

UNICEF & Penal Reform International 2006

JUVENILE JUSTICE

Training

Manual

**Facilitator's Guide
and Participant's Materials**

**JUVENILE JUSTICE
TRAINING MANUAL**

**FACILITATOR'S GUIDE
AND
PARTICIPANT'S MATERIALS**

INTRODUCTION

The administration of juvenile justice is of practical relevance to the various legal systems around the world. It reflects the interests of society to promote the rule of law and aims to reintegrate the child accused of infringing the law.

Juvenile justice does not just cover situations where a conflict with criminal law has arisen. The topic includes many issues including; delinquency prevention, law enforcement, adjudication and rehabilitation. It is a key area of social policy, dealing with a growing number of children who have been marginalized and displaced by socio-economic changes. How these children are treated by the justice system is a critical factor in determining how they will be reintegrated into their families, schools and communities.

The scope of international standards relating to juvenile justice, influenced by the Convention on the Rights of the Child, reflects these realities. Most of the Convention's provisions are directly relevant to juvenile justice. Respect for rights such as the right to; education, health care, protection against abuse and exploitation, appropriate information, an adequate standard of living and appropriate moral guidance helps to keep children from becoming involved in crime and is essential when dealing with those who come into conflict with the law.

It is clear from research that institutionalization is an extremely painful process for any child, it is damaging for the child's development and counterproductive for his/her socialization. There is also a widespread agreement that deprivation of liberty is rarely an effective measure in terms of rehabilitation, reintegration and prevention of further offending. Children are too often deprived of liberty for minor, non-violent offences or without having committed an offence.

Within the formal justice system of most countries, alternative measures such as community-based alternatives preventing unnecessary and stigmatizing criminalization of a child's behaviour do not exist or are not available to officials dealing with children who come into conflict with the law. While attempts to improve conditions of detention are welcome, there is a more fundamental need to develop a child-oriented and rights-based juvenile justice system – one that avoids the destructive consequences of the uncritical use of deprivation of liberty and instead looks at alternative measures to secure both public safety and a response to child offenders that respects their rights and best interests.

INTRODUCTION

ACKNOWLEDGEMENTS

The research and original drafting and editing of this manual was undertaken by Guillemette Meunier. Julia Rees was responsible for drafting the training materials and for the final editing.

PRI and UNICEF staff members have helped to develop this training manual by providing feedback. The steering group that helped to guide the process and the development of this manual included: Nigel Cantwell, Florence Martin (Save the Children), Eléonore Morel (PRI), Hans Wahl, Alberto T. Muyot (UNICEF), Julie Bergeron (UNICEF) Alexandra Yuster (UNICEF), Alessandra Dentice (UNICEF), Gina Lucarelli (UNICEF).

Parts of the manual were first tested during a workshop on juvenile justice organized by the UNICEF Regional Office for West Africa (WCARO). Thanks to Jean-Claude Legrand (Child Protection Regional Office) and his team, Helen Schulte, Mrs. Fall, Kaditiatou Ly, Yasuko and all the participants of the workshop.

The manual includes the following:

Introduction	Page
Introduction	2
Acknowledgements	3
Using the Manual	5
Organizing the Training	8
Facilitating the Training	12
Additional Reading	14
Discussion of Terms and Issues	15
Glossary of Terms	18

Modules

- Module One: Introduction to a Juvenile Justice System
- Module Two: The International Instruments Relevant to Juvenile Justice Administration
- Module Three: Introduction to Diversion and Restorative Justice
- Module Four: Arrest
- Module Five: Pre-trial Disposal and Court Proceedings
- Module Six: Sentencing
- Module Seven: Standards of Care in Custody, Aftercare and Social Reintegration of Child Offenders
- Additional Module: Policy Analysis and Legal Reform.

