



CHILD RIGHTS AND JUVENILE JUSTICE

BEST PRACTICES AND LESSON LEARNED
FROM SAVE THE CHILDREN ITALY
NATIONAL AND INTERNATIONAL PROGRAMS



Save the Children

Italia ONLUS

Research coordination and editing:

Chiara Segrado

Text drafting:

Nadia Falco, Diego Grassedonio, Patrizio Ponti

With contributes from:

Save the Children Italy - Giusy D'Alconzo, Luca Bicocchi, Francesca Arancio, Marco Cappuccino,

Susanna Matonti, Vito Savasta, Antonella Inverno

Save the Children Albania - Bala Suela, Edlira Ngjeci, Metani Elidjana

Save the Children Bhutan - Tashi Delek

Save the Children Egypt - Nashaat Noheier, Heba Al-Batreeq

Graphics:

Mauro Fanti - InFabbrica - Gruppo Comunicazione e Marketing

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Italia ONLUS

Save the Children Italia Onlus

Via Volturmo 58 - 00185 Roma

tel +39 06 4807001

fax +39 06 48070039

info.italia@savethechildren.org



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ACRONYMS

CRC:	Convention on the Rights of the Child
CICL:	Children in Contact with the Law
CPC:	Child Protection Committee
CSO:	Civil Society Organizations
JJ:	Juvenile Justice
MACR:	Minimum Age of Criminal Responsibility
MEAL:	Monitoring, Evaluation, Accountability, Learning
MoI:	Ministry of Interior
MoJ:	Ministry of Justice
MoSS:	Ministry of Social Services
NGO:	Non Governmental Organization
RJ:	Restorative Justice
SC:	Save the Children
SCI:	Save the Children International
SCIT:	Save the Children Italy
ToC:	Theory of Change
UNICEF:	United Nations Children's Fund
VOM:	Victim-Offender Mediation

INTRODUCTION

Save the Children Italy's (SCIT) commitment with children in contact with the law falls within the scope of our child protection program. Frequently children in conflict with the law are victims, because they are forcedly involved in illegal activities by their families or adults. Effective child protection is fundamental to avoid child exploitation and it can be ensured with adequate interventions at different levels: starting from children without appropriate care, which are extremely vulnerable and exposed to the risk of coming in conflict with the law to children deprived of their liberty, which are the most vulnerable juveniles and subject to physical and humiliating punishment. The list includes also child victims and witnesses, which require specific dispositions to ensure their protection.

Juvenile justice is also closely connected to child poverty and child sensitive social protection. Children living in poverty or at risk of social exclusion might not be able to fully enjoy equal access to justice. In order to ensure the right to a fair trial, these children should have access to free legal aid. Successful transition and reintegration into society of juvenile offenders can be promoted through equitable access to a quality basic education during deprivation of liberty, vocational training to develop individual skills and attitudes and aftercare activities to support the families during the return to the community.

Child rights governance is another strategic area related to justice for children. It is essential to improve accountability on child rights at Ministry of Justice's level, with specific focus on most deprived children such as children in detention. Reporting mechanisms and increased use of recommendations can be important vehicles for national advocacy towards policy change. Government capacity to deliver child rights must be supported by offering technical assistance within juvenile justice law reforms and advocating for the establishment of national independent institutions (Ombudsman) to promote children's rights. Therefore, child protection systems can be strengthened through law reform on child rights, child friendly procedures and services, awareness raising and adequate trainings.

SCIT's approach is based on international standards and on every child's right to be protected and cared for, ideally by their own family or in a child friendly and family-like environment.

This paper is intended to provide an overview of SCIT's work in the past years under this thematic sector, introduce our methodological work and lessons learned through an analysis of program design and implementation both at national and international level.

Since 2005 SCIT has been implementing different projects in the field of juvenile justice, reaching directly more than 2,000 children and more than 1,000 beneficiaries such as judges, prosecutors, police officers and family members. Activities aimed at promoting prevention and ensuring child protection for children at risk and in contact with the law. At the same time, these programs impacted juvenile justice systems in different contexts through capacity building of most relevant stakeholders.

This paper is divided into three chapters.

The first chapter defines juvenile justice and main related concepts. It presents basic principles and approaches that frame and guide SC's interventions in JJ and includes a reflection

on how SC's Theory of change (TOC) can be applied to this sector of intervention.

The second chapter introduces SC's methodologies applied to juvenile justice program design, based on international standards. It also provides concrete examples gathered from our experience. An important part of this chapter is about how to develop project proposals in the most relevant areas of intervention (including capacity building, prevention, judicial proceeding, deprivation of liberty, alternative measures, rehabilitation and reintegration). A final part of this chapter focuses on the monitoring and evaluation of juvenile justice programs.

The third chapter explores SCIT's experience in juvenile justice at national and international level. Several projects have been implemented in Italy since 2005 focusing on different issues: child rights, crime prevention, access to justice, social mediation, alternative measures for children in contact with the law. Lessons learned in the national context have constituted an important starting point for the creation and development of SCIT's methodology of intervention in the international context. Best practices developed within the JJ program implementation in Albania are presented in this chapter to highlight the methodology of intervention in an international context.

The paper will also provide recommendations and annexes for operational readers with practical examples.

I. CHILD RIGHTS AND JUVENILE JUSTICE

I.1 OVERVIEW

Juvenile justice is a very specific sector under Child Protection. In many countries it concerns the well-being of a relatively low number of children, but SCIT considers JJ as a crucial theme, because it encompasses basic rights issues which are often linked to social exclusion and marginalization, and not only to crime.

The core issue related to children in conflict with the law is the fact that due to their age and immaturity, children warrant separate and different treatment from their adult counterparts in criminal processes due to their vulnerability and limited capacity, as they are still in a formative stage of development. The system should be responsive to the child's care and developmental needs in order to ensure that children are reintegrated back into their communities as law abiding citizens, giving priority to any action respecting the child's best interests. Therefore juvenile justice systems should focus not only on the nature of the offence committed, but also on the root causes of the offending, on the individual circumstances of the child involved and on children victims and witnesses.

The reasons why children come into conflict with the law are different: poverty, family unit break-up, lack of education, unemployment, migration, substance abuse, pressure exerted by peers or adults, lack of parental supervision, violence, abuse and exploitation, to name a few. In other words, situations in which the child has rarely taken the initiative or made a deliberate choice of getting into conflict with the law.

