



# JUSTICE FOR CHILDREN

*Handbook for training facilitators*



This project is funded by the European Union



This project is co-funded and implement by UNICEF



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This manual was prepared with technical support provided by the Penal Reform International. The manual was developed as part of the EU funded and UNICEF co-funded and implemented Justice for Children Project in the former Yugoslav Republic of Macedonia.

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# INTRODUCTION

**T**he Justice for Children Handbook and Manual are tools to strengthen the capacity of those involved in working with children involved in the justice process.

The Manual aims to be a comprehensive reference guide for those working within the Justice for Children framework, whilst the Handbook is intended for trainers to help them effectively teach the principles of Justice for Children outlined in the Manual.

Based on international and regional standards, the Manual provides a practical approach to Justice for Children issues, which is illustrated by examples of good practice from other countries. It has 10 chapters, each covering an important aspect of Justice for Children and is set out as follows:

## INTRODUCTION

**Chapter 1 Principles of Justice for Children**

**Chapter 2 Children at Risk**

**Chapter 3 Arrest**

**Chapter 4 Diversion**

**Chapter 5 Victims and Witnesses**

**Chapter 6 Trial and Sentencing**

**Chapter 7 Detention**

**Chapter 8 Independent Monitoring Mechanisms**

**Chapter 9 Reintegration**

**Chapter 10 Putting Justice for Children in to Practice**

Each chapter is structured in the following way:

- Outlining the learning objectives;
- An overview of the essential principles relevant to that area of Justice for Children as stated by international and regional guidelines and standards;
- The application of these principles in practice throughout the justice process;
- Questions for further discussion, including short case studies to invite debate and dialogue.

Throughout each chapter there are also examples of good practice from other countries to identify how the application of the principles behind Justice for Children works in real life situations.

This Handbook provides guidance on how to use the Manual in a training context, using experience-based training methodology. While legal reform is necessary in many countries, our experience has led us to understand that law and policy is not the only answer to achieving justice for children. The strength and ability of justice, support and protection systems and those who work within them is the key to effective and fair implementation of the principles of justice. Therefore, our training efforts have focused on the introduction of new knowledge, developing skills and changing attitudes so that those involved in justice systems and related agencies can carry out their roles in an effective and child-sensitive manner.

Many participants come to training programmes with a considerable amount of experience, expertise and practical knowledge from their area within the justice system. The aim therefore, must be to draw upon that experience, add new information and develop the skills and attitudes of participants to be able to carry out their professional role and work with children more effectively. As a result, we use a training methodology that reflects this: actively involves participants, is relevant to professionals, draws on concrete working experience of participants and is practical.

The sample training workshops in this handbook are based on this adult learning theory. The training activities link what has been learnt to the real world outside. In appreciation of the fact that adults learn best through discussion, discovery and analysis, the training samples limit the use of lectures by facilitators and emphasise active participation of learners.



# DESIGNING A TRAINING WORKSHOP

**W**hen designing a training workshop, it is important to know the audience to whom you will be delivering it. To do this, you can use a pre-workshop questionnaire. A sample one is attached in Annex I and can be adjusted to ask more specific questions depending on the scope of the workshop. When sending participants the questionnaire you should make sure to send them a draft agenda for the workshop so they have an outline on which they can provide comments and observations.

Understanding the professional background of participants and their level of knowledge, skills and attitudes in different areas will help you design a workshop that is directed at the right level and will be beneficial to those attending. For example, you may not have time to cover all the s from the Manual, or may wish to go in to some in more detail. In this way, you can select the most relevant parts based on your participants' needs and experience. Ideally there should be a group of around no more than 16 participants to ensure that each person can actively participate in the workshop to a full extent. In some workshops it can be beneficial to have participants from a mix of backgrounds and professions, for example social workers, police officers, psychologists and prison officers, so that they can share their experiences. Training professionals together can also help to break down barriers between them and encourage collaboration in their every day working life, however, it requires additional training skills to ensure that their differing experiences are brought together in a constructive manner.

Gaining feedback from your participants is an important way to monitor the progress of the workshop and adjust methods or tools that they feel is not working to make it a more effective learning experience. Short feedback questionnaires should be given out at the end of each day in order to collect participants' views, or this can also be captured through a short discussion.

A final evaluation of the whole training workshop should also be used to get feedback on the entire course and the value of it for participants. Where necessary, this will provide you with information that will help you to improve your workshop content and delivery, as well as any logistical or practical arrangements, for the next training. A sample evaluation questionnaire is attached in Annex III. Finally, a certificate of completion should also be awarded to all participants.

Four sample training workshops are provided in this Handbook, corresponding to a selection of s from the Manual. They are intended to be guides upon which trainers can develop their own workshops based on the needs and requirements of the audience they are training. A useful outline for an effective, basic training workshop can be seen below. (The sample training workshops in this Handbook are based on this outline).

## **Introduction**

- Purpose/overall workshop objective, learning objectives and agenda
- Introductions
- Expectations
- Roles, norms etc for the workshop

## **Foundation**

- Activity  
(concrete experience and reflective observation)
  - Presentation
  - Case study
  - Role play
  - Analysis
  - Facilitated discussion

## **Learning Events**

- Core components  
(Abstract conceptualisation and active experimentation)
  - Lectures/speeches/reading
  - Problem solving/application
  - Exercise/energizer
  - Simulation

## **Closing**

- Summary
- Follow-up
- Evaluation

It is a good idea to end each day with a summary or discussion on the content learnt to allow participants to reflect on what they've learnt.

# TRAINING METHODS

## Tips

**Come prepared:** When you arrive at the workshop, make sure you have all the resources and materials you will need and that you have analysed the pre-workshop questionnaires and are aware of your participants' expectations and backgrounds. Make sure you arrive in plenty of time to set up and test any equipment you will be using during the workshop.

**Timing:** Make sure you have a well-timed agenda, allowing for at least a one hour lunch break and two other short breaks. Also, be strict about starting times for the morning and afternoon sessions, otherwise you may end up rushing through presentations or activities.

**Resources:** Identify all the resources and equipment you will need in advance and ensure that the location for the workshop can facilitate this. This may mean getting photocopies of handouts made, ensuring all participants are able to have a copy of the accompanying manual, or checking the workshop room is set up to use PowerPoint presentations (i.e. has a projector and laptop connection).

**Seating:** Active participation can be promoted by using an appropriate seating arrangement which encourages an exchange of experience among the participants. Try to find a room that allows the participants to sit together in groups around a table rather than in classroom-style rows. There should also be enough space in the room for role-plays, demonstrations and energisers. The optimum number of participants seated around a table will depend on the task, but having 4-6 people to a table allows for the quick forming of small sub-groups that are normally appropriate.

## Introductory and Closing Sessions

Introductory and closing sessions are important aspects to any workshop. One option is to have the introductory session on the evening before the workshop begins, to allow participants to introduce themselves in a more informal atmosphere. Some of the energisers listed below allow for introductions to be made in a more interactive and participatory way.

Introductory sessions (as outlined above) should include the purpose, objectives, the agenda, introductions, expectations, and ground rules.

- **Purpose:** The purpose of the workshop and the background as to why it is being conducted should be outlined first.
- **Objectives:** These should overlap with participant's expectations. Write the learning objectives up on a flipchart to be kept on display for the duration of the training workshop.
- **Agenda:** Let participants know the schedule of the workshop and hand them out a written agenda. At the beginning of each day, get participants to recap what was covered during the previous day(s) and then explain what will be covered that day.
- **Introductions:** Make sure to introduce yourself and anyone else who will be working with you during the training workshop. Next, get participants to introduce themselves. There are a number of ways of doing this (see the introduction energisers below or other external resources for examples of good ways to do this). In addition, make sure that each participant also has a list of everyone attending.

- **Expectations:** Ideally these should have been identified in your pre-workshop questionnaire so as to feed in to the design of the workshop. However, asking participants to reiterate these expectations can be useful and allows you to identify how the workshop will address them.
- **Ground rules:** These should be set with the participants by asking them what they feel are rules that everybody (including the trainer) should follow. These rules are related to general behaviour and good conduct, for example, time-keeping and having respect for other's views. At this point, you should also answer any questions participants have regarding assistance, the given materials, the venue etc.
- The purpose of the daily feedback and post-workshop evaluation forms should also be covered so participants fill them out with meaningful suggestions and comments.

The closing session is a time to go over the objectives of the workshops and how the presentations, discussions and activities have met them. It can also be a good point to discuss the next steps in putting the information they've learnt in to practice in their own work situations. Hand out the evaluation forms to participants to fill in and then provide them with a certificate of completion from the training workshop. It can also be useful at this stage to hand out a revised participant list with everybody's contact details on it to help them take advantage of the workshop as a networking opportunity. Finally, thank all the participants for their work and attendance over the course of the workshop.

## Key Training Methods

### Inter-agency Training Approach

Conducting workshops using an inter-agency approach can be an effective way of equipping personnel from a cross-section of agencies and organisations with an in-depth knowledge of the justice for children principles as well as building their capacity to collaborate across sectors.

Inter-agency training workshops give participants the opportunity to gain a deeper understanding of other agencies within the sector and how to work in partnership with them to promote justice for children principles.

The range of agencies should include representatives from police, lawyers, judges and magistrates, prosecutors, prison personnel (including educators, psychologists etc), probation staff, social workers and where possible, civil society. Participants should be carefully selected and it is always useful to draw up some selection criteria in advance; having a mix of practitioners and policy makers, gender balance, and representatives from urban and regional settings.

When taking an inter-agency approach it is important to get a similar number of people from each agency at the training so it is not dominated by one or two organisations. Make sure that when the plenary is broken down into smaller groups for discussions that each also has participants from a range of agencies.

### Presentations

The purpose of a workshop is to allow participants to discuss and apply the knowledge presented to them and exchange practical experience in each area. Therefore, presentations should include interaction and participation with the audience.

Presentations should cover all the basic issues of a topic and leave room for discussion on the application of the knowledge by participants afterwards. Audio-visual aids are vital for making presentations more effective, such as flipcharts, whiteboards, PowerPoint presentations or the use of videos or other media to illustrate points made. However, make sure you practice with them before hand to ensure that the timing and pace of the visuals work with your spoken presentation.

#### Tips:

- Speak slowly and clearly to ensure all participants can understand you. If your presentation is being translated, speak even more slowly to allow for accurate translation.
- Try not to read off notes but speak naturally, only read quotes verbatim.
- Avoid jargon or abbreviations that participants may not understand.
- A presentation is more effective if the trainer is moving around instead of sitting or standing still for the entire presentation.
- Vary the level of your voice and the speed of speech, and use gestures and volume to emphasise key points.
- Rehearse your presentation in advance to ensure that it does not overrun the planned time limit.
- Ask questions to participants to prompt the next part of your presentation.
- Pause during the presentation to allow participants to ask questions.