Annex

- A: Session Plans – Introduction and Closing
- B: Pre-workshop questionnaire
- C: Participant’s evaluation form
- D: Facilitator’s evaluation form
- E: Sample certificate
- F: Sample agenda

CD-ROM

- I. Electronic copy of the Juvenile Justice Manual
- II. PowerPoint Slides
- III. Monitoring Guide on Juvenile Justice
- IV. Inter-agency Coordination Panel of Juvenile Justice (ICPJJ) Publication.
- V. Training Tips (1. Brainstorming, 2. Energizers, 3. Using Pin Boards, 4. Successful Group Work, 5. Participatory Seating Arrangements, 6. Tips on Timing, 7. Conducting Discussions, 8. Ideas for breaking into groups, 9. Feedback on the workshop, 10. Feedback to plenary, 11. Making Presentations, 12. Qualities of a Good Facilitator)
- VI. Quiz Questions
- VII. UNICEF ‘Visualisation in Participatory Planning (VIPP) Manual’
- VIII. UNICEF Staff College ‘How to Organise Workshops Manual’
- IX. UNICEF ‘Games and Exercises Manual’

This manual has been developed as part of a joint UNICEF and Penal Reform International (PRI) effort to sensitize and strengthen the capacity of the various actors involved in the area of juvenile justice, in particular UNICEF staff and their governmental and non-governmental counterparts.

Purpose of the Manual

The manual aims to provide guidance for organizing juvenile justice training. The key message of the materials is to encourage the development of an effective juvenile justice system that safeguards the rights of the child and leads to the use of diversion approaches at all stages and by all actors.

The manual tries to provide practical programmatic approaches to juvenile justice which from a protection standpoint will focus on tackling over-reliance on deprivation of liberty. It does not specifically address juvenile delinquency prevention. However, it recognizes that the aim of a juvenile justice system, as described throughout the modules, is also to prevent offending and re-offending.

The manual's emphasis is to encourage that from arrest onwards children are dealt with in accordance with international standards. Thus, diversion aims primarily at preventing re-offending. But the prevention enterprise is a far more complex and multi-dimensional issue linking family, school and community interventions out of the scope of this training manual.

Target Audience

The training is aimed at UNICEF, other UN agencies and PRI staff, their governmental and non-governmental partners and any actor working with children in conflict with the law. The material targets policy makers as the primary audience in various ministries including Justice, Interior, Social Welfare and Corrections.

Learning Objectives

This manual aims to:

- a) Increase awareness and understanding of international standards with respect to children who come into conflict with the law and the implications of these international standards for changing national juvenile justice systems.
- b) Facilitate an exchange of experiences among the various actors working with children in conflict with the law. It encourages the development of strategies that promote diversion options, restorative justice schemes and alternatives to imprisonment.

How the Manual is Set Out

The materials are presented in eight modules which are provided in hard copy in this binder and in electronic format on the accompanying CD-ROM. The manual follows a

logical order, illustrating the steps that should be taken with children in conflict with law, as defined by international standards. They prescribe who has particular responsibility and at what stage, help to identify where a professional having input enters that process and what part that professional plays. The additional module covers policy analysis and legal reform.

Facilitator's Guide

The manual contains guidelines for planning a participatory and learner-centred workshop. Each module contains a facilitator's guide and participant's materials. The facilitator's guide provides detailed notes for the facilitation team on how to conduct the training. To allow flexibility in designing your workshop agenda the modules are divided into sessions with additional optional exercises that you can do if you wish to cover the topic in more depth. Each session plan is written as a stand-alone instruction that allows you to distribute the appropriate section of the training materials to the appropriate resource person.

Each session includes a purpose, activities and estimated timings. The facilitator's resources include copies of everything the team needs to run the sessions, that is:

- PowerPoint slides for introducing mostly theoretical content. You are encouraged to customize the slides and copies are provided in electronic format on the accompanying CD-ROM to allow you to do this.
- Additional reading provides references to more advanced or background reading on a certain topic and may be included in the electronic materials on the CD-ROM.
- Key messages provide succinctly the important information that it is essential to convey through the module.

The Participant's Materials

Each module has a section entitled 'Participant's Materials'. This contains all the core materials from the sessions; hard copies of the handouts and exercises that will be used in the training. Additional materials that you may want to provide or customize are available on the accompanying CD-ROM.

The handouts include practical examples of experiences with juvenile justice systems in different countries. The examples are not exhaustive, the criteria for inclusion in the materials include those examples that: are the most comprehensive relevant to the corresponding theme; further the implementation of international standards and children's rights, can be replicated in diverse contexts, centered around projects that have been evaluated, and relate to cases where the documentation is as complete and exhaustive as possible. It is important to point out that comprehensive information is difficult to obtain and despite intensive research this leads to a certain geographical imbalance.