Reforming the juvenile justice sector could bring numerous and complex issues. With rapid urbanization, changing employment patterns, and a growing international trade in narcotics, youth crime has become a contentious matter at a global level. Governments, civil society, media, and victims of crime have different concerns and sometimes solutions found to address changes are not in line with the Convention on the Rights of the Child (CRC). While many families have benefited from expanding market economies and have enjoyed new levels of wealth, the effect of globalization and market liberalization has generally increased the gap between rich and poor, and introduced new insecurities for all age groups. The pressures on the family are observed in family breakdown, growing numbers of children working and living on the streets, and an increasing involvement of young people in crime. Even though there is no simple equation linking poverty and crime, close correlations between juvenile crime and poverty, unemployment and urbanization have been widely observed. Targeted investment in jobs and human development is unquestionably needed to mitigate the conditions that lead to crime.

I.2 DEFINITIONS

In international standards and publications you may run across different terms that reference the ideas and principles discussed in this document, from “child-friendly justice” and “child-sensitive justice” to “justice for children” or “juvenile justice” and “children in contact with the law.” Recognizing that these terms all cover a similar ground, we have chosen for purposes of simplicity to refer to the core of the movement described solely as “juvenile justice.”

The list below provides clarity about the core notions related to this area of work: an internationally recognized definitions of child, a definition of juvenile justice and related concepts.

Child A child is a human being under 18 years of age, whose dignity is the same as that of other human being, but who has, at that stage of their life, a *relative capacity for judgement, expression and defence*. This definition is the basis for the existence of an autonomous system of justice for children, distinct from that for adults.

- Article 1 of the Convention of the Rights of the Child specifies that: *«A child is agreed to be any human being under 18 years of age, even if civil majority is reached earlier by virtue of the legislation applicable».*
- Article 2.2 of the Beijing Rules on the administration of justice for children adds: *«A juvenile is a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult».*

Juvenile Justice (JJ) The term *«Juvenile Justice»* refers to the legislation, norms, standards, procedures, mechanisms and institutions specifically designed for monitoring young persons who are alleged as or accused of infringing the criminal law. It can be a legislation for protection rather than of punishment, affecting children in conflict with the law as well as children at risk requiring a form of protection, or educational assistance for children below the age of criminal responsibility (this varies from country to country). It also includes the efforts taken to eliminate or at least to reduce through prevention the causes of children coming into conflict with the law. According to international standards *“The juvenile justice system shall emphasize the well-being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence”* (art. 5 Beijing Rules).

Minimum Age of Criminal Responsibility (MACR) A child under the age of criminal responsibility lacks the capacity to commit a crime. This means they are immune from criminal prosecution - they cannot be formally charged by authorities with an offence nor be subjected to any criminal law procedures or measures. The significance of the minimum age of criminal responsibility is that it recognizes that a child has attained the emotional, mental and intellectual maturity to be held responsible for their actions.

According to Beijing rules *“In those legal systems recognizing the concept of the age of criminal responsibility for juveniles, the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity”.*

- Children in contact with the law** The term includes children in conflict with the law, children victims and witnesses.
- Children in conflict with the law** The expression refers to “*anyone under 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence*”.
Most children in conflict with the law have committed petty crimes or such minor offences as vagrancy, truancy, begging or alcohol use. Some of these are known as ‘status offences’ and are not considered criminal when committed by adults. In addition, some children who engage in criminal behavior have been used or coerced by adults.
- Child victims and witnesses** The expression means “*A person under the age of 18 who is a victim of or witness to a crime, regardless of his or her role in the offence or in the prosecution of the alleged offender or groups of offenders*”.
- Unless otherwise specified, “child” denotes both child victims and child witnesses. Every child, especially child victims and witnesses, has the right to have his or her best interests given primary consideration, while safeguarding the rights of an accused or convicted offender. A child victim or witness of crime shall be treated in a caring and sensitive manner that is respectful of his or her dignity throughout the legal proceedings, taking into account his or her personal situation and immediate and special needs, age, gender, disabilities if any and level of maturity. The privacy of a child victim or witness shall be protected.
- Children at risk** The expression encompasses a broad range of children who are not receiving suitable, continuous and quality care, nurture and guidance at a physical, emotional, social and psychological level from either their families or from other primary subjects that are meant to replace the family environment and are responsible for their well-being and development. This category includes neglected and/or abused children in their families, children living on the street, children in institutions or other forms of poor quality alternative care, and children on the move, including child refugees, child migrants and trafficked children and those who are at risk of requiring alternative care.

I.3 SAVE THE CHILDREN'S APPROACH WITH CHILDREN IN CONTACT WITH THE LAW

Globally, Save the Children does not have a comprehensive strategy on children in contact with the law. However, some guiding principles and approaches can be gathered from international standards (see annex 1), documents and learning reports by SC members, from SC Child Protection Strategy 2013-2015¹ and, finally, directly from the capitalization of the organization's experience in the field.

I.3.1 Guiding principles of our interventions²

- 1) SC supports activities for preventing and reducing children's involvement in crime, that are based on social development, human resource development and the reform of criminal justice systems;
- 2) SC recognizes the value and importance of the CRC in providing principles of equity, non-discrimination and justice for children;
- 3) SC supports the implementation of the International Rules and Guidelines developed on Juvenile Justice by the main UN bodies, particularly within the framework of the CRC (refer to Annex 1);
- 4) SC believes that, wherever possible, children should be kept out of the justice system. In order to achieve this we do support programs that divert children from the criminal justice system, measures that decriminalize the behavior of children, the reintegration of children who have been in prison/secure units or reeducation centers;
- 5) SC believes that custody should be used as a last resort and for the shortest possible time. Therefore we support appropriate, community based sentencing and restorative justice and we work towards increasing community awareness and knowledge through media campaign about the negative impact of deprivation of liberty for children in conflict with the law;
- 6) It is SC's policy to promote research and interventions on informal systems of justice (negotiation, reconciliation, and restoration) and impact on re-offending of different types of sentencing that reflect children's own experience and involve children in the design and implementation of research;
- 7) SC deplores the criminalization of children who violate any law under the pressure of extremely negative conditions, both individual and familiar/social: exploitation (for example for commercial sex), slavery, war, extreme poverty. In these cases children should be considered victims first;
- 8) SC is against corporal punishment in all circumstances.

¹ *Save the Children's Child Protection Strategy 2013-2015: Making the world a safe place for children*, available on Save the Children Resource Centre.

² This list is a re-elaborated version of the list of principles presented in *Save the Children Modern concepts of Working with Children in Conflict with the Law*, N. Roy, W.Mabel, 2006, by Save the Children UK.

