the Southern African Development Committee (SADC), there has been also some significant efforts in establishing diversion programmes that address juvenile offending in a restorative and rehabilitative manner (Moira, 2013; Vengesai, 2014; Nyazema, 2018, Sithole, 2023). These countries include Botswana, South Africa, Mozambique, Tanzania and Zambia. With the coming of the UNCRC (1989), the Beijing Rules and the ACRWC (1999), to that these countries are signatories, various diversion programmes have been designed. Most of them however, have been highly influenced by the western juvenile justice philosophy, ideology and doctrines (clearly provided in their western child rights legislative blueprints). However, Kleinhans (2013:64,65) reveals that, in as much as these programmes seek to accomplish the same goal, they may partly differ in structure, design and scope. Yet still, Zimbabwe's diversion programme seems to be more alike with that of South Africa particularly in design and scope. Some scholars like Vengesai (2014) and Nyazema (2018) even contend that Zimbabwe's juvenile justice system taps more from that of South Africa that is thought to be one of the African countries with a robust and distinctive juvenile justice system (underpinned by the Child Justice Act 75 of 2008). More so, the participation of social workers in the diversion programmes implementation process is highly emphasised. Thus, below is a table

(Table 2.1) that shows the profile of the PTD programme for South Africa.

**Table 2.1:** South Africa's Diversion Alternatives/Options (Wood, 2003:6 cited in Nyazema, 2018:13-14)

Level One	Level Two	Level Three
1. Oral or written apology.	1. Oral or written apology.	(Child must be 14 years and Below)
2. Formal caution- with or Without condition.	2. Formal caution- with or without condition	
3. Supervision or guidance Orders. (3 months)	3. Reporting order (6months)	
4. Reporting Order (3 months)	4. compulsory school attendance orders (6months)	1. Referral to a programme with a residential element (6 months)
5. Compulsory school attendance order (3 months)	5. Family time order (6months)	2. Vocational or educational centre placement order (Max35hrs/week, 6months)
6. Family time order (3months)	6. Positive peer association (6months)	3. Community service (250hrs, 12months)
7. Positive peer association order (3months)	7. Good behaviour order (6months)	4. Counselling or therapy in conjunction with any of the above option
8. Good behaviour order (3 months)	8. Place prohibiting order (6months)	
9. Place prohibiting Order (3months)	9. Counselling or therapy (6months)	
10. Counselling or therapy (3months)	10. Vocational or educational centre placement order (max 5hrs/week, 6months)	
11. Vocational or educational centre placement order (max 5hrs/week, (3 months)	11. Community service (50hrs, 6months)	

12. Symbolic restitution	12. Service or benefit to victim(s)	
13. Restitution of specific object.	13. Compensation payment R500	
	14. Service or benefit or payment to an organisation	
	15. Family group conference or victim offender mediation	
	16. Combination of any two above options.	

As indicated above, there are various diversion options and programmes available for each diversion level. All these options depend on the nature of the crime committed, age of the offender, socio-economic, physical and cognitive circumstances among other determinant factors. More so, these diversion programmes are implemented by a committee of professionals or stakeholders including the diversion officers (social workers), police, psychologists and/or medical practitioners, prosecutors and magistrates. All these stakeholders should be knowledgeable about all available options so that they can ensure that a child is referred to an option that is in their best interest and will be most beneficial for the rehabilitation and developmental needs associated with the child's offending phenomenon for effective intervention.

The Pre-Trial Diversion (PTD) evolved from the observation that the disposition of cases involving young offenders was not good enough, with many juveniles being without cause prosecuted and incarcerated (UNICEF, 2018; Bhaiseni, 2018). The PTD is provided for in Articles 37 and 40 of the UNCRC that reflect that there should be a separate juvenile justice system to best deal with the plight of young offenders. In this regard, they should not be treated in a brutal and inhuman manner. According to Mangwiyo and Chitereka (2021) the Pre-trial diversion programmes comprise part of a restorative justice framework and PTD

in Zimbabwe was introduced in 2009 when UNICEF and Save the Children instituted a pilot project that was then formally adopted by the government in 2016 through the Ministry of Justice, Legal and Parliamentary Affairs. In May 2013 the government launched the PTD programme (started with Chitungwiza initially). through the support of partners (Save the Children and UNICEF among others). The programme aims at finding better ways of dealing with cases of juvenile delinquency for crimes not considered serious outside the formal justice system.