INTRODUCTION

USING THE MANUAL

Experience from other workshops shows that large binders can be extremely off-putting for participants. When participants return home their binders are often put on a shelf and rarely referred to again. To prevent this we suggest providing participants with concise information on core topics in hard copy format and being selective with the additional materials provided. Use the following checklist to prepare the participants' binders:

- [] Welcome letter explaining the purpose of the workshop
- [] The workshop agenda
- [] The list of participants with contact details
- [] Dividers for each session of the workshop
- [] Copies of the suggested readings as specified in each module
- [] Copies of the presentations and PowerPoint slides
- [] Copies of the handouts and examples
- [] Regional and country situation and examples
- [] Summary of UNICEF and partners' strategies and programmatic experience.

Designing the Agenda

We would like you to cover all parts of all modules, presented in the table below, in the training. However, given time constraints you may need to be selective with the materials. The way the manual is presented in modules and sessions allows the facilitation team to select the most appropriate parts based on the perceived needs and experience of the participants.

In designing the agenda you should refer to the needs assessment. Remember that the purpose of the workshop is to provide an opportunity for participants to ask questions and share their experience. Include enough time for discussion and some free time for personal learning and mental renewal. It is also good practice to end every day with a reflection on the content, allowing participants to determine what went well and what could be improved. Apart from the pre-workshop introductory session, other evening sessions are not recommended. It is better to allow sufficient time for reading and absorption of the day's learning than to try and cover too much information too quickly.

Adult learners need content that is relevant to their work situation and therefore it is important to add regional and country-specific examples. You are encouraged to read through the facilitator's guide and adapt exercises to suit your participants and the experiences of your resource persons.

Module	Time required
Welcome and Introduction ¹	1 hour
Module 1: Introduction to a Juvenile Justice System	2 hours 15 minutes
Module 2: The International Instruments Relevant to Juvenile Justice Administration	3 hours 30 minutes
Module 3: Introduction to Diversion and Restorative Justice	3 hours (1 optional hour)
Module 4: Arrest	3 hours 10 minutes
Module 5: Pre-trial Disposal and Court Proceedings	4 hours
Module 6: Sentencing	2 hours 20 minutes
Module 7: Standards of Care in Custody, Aftercare and Social Reintegration of Child Offenders	4 hours 20 minutes
Additional module: Policy Analysis and Legal Reform	2 hours 45minutes
Closing and Evaluation	1 hour
Total time required for manual	27hours 20 minutes

¹ It is useful to conduct the opening session the evening before the workshop starts. This will allow participants to get to know each other in an informal atmosphere and help start the workshop quicker on the first morning

The objectives for each module are set out explicitly, but it may be necessary, in view of the specific needs of participants, to identify further aims or learning points. These should be as practical and action-oriented as possible.

Methodology

The training makes use of a wide variety of methodologies to keep participants involved and to encourage thinking on how the particular content applies to their specific country situation. Diverse methodologies have also been shown to aid the retention of new concepts and ideas, so it is important to try and maintain this diversity even as you 'make the programme your own'.

Methodologies include:

- Large and small group exercises
- Role-plays
- Presentations
- Case studies
- Quizzes and other games

Remember to draw on your own experience and add your own proven methodologies to ensure a dynamic and hands-on learning experience.

Pre-Workshop Questionnaire

Once participants have been selected, you should send out a questionnaire, at least two weeks ahead of the workshop, to determine their knowledge and experience of topics that will be covered in the programme, and their motivations for attending the workshop (see Annex B). This will assist you in ensuring that the overall design of the programme will meet the learning needs and knowledge gaps of the participants.

Pre-Workshop Assignment

The purpose of the pre-workshop assignment is to ensure that all participants arrive at the workshop with at least a basic knowledge of some of the concepts that will be covered in more depth during the training programme. This is particularly important if participants have diverse experience of the subject. It also encourages participants to contribute programmatic experiences and examples for discussion during the training. You will need to determine the type of pre-workshop assignment that is appropriate for your group. Examples include reading selected articles and publications, searching for information on the web, or making a presentation of programme experiences with the juvenile justice system. Some suggestions of pre-workshop assignments have been included in the facilitator's guide.