## Brainstorming

Brainstorming is the generation of short ideas or responses in answer to a specific question, such as “what do you think are the basic principles of Justice for Children?”

It is highly effective at producing a diverse range of ideas quickly, encouraging participation from all participants and building group cohesiveness and communication. It is not a discussion, but more an opportunity for participants to think out loud.

A brainstorming session should last approximately 10 to 15 minutes. You should:

- State how the activity and topic relates to the training objective and outcomes;
- Explain what the ideas and answers will be used for when it is finished;
- Explain the rules (see below);
- State the question/statement that you want the group to generate ideas for and write it in clear view of everyone;
- Clarify any questions the participants may have;
- Write down every answer on a flip chart or board so it can be seen, preferably using only one or two words that the participant has provided;
- End the brainstorming by explaining again what the list will be used for.

It should follow these rules:

- Write down all the ideas given;
- There should be no discussion, critique or evaluation of any of the ideas put forward either by the other participants or the trainer;
- After the initial brainstorming, allow participants to explain any ideas that others are unclear about but avoid this becoming a discussion;
- Encourage ideas that both continue on from others suggestions and that may be seemingly unrelated. No idea is a bad idea.
- The facilitator should not contribute ideas, or lead the discussion towards the learning objectives or topics in the manual but allow for a free flow of ideas without comment or judgment.

Brainstorming can also be formatted in a number of other ways, for example, trainers could get participants to write down 2-3 ideas on a note card before taking contributions from the group. Alternatively, they could get participants to write one idea on a note card and ask participants to pin them to a board in the room. The group can then organise and review the ideas themselves.

Once the ideas from a brainstorming session have been recorded they can be used in subsequent sessions and activities to initiate discussion on the topic posed. Often the list will need to be synthesised in some way before it can be used effectively in a later activity. This can be done by asking the group to identify those ideas that they think are priorities or grouping them in to categories.

## Small Discussion Groups

Small discussion groups allow participants to digest information heard in a presentation or lecture and think about how the issues and key points relate to their professional day-to-day work through discussions with their peers.

They are used to increase participant involvement and interest, increase their ownership and investment in the group product, and to generate more ideas and solutions than could be done by discussions using the whole group. Small group discussions can be particularly beneficial as they alter the group dynamics by allowing a more intimate discussion which may be more amenable to reluctant or shy participants. However, be aware that group dynamics, for example, dominance or conflict, can still arise in sub-groups.

Small discussion groups are best used for discussions based around analysis of an issue, problem solving and planning tasks.

How to run a small discussion group:

- Clearly define the task, including providing a handout with the task written on it so all participants can see it.
- Explain the expected outcome of the group discussions (e.g. reporting back to the group, writing ideas on the board, role plays).
- Check all participants understand the task and answer any questions they have before you begin.
- Make sure each group has the information, resources and knowledge needed to complete the task.
- Provide a clear time limit for the group to do the work.
- If groups are asked to generate a lot of ideas or information, make sure they synthesise it before reporting back to the main group.
- Monitor the groups as they work, including guiding and advising them as needed. This is best done by silently moving around the groups and answering any questions that the individual groups have. It's important not to address the whole room as this can disturb the group and interrupt working.
- Allow time in the workshop for each group to report their work back to the plenary. Where all the small groups have had the same task, choose one or two to report back their ideas and then ask others if they think anything important has been missed.

Feeding back to the main group:

- This could be done by appointing someone from each group to report back on the main ideas or issues generated by the sub-group and to have a short discussion on these points.
- This could also be done by requesting each subgroup to write their main points or ideas on a flip chart or board. Then, ask all the participants to read each sub-groups' board and place either a tick (indicating agreement with a point), a cross (to indicate disagreement), or a question mark (to indicate they don't understand) next to each point. Once this is done, the trainer invites participants to clarify the question marks and comment on the ticks and crosses.

## Case Studies

This Handbook also provides the trainer with one or two case studies that correspond with each of the Manual. Note that these can, and should, be adjusted to fit with the context of your country or region. Local news stories are a good source to find case studies that can be adjusted and used to generate discussion on appropriate topics.

Case studies are a good tool to establish or embed participant's recently acquired understanding or skills by problem-solving. It generates multi-level analysis of complex problems and puts the reference material learnt into a more realistic situation.

In running a case study discussion you should select a case study directly relevant to the points and issues that need to be examined and with enough detail for participants to understand the situation and the factors affecting it. Case studies can, and should, be modified for your audience to get the most beneficial discussion. You should identify the key questions around which the discussion will focus and these should be given to participants with the case study. In this Handbook a few sample questions are included at the end of each case study. Make sure you prepare any necessary background or additional resources that the participants may require to understand the complex issues posed in the case.

When discussing the case study as a group, move the discussion towards the key points and issues, and direct the analysis back towards the objectives of the workshop. The discussion should be solution-oriented and constructive. Summarise all the key points identified by participants on a flip chart or board and, to conclude the activity, restate how they relate back to the objectives of the workshop and material they've learned.

## Role Plays

Role plays are built around hypothetical problem situations. They are ways of putting participants into a situation to determine either different solutions or responses to a posed problem, or to practice certain skills (for example, getting informed consent for diversion or interviewing a child witness). Although the situation is hypothetical, it should be based on real life situations that participants are likely to come in to contact with. The whole group then analyses the interaction and discusses ways in which it was positive, and what could be done to improve it.

Role plays are useful for engaging the participants fully in to a real-life situation and providing them with the space to try different responses safely with feedback from professionals and peers. The task of the trainer in a role play situation is to ensure that the group can effectively analyse the role-play without allowing negative criticism toward those involved, which can discourage others from taking part in such a learning event. The trainer should also highlight how the role-play helps achieve the objectives of the session.

Role plays can be a good way to initiate a discussion on some of the issues raised during the session and allows participants to bring forward experience from their area of work.

### Tips:

- Brief the whole group on the situation.
- Tell participants to act their parts as naturally as possible.
- Make sure you have enough time to undertake the role play, analyse it, and discuss the general issues it involves. The presentation of the role play should not take longer than 10-15 minutes.
- During the preparation of the role play, give participants not directly involved an additional task to undertake, for example, discussing what they will be looking out for in the role play.
- Get the other participants to jot down notes while the role play is taking place.
- It is a good idea to begin by asking those who participated in the role play how they felt it went, and what they feel could have been a better response before opening it up to comments from other participants.

## Energisers

Energisers or ice-breakers can be used at any point during a workshop. They are useful for facilitating introductions, getting participants to focusing on a task, and moving from one task to another. They help create an encouraging learning atmosphere and can make participants feel more at ease and get them involved with the workshop immediately. Depending on your time frame, energisers can last from between 3 to 30 minutes.

They don't need to be directly related to the course content although this can be useful, but they do need to increase energy and participation within the group.

Tips:

- Energisers should be fun.
- Activities should be appropriate to the group.
- Introduce the activity clearly and make sure the group understands what is required of them from the task.
- After the activity, discuss any relevant lessons learnt or insights that may have been gained from the activity. Ask participants to do the same.
- Choose appropriate energisers so that all participants feel comfortable in taking part.

Here are a few examples of energiser exercises.

### Introductory

#### Matrix Match

Using a card marked off in to 8 – 12 squares, fill in a topic in each box (favourite food, year of birth, favourite sport, number of siblings etc) and pass them out to participants. Ask each participant to fill in all the boxes. When everyone has finished ask them to find someone else in the group with a matching response to a particular topic.

#### Me too!

One person begins by saying his or her name and then starts describing himself or herself. When another participant hears something that they have in common, that person interrupts by stating his or her names and what they have in common (e.g. "My name is \_\_\_\_ and I also have two siblings \_\_\_\_"). He or she then continues to describe characteristics about him or herself until someone else interrupts. The game continues until everyone has been introduced.

### Physical

#### Human Knots

Divide the group in to two teams (or more if it is a large group), with each group standing in a circle facing each other. Ask them to reach in to the middle of the circle and hold one other hand with each of their hands (n.b. it cannot be the hand of the person directly next to them, or so that both their hands are holding the same other person's hands). When each person is holding on to two other hands they may begin. Not letting go of the hands they are holding they should work together as a team to unravel themselves until everyone is able to stand in a large circle. No talking is permitted.

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## Creative

### Non-verbal messages

Participants are asked to place their chairs in two lines so that each is facing a partner. Each person is asked to write a brief message s/he would like to convey to his or her partner on a card or sheet of paper. Those seated in one of the lines are asked to communicate the content of the letter to her/his partner without using anything but facial expressions and hand movements. When the recipient has understood the message s/he writes what s/he has understood on a sheet of paper and shares the exact wording with the sender. The roles are then reversed.

## Team Building

### Trust circle

The purpose of this exercise is to increase trust among participants and demonstrate how it feels "to be supported by the group", it should not be used at the beginning of a training workshop. The participants should be split into groups of around 8, explained the purpose of the activity and reassured that what they will be doing is not dangerous. Participants form a circle standing shoulder to shoulder. One participant is asked to move to the centre of the circle, cross their arms, placing their hands over their face, and close their eyes. The remainder of the group is asked to position their hands so that they are ready to catch the person in the centre. Keeping their entire body straight and rigid, the person in the centre then lets his or her body fall backwards as the others in the circle catch them and very, very gently pass him around the circle one or two times. Then allow each member of the group to have a turn being in the centre. Before doing the activity, it is beneficial for the facilitator to demonstrate the trust circle with one group. The facilitator should make sure that participants handle each other gently.

When complete, discuss how it felt to place your complete confidence in the hands of others, at what point trust and confidence was established, what might have caused doubts, and if other members of the group seem different to you now that you have been supported by them in this way.

## Using Video Resources

Visual material such as videos can be a great way to spark discussions on different aspects of the training. Video material could be from documentaries or fictional films, as long as they relate to participants' experiences and facilitate discussion.

Questions and discussion may flow naturally from a video clips, by simply asking "Does anyone have any comments or reaction to the video?" For fictional films, or more complex video clips, questions for discussion may need to be posed to guide discussion towards certain issues, for example "How do you think the child is feeling in that instance?", "what do you think could have been done differently in that situation?", or "what rights of the child have been violated in that clip?". Alternatively, copying or acting out parts of the video clip can be useful for getting participants to think about or discuss how the scenario could have been handled differently or more effectively. Always make sure you know what you want to gain from a video and how it can be used to reach the workshop or session objectives or enhance participants understanding of an issue.

Some video resources we recommend are:

True Vision Productions (2002) Kids Behind Bars

This 90 minute documentary film showcases detention of children in different countries around the world.

Clips from news items or reports, either international examples or local examples, can also create debate and discussion. Below is a selection of internet clips that could be used to highlight different issues:

<http://www.youtube.com/user/NationalGeographic#p/u/280/WkLHXKHb1Vc>

This is a video from National Geographic shows some of the issues of interrogating a child after arrest. For example, no parents are present, no lawyer, and it's a long interrogation.