The PTD programme thus, is a national programme that ensures all children who commit non-serious offenses (bullying, shop lifting, theft, public fighting, truancy and substance abuse) in both rural and urban areas have equal access to restorative justice. This programme is currently shifting to focus on even some serious offenses (assault, murder and armed robbery). This is done through institutionalized rehabilitation and community service among others especially if the juvenile falls under the age-range that falls under the '*doli incapax* rule'. Since 2016, a considerable number of children in conflict with the law have been diverted from the formal criminal justice system and are supported in their rehabilitation (UNICEF, 2019b). The introduction of the Pre-Trial Diversion programme led to the development of various diversion options that were put in place to avoid the juveniles to appear before the formal justice system that often resulted in the juveniles being exposed to the influence of hard-core criminals (JCT, 2017). The following diversion options are being implemented in the Zimbabwean pre-trial diversion programme: reparation, counselling, victim offender mediation, police cautions, family group conference and constructive use of leisure time and community service.

In Zimbabwe (including Chitungwiza District), there is firstly, reparation and this can be done through community work or service just like how it is done in South Africa. This is done for the benefit of the victim and it may also include reasonable compensation in cash or kind

(depending on the gravity of the matter among other considerations). Secondly, there is restorative group conferencing. In Zimbabwe, this option originated from the traditional conflict resolution techniques of the Shona, Ndebele and Ndau traditional communities. Some elements of restorative justice have formed part of African customs and traditions for many years to resolve domestic problems and to mediate during war (Steyn, 2010:102). Restorative justice is based on conflict resolution, accountability and the active involvement of stakeholders with regard to making decisions (Justice for Children, 2017; Steyn, 2005:13). Offenders are held accountable for their actions through repairing the damage they have caused. This is a healing process for the offender. In some cases, the victim's involvement in the restorative group conferencing will give them closure about the crime committed against them.

Restorative group conferencing is the process of restoring and mending harm caused by the offender, shifting the focus away from punishment. Through the facilitation of restorative justice processes, the offender is made aware of the impact of his or her actions on the victim and the community (Smit, 2010:5). The involvement of communities could contribute to breaking down negative stereotyping of offenders, so assisting them with their rehabilitation. In the same light, this conferencing can be done in form of family group conferencing. This group involves the group of people most affected by the crime, such as the victim, offender, family and friends, and supporters of the victim and offender. These parties are brought together by a trained facilitator (in most cases diversion officers to discuss how they have been harmed by the offence and how it could be repaired (Smit, 2010:12; Steyn, 2005:33). Steyn (2010:102) adds that offences cause emotional, physical and/or financial harm to victims, their families and the community. For this reason, it is considered that broken relationships must be repaired for the affected parties to move forward. When all who are affected by the offence are involved in the restorative justice process, it demonstrates to the offender the extent of the impact of their actions.

The offender's intention might not necessarily be to hurt their own family or friends, but it is important for them to be made aware of this as it will discourage them from repeating their destructive behaviour.

There is also counselling and life skills training as diversion options. These are necessary depending on the nature of the offence and facilitation is done by persons trained in this field. Counselling focus on children who have committed crimes and have behavioural, substance related and mental health-related problems and therefore need intensive counselling (UNICEF, 2013; JCT, 2017). Attendance at a particular institution for educational and vocational purposes. Vocational skills training and entrepreneurial programmes offer vocational training, such as business skills training, craftsmanship, entrepreneurial skills, computer skills, mentorship and small development and follow-up training (Hodges, 2015). There is also constructive use of leisure time that is intended to occupy the leisure time of the juvenile to prevent him from engaging in crime through boredom. This may include activities such as sports, church or youth groups and training in areas such as horticulture, carpentry and hairdressing among others. More so, the other option is Police cautions- In practice the police issue cautions in relatively minor cases.