Participant's Feedback

To ensure that the workshop is effectively meeting the needs of participants, it is important to continually monitor the proceedings through a system of participant feedback. This also encourages a sense of participation in the outcome of the workshop. If the feedback indicates that adjustments should be made to the workshop structure (e.g. slowing the pace of the sessions, or using fewer presentations), they should be made as soon as possible by the workshop facilitators.

See Training Tip 9 in Module Six² for ideas for feedback approaches.

Evaluation and Certification

An evaluation form has been designed for your use at the end of the training (Annex C). This will provide valuable feedback on the value of the course for participants and possible areas to modify for future workshops. This is in addition to daily feedback mechanisms.

A sample certificate of completion has been designed for you to present to the participants at the end of the workshop (see Annex E).

Selection of Participants

To ensure a good mix of ideas and experiences try to ensure a group of approximately 24 participants (a minimum of 15 and maximum of 30 participants) from the target group for this training. The session plans in this manual are written with the assumption that there are four groups of six participants sitting at tables.³ You will need to adjust the exercises and timings according to the actual number of participants.

Forming the Facilitation Team

The workshop facilitation team is made up of workshop organizer/planners, facilitators and resource persons. Each has a distinct role.

The **workshop organizer/planners** are in charge of the workshop preparations and content. They adapt the objectives, select the participants, send out the pre-workshop questionnaire and based on the results, design the agenda, send out the pre-workshop assignment, select and prepare the venue, identify and brief the facilitator and resource persons. They should have some level of experience with juvenile justice systems and what potential participants need to know on the subject.

² A complete set of training tips is available on the CD-ROM.

³ Try to sit participants in groups of 6 to 8 people around tables. This seating arrangement encourages participants to get to know one another and is useful for forming groups for quick exercises.

The **facilitator** is responsible for the process of the workshop. A facilitator does not need to be an expert on the content. S/he is responsible for the design of each session, adapting it to meet the needs and experience of the group, and for a good interactive methodology and active participation from the group. They ensure that all participants and all members of the facilitation/resource person's team adhere to the ground rules set at the beginning of the workshop and that feedback is collected and responded to. They are committed to being in the workshop from the opening until the closing session. When there is more than one facilitator, it is recommended that a lead facilitator is assigned for each session. The selection of the facilitator is crucial for the success of the workshop. See additional resources (Training Tip 12, Module Eight) for the qualities of a good facilitator.

The **resource persons** are the content experts. They do not have to have training or facilitation experience but it is useful if they do. They are responsible for ensuring that the sessions use accurate and relevant materials. In addition to one or two key resource persons, additional resource persons can be selected from the workshop participants as long as they are contacted and briefed well ahead of the workshop. The pre-workshop questionnaire will help in identifying participants' expertise.

Together, the workshop facilitation team should have complementary experience, covering all aspects of the process and content of the workshop.

Make It Your Own!

You should be able to deliver the sessions in this manual with a basic level of competency in facilitation. The facilitator's guide provides you with suggestions on how to present the core materials and ensure active participation in the sessions. You should not read the facilitator's notes as a script, but, as with any training programme, you will need to take time to 'make the programme your own'. You should read through each session carefully, thinking about the needs and profile of the participants, and customize presentations with appropriate materials. No training programme will be successful unless the facilitation team takes the time to become familiar with the programme in a way that 'makes it their own.'

The key message for the whole facilitation team is preparation. 90% of any training programme's success comes from:

- Familiarity with the content or facilitating the expertise of a resource person.
- Being clear about what you want to achieve at the end of the session and your plan to for the session.
- Having all the materials organized for each session.
- Adhering to time constraints to ensure the scope of the material is covered.
- Being flexible in adapting to the group's particular needs if a particular need or issue should emerge.

Encouraging Real Learning

A final note on conducting a workshop where participants' really learn. Experience from past trainings show that we often do not pay sufficient attention to the learning capacity of the participants. As we grow older our short term memory tends to be less efficient; how much of a presentation can you usually remember the week after a workshop? This means that our job is not just to convey the right information but to also convey it in the right way, and to facilitate the learning of the participants.