1.3.2 Save the Children's approaches to child protection

Preventing harm to children and responding to child protection concerns requires comprehensive and sustainable action. Recently there has been a shift towards a systems-building approach to child protection. Such an approach emphasizes prevention, coordination between sectors and integrated responses that benefit all children. The development and strengthening of national child protection systems has become a fundamental part of a rights-based approach to child protection in the work of Save the Children and other agencies³. Save the Children applies some fundamental principles related to child protection to every area of intervention, including juvenile justice.

a. Child rights based approach

Save the Children believes that the building and strengthening of rights-based national child protection systems will lead to holistic, inclusive, sustainable and well coordinated ways of protecting all children. Save the Children's approach is based on every child's not negotiable right to be protected and to be cared for ideally by their family, or in a family setting. A rights-based national child protection system recognizes the state's responsibilities and human rights obligations to children and provides governments with a coordinated and sustainable way to protect children. Within the juvenile justice context, this approach is ensured through adopting the basic principles on child rights included in international standards such as the Convention on the Rights of the Child (CRC) and other relevant documents providing international standards related to juvenile crime prevention, children deprived of their liberty and non custodial alternative measures.

b. Child participation

Children's right to be heard and child participation is a fundamental approach to child protection. Article 12 of the UN Convention on the Rights of the Child states:

"State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

"For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."

Children must participate in all decisions affecting their lives and all children should have equal access to justice. Governments should adopt legislation and policies that recognize children's rights to be heard and to participate in policy-making and decisions affecting them, with special attention to include particularly vulnerable and marginalized children at all levels. Policy-makers and professionals working with or for children should promote good practices on children's right to participation.

c. Child-friendly environment

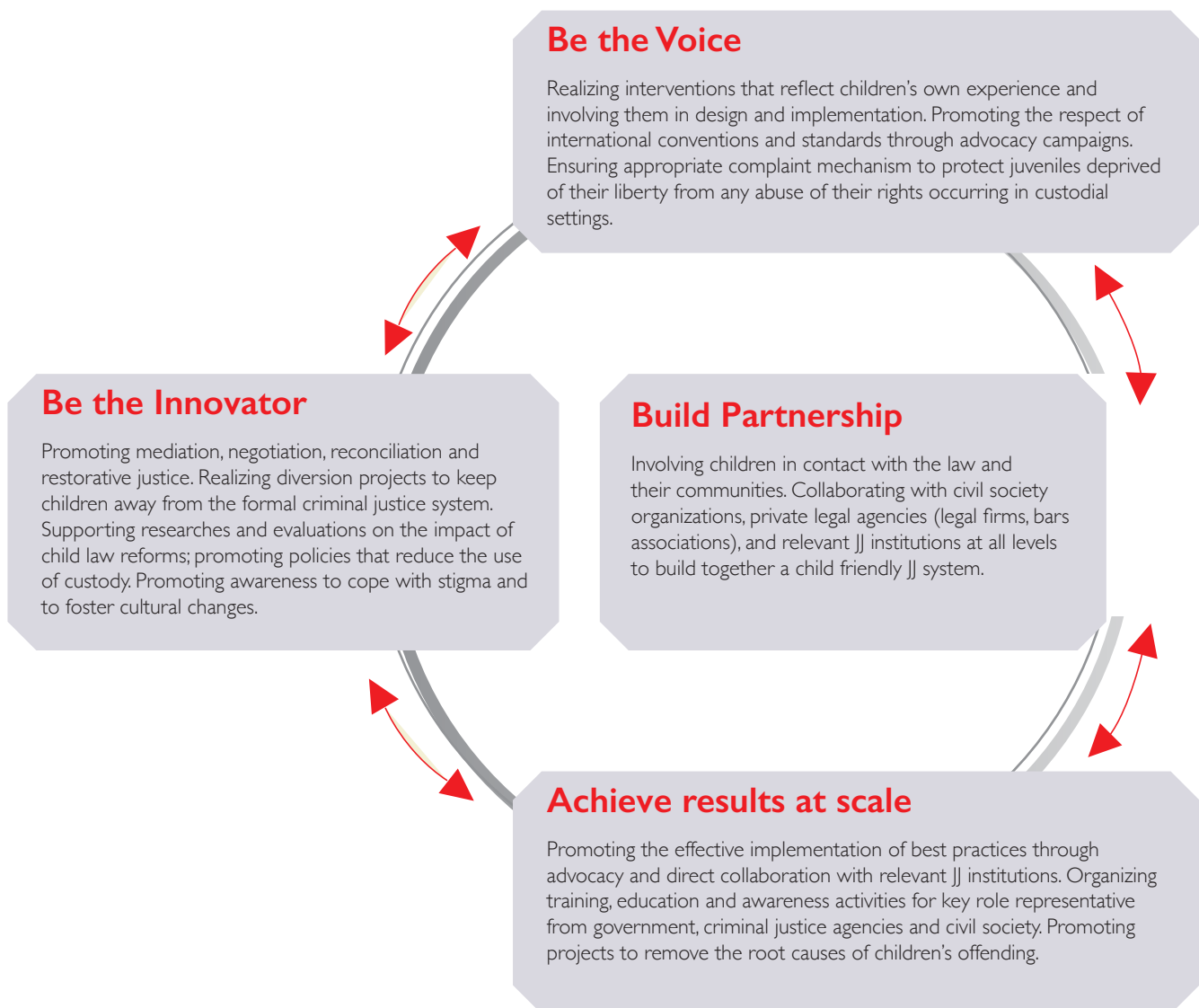
Strategies, activities and tools should be planned as to create a child-friendly environment, for example ensuring that children are supported throughout their court attendance by an impartial person appropriately trained on child rights, and ensuring that language used in court is understood by the child, which implies specifically trained lawyers and judges.

Child-friendly justice is a powerful tool to positively shape the lives of and outcomes for children in contact with the law (child victims, child offenders and child witnesses of a cri-

³ SC Child Protection Initiative, "Building rights-based national child protection systems: a concept paper to support Save the Children's work"

me). Child-friendly justice minimizes the challenges that children face at each step of a legal proceeding. Respecting child-friendly justice principles does not only limit the traumatic experiences children may face in the legal system, it can also secure children's rights to access to justice.

d. Theory of change Save the Children's ToC is founded on working in partnership with other stakeholders to develop innovative programs, provide a voice for children and use evidence to persuade governments and other agencies to adopt policies and implement them at scale. In particular, as far as JJ interventions are concerned, the ToC can be exemplified as follows:



2. PROGRAM DESIGN

2.1 METHODOLOGY

Many children in conflict with the law are treated as adult criminals in justice systems that deny children's basic human rights and do not respect international juvenile justice standards. Attempts to reform a system that was designed for adults are not enough. Fundamental shifts in policy and practices are needed in order to ensure that the protection of children's rights becomes a priority and that the juvenile justice system operates taking into account the best interest of the child.