Another critical diversion option is victim-offender mediation. The victim and the offender come together in a safe environment where they participate in a mediated discussion of the crime (Smit, 2010:10; Justice for Children, 2017). The victim is allowed to ask questions about the crime, and he or she tells the offender of its impact. The victim is also involved in developing the restoration plan (UNICEF, 2013; Smit, 2010:10). Unanswered questions could delay the healing process for victims. In most cases, such mediation gives them some closure about what had happened to them. It also helps the victim to understand the framework that had guided the offender's thinking when committing the crime. The mediation process is not focused on reaching a

settlement, but rather a signed restitution agreement. There is no action that could restore the harm done, but it is the mere thought of remorse accompanied by the action performed by the offender that makes a difference. The process of restorative group conferencing consists of three phases, namely preparation (40 hours), the conference (7 hours) and the post-conference follow-up (12 hours) (Smit, 2010c:4; Steyn, 2005:34,35). The preparation is the longest phase because more time is needed to prepare the parties involved. This will determine the pace of the intervention and serve as an indication of whether the restorative group conference will take place. The actual conference is short thanks to thorough preparation that leads to a dialogue about the offence that is formal and not long. Aftercare takes longer than the conference as it is essential to monitor the case to sustain the change that has occurred.

On the same note, the programme includes children from 10 years up to adults, with no age limit (UNICEF, 2013; Smit, 2010:1). Crimes such as non-violent property crimes and minor assaults are addressed through this programme. According to Steyn (2005:34), offenders of serious violent crimes (murder, rape, assault with intent to cause grievous bodily harm) and abuse are not suitable for restorative group conferencing. It will be more complicated to restore the emotional and psychological harm that has been caused through these crimes. Secondary victimisation could occur if the victim is brought into the presence of the offender, and it may put them in danger. Gxubane (2010:40) asserts that cases in that there is an identifiable victim are suitable for restorative justice. This will enable a face-to-face meeting between the victim and the offender, and it will be possible for restitution to occur.

Pre-trial community service is another key diversion option used in Zimbabwe. This option has been used for offenders who were convicted of serious crimes such as murder, culpable homicide, assault and homicide, and assault, and only included offenders over 15 years (Hancock, 1987:4,10). However, the diversion programme has been

revised to suit the changing needs of youth in the 21st Century. Also, it is now known as community service learning, with the emphasis on the learning element as researchers have found that community service orders do not bring about learning and behaviour change (Smit, 2010a:1). Smit (2010a:5) is of the view that the community service programme uses a combination of group and individual work to meet the specific needs of the youth offender, depending on the nature of his or her case and background. Experiential learning methods are used, including exposing offenders to community service work and structured reflection on their experiences to make sense of what they have learned. These experiential methods make the experience of learning more realistic for offenders so that they gain better insight into their problem behaviours. Presentations, worksheets and other learning materials are used by the community service coordinator to provide offenders with information. The offenders reflect on their learning experiences in groups and through reflective exercises such as writing, drawing, presentations or psycho-drama (Smit, 2010a:5). Reflection makes individuals more conscious of their thinking processes, so empowering them to control their actions. Community service programmes encourage youth offenders to respect their environment and communities (Monyatsi, 2008:35). When youth become delinquent, they often have little or no respect for themselves and others. Steyn (2005:77) and Maepa (2005:83) advocate that pre-trial community service programmes be used with other diversion programmes, the selection of interventions being determined by the needs of offenders, thus promoting a holistic approach to address problem behaviours.

The first key stakeholder is the police and he or she should use the power to arrest as a last resort (Steyn, 2010:64) and the arresting detail should consider diversion options before effecting an arrest depending on the nature and seriousness of the offence. The juvenile should be assessed within the shortest period of time and in any event, within a week and if the police decide to arrest the child, minimum force should

be used (Clancey and Howard, 2006). The police officer should also explain all the rights entitled to the child in a language that he understands and investigations should be completed urgently and promptly and notification of the arrest must be given to the diversion officer, giving all relevant details of the young person. Young offenders should not undergo identification parades or fingerprinting and where a young offender is incarcerated, the arresting detail and the officer in charge should ensure that the offender has proper food, medical treatment if required, adequate clothing, access to religious counsellors, his lawyer, parents, guardians and should be separated from adult offenders to avoid criminal contamination (Steyn, 2010:68). Where the police fail to determine whether the matter should go for diversion or not, they should prepare the docket that would be sent to the prosecutor, who upon receipt of the docket should refer the case to the diversion officer to make investigations.