Adults are active learners who learn best when the context of the training is close to their own work. This implies that we need to use methods that allow participants to internalize their learning through active involvement and participation. Facilitators should use methods that allow participants to build upon their rich past experience and to discuss real-life problems. They should encourage participants to think for themselves and to adapt and learn new skills and knowledge in complex and dynamic situations.

In most workshops there is a diversity of people with the experience to help each other learn. The purpose of bringing everyone together is to maximize learning from each other through the sharing of expertise and experiences. It is important to acknowledge that and to explain that even though some people are designated facilitators or resource persons, every single person in the room is in fact a resource person.

The CD-ROM contains a number of publications on facilitation that help enhance active participation.

Reading has been included module-by-module but key references that we suggest you read include:

On Juvenile Justice:

Innocenti Digest 3, Juvenile Justice, www.unicef-icdc.it

Protecting the rights of children in conflict with the law. Programmes and advocacy experiences from member organizations of the Inter-agency Coordination Panel on Juvenile Justice (available at www.undoc.org/pdf/criminal_justice/Protecting_children_en.pdf or at www.intranet.unicef.org/PD/UNCPJJ.nsf (English, French, Arabic and Spanish)

Child Justice in Africa, A Guide to Good Practice, Julia Sloth-Nielsen and Jacqui Gallinetti, Community Law Centre, University of Western Cape (2004) (available at <http://www.communitylawcentre.org.za/children/publications.php#practice>)

The joint website of the Coordination Panel on Juvenile Justice contains UNICEF's Juvenile Justice material at <http://www.extranet.unicef.org/PD/UNCPJJ.nsf>. The panel will launch a public website in 2006 at www.juvenilejusticepanel.org. The website of the Juvenile Justice Panel is a source of comprehensive information and resources in the area of juvenile justice. It aims to contribute to good practice in the area of juvenile justice by facilitating information exchange and collaboration among actors working on juvenile justice at country, regional and national levels, including government representatives, legislators, judges, prosecutors, attorneys, police, social workers, detention centre staff, NGOs and the media.

On Facilitation Skills:

A Participatory Learning & Action: A Trainers' Guide, Pretty, Guijt, Thompson, Scoones, IIED, 1995: This is an excellent all-you-need-to know book for trainers. It's an easy read and covers the basics of adult learning, how to train, group dynamics, principles of participatory learning and action and games and exercises for trainers.

The Facilitator's Pocketbook, Management Series, Jon Townsend & Paul Donovan and The Trainer's Pocketbook, Management Series, Jon Townsend & Paul Donovan.

These two publications provide quick tips on the theory of adult learning, how to enhance the participant's learning, and tips for presenting yourself.

UNICEF 'Visualisation in Participatory Planning (VIPPP) Manual'. This provides great ideas on encouraging participation and using cards and pin boards. A PDF version of the manual is available on the CD-ROM.

UNICEF/Staff College 'How to Organise Workshops Manual'. Provides practical tips and checklists to ensure you organize the perfect workshop. Also available in PDF on the CD-ROM.

UNICEF 'Games and Exercises Manual', Provides tried and tested ideas from workshops to energize your group. Available in PDF on the CD-ROM.

Conceptual and terminological problems frequently cause confusion in discussions of juvenile justice. International standards are not consistent in this regard and it is important to define whom the training manual covers.

Definition of the Term ‘Child’

For the purposes of this manual, the term ‘child’ refers to any person under the age of 18, in line with the UN Convention on the Rights of the Child (article 1).

Stressing the use of child-sensitive terminology and, unless quoting references and identifying the titles of previous researches, words and terms such as ‘minor’, ‘juvenile’ and ‘juvenile delinquent’ have been avoided in this manual, due to their negative and prejudicial connotations or the fact that they detract from the reality that the individuals involved are first and foremost children and adolescents. These terms are replaced with more accurate references to ‘child’, ‘child in actual conflict with the law’, ‘child offender’. However, the term ‘juvenile’ will be used when it is specifically mentioned by an international instrument under review.

The term ‘juvenile justice’ is also used in this manual, as it is the more widely recognized.