<http://www.preda.org/main/musicvideos/cnnitv1.htm>

<http://www.preda.org/main/musicvideos/cnnitv2.htm>

These two CNN reports show conditions of detention for children in the Philippines and some rehabilitation work done by civil society once the children are released.

Please note that these resources are all in English, so for workshops conducted in another language, translators would need to be available and full length films are likely not to be appropriate.

### Using a Resource Person

Using an expert to present a session or give additional information during part of the workshop is a great way to add authority and credibility to the workshop. For example, in a longer workshop you could use a judge from a country where the focus is on the use of alternative sentencing, which can be positive for showing participants the nuances of implementing such policies. It allows them to ask questions and get a well-informed answer from someone who meets with difficult issues regarding the topic regularly.

When preparing a resource person make sure you:

- Explain the professional background and experience of participants;
- Explain the purpose and objectives of the session and his/her role in achieving it;
- Be clear about the topic and key points you would like him/her to cover;
- Be clear about the time limits and review this together if necessary;
- Explain what will take place in the rest of the workshop so they know the context of their presentation.

Always allow time for participants to ask questions.

### Visiting an Institution

A trip to a juvenile detention facility within the country is a great way for participants to put the theory they are learning in to a real situation. It is best used during the 'detention' or 'independent monitoring mechanisms' workshops but can be beneficial during others as well. Visits to detention facilities should be organised far in advance in order to get approval from the institution's authorities and for any necessary security checks to be made.

Prior to the visit, the participants should be split in to groups and each prepare a 'checklist' for what they should be looking for in terms of international standards for conditions and treatment of juveniles. These should be discussed among the plenary to make sure all groups have comprehensive lists covering all the different areas. Alternatively, each group could be given a single topic to inspect, for example, one group to assess accommodation, one group to assess health and hygiene, and one group to assess the recreation and educational programmes on offer.

During the visit the participants should note down where they feel the institution is meeting international standards and where they are not. They should note down any key issues they observe. Once back in the training room, participants should discuss the visit, including what were the positives and negatives they saw in the institution. Finally, they should prepare a set of recommendations that are SMART (Specific, Measurable, Achievable, Relevant and Time-bound: see Chapter 10 of the Manual for more information) based on what they observed. These should then be discussed among the group and participants may discuss which recommendations they feel are the biggest priority for the institution.



# **TRAINING MATERIALS AND HANDOUTS**

# CHAPTER 1: PRINCIPLES OF JUSTICE FOR CHILDREN

## PRINCIPLES OF JUSTICE FOR CHILDREN: HANDOUT 1

### Case Study: Family in conflict with the law

Michal is a 12 year old boy who lives with his father Filip on the outskirts of a city. Michal is an only child and has been looked after by his father all his life as his mother died in child birth. Filip has no stable income. Although he has had some casual work as a labourer on a local farm, this work is not regular and sometimes the family struggle for money. When this happens Filip will sell drugs for a friend of his in the city.

Filip is emotionally unstable and depends on Michal for his sense of well being; he treats him more like a partner than a son. Michal has always been close to his father and does what his father demands of him. However since he has started to go to his secondary school Michal has begun to want to hang around with his friends more. In response, Filip has begun to try and restrict Michal's movements and has become very controlling, however, Michal loves his father and does not want to alienate him. As such he is living in fear of his father's actions and disapproval.

Last week Filip needed to pay the bills but did not have any labouring work to do so he contacted his friend in the city to see if he could do some drug dealing. This time he brought along Michal to help. At 9pm on Friday night, 3 hours after the two had begun drug dealing in the city, they were both arrested by the police. They were taken together to the city police station.

### Discussion Questions

- 1) Is Michal a child offender or a child victim? Why?
- 2) What issues have been raised in this case study that the child justice system can address?
- 3) In what ways should the criminal justice system treat Michal differently to Filip and why?
- 4) What do you think should be the different outcomes of this case for each individual?

## CHAPTER 2: CHILDREN AT RISK

### CHILDREN AT RISK: HANDOUT 1

#### Case Study: Lost in the System

A case of family violence involving a 14 year-old boy named Petar was discovered on the streets of a town by a local NGO and reported to the Center for Social Work (CSW). Petar had been living with a violent father who had physically and sexually abused him since he was 11. Progressively, the situation deteriorated as the beatings became a regular practice and Petar was required to “bring money home” if he sought to sleep at home. As a result he began offering sexual services for money dressed like a girl. The father responded by taking the money but destroying his female clothes.

The CSW sent Petar to an uncle and family friend as a temporary measure until a more stable solution could be found. After a day the CSW referred him to the local public institution for children based on an assessment of having social and educational problems. However, the social worker at the institution declined to accept him due to a concern that Petar’s sexualised behaviour would be likely to present problems in assuring his protection in the institution.

With fewer options available but a continued feeling that the situation was problematic the CSW was faced with finding another solution. Based on an assessment that the family had the potential to deal with the issue, she issued a decision that Petar be returned to his family and that the placement be accompanied by enhanced education and supervision of the parent by the CSW.

A year from the date of the original case being filed, a medical examination was undertaken which confirmed that Petar continued to be sexually abused by various people. In response he was issued a prescription of Diazepam to be administered under parental supervision. A suicide attempt followed and the CSW sent him to a psychiatric hospital for evaluation because of suicidal tendencies, self-harm, aggressive and sexualised behaviour. The result of the evaluation was that psychiatric treatment was recommended along with continued prescription drugs but at a lower dosage. Placing Petar in an institution without additional support was not recommended.

#### Discussion Questions

- 1) How would you assess the interventions of the CSW? What strengths and weaknesses do you see?
- 2) How would you evaluate the social worker’s refusal to admit Petar when he was first brought to the institution?
- 3) What other options might there have been for protecting and treating him earlier in the process?
- 4) Following the hospital’s psychiatric evaluation and recommendations what options exist to create an effective and sustainable solution?

# CHAPTER 3: ARREST

## ARREST: HANDOUT 1

### Case Study: Robbery and assault

Daniel (13 years old) and Nicolaus (14 years old) are friends who live on the outskirts of the capital city. They rarely go to school and spend most of their time hanging around the city with other friends. Daniel, despite being the younger of the two, is more confident and more aggressive than Nicolaus. While out in the city together Daniel sometimes bullies and robs other children. It is known that Daniel's home life is chaotic, his mother is addicted to drugs and his stepfather physically abuses him. Daniel does not like authority and is well known to the police for his behaviour and being aggressive and abusive when spoken to by the police. School reports from when he regularly attended education indicated he was above average at most subjects and particularly good at art. Nicolaus has only recently moved from the countryside to the city and met Daniel at school where they became friends. Nicolaus's family have moved around the country frequently and as such, while he would normally attend school he was often behind academically. Since meeting Daniel, Nicolaus has stopped attending school regularly and instead spends his days in the city with his friend. He comes from a large, supportive family and is the oldest of 6 siblings. While his mother and father work hard to earn enough money for the family, Nicolaus is often left to look after his younger brothers and sisters, do the cooking and the housework. Nicolaus is quiet and finds the responsibility of caring for his family very difficult. He envies what he sees as Daniel's freedom from his family and looks up to his confidence and the way he 'stands up' to the police.

One day Daniel and Nicolaus decide to steal some money from a market seller, however, a struggle ensues. Daniel pulls out a knife and tries to stab the market seller while Nicolaus punches him twice before some passers-by see the struggle and restrain the two boys until the police arrive. You arrive on the scene.

While Daniel is aggressive and does a lot of talking, Nicolaus is quiet and subdued. The age of criminal responsibility in the country is 14 years.

### Discussion Questions

- 1) How would you proceed with the investigation with the two boys and ensure that you get each individual boy's story and account of events?
- 2) How would you proceed with Nicolaus' case? Would you involve any other agencies?
- 3) How would you proceed with Daniel's case considering he is under the age of criminal responsibility in the country? Which other agencies would you involve?

# CHAPTER 4: DIVERSION

## SAMPLE TRAINING WORKSHOP

### Purpose:

To promote awareness and understanding of diversion measures, the principles behind it, the situations in which it is best applied, and how they can be used to improve justice for children.

### Objectives:

1. To understand of the value of diversion for children who have offended and how it can be used at key stages in the justice process.
2. To become familiar with the domestic and international standards regarding diversion of children.
3. To examine what diversion measures can be applied, and how, within the structures established to provide justice for children.

### Participants:

Members of the police, public prosecutors, judiciary, probation, and social welfare professionals who are currently, or may be in future, involved in referring young people away from the criminal justice system and those managing the programmes they are diverted to.

**Time Required:** 3.5 - 4 hours

### Reference and Preparatory Materials:

1. The UN Factsheet on Justice for Children, the Convention of the Rights of the Child (CRC), 1989; Guidance Note on Justice for Children, UN Secretary General 2008; Guidelines of the Council of Europe on child-friendly justice 2010; UNODC Handbook on Restorative Justice Programmes 2006; UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985; and the UN Guidelines for the Prevention of Juvenile Delinquency, 1990.
2. The country's Juvenile Justice Law 2007; Criminal Code 1996; Institute for Social Activities Guidelines for the Team of Experts in Centres for Social Work with Children at Risk and Juvenile Perpetrators of Criminal Acts 2009; Law on the Execution of Sanctions 2006 and subsequent by-laws.
3. Preparatory analysis to identify the extent to which diversion measures are legislated for in the country, if any are practiced and the agencies and training of those who implement the measures.

### Training Materials:

- 1) Flip charts or whiteboard, markers
- 2) Relevant reference materials
- 3) Written workshop evaluation forms

### Workshop Agenda/Outline:

#### 1) Introduction (15 min)

Introduction to the workshop, agenda, objectives, participants, and their expectations. The definition of diversion should be explained and how it can provide better justice for children.

## 2) Foundation: (2 hr):

### Facilitated Discussion: Diversion (20 min)

The facilitator poses the following question to the participants: What are the advantages and disadvantages of a child who comes into contact with the law going through the formal criminal justice process? The facilitator notes the group's responses on the flip chart.

### Short lecture: Diversion (10-15 min)

Using the background material included in Chapter 4 of the Manual and the facilitator's own knowledge of the situation in the country, the facilitator presents a brief, interactive lecture on diversion, the principles behind it, how it is used in general and how it is, and could be, applied to situations locally.

### Identify Applications: (20 -25 min)

At the end of the lecture, the full group is asked to think of ways in which different diversion might be applied in the real life situations they have come into contact with. The group should generate a list long enough so as to form working groups with approximately 4-5 participants in each (i.e. 24 participants with 6 members per group would require at least 4 situations.) However, encouraging participants to come up with longer lists will give them choices in the next workshop activity.

### Small Group Activity 1: Case Application (60 min)

Participants are divided into small groups with 4-5 participants in each. Each group takes responsibility for one of the case studies generated by the group (above). They should develop a complete case description of the situation including details of all those involved and the nature of the offence. (If members of the group are familiar with the details of the specific case, they can complete the case based on the facts, otherwise creating a fictional, but realistic case is a suitable substitute).

The group is then asked to examine the diversion measures available, what would be most appropriate, and what would be the advantages and risks of implementing that measure. Having selected the approach to be used, each team is asked to develop a role-play simulating a five-minute segment of the diversion intervention to be presented to the full group. Members of the team assume the roles of key participants in the process (i.e., police or prosecutor, offender, victim, parents, other parties, etc.) The aim of the exercise is for participants to cover the basic ground rules for implementing a diversion measure, for example the child having admitted guilt, gaining informed consent from a child and giving them time and space to consult with a legal representative.

**Alternative:** the trainer could prepare a series of cases in advance presenting the situations, key issues and roles. Participants would then choose from the cases given.

## 3) Learning Events: (1.5-2 hrs.)

### Role Plays and Discussion: A Diversion Intervention (45-60 min)

Each team is asked to present their case, describe the key personalities involved, and present the role-play to the full group.

Following each presentation, the trainer leads a group discussion on the diversion interventions and the importance of adhering to the procedural safeguards with reference to the strengths and weaknesses of the approach presented by the groups during their role plays. Participants should provide input and suggestions as to the diversion measure suggested and its implementation.

The trainer keeps track of the general suggestions and insights gained from these role-plays.

**Application Lessons:** (30 min):

Once all of the groups have presented their role-plays and all the lists on the flip chart have been reviewed. The trainer and participants work together to identify:

1. key lessons that could be extracted from this experience to real situations where diversion might be used;
2. considerations to be kept in mind when doing so;
3. insights as to how and when diversion can best be used in instances of justice for children; and
4. what steps could be taken to increase more effective use of diversion in cases involving children.

**4) Closing** (10 min):

The trainer reviews the lists developed in the course of the workshop, including the advantages and disadvantages of diversion from the beginning. The conclusions from the workshop are synthesised and next steps are reviewed with the participants to confirm their commitment.

Participants should be thanked and time should be allowed for any final questions before passing out a written workshop evaluation.

## **DIVERSION: HANDOUT 1**

### **Case Study: Vandalism**

The police received a report in relation to an incident of vandalism at a local church on a weekday evening. A window had been smashed in the church while one of the rooms inside was being used by a group for a meeting. While no one was physically hurt by the incident it left some people badly shaken. Later that night, a young 13 year-old boy was apprehended in relation to the offence. After simple questioning regarding his whereabouts and the specifics of the incident, he confessed to the vandalism.

The child had one prior offence for shoplifting but no prior acts of aggression. The police officers involved viewed this as an opportunity to use some alternative approaches contained in the new juvenile justice legislation.

### **Discussion Questions**

- 1) What diversion measures would be appropriate for dealing with this case?
- 2) Is it appropriate to deal with this offence without proceeding through the court process?
- 3) What are the risks and potential benefits of doing so?
- 4) Who else should be involved in the decision and the process?

## DIVERSION: HANDOUT 2

### Case Study: Theft from an Elderly Woman

Irina, a 15-year-old girl was apprehended for stealing 2,000 MKD from an elderly woman.

They met as Irina observed the woman struggling with heavily loaded grocery bags on the bus and she offered to help carry them. As Irina carried the woman's bags, she noticed an open wallet inside one of them. When the elderly woman wasn't looking, she took the money from the wallet and when they reached the house, she promptly put down the bags in front of her house and left. The woman called the neighbour for help in catching the girl, however it was too late. They called the police who caught the girl and brought her to the police station.

According to her teachers and schoolmates at the local high school she attended, Irina was a very good and quiet girl from a neighbourhood at the outskirts of Skopje. She was an average student with no problematic issues. They knew that she lived with her family in the outskirts of Skopje, but no one knew the exact location or had met her parents. However, there were no reports of violence or abuse and the family had not previously come in contact with the CSW or the police.

Irina was hoping to buy a new dress for an upcoming birthday party of a close school friend but it seemed that the family was facing economic hardships. She thought that the money from the woman's wallet might solve her financial quandary.

Once the local police were notified, an officer found her near the elderly woman's house. She was frightened, trembling and clearly very upset. She was taken to a police station and a CSW was called. The arresting officer recommended that she be released with a warning but the commanding officer denied the request and ordered that the case be forwarded with criminal charges to the public prosecutor. It appears that police station performance is measured according to the number of cases filed for prosecution rather than the overall number of instances handled.

### Discussion Questions

- 1) What diversion measures would be appropriate for dealing with this case? When might diversion be used and how?
- 2) What are the advantages and disadvantages of dealing with this offence through diversion versus formally charging Irina and proceeding through the criminal court process?
- 3) Who else should be involved in the decision and the process? What should the role of the social worker be in this process?
- 4) What kinds of sanctions and/or remedies might be appropriate for such an offence?

# CHAPTER 5: VICTIMS AND WITNESSES

## SAMPLE TRAINING WORKSHOP

### Purpose:

To understand how the justice process affects child victims and witnesses of crime, and what can be done to ensure that their rights are upheld including their right to be heard, their best interests must be a primary consideration and that they are protected from harm (specifically, secondary victimisation).

### Objectives:

- 1) To know the international and regional guidelines relating to child victims and witnesses of crime and the relevant national legislation;
- 2) To learn how a child victim or witness can be affected by taking part in the justice process and what assistance and protection measures can be used to reduce harmful effects to the child;
- 3) For those who interview child victims and witnesses as part of their professional work to understand the importance of effective communication with children and gain skills in preparing and carrying out interviews with child victims and witnesses, protecting their rights whilst obtaining accurate information;
- 4) To know what assistance and social services should be available to child victims and witnesses and when and how they should be referred to them, including their right to reparation and how this should be achieved in practise.

### Participants:

Lawyers, police officials, the judiciary, social welfare professionals and all others who may come in to contact with child victims or witnesses either before, during, or after, judicial proceedings in which they are participating.

**Time Required:** 3 hrs

### Reference and Preparatory Materials:

- 1) UN Convention of the Rights of the Child (CRC), 1989; UNODC/UNICEF Handbook on Justice in Matters involving Child Victims and Witnesses of Crime, 2009; Guidance Note on Justice for Children, UN Secretary General 2008; Guidelines of the Council of Europe on child-friendly justice 2010; UN Declaration of Basic Principles of Justice for Victims of Crime and Abuses of Power, 1985; and any other relevant international standards pertaining to children as victims or witnesses.
- 2) Any relevant national legislation, guidelines or best practice.
- 3) Preparatory analysis to investigate the legislation, regulation and guidelines surrounding how child victims and witnesses should be treated throughout the justice process, including their initial interview and later testifying in court. Further, find out the different kinds of assistance currently available and offered to child victims and witnesses and identify the different agencies and organisations who work with this group.

### Training Materials:

- 1) Flip charts or whiteboard, markers.
- 2) Relevant reference materials.
- 3) Written workshop evaluation forms.

## Workshop Agenda/Outline

### 1) Introduction (15 min)

Introduction to the workshop, agenda, objectives, participants, and their expectations. It should be explained why child victims and witnesses are in need of special protection and assistance in the justice process.

### 2) Foundation

#### Brainstorming (15 min)

The trainer poses the following question to the group: "What fears do you think a child victim or witness may have about participating in judicial proceedings?" The facilitator notes the group's responses on the flip chart, and reiterates that the purpose of the workshop will be to identify techniques and assistance measures that will negate these issues.

#### Short lecture: Child Victims and Witnesses (15 -20 min)

Using Chapter 5 of the Manual, material from other reference sources discussed above and the facilitator's own knowledge of the situation in the country, the trainer should present a short, interactive lecture on child victims and witnesses, tailored to the level of knowledge that participants have on the topic. Ideally it should cover:

- the international and regional guidelines relating to child victims and witnesses;
- how a child victim or witness is likely to be affected by the justice process;
- interviewing child victims and witnesses;
- protective measures applicable in court to assist and protect children;
- balancing a child's rights with the rights of the accused; and
- reparation and other social or psychological assistance available to children.

The trainer should make reference to the situation locally as well as identifying good practice from other countries.

Handouts and well-prepared visual aides should be used to assist participants in understanding the concepts being presented.

#### Application Discussion: (30-45 mins)

Depending on the mix and experience of participants present at the workshop, two discussion topics are suggested:

- 1) The role of referring. The facilitator splits the plenary in to small groups of 4 or 5 participants and gives each a small scenario. For example, a 6 year old child reported by medical staff to have suffered physical abuse at home, it is not established yet who the perpetrator is. The group should then discuss in what ways the child should be referred to which appropriate services. (e.g. social welfare, police, counselling, medical etc).
- 2) Balancing rights. The facilitator splits the participants in to groups of 4 -5 people and asks them to list the rights of the child that should be adhered to during the judicial process (i.e. right to be heard, protection, non-discrimination etc). They should then discuss for each stage of the judicial process what measures should be introduced to ensure these rights are upheld and which agency or agencies should be responsible for this.

### 3) Learning Events:

#### Role Plays Gathering Evidence from Child Victims and Witnesses (45 mins)

After the lecture and discussion the full group is asked what they think an interviewer must be aware of when gathering evidence. These are written on a flip chart.

The group is then divided in to small groups to perform a role play and practice gathering evidence from a child, being aware of the difficulties they just listed. Each small group may choose from one of the following scenarios:

- 1) The initial interview: The group should first decide what crime the child is reporting, whether they are victim or witness, who they are reporting it against, and how old the child is. One or two people then take on the task of being an interviewer who must gather the child's initial report. The task should begin with them planning the interview, carrying it out, and then deciding which, if any, services the child should be referred on to.
- 2) Cross-examination in court: Two people take on the task of being lawyers in a court room setting, one for the defence and one for the prosecution. They should decide on the details of the situation such as, is the child a victim or witness, what the crime is, who the accused is and if they are related to the child, and how old the child is. They should then each take a turn interviewing the child, remembering it is their job to protect their client. Another member of the group should take on the important role of the judge to oversee the proceedings and step in where appropriate.

#### **Discussion** (30 mins)

A selection of the smaller sub-groups is then asked to present to the plenary a full description of the situation and then perform their role play. Once this is complete the trainer can facilitate other participants commenting on the group's situation, where they did well and where they could improve. This must be closely monitored by the trainer to ensure that there is effective analysis of the situations by the whole group and that this does not slip in to negative criticism as this may discourage others from participating.

Once the participants have offered their comments, the trainer can refer back to the list made before the role plays took place regarding what they thought an interviewer must be aware of when gathering evidence from a child either at an initial interview or whilst gathering testimony. They can then go through the list and discuss whether or not they thought that the role plays adhered to these items, or whether there were items which were forgotten.

Finally, once the role plays have been discussed, the trainer can distribute Handout 2 from the Handbook to participants to read through. Once they have done this, the trainer can ask the group if they have any comments regarding the interview script they have been given, and what are the key lessons that have been learnt from the situations that can be applied to real-life situations.

#### **4) Closing** (10 min):

The trainer reviews the activities undertaken in the course of the workshop and discusses how they have accomplished the objectives set out at the start. Brief discussions on how they may apply what they've learnt in the workshop in to their working life,

Participants should be thanked and time should be allowed for any final questions before passing out a written workshop evaluation.

# VICTIMS AND WITNESSES: HANDOUT 1

## Case Study: Very Young Children as Victims or Witnesses

Ana is an 8 year old girl who had made reports to her foster carer that she had been sexually abused. On an initial interview with a police officer she denied that the man had touched her. However, two months later during a session with a child psychiatrist she had been referred to, she revealed the reports again. She was subsequently questioned by a specially trained police officer, which was video-recorded and where she confirmed the allegation. After contradictory evidence from two psychologists working for the prosecution and the defence, the video was admitted as evidence in the case against the accused. A year after the initial evidence recording, the child appeared in court to give testimony. The girl was taken on an advance tour of the courtroom to try and put her at ease.

She gave her additional testimony through video-link technology with a support person beside her. However, due to technical issues she was not called until late in the afternoon when she was getting tired, having been in the courthouse for around 7 hours. Before providing the court with her testimony she, and the court, watched her pre-recorded video evidence from her initial police interview.

Due to the need to test the truth of the evidence, and the country having an adversarial justice system, a cross examination took place. She was questioned by barristers, who had removed their wigs and used their first names, but still wore their gowns. Despite official guidance for lawyers questioning young witnesses instructing them not to use irrelevant, intimidating or repetitive questioning, some of the questions put to her were grammatically complicated and questions repeated when she did not answer.

The legal test in the country for allowing a child's testimony to be admitted is simply whether or not the child can understand and be understood.

## Discussion Questions

- 1) What were the positives and negatives of how the child was treated throughout the process?
- 2) What must be done to make the giving of evidence more child-friendly? With whom does the responsibility of making these changes lie with?
- 3) In your country, who would be the appropriate child victim's support person?

## VICTIMS AND WITNESSES: HANDOUT 2

### Practice Interview Script

*Guidance on Interviewing Child Witnesses in Scotland: Supporting Child Witnesses Guidance Pack<sup>1</sup>*

<http://www.scotland.gov.uk/Publications/2003/09/18265/27033>

Interviewers can modify the content according to the particular child's needs and adapt to make it age appropriate.

#### **Introduction and Rapport**

**Lead interviewer:** "Hello [child's name], my name is ----- . I am a police officer/social worker/etc. Part of my job is to listen to children and youths about things that may have happened to them, to give them a chance to describe any worries they may have".

*[Second interviewer introduces him or herself too]*

**Second interviewer:** "I will be writing things down today, because what you say here is important and I want to be sure I remember it properly."

*[Obtain consent if haven't already done so. Also, answer any spontaneous questions the child asks at this point.]*

"Before we begin, there are some things I want to go over with you."

"Firstly, I am here mainly to listen. I'll be asking you to tell me about things that have happened to you but this is your chance to do most of the talking."

(Pause)

"I don't know what happened, I wasn't there, so I'll need you to help me understand everything. Even if you think I already know something, you should still tell me. Have I explained that properly?"

(Pause)

"Now, I might ask some questions that you don't know the answers to. That's OK. This isn't like school - you know if a teacher asks you a question and you say you don't know, what does your teacher say to you?"

(Child: "They say I should try or guess the answer.")

"Well I don't expect you to know all the answers. If you don't know, just say "I don't know". Let's practice that. If I say, 'What day is my birthday?' you should say..."

(Wait for child's response)

"That's right. Also, if you don't remember the answer to something, it's OK to say, 'I don't remember'."

<sup>1</sup> <http://www.scotland.gov.uk/Publications/2003/09/18265/27033>

"Now, I might ask you some questions today which you don't understand or seem a bit 'strange'. I'll try not to, but if I do, I want you to say, 'I don't understand'. Then I can try to put it another way. So, if I say, 'How many wegs are in a wug?' you should say..."

(Wait for child's response)

"That's right. You should not try to guess the answers. If a question doesn't make sense, just tell me. Also if I make a mistake, or get something wrong, I want you to tell me. For example, if I say, 'So do you like being 7 years old?' you should say, 'I'm not 7 years old, I'm 5 years old' because that is how old you really are. Let's practice with another example. If I say your daddy is called X, you should say..."

(Wait for child's response)

"Yes, your daddy is really called Y. Always correct me if I say something wrong".

"Now, I might ask you the same question more than once today. Or, I might ask you a question that someone else has already asked you. That doesn't mean that you gave the wrong answer the first time. It's just to help me remember what has been said. So if I do ask a question again, just tell me the truth, because that is very important".

(Pause)

"I want you to tell me the truth. Not what someone else has told you to say. I don't want you to make anything up. Only tell me what really happened to you - what you saw with your own eyes, what you heard with your own ears, smelled with your own nose, and tasted with your own mouth. Will you do that?"

### **Building a Rapport**

"So far, I've done a lot of talking. But from now on today, you shall be doing most of the talking. Why don't you tell me a bit about yourself and your family?"

(Wait for child's response)

"And what else can you tell me about your family?"

(Wait for response)

"What do you enjoy doing?" (Child: "Watching television".) "Tell me all about your favourite television programme."

(Wait for response)

"Not long ago, we celebrated an event called ----- [e.g. Christmas]. Tell me how you celebrated [the event]" .

(Wait for response)

"What else can you tell me about [the event]?"

(Wait for response)

"Think again about [the event]. I would like you to tell me everything that happened, from when you got up that morning right through until when you went to bed that night."

[If the child only speaks briefly then prompt with, "And then what happened?". Also, probe for details of each item mentioned by the child. For example if the child says, "We opened presents" then say, "Tell me everything that you can remember, every detail, about you opening your presents."]

(Wait for response. Then to conclude...)

"Wow, it sounds like you had a great [event]!"

### **Obtaining Relevant Information: Free Recall**

[Provide quick reminder of ground rules]

"Now, it's time to talk about something else, the reason you are here today. Do you know why you are here today?"

[If the child refers to, or makes, an allegation then repeat that allegation and ask the child to expand on it with more detail:]

"OK, so [briefly summarise the main offence/problem that the child has just disclosed]. I want you to tell me everything that happened; from the very beginning to the very end, as best you can remember."

[On the other hand, if the first request does not elicit any relevant response then proceed through the hierarchy of prompts below:]

"Tell me why you are here today";

"I heard you said something to your teacher/friend/mummy last week. Tell me everything you can about that";

"As I told you, my job is to talk to children about things which may be troubling them. It is very important I understand if anything is troubling you. Tell me why you think [the carer] has brought you here today."

[When the child does refer to the allegation, encourage them to give a free narrative using appropriate open-ended questions, follow-ups and prompts when the child stops]  
e.g. "Tell me everything you can about that", "Then what happened?", "uh huh", "go on", "You said ----- . Can you tell me more about that, please?"

### **Obtaining Relevant Information: Questioning**

[Once it is clear that the child has finished their free narrative, establish whether the event described was a one-off or a repeated event:]

"Did that happen one time or more than one time?"

[If the child replies, "one time" then draw the child's attention back to a particular salient detail that they talked about. Refer to that, and other details where necessary, to obtain a fuller account/clarification]

"You said earlier that ----- . Please tell me/explain/describe..."

[If the child says it happened more than once:]

"Think back to: the time you remember best/the first time/the last time. I want to understand what happened, from the very beginning to the very end."

[After the child has finished talking about event no. 1, continue with open-ended prompts, e.g. "And then what happened?", "What else can you tell me about that?" Once the child has finished talking about that incident, ask about other salient ones and try to obtain as much detail about each]

[Finally, ask, "Is there another time you remember well? Tell me about that time, from the very beginning to the very end", using the prompts above to elicit additional information]

[If more evidentially important details are required from the child, e.g. about the offender's appearance, then probe for them at this stage with specific "Wh-" questions wherever possible.]  
e.g. "What did the man look like?" [Wait for response then follow-up with] "Tell me more about this man, everything you can remember."

### **Closure**

[After summarising the main points of the child's statement and having conferred with the second interviewer, ask:]

"Is there something else I should know?"

(Wait for response)

"Is there something else you want to tell me?"

(Wait for response)

"Do you have any questions you'd like to ask me?"

(Wait for response)

[After this discussion, provide the child with contact names/addresses/numbers. Then say:]

"Thank you for taking the time to talk to us today, -----. I'm going to take you back to [your mum/dad/other person] in just a minute. What are you going to do once the interview is over?"

(Wait for response)

[If the child says for example that they are going to go home, ask:]

e.g. "Are you going to watch some TV?" or "Are you going to have something to eat?"

(Wait for response)

"What is your favourite TV programme/food?" [and so on until the child is calm and relaxed and ready to leave]

# CHAPTER 6: TRIAL AND SENTENCING

## TRIAL AND SENTENCING: HANDOUT 1

### Case Study: Destruction of Property

Bobi is charged with destruction of property.

Bobi is 17 and lives in a suburb of a major city. He was arrested for vandalising a nearly finished, but still unoccupied, home during an unauthorised party of more than 100 teenagers. According to reports in the media, three other local children – ranging in age from 17 to 21 – had distributed flyers in the area, announcing a party at €5 a head on a Saturday night. An unoccupied home (owned by a couple unrelated to any of the organisers) was listed on the flyer as the party’s location. Scores of teenagers showed up and during the course of the night caused approximately €50,000 in damage. They broke dozens of windows, kicked and punched holes in the walls and ceilings, and urinated on appliances.

The police arrested approximately a dozen children, one of whom identified Bobi as being one of the partygoers who smashed in windows with an American Football helmet. Bobi has never been arrested before. He lives with his parent and two younger siblings. He is an average student and plays American Football to which he is very committed. Both of his parents are employed. Bobi says that he had not seen the flyer advertising the party, but heard about it from one of his friends. He arrived at the party at around midnight with some of his team-mates. When he got there the party was in full swing. He admitted that a number of people appeared drunk and some people were urinating in the living room.

Bobi says he and his team-mates drink regularly on the weekends, but that night he probably drank more than he usually did. He explained that he did not go into the party intending to do any harm. He remembers his team-mate Toni was joking around, wearing his American Football helmet while he danced. Bobi remembers taking the helmet off Toni’s head, and then swinging it into a glass window; before he knew it, he was smashing a number of windows. Bobi says that he never would have done anything like that if he had not been so drunk. Bobi says he knew that they were in the house without the owners’ permission.