Among other key stakeholders in the juvenile justice system, it should be noted that social workers play a very significant role in pursuing the course of restorative and rehabilitative justice for juvenile offenders. Some of their roles and responsibilities are outlined hereunder and they perform these roles in the jacket of either 'probation officer' or 'diversion officer'. But in the context of PTD programme, they strictly function as diversion officers under the Ministry of Justice, Legal and Parliamentary Affairs. In this capacity however, they also collaborate in one way or the other with other social workers (as probation or child protection officers) under the Department of Social Development (DSD). The diversion officer however, should immediately investigate the personal circumstances of the young person and his eligibility for diversion after notification from the police (Nyazema, 2018). Where the diversion officer is satisfied that a warning is necessary at this stage, he/she will refer the young offender to the police to be dealt with in terms of the police guidelines. According to Thembo (2018), the diversion officer would

produce a report that will be submitted to the Area Public Prosecutor for consideration and the report should contain the age of the offender, the socio-economic and demographic circumstances, the personal circumstances and contact details of relatives or guardians, the nature of crime committed, the circumstances surrounding such commission, whether the young person admits his guilt, the justification for diversion and the recommended activity to that the young person will be subject. Social workers as Probation Officers also play a significant role in diversion processes. They are employed in the Department of Social Development as hinted above. Their roles include assisting the Police to locate parents and caregivers to support the young person during questioning and to ensure that there is a safe place for the young to be released (Steyn, 2010:113). They also provide the technical support to the diversion officer to compile the assessment report coupled with supporting the Diversion Officer to identify suitable diversion options and support the young person to access any services identified (Nyazema, 2018). Bhaiseni (2016) also indicates that they assist young offenders through education, treatment and counselling to abandon anti-social behaviours and to ensure young persons on the diversion programme are duly enrolled on the relevant register by the relevant Child Protection Committee for supervision and monitoring. Again, they act as referral persons for young offenders who might have been referred to the formal justice systems so that proper support and documentation are prepared for the court, to walk the young person through the due process, in consultation with the diversion officer, where one is available (Wood, 2003:12). They also maintain a register for young persons who might have been put on the pre-trial diversion programme and to stand in for the diversion officer where the diversion officer is not available and offer secretarial services to the diversion committee when called upon to do so by the Office of the Public Prosecutor. If Pre-Trial Diversion is ordered, the social worker can take responsibility for selecting the most appropriate programme or setting,

and assisting the child to complete the diversionary measure successfully.

Another stakeholder is the prosecutor who is a representative of the Prosecutor General's Office and has the power to decide whether to prosecute or not in any matter. Reservations are made about the desirability of the prosecutor to solely decide on the suitability of an offender for diversion in an impartial manner considering that the prosecutor represents the victim's rights and is in the business of bringing offenders to trial and seeking their conviction (Steyn, 2010). The result is that they may be fewer cases for diversion hence the small multidisciplinary committee to make the decision had to be constituted as the diversion committee. There is also the Diversion Committee that consists of the Area Public Prosecutor, the Provincial or Resident Magistrate, Superintendent in charge of crime and in his/her absence a Commissioned Officer appointed by him/her to represent him for the Zimbabwe Republic Police, preferably not in charge of a station, the district child welfare officer or a senior child welfare officer in his/her absence and the Diversion Officer.

Where the committee acquiesces by majority that the young offender should be diverted, such decision should be implemented immediately by the Diversion Officer and all record of proceedings and decisions reached by the committee should be kept (Wood, 2003). Where a finding is made that the young offender is not suitable for diversion, the diversion officer should refer the case together with the assessment report to the public prosecutor who would deal with the matter in a normal way. Where a matter is before a Magistrate who is of the opinion that the matter is eligible for diversion, he should request the public prosecutor to urgently consider the matter for diversion and refer the matter to the diversion officer for a report to be made. When a report is made, the diversion committee will also be called to handle the matter.

Generally, there is no distinct legislative framework that guide and inform the operationalization of the PTD programme. Rather, during implementation, the involved stakeholders are informed and guided by various laws (as discussed hereunder) that have implication on juvenile justice administration (UNICEF, 2013; Justice for Children, 2017). That is, the programme logically depends and borrows from various fragmented legislative blueprints there are many legal instruments that seek to inform, guide and promote juvenile justice. This is regardless of the existence of the proposed Child Justice Bill that is ideally meant to specifically inform juvenile justice administration in Zimbabwe. In the context of diversion services however, the most significant legislative framework is the United Nations Convention on the Rights of the Child (UNCRC, 1989). The United Nations Convention on the Rights of the Child (UNCRC) forms the bedrock for administration of juvenile justice. Article 40 (1) - (4) of the UNCRC provide a comprehensive framework within that states are obliged to design a separate juvenile justice system.

The UNCRC covers a wide spectrum of guidelines and principles such as non- discrimination, the child's right to dignity and privacy, the need for children to respect the fundamental rights of others, and the desirability of promoting the child's reintegration and assuming a constructive role in society. This almost universally ratified Convention provided the much-needed framework for the administration of juvenile justice. Specifically, articles 37 and 40 address the issue of children in conflict with the law. Article 37 of the Convention on the Rights of the Child guarantees the juvenile offender the right to be protected against torture, inhuman or degrading treatment; capital punishment; and life imprisonment. It bars unlawful arrest or arbitrary deprivation of liberty, and that imprisonment of young offenders should only be used as a matter of last resort and for the shortest period of time possible. It also lays down conditions for the arrest, detention, and imprisonment of young offenders such as respect for the child's inherent dignity,

separation from adult offenders while in custody, maintaining contact with family, access to legal assistance, access to court, and a quick trial. The other legal framework is so called the Standard Minimum Rules for the Administration of Juvenile Justice or simply the Beijing Rules, were adopted by the UN General Assembly in 1985, and sets out minimum guarantees for young people in conflict with the law in the administration of juvenile justice by member states. These Rules are comprehensive and provide guarantees to the juvenile offender at all stages of the criminal justice process. The Beijing Rules emphasises on the need for diverting young people in conflict with the law from the formal criminal justice proceedings and the need to detain them only as a measure of last resort and for the shortest period of time possible. The Beijing Rules was a resolution of the general Assembly, so they did not have the binding legal force such as that of a Convention. Other important laws in juvenile justice issues include the United Nations Guidelines on the Prevention of Juvenile Delinquency (Riyadh Guidelines), United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), United Nations Basic Principles on the use of Restorative Justice Programmes in Criminal Matters, and the Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines).

In Zimbabwe, there are various pieces of legislation that inform juvenile justice. These include the Children's Amendment Act (No.8) Of 2023, the Criminal Codification and Reform Act [Chapter 9:23] and the Criminal Procedure and Evidence Act [Chapter 9:07]. Zimbabwe ratified the Convention on the Rights of the Child (CRC) in 1990 and the African Charter on the Rights and Welfare of the Child (ACRWC) in 1999 and both treaties oblige the state to develop a juvenile justice system defined by the parameters set by these instruments. The recently approved Children's Amendment Act also provides for the clear roles of the probation officers in handling the cases of juveniles in conflict with the law (Section 46). This whole process is underpinned by the four main

principles: best interest of the child, non-discrimination, right to life, survival and development coupled with right to be heard or participation. The Constitution of Zimbabwe Amendment (No. 20) Act 2013 (hereafter referred as the constitution) provides rights for people alleged to have committed a crime including juveniles. Section 81 of the Constitution specifically deals with the rights of children in conflict with the law. It repeats Chapter 37 (b) and (c) verbatim by providing that children under the age of 18 must not be detained except as a measure of last resort and if detained, must be kept therein for the shortest period of time and while there, must be treated in a manner, and kept in conditions that take into account the child's age. With regards to the shortest period of time mentioned above, the provision is rather vague, for it does not specify the exact length of this shortest period of time". Nevertheless, such clarification is provided for in terms of the Children's Amendment Act. The same Section also provides for detaining children separately from persons over the age of 18. All the decisions made with regard to young persons in conflict with the law must take into consideration the best interests of the child.

Section 6, 7 and 8 of the Criminal Law Codification and Reform Act (Chapter 9:23). Pursuant to Article 17 (4) of the ACRWC, and Article 40 (3) (a) of the CRC, these sections set out a minimum age below that children shall be presumed not to have the capacity to infringe the penal law. In terms of Section 7, a child who is of or over the age of seven years but below the age of fourteen years at the time of the conduct constituting any crime that he or she is alleged to have committed shall be presumed to be *doli incapax*; that is to lack the capacity to form the intention necessary to commit the crime; or where negligence is an element of the crime concerned, to lack the capacity to behave in the way that a reasonable adult would have behaved in the circumstances unless the contrary is proved beyond a reasonable doubt. The wording of this section shows that the defence of infancy is rebuttable for young people of, or over the age of seven. The defence of *doli incapax* is not applicable

for persons over the age of 14, in terms of Article 8 of the Criminal Law Codification and Reform Act. *Doli incapax* mirrors Article 17 paragraph 4 of the ACRWC and Article 40 paragraph 3 (a) of the CRC that states that there should be a minimum age below that children shall be presumed to not have the capacity to commit criminal offences. However, all the existing gaps within the juvenile justice system in as far as restorative justice is concerned shall be comparted once the Child Justice Bill is enacted into law.

Globally, the implementation of the PTD Programme has never been plain-sailing including. Clancey and Howard (2006:381) show that, this could be due to poor programme implementation owing to many constraints. Among them is the existence of limited diversion services. This is with particular reference to countries like UK, Hungary, Australia and Japan. Other scholars also reveal that, there is a paucity of adequately resourced diversion options and expertise to run such programmes (Clough, Lee and Conigrave, 2008:437). According to Gallinetti (2009:44) suitable diversion options are not available in all communities and also, there are often long durations between the committing of an offence and the referral of the offender to a diversion programme, that leads to clients' and their families' failure to understand the purpose of diversion. In this context, most juvenile offenders kept on struggling to access restorative justice. The above given studies also show how most social workers seem to be ritually involved in the implementation process of most diversion programme. Africa also, cannot be excluded in this context. This too, has negatively impacted the diversion process and the quality of diversion outcomes in as far as restorative justice promotion among these offenders is concerned.

Many concerns were raised with regards to the implementation of the restorative justice approach, some of that were that restorative justice may be a breeding ground for crime, and mediation could be influenced by political parties in Hong Kong. This approach was practiced and

experimented with in schools and in some welfare organisations with learners who had behavioural problems and with juveniles (Wong & Wing Lo, 2010:8,11,12). There was uncertainty regarding the implementation of restorative justice as an option of diversion in Hungary, Budapest, Hong Kong because it is an unfamiliar concept. More so, there is very limited participation of highly child-rights and protection-sensitized professionals during the implementation process. However, other practised diversion options were effective in some ways, but they lacked the restorative justice element in practice. As such, offenders were not encouraged to repair the harm they had caused and this might have contributed to offenders re-offending. Nonetheless, the factors inhibiting the participation of social workers in implementing these diversion programmes are not clearly exposed; rather they are just overgeneralized through a blanket approach (general factors for poor programme implementation).

Coming to Africa, Kleinhans (2013:62) postulates that, poor involvement of key stakeholders and cooperation in implementing the PTD programme is another key factor behind many juveniles failing to access restorative justice in many countries particularly in Africa (Malawi, Zambia, Mozambique and Zimbabwe. Diversion schemes in this vein, are presented by police, school and court programmes to youth offenders. Also, community service does not have a component in that the youth is confronted and required to take responsibility for their actions (Steyn, 2005:64). Children, who are cognitively underdeveloped, claims Steyn (2010:145), struggle with diversion programmes. A challenge in previous diversion programmes has had to deal with youths of lower intellectual abilities which is a risk factor that contributes to the delinquent behaviour of youth as discussed in the previous chapter. It is difficult for youths to gain insight into the information shared and they struggle with reading and writing in some of the activities required. To deal with such challenges, skilled and experienced staff would be needed to facilitate diversion programmes.

These challenges are some of the reasons for the need to enact and implement the Child Justice Act in Zimbabwe just like South Africa among other countries. This policy blueprint will help to ensure that all youth offenders receive service of a high standard. It could not be determined conclusively whether the desired outcomes are being achieved through diversion programmes because of a lack of appropriate measuring tools.