This section introduces the different phases of the methodology adopted at an international level by SCIT.

The different steps described do not necessarily follow this order, they can frequently overlap, but below is a good summary of the approach applied.

These steps are:

Collect relevant international documents on juvenile justice in the country of intervention. In particular, it is crucial to retrieve the latest "State parties Reports and Concluding Observation from the UN Committee on the Rights of the Child"⁴;

Web research for regional studies and country analysis on the situation of children in contact with the law, including disaggregated data and best practices, if available;

Collect relevant national documents, publications and domestic legislation on juvenile justice;

Use the checklist (see annex n. 2) to carry out a preliminary self-assessment, gathering information about what it is already implemented and what is missing in the juvenile justice system being analyzed.

a. Problem statement and needs assessment

If needed, ask for technical assistance and support from professionals with specific expertise on juvenile justice (e.g. SCIT⁵), or invest on training of internal human resources on JJ or create strong partnerships with other international organizations or INGOs with specific skills and previous experience in this area of intervention;

Meet key role actors from government ministries (including interior, justice, social services and education), police officers dealing with children, local district officials, judicial representatives and CSOs from local community structures as well as partners, NGOs, UNICEF and/or any other relevant international organization;

Draft a report on the results of the problem statement and needs assessment pointing out strengths and weaknesses of the local juvenile justice system;

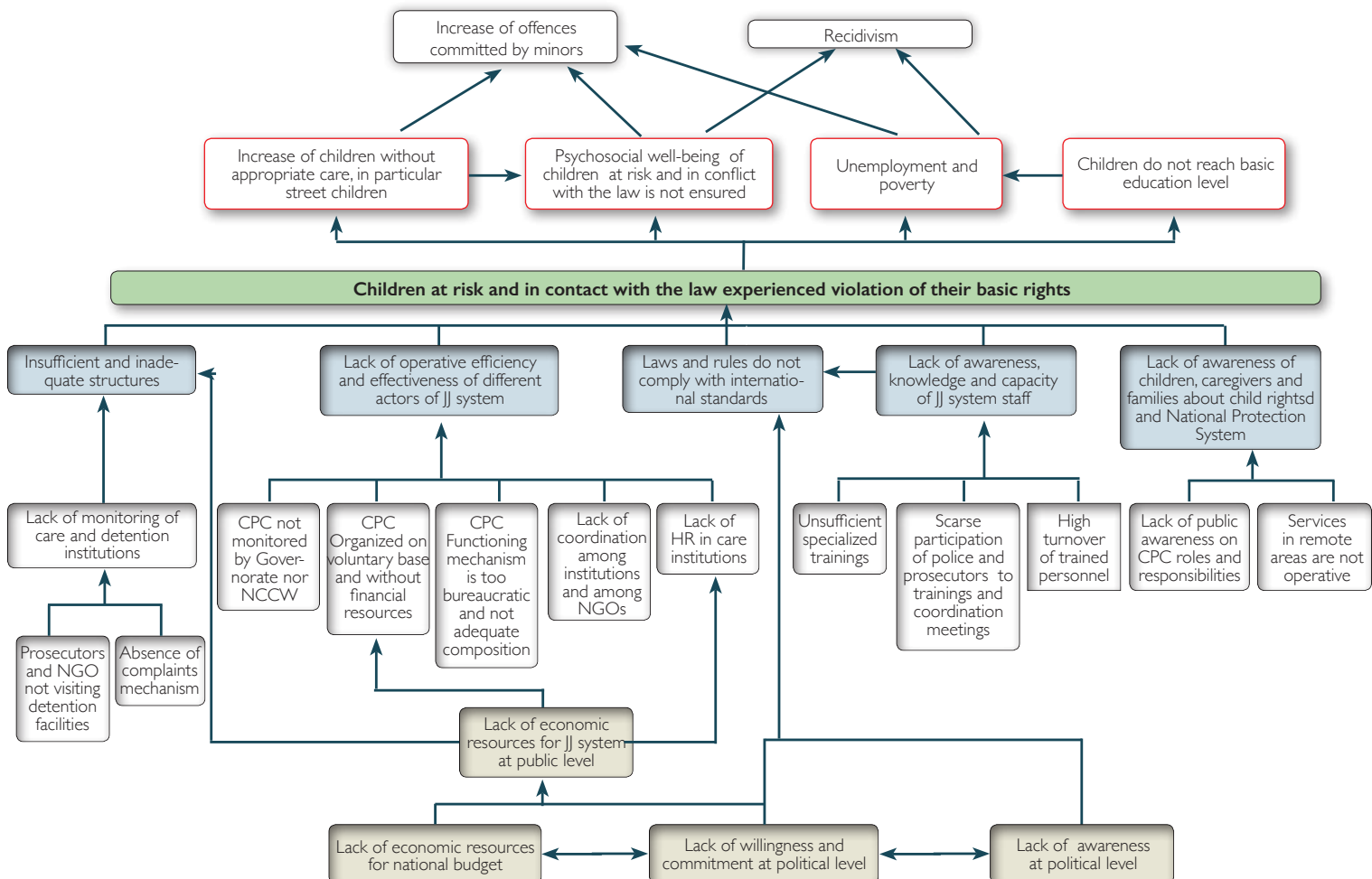
Identify the juvenile justice system's needs and problems in order to design an appropriate and comprehensive program to be shared and discussed with the main actors involved. A recommended tool to organize problems and identify causal relations among them is the "Problem Tree" (See Box number 1 as an example).

⁴ <http://www.ohchr.org/en/HRBodies/CRC/Pages/CRCIndex.aspx>

⁵ After provisioning support and technical assistance to a Country Office, SCIT asks for feedback about the quality of the consultancy. This feedback should be seen as an opportunity to improve relationship within the member and COs, and to increase the impact of the program. Aspects to be considered are not only the expertise of the advisor but also the cooperation level, flexibility, quality of the relation established with the staff and the capacity to start a fruitful partnership with the Country Office.

Problem tree (an example from our JJ program in Egypt)

The central green box includes a clear formulation of what we identify as the core problem. Immediate effects are collocated in the upper part of the scheme while causes are placed below the core problem box, defining different levels of causal relation among them. The exercise facilitates stakeholders focusing the intervention on problem causes and not on consequences. The project should address root causes, or some of them, with several activities; main causes (the first line below the core problem) will be “transformed” in concrete results; achievement of results will contribute to pursue the specific objective of the project, that will be defined as a positive reformulation of the core problem. Consequences can be useful to identify some indicators to evaluate project impact in the medium-long run.



b. Involvement of main stakeholders

- Obtain clearance from the highest level of authority responsible for children's affairs in the country: seek the support of national and local structures and the involvement of representatives from different ministries in designing the program;
- Host a meeting with the relevant representative at governmental level to gain endorsement and commitment for the project and identify a focal point for each stakeholder involved. Provide examples of methodologies and practices and, if necessary, organize a study visit in a country with a similar context, including the participation of relevant national experts and specifically designed training modules.