Children in Conflict with the Law/Children at Risk

The term ‘children in conflict with the law’ has come into usage as an alternative to ‘juvenile delinquent’, which carries a certain stigma. ‘Children in conflict with the law’ means any child who comes into contact with law enforcement authorities because he or she is suspected of breaking the law or of participation in ‘anti-social’ behaviour or because he or she is considered likely to become involved in crime. In this regard, it is important to bear in mind that an act against the law does not necessarily mean that a person is guilty of an offence. To be guilty, a person must have acted with awareness of what he or she was doing, with intent, and without duress or undue influence.

It is essential to understand that not all children in criminal justice systems are criminals, but rather children in need of care and protection. Children may be in conflict with the law or may be arrested for activities that are officially criminalized in legislation but which the international human rights community calls to be decriminalized as a matter of urgency (status offences). Some children who have not engaged in criminal behaviour are nevertheless arrested illegally. There is also a category of children who are directed to the criminal system because the care system is lacking. However, the present manual addresses the situation of children who are alleged as, accused of, or recognized as having infringed the penal law.

Juvenile Delinquency/Status Offences

Juvenile delinquency refers to the law-violating behaviour of children. Whether a specific behaviour constitutes delinquency thus depends on whether a child is in conflict with the law could be defined in a national system and whether the law prohibits such behaviour.

Juvenile delinquency could encompass two distinct types of behaviour: criminal activities committed by children and activities prohibited to children but not to adults, also known as 'status offences'. Status offences are violations of social norms, which apply only to children and only by virtue of their status as children. Truancy may be a status offence as may running away from home or being indigent or out of control. Children living on the streets are particularly vulnerable in this regard and are often apprehended by police on the grounds of status offences.

Sometimes, as in the case of child prostitution or children used by adults for criminal purposes, the system does not differentiate between the child as the perpetrator of a crime and the child as victim of a crime. Some systems also consider 'pre-delinquent' children, who are at risk of committing an offence but have not yet done so, as already in conflict with the law.

Deprivation of Liberty

According to international standards (the UN Rules on the Treatment of Juveniles Deprived of Liberty or JDLs), deprivation of liberty means "any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority." All children deprived of liberty have certain rights, but some children's centers clearly do not form part of the juvenile justice system, however defined. The placement of children in residential facilities because they are physically, mentally or emotionally ill or handicapped, or because they have no family or have been separated from their family because of abuse, neglect, exploitation or abandonment, should normally not be covered by the same standards. Other standards and procedures should apply to protect them from arbitrary treatment.

However, reality shows that situations are in many cases confused and these children may end up deprived of liberty, although the procedure through which they end up in closed institutions may be different from the procedure used in dealing with law offenders. It is particularly recommended to clarify as much as possible the procedures applicable to those children confronted with social exclusion, and advocate for a specific system of protection and procedure that is different from the judicial system or response in place for children in conflict with the law. However, if appropriate and specific care and protection standards are not in place, the JDLs and relevant guidelines should be understood to apply to those situations as a last safeguard.

Child Victims and Child Witness

The situation of children who are victims or witnesses of crime overlaps with that of children who break the law. Valid arguments can be made that specially trained police, prosecutors and judges and special procedures for taking evidence and testimony are as important in cases involving children as victims or witnesses as they are in cases involving children as perpetrators. However, this manual does not address their specific situation unless they have been caught in the system.

Participants interested in exploring this issue further should make use of the UN Guidelines on justice in matters involving child victims and witnesses of crime. An implementation guide for these guidelines is currently under development, and will also be available on UNODC, UNICEF and Juvenile Justice Panel websites once finalized.

Adequate records on juvenile justice: Minimum record keeping should include each child's name, date of birth, alleged crime or reason for detention, existing family members or guardians, place[s] of detention, the date and reason for transfer between institutions, and court history.

Adjudicate: To settle a case by judicial procedure.

Adjudication hearing: Stage in court proceedings in which arguments, testimony, and evidence are presented to determine whether a child actually committed the alleged offence.

Aftercare: Control, supervision, and care exercised over children after they leave community-based programmes or are released from juvenile facilities. Aftercare may include *probation*, counselling, and enrolment in a community programme, or other forms of treatment. Aftercare services are designed to support children's return to their families and communities and to lessen the chance that they will get into trouble again.