Bobi’s parents are shocked. They did not know where Bobi was that night; they do not keep tabs on Bobi or give him a curfew because they say “he has always been a good kid”.

### Discussion Questions

- 1) What do you think would be an appropriate sentence?
- 2) What are your reasons behind this?

## TRIAL AND SENTENCING: HANDOUT 2

### Case Study: Arson

Josif is 14 years old and charged with arson. According to the police report, witnesses saw Josif and a 13-year-old boy throwing lit matches into a shopping centre's rubbish bin earlier that evening. The rubbish bin fire spread to the adjacent toy shop, causing extensive damage to the exterior walls. When he was arrested in front of his house later that evening, Josif made a statement to the police that he had been looking for toys in the bin with his friends, and that another boy who was with him had thrown the matches into the bin. He made a second statement at the police station that they had just lit the matches to see better into the bin because it was dark out, and one of the matches had fallen in. Josif has two prior adjudications: one for unauthorised use of a vehicle (passenger) when he was 12 and a second for destruction of property (for vandalism in a local playground) last year. Josif lives at home with his mother, who says that Josif gets in to trouble a lot, but that she wants him home with her.

Josif grew up with his mother; his father had no involvement with him until last summer. Josif has been in special education since the age of five because of emotional problems and a learning disability. He was put in to mainstream schooling last year, but is doing very poorly and is very frustrated with his schoolwork, according to his mother. Josif has problems with school attendance, missing classes to go to the arcade and out in the neighbourhood. His mother reports that Josif is good at fixing things around the house, like the radio, and Josif says he would like to study electronics. School records show that Josif has tested well for activities that require visual-motor coordination, but he does poorly in maths and has poor verbal skills.

Josif has been involved in therapy since primary school because of his behavioural problems. He admits that he has a problem controlling his anger, which leads to his arguments and fights with his peers. Josif also has problems in school, where his record shows that he has shouted at teachers and punched walls. Josif said that he is afraid of crowds and feels that other kids try to hurt him for no reason. He reports that his mother often screams at him and threatens to place him in foster care. Josif currently takes medication for depression.

### Discussion Questions

- 1) What do you think would be an appropriate sentence?
- 2) What are your reasons behind this?

# CHAPTER 7: DETENTION

## SAMPLE TRAINING WORKSHOP

### **Purpose:**

To promote the principle that detention should only be used as a last resort and the shortest time period possible, and that all children deprived of their liberty must be properly cared for, and have all their rights and needs upheld.

### **Objectives:**

By the end of this training module the participants should be able to:

- Describe what practical measures can be taken to protect detained juveniles from violence and exploitation.
- Explain what measures prison staff can take to promote juvenile detainees' education, skill development, and reintegration into society.
- Be able to identify the primary international and domestic standards that address the treatment of prisoners who have mental health issues.
- Be able to identify the provisions of international and domestic law that prohibit torture, abuse, and ill-treatment in all aspects of prison work.

### **Participants:**

Members of the police, public prosecutors, judiciary, probation, and social welfare professionals engaged in working with young people in detention.

**Time Required:** 4 – 4.5 hours

### **Reference and Preparatory Materials:**

- 1) The UN Factsheet on Justice for Children, the Convention of the Rights of the Child (CRC), 1989; Guidance Note on Justice for Children, UN Secretary General 2008; Guidelines of the Council of Europe on child-friendly justice 2010; UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990; UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985; and the UN Guidelines for the Prevention of Juvenile Delinquency, 1990.
- 2) The country's Juvenile Justice Law 2007; Criminal Code 1996; Institute for Social Activities Guidelines for the Team of Experts in Centres for Social Work with Children at Risk and Juvenile Perpetrators of Criminal Acts 2009; Law on the Execution of Sanctions 2006 and subsequent by-laws.
- 3) Preparatory analysis to familiarise themselves with the situation in the country and the extent to which detention is used for children. It will also be useful to be able to compare the extent to which detention is used in this country with other countries in the surrounding area.

### **Training Materials:**

- 1) Flip charts or whiteboard, markers
- 2) Relevant reference materials
- 3) Written workshop evaluation forms

## Workshop Agenda/Outline:

### 1) Introduction (10 min)

Introduction of the workshop, agenda, objectives, participants, and their expectations. Explain the definition of detention and what is meant by children deprived of their liberty.

### 2) Foundation: (1.5 hr)

#### Facilitated Discussion: The who/what/why of detention (10 min)

The facilitator poses the following question to the participants:

- What types of detention facility are there in the country? Do you think these are the right types of detention facility?
- Who are the children who are usually detained in these facilities? (What are their sentences, vulnerability issues and what risk do they pose to the public?) Do you think these are the right types of children to be detained?

#### Short film: Kids Behind Bars (10-15 min)

The participants are shown extracts from the film Kids Behind Bars.

#### Child's journey: (45 min)

The group works together to chart the journey of a child through the process of being detained. The facilitator asks the participants to identify the whole journey from receiving their sentence in court, through to being transported to their detention facility, their induction, their first night, meeting the other children, planning their sentence, meeting the professionals, through to preparing for release and reintegration. The facilitator should draw the child's journey on a flip chart so the whole group can see it.

As the participants explain the child's journey the facilitator should probe the participants, asking how the child is feeling at each point in the journey, and how they as professionals can make the experience one that feels less intimidating. The facilitator should ask for example what effect the condition of the institution will be on the child as they enter, from dilapidated buildings, bars on the windows or insufficient bedding. The facilitator should help to explore with the participants how they can make the environment a 'child friendly' environment even if they cannot change anything structurally about the building.

#### Small Group Activity 1: Sentence Planning (45 min)

Participants are divided into small groups with 4-5 participants in each. If possible each group should contain a mixture of different professions and so the facilitator will need to split the participants into groups rather than allow them to choose who they want to work with.

Each group will be tasked with writing a sentence plan for the child in the case study (Handout 1). First they will have 10 minutes to read the case study and discuss the issues that they see are important to address during the time this child is in custody.

They will then have 15 minutes to write the objectives of the sentence plan. They must be reminded that objectives need to be SMART (Specific, Measurable, Achievable, Relevant, and Time-bound: see Chapter 10 of the Manual on Justice for Children in Practice). A good sentence plan:

- Prepares the child for their eventual release,
- Incorporates and plans for any vulnerabilities that the child has and any protection measures that should be put in place,
- Addresses the risks that they pose to themselves, others or society,
- Ensures that have a full educational and vocational timetable.

Once completed, the group need to choose a representative to present their plan back to the rest of the group. The facilitator and the group will then be able to establish to what extent the plan is SMART and addresses all the needs of the child in the case study.

### **3) Learning Events:** (1.5 hrs.)

#### **Role Plays/presentation:** International standards in detention (65 min)

The participants must be split into five groups and each given a topic:

- The rights and needs of girls in detention
- The importance of education and vocational training
- Helping children maintain good contact and relationships with their family
- How to prevent bullying and safeguard children
- Appropriate discipline measures

Each team is to look at the key international standards relating to their topic and devise a 5 minutes presentation and/or role play to explain to the rest of the group why it is important that the international guidelines be followed.

The teams will be allowed 40 minutes to prepare their presentation/role play. All members of the team must be involved in the role play/presentation and they are allowed to use props or make posters to support their presentation.

Each team will then be given 5 minutes to convince the rest of the group why their topic is the most important topic. At the end of the presentations the participants get to vote on which presentation was most convincing. Following the announcement of the winner there is then a short discussion regarding why their presentation was the most convincing and what lessons could be learned by others.

#### **Application Lessons:** (20 min):

Once all of the groups have presented their role-plays and all the lists on the flip chart have been reviewed. The trainer and participants work together to identify:

1. When each of the five issues are most relevant at different stages of the journey of the child through the detention process
2. The importance of each of these topics in terms of the child leaving custody and being reintegrated into society.

Finally, the facilitator gathers the views on the participants about what types of things they would expect children in detention to report to them if they had received a good experience in detention (e.g. that it felt like a home, that the staff cared for them, that they learned a skill).

### **4) Closing** (10 min):

The trainer reviews the lists developed in the course of the workshop, including the what/who/why of detention at the beginning. The conclusions from the workshop are synthesised and the group asked what changes they would like to see in their own detention system and, where appropriate, how they might begin to bring these about.

Participants should be thanked and time should be allowed for any final questions before passing out a written workshop evaluation.

# DETENTION: HANDOUT 1

## Case Study: First time in custody

Zoran is a 16 year old boy who has just been sentenced to 2 years in a child detention facility. He committed his first crime at the age of 12 when he was convicted of theft of a car with some friends from his neighbourhood. He has been convicted of 5 further crimes since then: two further counts of theft of motor vehicles; possession of an offensive weapon (a knife); and two counts of street robbery. The offence for which he has just been convicted is a violent robbery. He robbed another young man in his neighbourhood at approximately 10pm in the evening by threatening him with a knife. The young man struggled with him and a fight ensued. As a result Zoran stabbed the young man in the leg before taking his wallet and phone. The victim was found by a passer-by who called for the police and an ambulance. Zoran was arrested the following day by the police.

Zoran lives with his mother and his father. He has an older brother (aged 21) and sister (aged 18) and three young siblings – two boys (aged 7 and 9) and one girl (aged 3). His older brother is currently in custody and his father had also been in custody when Zoran was between the ages of 9 and 13. Neither his dad nor his mother work. All his siblings have witnessed their father hitting his mother but only his oldest brother has actually been hit by his father. His mother is on medication and is very depressed most of the time. Although his sister used to take over many of her tasks and help her a lot, she recently left the family home to live with her boyfriend and they have not seen her for 6 months. Since then Zoran has taken on the care giving role she was playing in the home.

This is Zoran's first time in custody. He is worried about his family: he is worried that his dad will take out his being in custody on his mother and is upset that he will not be able to protect his little brothers and sisters from seeing the violence. He also feels guilty that he is not there to help his mother look after his siblings and is angry at his sister for abandoning the family. He has not disclosed to any of the professionals that has interviewed him about his home life as he does not think it is any of their business. Nevertheless, his worries keep him up at night and he has difficulty sleeping.

When asked about his crime he says he does not feel guilty as he said that the victim would not have been hurt had he not struggled with him. He does not view street robbery in itself as a problem as he himself has been mugged before and says that he "got over it". Zoran has not attended much education in the past but does have a basic understanding of maths and English and particularly likes art. Whenever he had spare time before he was arrested he would go to the cinema and hang out with his friends in the park.

## Discussion Questions

- 1) What do you think are the main issues that need to be addressed with Zoran during his sentence?
- 2) Which do you think are the most important and why?
- 3) What types of programmes and/or interventions would you use to address these issues?
- 4) In what ways can his worries about his family be addressed?

# CHAPTER 8: INDEPENDENT MONITORING MECHANISMS

## SAMPLE TRAINING WORKSHOP

### Purpose:

To promote the importance of having independent monitoring mechanisms, their different structures, and how they ensure justice for children.

### Objectives:

- 1) To become familiar with the international and regional standards relating to independent monitoring of detention facilities;
- 2) To identify the different kinds of independent mechanisms that can carry out monitoring duties;
- 3) To learn about some of the practical elements for monitoring;
- 4) To learn how inspection reports can make successful recommendations and be used as an advocacy tool for change.

### Participants:

Members of the prison staff, inspectors, judiciary, children's commissioners, civil society groups and social welfare professionals engaged in either inspecting institutions where children are detained or managing these facilities.

**Time required:** 3 – 3.5 hours

### Reference and Preparatory Materials:

- 1) UN Convention of the Rights of the Child (CRC), 1989; Guidance Note on Justice for Children, UN Secretary General 2008; Guidelines of the Council of Europe on child-friendly justice 2010; OPCAT, 2002; UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990; and other relevant international standards pertaining to justice for children.
- 2) Any relevant national legislation, guidelines or best practice.
- 3) Preparatory analysis to identify which, if any, organisations currently undertake inspection or visiting functions in the country, the frequency of inspections, and the effectiveness of the recommendations made.

### Training Materials:

- 1) Flip charts or whiteboard, markers
- 2) Relevant reference materials
- 3) Written workshop evaluation forms

### Workshop Agenda/Outline:

#### 1) Introduction (10 min)

Introduction to the workshop, agenda, objectives, participants, and their expectations. It should be explained what independent monitoring mechanisms are and how they help provide justice for children.

## 2) Foundation: (1 hr):

### **Facilitated Discussion:** Independent Monitoring Mechanisms (15 min)

The trainer poses one, or both, of the following question to the participants: “What individuals or organisations are currently able to inspect places where children are deprived of their liberty?”, or, “How does inspecting places where children are deprived of their liberty improve justice for children?” The facilitator notes the group’s responses on the flip chart.

### **Short lecture:** Independent Monitoring Mechanisms (10-15 min)

From the Manual, reference materials from other sources discussed above, and the facilitator’s own knowledge of the situation in the country, the trainer presents a short, interactive lecture on independent monitoring mechanisms covering: what they are, the different types of monitoring bodies, the key principles for monitoring and the practical elements of inspections. The trainer should make reference to the situation locally and how different types of monitoring could be applied in the country.

Handouts and well-prepared visual aides should be used to assist participants in understanding the concepts being presented.

### **Application Discussion:** (25 – 30 mins)

At the end of the lecture, the trainer asks the group the following question to begin a discussion:

If you were reporting on the conditions of detention in your country, what would be the things that you would want to find out?

The facilitator can lead this in to a wider discussion on:

Which kind of monitoring would be most appropriate for the country?

How could current monitoring teams be improved? Would financial resources be needed to achieve this?

## 3) Learning Events: (2 hrs)

### **Case Studies and Discussion** (1 hr)

After the lecture and discussion the full group is asked what problems they think an inspection team may encounter in the course of trying to carry out their role. These problems are written on a flip chart.

The group is then divided up in to small groups of around 4 – 5 people and each group is asked to discuss one of the problems/situations on the flip chart in detail. For example, a complete description of the problem including how it may arise in a real-life situation, all those who may be involved or affected by it and what possible solutions they could put forward to solve it. *Alternatively, the trainer can use the case studies provided at the end of the Chapter in the Manual for the groups to discuss.*

The group is then asked to present to the whole group the full description of their situation and the solutions they have generated for it. Once this is complete the trainer can facilitate other participants offering up solutions to that group’s situation or commenting on their solutions. This must be done carefully to ensure that there is effective analysis of the solutions by the whole group and not negative criticism as this may discourage others from participating.

### **Writing Effective Recommendations** (30 – 45 mins)

The participants are split in to small groups who will act as inspection teams. Each one is provided with a handout about a certain juvenile detention facility and a report on its physical conditions, the programmes it offers and its staffing. This should be prepared by the trainer beforehand and be tailored to the relevant country and where possible, using correct names of facilities and describing real conditions reported by NGOs or current inspection teams.

The inspection team is then asked to discuss the methods that they would use to try and ascertain the conditions of the facility. The facilitator should encourage them to use both quantitative and qualitative methods and consult with a variety of different groups. They will have 10 minutes for this discussion.

Following this, the teams have 20 minutes to devise a list of appropriate recommendations, which are prioritised and aimed at the correct level of authority (i.e. prison governor, local council, central government minister). Once they are happy with the recommendations, each group writes their recommendations on a flip chart or board. All the participants are then asked to go round the room and read the recommendations from each group (and the report on conditions) and place either a tick (indicating agreement with the recommendation and target level of authority), a cross (indicating disagreement), or a question mark (indicating a lack of understanding). Once this is done, the trainer and participants go through each group's board and discuss the disagreements and clarify the question marks.

**Application Lessons:** (15 min):

Once all of the groups have presented their situations, the trainer and participants work together to identify key lessons that could be extracted from these situations that can be applicable to multiple real inspection situations and how these situations can be prevented in the first place.

**4) Closing (10 min):**

The trainer reviews the activities undertaken in the course of the workshop and discusses how they have accomplished the objectives set out at the start. Discussions on how action could be taken forward are synthesised and reviewed with the participants confirming their commitment.

Participants should be thanked and time should be allowed for any final questions before passing out a written workshop evaluation.

# INDEPENDENT MONITORING MECHANISMS: HANDOUT 1

## Case Study: Poor practice at a juvenile facility

Katerina and Faisal are staff members at a juvenile facility on the outskirts of a big city. The children they look after are boys aged between 10 and 14 years old. The children are there because they have committed acts that would be considered a crime if they were above the age of criminal responsibility. It also houses some children who have been living on the streets or involved in prostitution.

Katerina began working at the facility about 4 months ago as a nurse in the detention home hospital. The staff are friendly and the facilities are good but she suspects that there is abuse going on in the home. This is because she often has to administer treatment to boys with severe bruising and sometimes bloody backs and bottoms. The other staff members do not seem to think that these extreme woundings are abnormal and do not even appear to ask the boys how they received them.

Faisal has been working at the detention facility for 3 years and has just been promoted to deputy manager. This job is a significant increase in his status and salary and he is very pleased to get it. The first thing he has noticed is that the manager is very often off sick and so his deputy position requires that he take over a lot of his tasks. Although he is pleased to have this responsibility he sees that the staff do not give him any respect and will not do as he says. They only seem to respect the authority of the manager. Further, Faisal has always suspected that there is malpractice going on and that some of the staff have been beating the boys in the facility.

Three days ago Faisal was given a memo to say that the independent inspectorate would be inspecting the detention facility in 3 days. Two days ago a nurse in the medical wing, Katerina, reported to him that she had just administered care to an unconscious boy who had appeared to be beaten so badly that his underwear had been stuck to his skin with blood. Yesterday, the manager called Faisal to say that he was resigning with immediate effect. The inspection team arrive tomorrow.

## Discussion Questions

- 1) If you were Faisal what would be the first things that you would do when the inspection team arrive? Why?
- 2) If you were a member of the inspection team, how would you get to the bottom of the apparent problems in the detention facility?
- 3) What do you think should be the next steps following the inspection?

# CHAPTER 9: REINTEGRATION

## REINTEGRATION: HANDOUT 1

### Case Study: Plans for release

Anton is 16 and has been in custody for a year. During his time in custody he has attended some education classes but did not enjoy them very much as he was bullied during lessons by some of the other children. Therefore, recently he has stopped going to the classes. Instead he has begun to be interested in electronics. He has found a particular fascination in working with electronic devices and would like to pursue a career in this when he is released from custody. He is due to be released in one week. Unfortunately, he will be leaving before he has had time to complete his electronics course and will therefore also be unable to get the certificate.

So far no plans have been made for his release and he does not even know where he will live. Before custody he was living with his mother who is an alcoholic and has mental health problems. Her behaviour has become more and more erratic whilst Anton has been in custody and he is now unsure where she is living. He fears she is living with her ex boyfriend who was abusing her and he knows he will not be able to live with her in her boyfriend's home.

### Discussion Questions

- 1) What are the issues that need to be addressed to prepare for Anton's release into custody?
- 2) How would you prioritise these needs? What needs to be addressed most urgently?
- 3) How should Anton's release had been properly planned earlier? What would you have done if you were planning it:
  - a) at the sentencing stage?
  - b) half way through his sentence?

# CHAPTER 10: PUTTING JUSTICE FOR CHILDREN IN TO PRACTICE

## PUTTING JUSTICE FOR CHILDREN IN TO PRACTICE: HANDOUT 1

### Case Study: Age of criminal responsibility

You are working for a charity that works with children who are at risk of coming into conflict with the law. You are a long standing organisation with a good reputation and have the ear of a number of prominent politicians and people in the media. You have achieved good work with troubled children helping them to improve their anti-social behaviour. Your organisation stands for children's rights and you have a major campaign to increase the numbers of children dealt with outside the criminal justice system.

The current age of criminal responsibility in your country is 14. The general public have not paid much attention to the age of criminal responsibility and there has been very little debate concerning whether or not it is appropriate and in line with public opinion. However, a recent event has caught the public's attention. Two boys, aged eleven and twelve years old, raped and murdered an 8 year old girl from their neighbourhood. The children had been friends and had all been playing together in a field. The details of what happened during the incident are as yet unknown but the girl was found 3 hours later with bruises to her body having been sexually assaulted and then strangled.

Your organisation had just begun working with one of the boys on a prevention of crime project. This twelve year old boy had been referred to your programme due to his increasingly alarming and violent behaviour in school. His teachers were unable to control him and were unable to reach his parents. Since working with him you have discovered that his father physically and sexually abused him from the age of 3 to the age of 5 when he left the home and that his mother is a heroin addict who appears to completely neglect him. Before he committed the murder you had been trying to find him alternative accommodation in a safe place, however nothing had come of this before he was discovered to have raped and killed the girl and been detained in a children's home.

Now the general public's outcry at this event has sparked off a campaign to lower the age of criminal responsibility in the press. The public seem to be demanding that these two boys are dealt with in the criminal justice system. Further, your organisation is coming under criticism in the right wing press for having failed to prevent the rape and murder.

### Discussion Questions

- 1) Why do you think the general public wants a change in the age of criminal responsibility?
- 2) What are the key challenges facing your organisation at this time?
- 3) How will you defend your organisation against the criticism that its programmes are not working?
- 4) How would you advocate for the continued existence of an age of criminal responsibility which is at the age of 14?