Within the three years “Strengthening Juvenile Justice in Albania” project, Memorandums of Understanding were signed among Save the Children Albania and relevant stakeholders to ensure the commitment of the most relevant state actors (General Directory of Prisons, State Police, General Directory of Probation Office), juvenile justice professionals (judges, prosecutors, lawyers), CSO's (Albanian Foundation for Conflict Resolution), to work on restorative justice.

Collaboration with Ministry of Social Welfare and Youth was established in organizing after-care and reintegration activities.

Moreover, a study visit to Italy with a group of Albanian stakeholders was organized to collect best practices on the Italian Juvenile Justice System.

c. Defining target groups and beneficiaries

- Identify the program's target groups, detailing every target group as much as possible. Typical target groups include (but not necessarily): children in conflict with the law; children deprived of their liberty; child victims and witnesses; children at risk; police officers, judges and prosecutors dealing with children.
- For every target group, identify and detail the number of expected beneficiaries, both direct and indirect (for further reference see the operative definition adopted by SCI's MEAL group⁶).

For example, the project called “Strengthening Juvenile Justice in Albania” focused on two target groups:

JUVENILES:

- Children under the minimum age of criminal responsibility in conflict with the law (0-14)
- Children in conflict with the law (14-18)
- Children victims and witnesses (0-18)
- Children at risk in schools

JJ WORKERS:

- Police Officers, Judges, Prosecutors, Probation Officers, Lawyers
- Civil staff of IEDP, Social workers, Educators, Psychologist.

In this case, direct beneficiaries were estimated with precision while the indirect ones were identified into wider categories.

⁶ Look at page 4 of the Training Module on Total Reach on OneNet, available also for non-SC staff on Open University website.

Identified direct beneficiaries:

- 50 Children in contact with the law under the minimum age of criminal responsibility
- 150 Children at risk who will benefit of prevention services at school and within their families
- 120 Children in pre-trial detention and detention who benefit from rehabilitation and reintegration services/opportunities.
- 55 Civil staff, police officers and judges, prosecutors and lawyers in direct contact with juveniles confined in pre-detention and detention in Kavaja, Vlora, Korca, Lezha and Tirana;
- 55 Social workers engaged with probation services in Kavaja, Vlora, Korca, Lezha and Tirana.
- Child protection unit in charge of case management that have collaborated with the project in after care services;
- 120 Children victims of abuse/testimony interviewed in Police Stations will benefit from child friendly spaces and use of standard protocols in interviewing children;
- Parents and families with children in contact with the law and at risk who will benefit from rehabilitation and reintegration services/opportunities

Identified indirect beneficiaries:

- Community (civil society, business community, NGO's working the juvenile justice area)
- Albanian Institutions (Mo), Sections for minors in tribunals, probation offices, State social services, child protection units, ...)

d. Drafting the program proposal: goals, objectives, results and activities

Select the general objectives starting from the dual goals of juvenile justice programming: (a) child protection and children's rights fulfillment; and (b) public safety and crime prevention (although a number of intermediate objectives could be set for each general objective, that level of complexity will not be addressed here).

Design a Logical Framework including the following elements:

- **Goal (or Overall Objective)** is typically a broad general statement that describes what the program plans to accomplish. It establishes the overall direction for and focus of a program, defines the scope of what the program should achieve and serves as the foundation for developing program objectives.
- **Specific Objective** is the building block or a step towards achieving a goal. It is a specific and usually quantifiable statement of program achievement. Developing objectives requires time, orderly thinking and a clear picture of the results we expected to reach.
- **Results** are the outcomes of the activities. They are statements that describe significant and essential achievements and that can be reliably demonstrated at the end of the program.
- **Activities** are the concrete implementation of the program in an operative way: they should be as detailed as possible.

Define indicators for Goal, Specific Objective and Results to monitor and evaluate the impact of the intervention⁷ with quantitative reliable data to be integrated with qualitative information when necessary. The indicators should be “SMART”: Specific, Measurable, Achievable, Relevant and Time-bound.

As an example, the three years “Strengthening Juvenile Justice in Bhutan” program’s objectives and results are:

Overall Objective:

By the end of the program, life conditions of Bhutanese juvenile population are improved through the enhancement of the child justice system, ensuring adequate child protection and promotion of children’s rights with a child friendly approach.

Specific Objective (SO):

By the end of the project children in conflict with the law will have access to Child Justice Bench with child friendly judicial procedures and services provided by trained personnel.

Expected Results (ER):

1. Child Justice Bench established
2. Child friendly judicial procedures and prosecution guideline developed
3. Child Justice Bench staff and prosecutors trained on child rights and child friendly procedures

e. Risk analysis and mitigation strategy

Identify any realistic or potential risk that could affect the program implementation and analyze them both from a quantitative and a qualitative perspective. In a juvenile justice program, typical risks identified are related to: political changes, unrealistic government commitments, actual allocation of economical and human resources in the juvenile justice sector. Once the risk analysis is in place, the objective of the mitigation strategy is to explore feasible ways to face the identified “high-risk” items.

Identify and assign roles and responsibilities for each risk response. Responsibility for the mitigation strategy lies with SCI as the implementing agency, but other stakeholders could be involved, such as institutional governmental actors (Ministry of Justice), other international organizations, juvenile judges and prosecutors, juvenile police department, CSOs.

⁷ We use here the term “impact” to resume several criteria that have to guide the evaluation. The main criteria for EuropeAid are: Relevance, Effectiveness, Efficiency, Sustainability, Impact, Coherence/complementarity, Community value added. The first five correspond to the traditional practice of evaluation of development aid formalised by the OECD (DAC). The following two apply to all EC policies.

As an example, The following table reports the risk analysis and mitigation strategy within the “Strengthening Juvenile Justice in Egypt” project:

Risk	Resulting Effect	Existing key mitigation strategies
The Safety and Security and the current political situation and the expected tension, violence and uncertainty in country, resulting in possible crackdown on NGOs	Temporarily suspension of activities Difficult negotiations with relevant authorities	Safety and Security Management Plan is in place and contingency plans are regularly reviewed. Accurate planning of alternative solutions and continuous review of their feasibility.
Uncertain future strategy and leadership of National Commission for Children and Motherhood (NCCM)	Reduced role and prominence of the Council in childhood matters	Shifting the project focus from prevention to protection of children under custodial measures and advocacy for the adoption of alternative measures
Uncertainty around well function of the Child Protection Committees and whether there will be a strong political will able to support them	No referral to the CPC and/ or no reports on their work. Missing role of CPCs in the loophole closing the cycle among MOI, MOJ and MOSS for children at risk without criminal responsibility	Possible shift of the project strategic themes from prevention of children at risk to enter the juvenile justice cycle to protection of children in conflict with the law, under custodial or alternative measures. Reviewing the project strategy and results and work on alliances with relevant stakeholders according to the changed scenario

A cross cutting issue: Sustainability

An important issue that has to be considered in developing a program proposal is sustainability.

It is defined as the extent to which the benefits of the project or Program will continue after its completion, including long-term benefits. It is a measure of whether the benefits of a Program (e.g. compliance with internal standards, reduction in recidivism, etc.) are likely to continue after external support has ended or a specific intervention has been completed. Measuring sustainability concerns the extent to which capacity has been successfully developed (e.g. through participation, empowerment or ownership), local resources have been mobilized and sustained political support exists. It also needs a comparison between the positive outcomes/impact generated and the investments required for that Program to be continued; this is not just a technical issue, the evaluation of benefits and resources to generating them should involve all the stakeholders, who can have very different criteria to value benefits.

For these reasons, a juvenile justice Program proposal should be planned and designed from the beginning in close coordination and in consultation with the local Ministry of Justice and other relevant stakeholders including the department of Social Defense, juvenile institutions, juvenile experts and consultants, INGOs and NGOs. This approach ensures stakeholder's commitment and sense of ownership, increasing the probability of national budgetary allocations for continuity and replication. Trust building with various stakeholders and government authorities has to be adequately addressed during the program's inception phase and during the implementation phase to ensure cooperation and transparency. The program should contemplate the involvement of Government authorities, juvenile justice institutions and local CSOs in the management of the activities, providing them the opportunity to acquire new skills and capacities (e.g. by participating in the program's specialized training courses and technical assistance). The new skills, tools, know-how and the acquired experience will favor the achievement of expected results during and beyond program duration.

2.2 STRATEGIC AREAS OF INTERVENTION

Developing a juvenile justice system is a challenge that necessarily involves many different ministries, departments and other governmental bodies at the national, regional and/or local level. Governments should review their legislation to ensure that children's rights and international standards are respected and best practices such as those listed below are taken into consideration:

- Status offences should be decriminalized⁸.
- Minimum age of criminal responsibility should be reviewed when too low⁹.
- Use of diversionary programs should be emphasized and the use of custody should be reduced.
- International standards should be incorporated into policies and practices to protect children from harm within the system.

Activities should be coordinated in order to effectively achieve expected results in the following main areas of intervention:

- data availability and system's transparency.
- Prevention.
- Pre-trial detention and detention.
- Diversion, alternative measures and restorative justice.
- Judicial proceeding.
- Rehabilitation, reintegration and aftercare.
- Support child victims and witnesses.

These categories are not compulsory for the development of programs under this thematic area. Considering the level of implementation of the child justice system of the country, the program should focus only on the areas that require specific activities aimed at strengthening that specific system according to the needs. At the same time, a comprehensive juvenile justice reform should include all the strategic areas of intervention.

a. Data availability and system's transparency

A reliable data collection and analysis based on disaggregated data is crucial for a deep understanding of any social phenomenon.

In the JJ sector, one of the main problems is the lack of adequate and comprehensive data about children in contact with the law and children at risk. Practitioners starting to plan a children's justice project frequently find, for example that:

- There is no data about the number or the type of offences committed by children.
- No reliable figures exist for the number of children in prison.
- No figures exist for the children going through the justice system.
- No proper research on issues such as recidivism is available.

⁸ A status offence is a type of crime that is not based upon prohibited action or inaction but rests on the fact that the offender has a certain personal condition or has a specified character. Juvenile status offence is a crime which cannot be committed by an adult. Status offences may include consumption of alcohol, truancy and running away from home.

⁹ In General Comment No. 10 (2007), the Committee on the Rights of the Child concludes that "a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable".

In these cases, research and data collection and analysis must be a key element in the development of children's justice programs. Availability and gathering of data and information is indeed an issue of mayor concern to ensure the transparency of the system and it is a precondition for the respect and fulfillment of children rights. Finally, data collection is necessary to measure the impact of any law reform, policy and program with quantitative indicators, comparing the end line data with the baseline situation in the area of intervention.

SUMMARY OF RESIDENTS IN YDRC SINCE 1999 TO TILL DATE

STRENGTH
 Present strength: 733
 Released: 238
 Transferred: 15
 Total: 580

EDUCATION 25
 1. Primary 24
 2. Co-Ed 02
 3. Following 02

VOCATIONAL TRG.
 Total: 08

DISTRIBUTION AS PER POLICE STATION
 1. Thimphu 08
 2. Paro 02
 3. Bhanu 02
 4. ...

DISTRIBUTION AS PER DZONGKHAGS
 1. ...
 2. ...
 3. ...

In Bhutan the data management system on Juvenile justice is fragmented and incomplete. SC is establishing a comprehensive data collection system to gather disaggregated data about children in conflict with the law: this will allow the stakeholders to monitor the phenomenon with reliable data on the implementation of children rights and a deeper understand of the underlying social exclusion processes.

b. Prevention

Children's justice work is about addressing problems within the criminal justice system to make it respectful of children rights but also about reducing offending by young people. Prevention should be a key part of any children's justice program. It aims to ensure that children do not come into conflict with the law in the first place. This means examining the root causes of children's offending, which are varied and often complex: they include poverty, family disaggregation, lack of education and employment opportunities, peer pressure, lack of parental guidance. The Riyadh Guidelines (see annex 1) cover measures to prevent juvenile offending on a number of levels, notably:

- *primary prevention*, i.e. general measures to promote social justice and equal opportunity, which thus tackle perceived root causes of offending such as poverty and other forms of marginalization.
- *Secondary prevention*, i.e. measures to assist children who are identified as being especially at risk, such as those whose parents are themselves in difficulties or are not caring appropriately for them.
- *Tertiary prevention*, involving schemes to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending.

According to international standards¹⁰, the prevention of juvenile delinquency is an essential part of broader crime prevention, and prevention plans should be a key part of any national juvenile justice program.

Prevention programs work at different levels, from national crime prevention strategies to the local level, where prevention involves working with the community, for example with schools and parents on education and skills development. The initial phase usually involves assessing the links between youth crime and factors such as poverty, lack of parental support and lack of education.

¹⁰ According to UN General Comment n. 10 (2007), "a comprehensive policy for juvenile justice must deal with, between its core elements, the prevention of juvenile delinquency".

In Egypt a National Plan on Juvenile Crime Prevention is not fully operational at the moment. Through Save the Children's program, primary prevention activities with children at risk will be conducted to avoid their involvement in illegal activities through an effective referral system. Secondary prevention activities with children in conflict with the law will be carried out to reduce recidivism rate.

c. Pre trial detention and detention

The use of custodial sentences is widely seen as extremely damaging for children. However, children continue to be locked away in prisons and other institutional forms of deprivation of liberty.

Several studies¹¹ have reported that children are most vulnerable to abusive and cruel treatment while in custody, both in pre-trial (in police detention centers, for example) and in post-trial (in prisons and other institutions) situations. Children, particularly girls, are also extremely vulnerable to sexual harassment or sexual abuse during arrest and interrogation¹². There is, therefore, a urgent need not only to protect children in custody but, in particular, to look for alternatives to custody for children in conflict with the law.

Save the Children Italy's approach to children in detention is based on the following principles as stated in the UN Rules for the Protection of Juveniles Deprived of Their Liberty (the JDL Rules):

- Child detention should be a measure of last resort and for the shortest possible time.
- Children in custody should be separated from adults, and girls separated from boys.
- Children in custody should have regular access to parents, family, and lawyers.
- Children in custody should have access to post-custody reintegration into society through rehabilitation support and aftercare services.



Currently in Bhutan only two Woman and Child Protection Units have specific pre-trial detention for children in conflict with law, separated from adults. Within SC's project, two child friendly pre-trial detention facilities are going to be established in two districts. Both facilities will have adequate spaces, installations and equipment for recreational activities for development of child's own personality and abilities.

d. Diversion, alternative measures and restorative justice

Mainstream criminal justice systems are based on the idea of retribution: punishment for an offence committed. Restorative justice instead emphasizes the importance of restoring the balance of a situation disturbed by crime or conflict.

¹¹ UNODC, *Handbook of basic principles and promising practices on Alternatives to Imprisonment*, 2007.

¹² Save the Children, *Modern concepts of Working with Children in Conflict with the Law*, N. Roy, W. Mabel, 2006, by Save the Children UK.

The four guiding principles of this approach are:

- Repairing the harm done and restoring the balance within community and society.
- Guaranteeing the victim's right to restitution.
- Ensuring that the offender becomes fully aware and willing to take responsibility for his or her actions.
- Offering support to change and improve future behavior of the offender.

Alternative measures can divert from judicial proceeding, from sentencing and from the execution of the sentence. In every case alternative measures should be commensurate with the offence and should take into consideration the child's age and individual circumstances, the child's willingness to cooperate, the impact of the crime on the victim and on the community, any previous offence and opportunity for diversion, the availability and strength of family and community support.

There are numerous kinds of diversion measures, applicable at various points during the process of helping children who have come into conflict with the law. The most common are: cautions, mediation programs, victim-offender mediation and reconciliations programs, pre-trial community service and family group conferencing.

A diversion program focused on consolidating and institutionalizing restorative justice for juveniles in contact with the law is currently being carried out by Save the Children in Albania. The program has a specific target on marginalized groups through victim-offender mediation activities and community conferencing model with children in conflict with the law from Roma families.

For the first time in Albania, the program has worked to prepare a research on the impact of the restorative justice application into child and family lives. Protocols for the referral mechanism to apply diversion have been endorsed from state institution and are a first step toward the sustainability of the action.

e. Judicial proceeding

According to the CRC "*States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law*" (Art. 40.3).

International standards and guidelines outline special safeguards and procedures to be followed when dealing with children within the formal criminal justice system to protect the best interest of the child. For example:

- Establishing a specialized Child Court or Bench with specialized Child Judges and Prosecutors.
- Informing parents and family at the moment of the first contact with the formal system.
- Ensuring regular and free access to legal aid and legal representation.
- Ensuring that children are supported throughout their court attendance by appropriately trained and impartial social workers.
- Ensuring that language used in court is understandable to the child judicial hearings which include specially trained lawyers and judges.

The court should be able to turn to a range of available options that are in the best interests of the child. It should also be able to use bail and/or some other measure in order to ensure children are not remanded in custody. The four General Principles of the CRC (survival and development; participation; best interest of the child; non-discrimination) should be complied throughout the juvenile justice system, including during court proceedings.

The probation service can play a key role in influencing the sentencing procedure. It is often part of the job of probation officers to explore the causes of the offending behavior, try to find the “positive” side of each offender and advocate for a non-custodial sentence, wherever possible.

With the establishment of the specialized child bench in Thimpu, Bhutan, a simplified child friendly court procedure for dealing with children will be developed with specific legal dispositions related to judicial proceedings respondent to international standards. Child participation will be fundamental during the draft of the judicial proceeding to ensure a child friendly approach.

f. Rehabilitation, reintegration and aftercare

Due to a lack of resources and expertise, children held in custody in most developing countries are usually not provided with any effective rehabilitation and re-integration program. This necessarily contributes to the high re-offending rate. Children in conflict with the law must be treated differently from adults and should have access to rehabilitation and re-integration measures in their own communities. Thus, rehabilitation of young offenders should be a priority in any criminal justice system, while effective reintegration and appropriate aftercare are considered crucial in reducing recidivism.

Vocational training, vocational orientation and work grants should be part of any project working with juveniles before their release. An individualized rehabilitation program should be considered a key instrument for promoting reintegration of children involved in the criminal circuit. Aftercare represents a challenge for the juvenile penal system and its existence and functioning reveal if the system is oriented toward crime prevention and reduction of recidivism.



Aftercare is an essential part of the JJ program in Albania. A database of small and medium enterprises and relevant social services involved in reintegration was developed to assist juveniles building a positive relationship with these actors after they leave the detention facilities. Six months work grants were established to support the reintegration into society.

A protocol on referral mechanism has been developed aiming at defining roles and responsibilities for each of the professionals that contributed to the reintegration into society of juveniles in conflict with the law.

Finally, lobbying and advocacy activities were conducted to involve national and local social services in aftercare.

g. Support child victims and witnesses

States are experiencing an increasing concern about public safety and victims' rights, for many causes depending on local context: juvenile crime becoming more frequent and/or more violent, increase and spread of rights awareness, wider access to media.