Alternatives to detention: May refer to a police caution or warning; a written or verbal apology; written essays on the effects of the crime committed; community service/work; restitution to the victim; participation in a life skills course; counselling or therapeutic treatment for drug or alcohol abuse; or other restorative justice programmes.

Bail (Remand): A suspect who has been arrested or charged with an offence is released by the police or court on condition that they report back at a certain date and time. Sometimes the suspect has to keep to certain conditions, such as living in a particular place, or not going near witnesses.

Caution: Official warning given to offenders who admit to their guilt.

Community Order: A court sentence to be served in the community. As part of the Community Order the court may order the offender to fulfill a number of requirements. These include drug or alcohol treatment and testing, electronic monitoring (tagging), curfew, living at a specified address, unpaid work, doing or refraining from doing certain things or entering certain places, or attending certain programmes.

Correctional facility: Facility for the confinement of individuals accused or convicted of criminal or delinquent activity.

Criminal responsibility: The age of criminal responsibility is when a child is held responsible for his/her own behaviour and can be found guilty in a court.

Criteria for pre-trial detention: Basic conditions which must be met in order to justify the detention of children before their trial. Such criteria might include previous criminal records, flight risk, lack of caregiver to reside with, etc.

Custody: See Deprivation of Liberty/Detention

Deprivation of Liberty/Detention: Any form of detention or imprisonment or the placement of a child in a public or private custodial setting, from which the child is not permitted to leave at will, by order of any judicial administrative or other public authority. This includes any form of residential placement including police lock-ups, training schools, borstal institutions, treatment centers, reform schools, education and re-education centres, remand homes, training centers, specific juvenile facilities, or adult correction facilities, including high-security institutions.

Detention with Adults:

In police stations: Cases in which children and adults are kept in the same cell.

In correctional facilities: Those children detained in the same correctional facilities as adults including those kept in the same cell, the same ward or those who interact with adults during recreation periods or meal times.

Detention: Temporary confinement of a child alleged to be delinquent pending pre-trial release, court proceedings, or disposition.

Disposition: The decision reached concerning a child's case. Examples include, but are not limited to, a *juvenile court* judge's decision to dismiss the case or to order a child to participate in a drug treatment programme or perform community service. Juvenile court case dispositions fall into the following categories:

- **Dismissal:** An order of the court disposing of a case without conducting a trial of the issues. Dismissal may occur when there is a finding of insufficient evidence to bring the matter to trial, when no more decisions or actions are anticipated, or when the case is already being handled by another court.
- **Placement:** Removing a child found to have committed an offence from the home and placing him or her elsewhere for a specified period of time, such as in a *juvenile* or other facility.
- **Probation:** Placing a child found to have committed an offence under the supervision of the court. During probation, the child must maintain good behaviour, not commit another offence, and meet any other conditions the court may deem appropriate to impose.
- **Probation before judgment:** Placing a child found to have committed an offence on *probation* before the judge makes a final decision. Successful completion of the probation period results in a complete *dismissal* of the charges without any finding of involvement by the child in the offence.
- **Other:** A child found to have committed an offence may be given a *disposition* other than a commitment or *probation*, such as requiring participation in a drug abuse treatment system, payment of fines, or performance of community service.

Disposition hearing: Hearing held after the *adjudication hearing* in which the judge determines the *disposition* of a child's case.

Diversion: Channeling children away from the formal justice system through alternative procedures and programmes. A child, for example, might be referred to a community service programme to perform volunteer work to 'repay' the community.

Group home: A non-secure programme in which a group of children live and receive services at the programme facility under the supervision of adult staff. Group homes emphasize family-style living in a homelike atmosphere. Although many children living in group homes are ordered there by the court, group homes may also house abused or neglected children who are placed there by social service agencies.

Individual Rehabilitation Plans: A document which outlines specific characteristics of a child's conflict with the law designed to tailor rehabilitation to each individual juvenile. Should such services as substance abuse counselling, family counselling or educational support be needed, these steps would be outlined in an individual juvenile's plan.

Hearing: A court proceeding to decide on a course of action or to determine a child's involvement or non-involvement in an offence. In making the decision, arguments, witnesses, and evidence are heard by a judicial officer or administrative body.