## PUTTING JUSTICE FOR CHILDREN IN TO PRACTICE: HANDOUT 2

### **Story of a Successful Advocacy Campaign Raising the Age of Criminal Responsibility in Georgia**

#### **Background**

In 2007, Georgia passed a law that lowered the minimum age of criminal responsibility from 14 years to 12 years. This was due to an increase in juvenile delinquency in the country (although no evidenced increase in juvenile delinquency for children under 14) and the government adopting a 'zero tolerance' policy approach to juvenile crime.

#### **Advocacy Steps**

PRI took part in this advocacy work to get the Georgian government to raise the ACR back up to 14 years alongside local NGOs in Georgia, and international NGO Human Rights Watch. Not part of the network, but also advocating for this on their own behalf, were other actors including UNICEF.

PRI:

- Made joint press releases that were widely circulated
- Addressed the President of Georgia
- Raised the issues at various events including roundtables and bilateral dialogues with relevant government authorities.

At each of these points reference was made to the recommendations from the UN CRC on Georgia's third periodic report (2008) on this issue.

#### **Outcome**

In February 2010, Georgia raised the minimum age of criminal responsibility back up to 14 years.

# REFERENCES AND FURTHER READING

## International and regional standards and guidelines

Code of Conduct for Law Enforcement Officials, 1979

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984; and its Optional Protocol, 2002

UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985

Declaration of Basic Principles of Justice for Victims of Crime and Abuses of Power, 1985

Convention on the Rights of the Child, 1989

UN Guidelines for the Prevention of Juvenile Delinquency, 1990

UN Standard Minimum Rules for Non-custodial Measures, 1990

UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990

UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters, 002

Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, 2005

Guidance Note of the Secretary General – UN Approach to Justice for Children, 2008

Guidelines of the Council of Europe on Child-friendly Justice, 2010

UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, 2010

*These resources can be found on the website of the UN Office of the High Commissioner for Human Rights ([www.ohchr.org](http://www.ohchr.org)) or the Council of Europe ([www.coe.int](http://www.coe.int))*

## Further reading and additional training materials

Association for the Prevention of Torture (2004) *Monitoring Places of Detention: A Practical Guide*

Cipriani (2009) *Children's Rights and the Minimum Age of Criminal Responsibility: A Global Perspective*

Commonwealth Secretariat (2006) *Commonwealth Manual on Human Rights Training for Police*

European Crime Prevention Network (2006) *A Review of good practices in Preventing Juvenile Crime in the European Union*

Goldson, B. (2008) *Dictionary of Youth Justice*

ICPS (2004) *Guidance Notes on Prison Reform*

International Centre for Prison Studies (2009) *A Human Rights Approach to Prison Management*, 2<sup>nd</sup> edition

Junger-Tas et al. (eds) (2006) *International Handbook of Juvenile Justice*

Penal Reform International (2001) *Making Standards Work: An International Handbook on Good Prison Practice*

Penal Reform International (2004) *Human Rights and Vulnerable Prisoners Training Manual*

Penal Reform International (2007) *Juvenile Justice Manual*

Penal Reform International (2010) *Making Law and Policy that work: A Handbook for Law and Policy Makers on Reforming Criminal Justice and Penal Legislation, Policy and Practice*

Penal Reform International (2011) *Safeguarding Children in Detention: Independent Monitoring Mechanisms for Children in Detention in MENA*

Save the Children UK (2006) *Juvenile Justice: modern Concepts of Working with Children in Conflict with the Law*

UN OHCHR (2001) *Training Manual on Human Rights Monitoring*

UNICEF (2007) *Implementation Handbook for the Convention on the Rights of the Child: 3<sup>rd</sup> Edition*

UNICEF (2010) Good practices and promising initiatives in juvenile justice in the CEE/CIS region: A UNICEF catalogue of practices documented through the Juvenile Justice Critical Mass initiative

UNICEF/PRI (2007) *Juvenile Justice Manual*

UNODC (2006) *Handbook on Restorative Justice Programmes*

UNODC (2006) *Manual for the Measurement of Juvenile Justice Indicators*

UNODC (2007) *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*

UNODC (2010) *Handbook for Prison Leaders*

UNODC/UNICEF (2007) *Manual for the Measurement of Juvenile Justice Indicators*

UNODC/UNICEF (2009) *Handbook on Justice in Matters involving Child Victims and Witnesses of Crime*



## ANNEX II: SAMPLE 4-DAY TRAINING WORKSHOP AGENDA

DAY 1			
Time	Session	Purpose	Mins
09.00	<b>Introduction/ Expectations</b>	Overview of the workshop, objectives, introduction to the training team, introduction of participants, expectations	30
09.30	<b>Principles of Justice for Children</b>	To explain the concept of Justice for Children and which children fall under its remit; To identify the primary provisions of domestic, regional and international standards that serve as the foundation of Justice for Children; To understand the basic, cross-cutting principles of Justice for Children, and the underlying concept of Restorative Justice.	90
11.00	Break		
11.30	<b>Children at Risk</b>	To define who is a 'child at risk'; To understand the main international guidelines on prevention; To explain why it is important to establish a national plan for the prevention of children involved in crime (UN policy indicator); To explain the difference between different prevention polices and their strengths and weaknesses.	120
13.30	Lunch		
14.30	<b>Arrest</b>	To explain why it is important for police officers to respect and protect the human rights of children; To explain how children who are suspected of committing a crime should be treated;	60
15.30	Break		
15.45	<b>Arrest ctd.</b>		35
16.20	<b>Closing Session</b>	Evaluation forms	10
16.30	END OF DAY		

DAY 2			
09.00	<b>Diversion</b>	<p>To understand the value of using diversion measures;</p> <p>To know when diversion can be best applied at key stages in the justice process;</p> <p>To list the domestic, international and regional standards regarding diversion of children;</p> <p>To examine what diversion measures can be applied, which institutions should apply them, and how this should be done.</p>	90
10.30	Break		
10.45	<b>Diversion ctd</b>		75
12.00	Lunch		
13.00	<b>Victims and Witnesses</b>	<p>To understand what assistance and protection measures can be used at each stage of the judicial process to reduce harmful effects to the child victim or witness;</p> <p>To understand the importance of effective communication and interviewing skills with children and gain skills in preparing and carrying out interviews with child victims and witnesses, protecting their rights whilst obtaining accurate information;</p> <p>To explain what assistance and social services should be available to child victims and witnesses of crime and when and how they should be referred to them;</p> <p>To understand how a victim's right to reparation can be achieved in practice.</p>	90
14.30	Break		
15.00	<b>Victims and Witnesses ctd.</b>		80
16.20	<b>Closing Session</b>	Evaluation Forms	10
16.30	END OF DAY		

DAY 3			
09.00	<b>Trial and Sentencing</b>	<p>To explain why it is important for police officers to respect and protect the human rights of children;</p> <p>To explain how children who are suspected of committing a crime should be treated;</p> <p>To explain why a preliminary inquiry report is needed in order to assist the court in its decisions regarding child offenders;</p> <p>To list a number of different sentencing options in the community and argue the advantages and disadvantages of each one;</p> <p>To be able to evaluate which of these alternatives to imprisonment would be most suitable for use (or expanded use) in your country and what steps would have to be taken to achieve them.</p>	90
10.30	Break		
11.00	<b>Trial and Sentencing ctd.</b>		60
12.00	Lunch		
13.00	<b>Detention</b>	<p>To describe what practical measures can be taken to protect detained juveniles from violence and exploitation;</p> <p>To explain what measures prison staff can take to promote juvenile prisoners' education, skill development, and reintegration into society;</p>	90
14.30	Break		
15.00	<b>Detention ctd</b>		80
16.20	<b>Closing Session</b>	Evaluation forms	10
16.30	END OF DAY		

DAY 4			
09.00	<b>Independent Monitoring Mechanisms</b>	<p>To list the main international and regional standards relating to independent monitoring of detention facilities and any relevant domestic legislation;</p> <p>To identify the basic principles of monitoring and what practical aspects of detention to inspect;</p> <p>To learn about how inspection reports and effective recommendations can instigate change within an institution</p>	90
10.30	Break		
11.00	<b>Independent Monitoring Mechanisms ctd.</b>		90
12.30	Lunch		
13.30	<b>Reintegration</b>	<p>To discuss when authorities should begin to plan for a child's resettlement;</p> <p>To explain the conditions most likely to prevent a child from reoffending;</p> <p>To understand the different pathways that are important for the resettlement of a child after a period of detention;</p> <p>Prioritise how to design a child's reintegration programme.</p>	90
15.00	Break		
15.15	<b>Putting Justice for Children in to Practice</b>	<p>To enhance understanding of key issues essential for bringing about effective delivery of justice for children;</p> <p>Facilitate action planning for change through inter-agency discussions and dialogue.</p>	90
16.45	<b>Closing Session</b>	Evaluation forms	10
17.00	END OF DAY		

## ANNEX III: SAMPLE EVALUATION FORM

Training Site:

Audience:

Date:

Trainers:

### Justice for Children Workshop Workshop Evaluation Form

Please complete the following evaluation form so we can improve this training.

Name (optional): \_\_\_\_\_

Occupation: \_\_\_\_\_

Please circle to what extent you agree or disagree with the following statements:

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
1. The subject matter was adequately covered	1	2	3	4	5
2. The content was relevant to my work	1	2	3	4	5
3. The programme was well-paced	1	2	3	4	5
4. The materials were useful	1	2	3	4	5
5. The participants were encouraged to take an active part	1	2	3	4	5
6. The programme met my individual objectives	1	2	3	4	5
7. I would recommend this programme to my colleagues	1	2	3	4	5

Please rate the following, as applicable (1=poor to 5=excellent).

8. Meeting space	1	2	3	4	5
9. Meals/refreshments	1	2	3	4	5
10. Overall organisation	1	2	3	4	5

11. Individual Workshop Sessions:

Please rate the following, as applicable (1=poor to 5=excellent)

	Content	Delivery of presentation	Exercises	Additional comments
1: Principles of Justice for Children				
2: Children at Risk				
3: Arrest				
4: Diversion				
5: Victims and Witnesses				
6: Trial and Sentencing				
7: Detention				
8: Independent Monitoring Mechanisms				
9: Reintegration				
10: Putting Justice for Children in to Practice				

12. Was the workshop length:             sufficient?             too short?             too long?

13. Were there:             just enough participants?             too few?             too many?

14. What are the 3 most important things you learned during the workshop?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

15. Which sections of the workshop were least helpful?

16. What suggestions do you have for improving this training workshop? (If you need more space, please use the back of this form.)

17. What is your overall rating of this course?

Excellent             Very good             Good             Fair             Poor

18. After attending this workshop, in what ways do you think you can improve the implementation of justice for children principles in your agency and your professional working with children?

19. What further training would help you to improve the role you play with respect to justice for children?

20. Do you have any other comments? (If you need more space, please use the back of this form.)