Some studies also show that, diversion programmes in most countries including Zimbabwe are implemented inappropriately. That is, few diversion programmes are evaluated; the methods utilized to evaluate diversion programmes are not of an acceptable quality; and diversion programmes are not enough to mitigate the re-offending of juvenile offenders (Steyn, 2005:64; Wood, 2003:1; Mangwiyo and Chitereka, 2021). Also, community service does not have a component in that the youth is confronted and required to take responsibility for their actions (Steyn, 2005:64). In Zimbabwe on the other hand, Ruparanganda and Ruparanganda (2016) agree with JCT (2017) that lack of a separate juvenile justice system coupled with legal inconsistencies and absence of a robust legal framework that inform the implementation of the PTD programme is one of the key barriers to diversion service accessibility. Vengesai (2014) also argues that this lack of consistency in policy and legal frameworks to inform the operationalization of juvenile justice related programmes can be attributed to lack of political will in the context of alignment and harmonization of these child protection laws (particularly, the Child Justice Bill in Zimbabwe).

In the context of pre-trial community service, Wood (2003:2) contends that one of the criteria for such service is that the youth offender accepts responsibility for the offence. As such, persuading and enlightening these juvenile offenders to accept responsibility might require specialised expertise in childhood development among other behavioural dimensions. However, this is challenging as there is very

limited involvement of such professionals. More so, many offenders are burdened with challenges such as family violence, substance use, financial problems in their households, and so on, that contribute to their behaviour and poor motivation. Thus, to Steyn (2010:101) this is precisely what affects their willingness to accept responsibility for their actions, making it hard to modify their behaviour. More still, lack of involvement of the family is another key barrier that interferes with juveniles' access to family group conferencing in countries like South Africa and Zimbabwe (Tembo, 2018; Amani et al., 2018:483).

Other local studies also show that care-givers and parents (who are supposed to be part of the diversion process) were overburdened by competing priorities (job, caretaking responsibilities) and having to coordinate multiple probation-related appointments at various locations (Amani et al., 2018). Indeed, young offenders on probation are not only expected to meet with diversion or probation officers, but rather, may also be expected to comply with as many as nine probationary or diversionary requirements (Nemoyer *et al.*, 2014). Amani *et al* (2018) also found that social workers were aware that parents' competing responsibilities could often interfere with their ability to drive their child to probation and diversion meetings. They even acknowledged that non-compliance was often a result of parents being unable to provide transportation. However, instead of offering transportation support, they found that probation officers attempted to "remove structural barriers" by encouraging parents to seek transportation assistance from a family member or neighbour (Amani *et al.*, 2018: 483). While probation officers were aware of and chronicling existing structural barriers, parents—not probation departments—bore the responsibility of finding solutions and eliminating barriers.

Zimbabwe has never been spared on this area of lack of technical training and knowledge among the stakeholders who work in juvenile justice system (Nyazema, 2018; Thembo. 2018; Vengesai, 2014). Other

recent studies also reveal how Covid-19 lockdown restrictions have also worsened these juvenile offenders' access to diversion services especially victim-offender mediation among other services that required movement from one place to the other (UNICEF, 2020; JCT, 2021; Mangwiwo and Chitereka, 2021). Social norms coupled with religio-cultural beliefs often do not recognize children as rights-holders because of their age; and these have also caused parents of juvenile offenders to opt for religious means to address delinquency (Clough *et al.*, 2008: 437). This tendency thus, is also exacerbated by discriminatory treatment of children with disabilities due to their impairment. The barriers they face in accessing diversion services are similar to, but also different from, those encountered by other children or by adults with disabilities. Some of these barriers are systemic and relate to lack of coordination between different diversion services. According to Steyn (2010:145) some are physical barriers that literally prevent children from accessing ombudsperson offices, mediation meeting rooms, court-rooms and lawyers' offices. As suggested by Thembo (2018) other barriers to diversion service are economic, such as transport costs to designated places for mediation and conferencing, while still others are procedural and arise as a result of the complexity and rigidity of the justice system processes.

From the above extensively reviewed literature, it can be clearly observed that, there is very little if any, that has been fairly and sufficiently done to explore and unearth the underlying hurdles behind ineffective participation of social workers in implementing PTD Programme. In Zimbabwean context (within social work domain) particularly, there is no evidence-based and context-based research that has so far been carried to fully explore these impeding factors from a restorative justice perspective. Failure to account for these factors might grossly impede programme reform and the administration of restorative justice among young offenders; thereby leading to worsening plight of these children. This scenario therefore, radically abrogates the golden

protection and welfare rights of juveniles in Zimbabwe in particular and the world in general. Therefore, the study seeks to explore the constraining factors impeding the effective participation of social workers in implementing the PTD programme in Zimbabwe with particular focus on St Marys, Chitungwiza District (where the programme had been operating for almost a decade).