Intake/arrest: The action of taking a child into police custody for the purpose of charging him or her with a delinquent act. The juvenile justice process often begins with an investigation by a police officer, either because he or she observes a delinquent act being committed or because such an act is reported. The police officer will generally take one of three actions at intake or arrest: 1) release the child to his or her parents with a warning or reprimand, 2) release the child to the parents under the condition that the child enrolls in a community *diversion* programme, or 3) keep the child in custody and refer the matter to the juvenile courts for further processing.

Juvenile: A child at or below the upper age of *juvenile court* authority, as defined in the local jurisdiction. In most States, children aged 18 or younger fall under the jurisdiction of the juvenile court.

Juvenile court: A court with authority over cases involving individuals under a specified age, usually 18 years.

Juvenile Justice: Legislation, norms and standards, procedures, mechanisms and provisions, institutions and bodies specifically applicable to juvenile offenders. These are not necessarily framed within a separate juvenile justice system. In the criminal code for example, special provisions may exist for minors although they are dealt with in criminal rather than juvenile court.

Life-Skills: The skills that people need to build a sustainable livelihood and to participate fully in society.

Legal representation: Representation in court by a qualified lawyer. This is not the same as 'legal assistance' which can be provided by NGOs, paralegals, or even offered directly through rights-based training to children in conflict with the law.

Mediation: An alternative to a court proceeding in which a neutral person assists two or more people to resolve a conflict and reach a solution acceptable to all sides.

Minimum Age of Criminal Responsibility: The age below which children are not considered to have the capacity to infringe penal law. Note: Penal codes often make exceptions to the minimum age in cases of very serious crimes. Notice should be given to children under the age of minimum criminal responsibility, as the provisions for dealing with such children can be ambiguous, which can lead to abuse.

Non-residential programme: Programme that provides services to children who live at home and report to the programme on a daily basis or as scheduled. Children in such a programme require more attention than that provided by *probation* and *aftercare* services. Often the programme operates its own education programme through the local school district.

Police Warning or Cautioning: Police cautioning is a form of 'first level' or 'informal' diversion, and can prevent children who have committed either minor offences or no offence from spending time in detention facilities.

Pre-trial Diversion: Cases which are diverted pre-trial usually require child offenders to agree to conditions of one or more sanctions including community service, victim restitution, mediation or family conferencing, or probation. In order to gain an understanding of the extent to which pre-trial diversion is used, an aggregate of all possible pre-trial diversionary mechanisms should be analyzed in relation to total juvenile case flow.

Probation: Placing a child found to have committed an offence under the supervision of the court. During probation, the child must maintain good behaviour, not commit another offence, and meet any other conditions the court may deem appropriate to impose.

Probation before judgment: Placing a child found to have committed an offence on *probation* before the judge makes a final decision. Successful completion of the probation period results in a complete dismissal of the charges without any finding of involvement by the child in the offence.

Recidivism: Repetition of criminal behaviour.

Residential programme: Programme in which children live on site in programme housing. Residential programmes do not have the security fences and security hardware typically associated with *correctional* or *detention facilities*. A residential programme, for example, could be located in a converted apartment building or a single-family home.

Restorative justice: Makes the offender responsible for reparation of harm caused by the offence, gives the offender an opportunity to prove his/her positive capacity and qualities, tackles guilt feelings in a constructive way; and involves others who have a role in conflict resolution including victims, parents, extended family members, schools and peers.

Shelter care: Any non-secure public or private facility that provides either 1) temporary placement for alleged or adjudicated status offenders prior to the issuance of a *disposition* order or 2) longer term care under a *juvenile court* disposition order.

Social Inquiry report: A Social Inquiry Report is an assessment of an accused person's current and past social circumstances and their need and motivation for treatment or other alternative forms of non-custodial care (e.g. community work order, probation). See also *Individual Rehabilitation Plan*.

Status Offence: Conduct sanctionable only where the person committing it is under the age of 18.

Time limits for pre-trial detention: Legal time limits on pre-trial detention tend to range from 24 to 48 hours before seeing a judge. The legal time limit should not exceed this range.

Torture: Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or her a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. [Article 1: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment].