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Annals of Medicine and Surgery

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Review

Children in detention amidst COVID-19 in Africa: A wound untreated



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ARTICLE INFO

Keywords: Children Detention COVID-19

Pandemic

ABSTRACT

Children in detention in Africa are part of the vulnerable population exposed to the COVID-19 pandemic due to factors such as overcrowding, poor healthcare of inmates, and lousy state of the facilities. The number of children in detention was estimated to be about one million in 2010, and this has further increased threat to global health. The fall in operating criminal justice systems, from the aspect of rehabilitation and reform in Africa, to its being plagued with crisis, overpopulation, and inability to conform to fundamental human rights and health standards. It was noted that children in detention in Africa end up in prison mainly because they are either given birth to by incarcerated mothers or sentenced to jail based on their alleged criminal activity. Also, certain limitations in some African countries to track the prevalence of COVID-19 and other diseases include inaccessible data, non-specificity of data, and unreliable information regarding the current prison situation. Sometimes, these data could be insufficient and hard to comprehend, primarily if written in the local language. The efforts to resolve the untreated wounds of children in detention during COVID-19 are somewhat tricky. However, this paper identifies these limitations and proffers recommendations such as; the identification and implementation of strategies that support the continuity of child-centered services, prioritizing children for immediate release, and ensuring adequate protection of their health and well-being, among others.

The threat to global health in the 21st century is the COVID-19 pandemic, caused by the Severe Acute Respiratory Coronavirus 2 (SARS-CoV-2) [1]. After the first case was recorded in Wuhan, China, the world has recorded over 500 million confirmed cases of COVID-19, including 6,223,531 deaths as of April 4th, 2022 [2]. Efforts to combat the pandemic were put in place, and COVID-19 vaccines have been developed with a total of 10.704,043,684 doses administered worldwide thus far [2].

Unfortunately, the COVID-19 pandemic has cast a shadow on other pressing global matters of significant importance. Pandemics pose severe hazards to global security and prosperity. Since its appearance in December 2019, the COVID-19 pandemic has had widespread

consequences on the global economy [3]. The global economy is more vulnerable to the effects of a pandemic as more people travel and trade around the globe. The market forces chain has taken a significant hit due to the epidemic, forcing many companies to lay off workers or postpone economic activity to avoid further losses on top of those already incurred due to rising healthcare costs and a shrinking working population. After the pandemic's start, oil consumption dropped dramatically to levels not seen in the previous 30 years due to the shutdown of factories and businesses and reduced travel rates [3].

Before the onset of the pandemic, the prison system in Africa was plagued with different issues such as overcrowding, poor healthcare for inmates, and the imperfect state of the facilities [1]. One of the

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https://doi.org/10.1016/j.amsu.2022.104217

Received 29 May 2022; Received in revised form 13 July 2022; Accepted 19 July 2022 Available online 31 July 2022

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significant reasons for overcrowding in African prisons is the large number of inmates awaiting trials. Amidst a global pandemic, these act as factors that can encourage the spread of COVID-19 among inmates [1]. In prisons with children as inmates, they are more vulnerable to COVID-19 than other age groups. Although the inmates in an overcrowded prison are at high risk of contracting COVID-19, there is clear evidence that children who contract COVID-19 can be asymptomatic or paucisymptomatic [4]. Children in detention can act as carriers, increasing the risk of infection of COVID-19 among inmates through viral transmission in the form of droplets and person-to-person contact [4].

The number of children in detention was estimated to be about 1 million in 2010 [3]. Children are classified among the vital vulnerable groups under custody. As such, they should be treated specially. Also, poor access to healthcare amongst child inmates in Africa has led to the spread of diseases, and COVID-19 isn't an exception as it can spread faster in prisons where inmates may not have access to COVID-19 testing kits and poor ventilation [5]. Due to lack of access to healthcare, children in detention in Africa may become infected with COVID-19, which can lead to death or severe cases of infection. The quality and quantity of food served to inmates in detention, particularly children in Africa, may not be sufficient to build their immunity against diseases [3]. The unavailability of immunization for children in custody in Africa can make them susceptible to life-threatening conditions. Therefore, the lack of access to healthcare can lead to severe cases of infection, which threatens the prison system and public health.

In tackling problems faced by children in detention during COVID-19 in Africa, adequate measures must be put in place by prison authorities, health organizations, and the government. On April 13th, 2020, UNICEF Executive Director urged governments and other detaining authorities to release all children in detention as a means of combating the virus and to uphold the rights of detained children [4]. To protect children in custody against COVID-19, a comprehensive healthcare strategy should be developed and implemented. Adequate measures should be put in place, which includes the provision of reliefs such as good food and quality healthcare for child inmates, regular testing and screening for COVID-19, and reform of the prison system for effective rehabilitation of inmates [4]. The untreated wound of COVID-19 about children in detention in Africa can undergo the proper treatment when the problems are resolved with coordinated efforts of the government, in conjunction with the prison authorities and responsible organizations.

Investigations of the prison system in some African countries have revealed disturbing and worrisome revelations. The analyses revealed that some African countries are still operating criminal justice systems based on the legacy of the colonial era [5]. The capacity of the prison systems has barely changed in Africa, even with the substantially increasing crime rate and growing populations in recent decades. The leaders may claim rehabilitation and reform as the reason for criminal justice, while in reality, prison systems have failed to deliver, especially on rehabilitation and reform. Reports indicate that the prison systems in most African countries are plagued with crisis, beset with overpopulation, and inability to conform to fundamental human rights and health standards [6,7].

As populations are rising, investment in prison systems has failed to keep up with increasing detainee numbers. Underfunding and prison overcrowding have resulted in the compromise of prison conditions and treatment. It should not come as news that the prison institutions majorly throughout Africa are in deterioration. The prisons are dilapidated and poorly ventilated with ineffective sewage systems. Indeed, such conditions provide fertile ground for the transmission of infectious diseases. Prisoners lack space to sit or sleep, they have poor hygiene, and food and clothing are insufficient.

The condition of children in African prisons has been largely neglected and disregarded by academic and penal policymakers. These vulnerable populations are particularly marginalized within an already substandard living environment. Children end up in prison in Africa mainly in two ways: they are either given birth to by incarcerated mothers or sentenced to prison based on their individual alleged criminal activity. Most of their crimes are minor and petty offenses such as vagrancy, not carrying proper identification, begging, truancy, and being beyond a parent's control. Children are detained pending trial for most of the formative years of their development for these minor offenses [8].

Most African prisons, aside from those in Angola, Cote d'Ivoire, Mali, South Africa, and Tunisia, lack the resources and capacity to house children separately from the adult population [9]. The co-habitation of children with the general prison population can result in disastrous consequences. Firstly, the children detained with the general population will compete with adults for insufficient resources such as food. Secondly, given that the African prison does not meet the minimum standard for adults, it should not be unexpected that they fail to meet the international standard set for juvenile detention. Therefore, these will lead to compromise in the health and hygiene of children and exposes them to the risk of sexual abuse [10]. Therefore, juvenile detainees' educational, health, developmental and nutritional needs are left unattended [7].

While specific improvements and changes are being made in a few African countries to separate child prisoners from general adult populations, more needs to be done. Pre-release programs, rehabilitation, and reintegration policies should also reach child offenders before their formative and developmental years are lost to the prison system.

Approximately eleven million people are remanded in prisons worldwide, and about one million are confined in African prisons. Globally, the number of people in prison has been on the rise [9]. In 2010, available global data concerning children in prison was estimated to be about one million [3].

Specific data on prisons in most African countries are hard to come by. There is little to no information about particular prisons in many African countries except for some countries like Nigeria, Sierra Leone, Uganda, and South Africa. More literature is available on prisons in South Africa than in any other African country [10]. While data on prisons in some African countries has been more recent, most information about prison systems remains inaccessible, and little information is readily available. In most instances where there is data on prisons, the data is usually general, lacks specifics, and is most typically unreliable in some places. It is insufficiently collated, and often the data are found in the local language and are sometimes hard to follow. Generally, the data produced by African countries is often not detailed enough and inaccurate. The lack of data on prison institutions in Africa can also be attributed to the lack of research focus due to a lack of interest in prison, generally and specifically, in Africa.

While difficult to establish, it often appears as though some penal systems deliberately underreport their data, for example, statistics related to children in confinement, to avoid criticism and scrutiny of their policies [9]. Available statistics concerning the numbers of incarcerated and detained children in Africa are limited. It was estimated to be approximately 0.5–5% of the total sub-Saharan Africa prison population [4,5]. With many children prisoners awaiting trial for an extended period, some wait for months or even years. The age of children in prison in sub-Saharan Africa ranges from 12 to 18 years [6].

There are various effects of child imprisonment ranging from the impact on the society to the immediate family and on the health of the children themselves. The impact on the children alone is enormous. It defeats the word "correctional facilities" termed with prison, as most detainees are not being reformed but instead subjected to various inhumane conditions. These have severe implications for the children.

The toll detention takes on children is enormous, notably their physical and mental health. Torture, assault, and other ill-treatment at the hands of fellow detainees and guards is a risk in every detention, particularly for children held on national security grounds [11]. Historically, health problems are common issues in prisons globally, it has been the case in all prison systems, and prisons in Africa are no

exception. There is the pervasiveness of diverse infectious diseases in African prisons at a number higher than in the countries' general populations where these prisons are found.

Overcrowding, poor living conditions, lack of amenities, and prison staffing problems are the challenges to overcoming these health issues. It is known that overcrowding is a common factor in African prison systems, contributing massively to the health issues faced by detainees in detention. Overcrowding has serious health consequences, majorly facilitating the spread of disease, and making privacy impossible. Overcrowding has made prison facilities a breeding ground for conditions, including tuberculosis (TB) and its drug-resistant forms [12].

Lack of access to water, food, sanitation, and primary living conditions due to overcrowding will also result in a poor immune system to fight the spread of these infectious diseases and consequently result in the death of detainees. For example, In Zimbabwe, detainees who do not have access to basic sanitation were reported to be dying as a result of cholera and other infectious diseases at a rate that would be considered a humanitarian emergency in normal populations, with detainees sleeping beside corpses that could not be disposed of faster [13]. Also, due to a lack of amenities and resources, girls may lack the materials such as sanitary pads and privacy needed to manage their menstruation. Lack of access to medical personnel and medications further exacerbates these health problems.

Detention also has a similar impact on children to adults; However, because of the vulnerable nature of children, additional problems may be caused in the area of children's developmental and physical health [14]. Sexual assault is a particular risk for both boys and girls, especially when children are detained by adults, which is most often the case in Africa. Sexual harassment and assault are exacerbated by the lack of privacy in bathing or going to the bathroom [11]. All these affect the mental well-being of the children as they experience post-traumatic stress disorder, depression, and high rates of anxiety.

Furthermore, the goals of incarceration are retribution, deterrence, public disapproval, incapacitation, rehabilitation, and reintegration; the most elusive and controversial are the last two goals, particularly in Africa [8]. Rehabilitation is an integral part of detention, if not the most important, but this happens not to be the case in Africa due to several reasons. The goal of penal policymakers in Africa remains rehabilitation; a lack of political will impedes the ultimate realization [8]. The children incarcerated in prison do come back worse than they went in; they are housed with adult and hardened criminal who influences them negatively to become worse. There are several instances where these children and young offenders graduated into hardened and more criminal-minded after being in prison institutions [15].

Children that were incarcerated were known to be involved in petty and minor offenses ranging from vagrancy, truancy, loitering, begging, stealing, and not carrying proper identification, but recently, a lot of children have been seen to have moved from such petty offenses to more serious crimes, such as armed robbery, rape, drug trafficking, girl-child prostitution, vandalism, child-soldiering, suicide bombing and other acts of terrorism [15]. The prison institutions are performing below standard and expectation, and the reform and rehabilitation of these young offenders are not done. All over the world today, thousands of teenagers languish in detention, many times for long periods. And they experienced inhumane and brutal conditions. The unavailability of data and record-keeping coupled with many institutions means that the records of children held globally in such environments are unknown.

General children are arrested for acts that should not be considered criminal. In Cambodia and Uganda, among other countries, according to human rights watch, children on the street are often presumed to be guilty of a crime and arrested on vague charges if they at all are charged [11]. Children are also detained for disobeying their parents, running away from homes, and curfew violations; these acts would not be crimes if done by an adult.

Children are also detained in the name of national security under administrative and military detention in some countries. Such children are usually captured, demobilized, or surrendered child soldiers, even though, according to international standards, the states are meant to offer them rehabilitation and treat them primarily as victims. In Afghanistan, Iraq, and African nations, as seen in the Democratic Republic of Congo and Somalia, many children are detained based on alleged association with extremist or armed groups [11].

Children can be detained; however, this is implored only as a last resort, according to Article 37 of the Convention on the Rights of the Child (CRC). In such a case, detention must be appropriate for their age and status [16]. The custody of children presents measures to guarantee the protection of their fundamental rights of peace and justice [17].

On observation, it was seen that these children were detained for crimes ranging from minor to status crimes. Examples include; illegal migration, violation of curfew orders, alcohol offenses, burglary, vandalism, possession of stolen possession, theft, disturbing the peace, and even possession of items illegal for their age [18]. Statistics show that about 261,200 children were in detention on any given day in 2020 globally. This saw West and Africa have the lowest number of 8 per 100, 000 children in detention [19].

These guidelines were in line with helping to curb the challenges encountered while the children were in detention. Some of the challenges were; withdrawal of essential services like access to caregivers, Lawyers, and medical care; inadequate access to clean water and sanitation; lack of ventilation due to overcrowding, and nutrition. This can result in the exacerbation of infectious diseases, as well as pre-existing psychological conditions [19]. In addition to these, there could be cases of abuse in whatever form and even neglect resulting in mental and psychological dysfunction. There is also an established relationship between child detention and disproportionately higher morbidity and mortality compared to the general population [20].

Inadequate and unreliable data regarding the number of children in detention in Africa amidst the COVID-19 pandemic is another challenge that requires prompt measures such as elaborate and detailed administrative records. This will influence policies regarding inclusion, protection, and implementation of the right to peace and justice for detained children.

Children in detention should not be neglected amidst the COVID-19 pandemic because they are most affected by their health and other social factors that might affect their psychological well-being. Their immunity makes them more susceptible to infectious diseases even beyond COVID-19. Not only are detention facilities vulnerable to the spread of the virus, but they also place the staff members at risk of getting infected. Staff members may also feel ashamed and stigmatized due to the outbreak. In addition, they may be reluctant to work in the facilities where the outbreak occurs [21].

We urge the government, policymakers, institutions, civil society organizations, and individuals to be pragmatic and work to provide timely health interventions and adequate social welfare services for children in detention across Africa.

The following are interventions, policy formation, and recommendations that can be adopted to achieve this goal:

- Maintaining the continuity of child-centered services is an important step. Policymakers can identify and implement strategies that can support this goal to sustain the continuity of child-centered services in prisons that are focused on equity of access. These include education, nutrition, and health services. It also includes various programs and services that are geared toward addressing the needs of vulnerable children [22].
- 2. Put in place specific protections for vulnerable children. This should include ensuring that children are not arrested or detained for violating COVID-19 protocols. It should also include providing that those detained are immediately returned to their families so that they reconnect with their families and get the necessary health services and supports [22].

3. Prioritizing children for immediate release. Before deciding to release children for immediate release, the government should consider the child's welfare and the community's safety. The governments should also prioritize the release of children who are being deprived of their liberty due to the criminal process against their caregivers. Police and law enforcement officials can also reduce the number of charges and arrest children without resorting to harsh measures. They can also use child-friendly techniques and procedures when dealing with them [23].

Defense, prosecutors, and legal aid lawyers can also help authorities handle child-related cases. They can advocate for the release of children from detention facilities or diversion programs. The courts also help lower the number of hearings and reduce the use of custody by carrying out alternative procedures that do not involve the use of harsh punishments [24].

- 4. The protection of continued health and well-being of children in detention should also be ensured. Those who are not released due to the outbreak should be given access to services that they need to maintain their health and well-being. Authorities should also monitor the health of the children they suspect of having the disease. They should also follow proper treatment and containment measures when dealing with the symptoms [24].
- 5. Developing a comprehensive migration framework that addresses the detention of children is a vital step toward preventing them from being kept in detention. This framework should start in communities of origin and involve all African countries. If the policy of detaining children is to be ended, then it should shift its focus away from the countries of destination to look at the various points of vulnerability where children need support and may face the risk of detention.
- 6. The possibility of improving the reliability of data regarding the number of children in detention during COVID-19 in Africa can be achievable through proper documentation of the data via online databases and rebuilding quality surveillance and monitoring [25].

To conclude, children in detention in Africa are vulnerable to worsening their health conditions amidst the COVID-19 pandemic and pandemic in the prisons having children inmates. Due to nutritional deficit, the immune system of the detainees may let them fall prey to SARS-CoV-2 infection that causes severe disease in hosts with poor immunity. Lack of basic hygiene, testing kits, and vaccination against COVID-19 are the most potent strategies against the COVID-19 pandemic are deficient in this group.

The psychosocial problems like anxiety and major depressive illness being more prevalent in detained children than in other population groups pose them with grim psychological manifestations of the pandemic, further deteriorating their mental health. The importance of prompt strategic planning to protect children in detention can not be over-emphasized.

Ethical approval

Not Applicable.

Sources of funding

No funding received.

Author contribution

All the authors contributed to the outlines of the paper, writing, editing, proofing, and final approval of the paper.

Consent

Not Applicable.

Registration of research studies

1. Name of the registry:

Not Applicable.

2. Unique Identifying number or registration ID: Not Applicable.

3. Hyperlink to your specific registration (must be publicly accessible and will be checked):

Guarantor

Shahzaib Ahmad.

Declaration of competing interest

None to disclose.

Acknowledgement

All the authors are thankful to Aid for Rural Education Access Initiative (Areai) for their help on this research.

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