Globally, from the above reviewed literature, it appears that, no clear and robust model that has been developed yet to improve and aid the implementation of various PTD programmes. Neither is there any model currently available to improve the participation of social workers for increased access to restorative juvenile justice among young offenders (UNICEF, 2020; Sithole; 2021; Mangwiyo and Chitereka, 2021). This is in exclusion of the different and various diversion programmes (as models) explored above. The ones discussed above are general diversion models to address juvenile offending and therefore, are not meant to improve the effective and efficient implementation of these diversion programmes. This is in as far as the participation of social workers is concerned. Nonetheless, various governments have made significant efforts to ensure active and full participation of child rights and needs sensitive professionals (social workers) in implementing these diversion programmes. This has been significantly witnessed in most European countries (UK, France, Canada, Hungary), Australia and the USA. Most of these governments have also sought to ensure the full implementation of the UNCRC (1989) and the Beijing Declaration among other international legislative frameworks and guidelines that seek to promote a distinctive child-friendly, restorative and rehabilitative juvenile justice system (Bhaiseni, 2016). Among these states, there is Australia, Hungary, Japan, Singapore and Britain including other countries in the Western Europe. However, USA is one of the countries that has not yet ratified the UNCRC although it has managed to establish a sound juvenile justice system. In the same light, all these governments have also developed local legislative frameworks (Children/Juvenile Acts) that are

aligned with the international policy blueprints (UNCRC included) for comprehensive and holistic administration of juvenile justice.

Furthermore, the aforementioned countries as averred by Wood (2003:20) have tried to adequately allocate resources towards the implementation of diversion programmes across their respective jurisdictions. This is also coupled with the enhancement of capacity building and training of professionals who work in the juvenile justice systems. In Africa, the ACRWC has been ratified and enforced by many governments including South Africa, Botswana, Malawi, Namibia and Zimbabwe. South Africa that is believed to be having a comprehensive juvenile justice system has since enacted the Child Justice Act (No.75) in 2008. This Act clearly established the framework within that the diversion programmes should be operationalized. More so, social workers are employed to take the fore-front in implementing these programmes for well-informed and effective outcomes. Zambia and South Africa also, have put in place within their budget infrastructure, sufficient resources (financial) towards the child protection sector (UNICEF, 2020; Save the Children, 2021). However, Vengesai (2014) avers that due to different socio-economic, politico-legal and geo-environmental contexts in that these countries thrive, the implementation of this programme has been impeded. Some of these factors include economic meltdown, lack of political will and epidemiological issues such as COVID-19-induced challenges.

In Zimbabwe, there are significant efforts to reform the current juvenile justice system and these reforms include the proposition of the Child Justice Bill that seeks to establish the separate juvenile justice system that is child-friendly. Currently, the Children's Amendment Act has been put in place to deal with all legal inconsistencies so that there is alignment and harmonisation of laws that have a bearing on children. However, there has been a delayed harmonisation and alignment of the former Bill. Of that the former Bill is the most critical one in administration of

restorative juvenile justice among young offenders in Zimbabwe. The government of Zimbabwe has since been trying to incorporate the probation and diversion officers and engage other key stakeholders like UNICEF and Save the Children in ensuring the implementation of the PTD programme. Other organisations such as CATCH, JCT, ZHRC and ZNCWC have also greatly contributed through their advocacy work towards the reduction of recidivism, child incarceration and promotion of rehabilitative and restorative justice services (Ruparanganda and Ruparanganda, 2016). However, regardless of these efforts, participation of social workers in the PTD Programme implementation process has been highly problematic. As such, this has seen many juvenile offenders still struggle to access diversion services. Therefore, this scenario has consequently necessitated the need for the study.

The chapter has sufficiently reviewed relevant literature on the discourse of restorative juvenile justice with much emphasis or stress on the barriers inhibiting effective participation of social workers in implementing the PTD programme. The theoretical frameworks informing the study have also been outlined in the chapter. This literature review has been done at global, regional and national levels in respect to the objectives of the study. To this end, this section has oriented the study to the current gaps in juvenile justice systems that would then help to answer the study's research objectives. However, the next chapter seeks to present and analyse the study's findings.