Society is experiencing an increasing concern about public safety and victims' rights, for many causes depending on local context: juvenile crime becoming more frequent and/or more violent, increase and spread of rights awareness, wider access to media. Although most of the victims do not suffer long-term serious harm, at the time of the crime they may experience very strong emotions such as shock, anger, worry and fear. These effects can be as severe for victims of theft as for victims of more serious crimes and many victims require practical and emotional support in the aftermath of a crime. Thus, while acknowledging that children in conflict with the law need protection, we must not ignore the needs of victims of crime.

Also child witnesses need assistance in the judicial and administrative processes. According to international standards, States should review, evaluate and improve, as necessary, the situation of children witnesses of crime in their evidential and procedural law in order to ensure that the rights of children are fully protected.

Services to victims, witnesses and others affected by crime should be:

- Free of charge for people affected by crime.
- Confidential in nature and private to the individual.
- Accessible and consistent in delivery.

Two child friendly protected interview rooms for auditions of child victims and witnesses will be established in Buthan. The Woman and Child Police Units will also develop Standard Operating Procedure for conducting protected interviews with child victims and witnesses to ensure that the best interest of the child is taken into primary consideration.

A cross-cutting issue: training and capacity building

The successful implementation of juvenile justice programs requires co-operation and coordination between the various government bodies involved in the criminal justice system and other agencies, institutions and individuals working to help children in conflict with the law. Training program modules are therefore essential in all areas of intervention, to ensure that personnel are properly equipped to work with these children.

The setting up of a child-friendly justice system requires that personnel to be knowledgeable about international standards and guidelines and about how these international standards are to be applied locally. They need to know their own national policies and how to put these into practice. Frequently legal dispositions are precise and respondent to international standards, but practical implementation is lacking because of not sufficiently trained personnel.

Juvenile justice personnel and all personnel in contact with children in conflict with the law should be qualified and include a sufficient number of specialists, such as educators, vocational instructors, counselors, social workers, psychiatrists and psychologists, etc. The police should also be specifically instructed and trained and should adopt a non-discriminatory attitude during their contacts with children. Moreover, ongoing training should be operative to ensure that JJ staff is updated on the new legal provisions and good practices implemented. The Committee for Child Rights has highlighted the importance of the specialization level of the operators in consideration of, inter alia, the vulnerability of the children in conflict with the law due to specific needs and others risk factors, such as the situation of migrant children, unaccompanied children or second generation migrant children.

SCIT within the program "JUST - Juvenile Justice" developed a manual for trainers that can be a useful tool for capacity building activities with JJ staff.

2.3 MONITORING AND EVALUATION: JUVENILE JUSTICE INDICATORS

Save the Children has a global M&E system with a short list of indicators whose data are collected for all the implemented programs around the globe. This dashboard includes four indicators for Child Protection interventions: three of them are applicable to every program, including those working on JJ (Utilization of Child Protection Services, Quality of Child Protection Services, Child Protection Legislation and Policy Change). Moreover, Save the Children has developed a Menu of Outcome Indicators for some child protection areas¹³, but not for juvenile justice interventions. However, there are some international standards and procedures that can be adopted and used as starting point.

UNICEF and UNODC have selected a set of 15 indicators: 11 dynamic quantitative indicators and 4 policy indicators (see annex 4)¹⁴. Taken together, the indicators provide a framework for measuring and presenting specific information about the situation of children in conflict with the law. They were not designed to provide exhaustive information on all possible aspects, rather, they constitute a basic dataset and a comparative tool providing a

¹³ A Menu has been developed for the following areas: Children Without Appropriate Care, Children on the Move, Child Protection in Emergencies, Physical and Humiliating Punishment, Children and Work..

¹⁴ On UNODC website it is available the *Manual for the Measurement of Juvenile Justice Indicators*.

starting point for the assessment, evaluation and development of policies and services. As such, they can be included into program evaluation design, usually integrated with other indicators selected in relation with the specific context and the defined objectives and results. In order to create a proper dashboard of indicators is necessary to carry out an “operationalization” process. The first step is to identify the main concept (or “variable”) we are interested to evaluate. In JJ sector, we could simply define it as follow: “Proper functioning of the juvenile justice System”. The second step is to identify its main “dimensions”, i.e. specifiable aspects of the concept, that we assume to be the most important elements to be taken into consideration. The final step is to select one or more indicators for each dimension, able to catch some valuable, clear and resuming information about the phenomenon. In the following table, an example of six dimensions to be measured and possible related indicators.

Dimension	Example
Beneficiaries well-being	Number/percentage of children who return to regular school after their release from detention
Existence of Law, rules and policies	Existence of a National Plan on Juvenile Crime Prevention
Actual functioning of effective procedures	Number/percentage of sentenced young offenders who are sentenced to alternative measure (e.g. a term of probation)
Existence, access and quality of facilities	Number/percentage of Police stations with child friendly spaces / protected interview rooms
Existence, access and quality of services	Number/percentage of children in detention who receive psychological support and social assistance
Awareness, knowledge and capacities of different subjects	Number/percentage of juvenile justice workers (police officers, judges, prosecutors, lawyers, probation officers, ...) who improved their knowledge (or who reached an appropriate knowledge) on juvenile justice issues

During the process of selection of the indicators, the five main criteria defined by DAC-OECD and adopted by all major international development agencies should be considered: Relevance, Efficiency, Effectiveness, Impact and Sustainability¹⁵. Whatever the criterion, each indicator can refer basically to one of the three levels for the analysis of the consequences of the intervention: output, outcome, impact. Differences among the levels regard mainly the object and the aim of the measurement, as showed in the following table¹⁶.

¹⁵ For an extensive explanation of the five criteria and of their application in the design and evaluation of juvenile justice program and policies, it is available on the website of UNODC the following manual: *Criteria for the Design and Evaluation of Juvenile Justice Reform Program*.

¹⁶ The structure of the table has been taken from the Save the Children Child Protection Programming Toolkit (module 4 on Monitoring and Evaluation).

	Output	Outcome	Impact
Measures	Immediate results	Intermediate results	Change in children's lives
Tracks	If activities are happening as planned	If the implemented activities are bringing about the intended changes	If the child protection issues identified at the start of the project have been addressed, and if so, to what extent
Example	% of post release services activated and/ or supported by SC or its partners	% of children availing of post release services (training, social reintegration services, ...)	% reduction of recidivism rate

Building or reforming a data management systems and starting the data collection, it is important to record and to keep data disaggregated. Main variables for disaggregation have to be defined in relation with specific local problems and identified solutions. Gender-disaggregated data, for instance, are essential to account for the different impact of interventions on boys and girls and gender-sensitive programming in general. A starting and not exhaustive list of variables to take into consideration could include the following: gender, age, socio-economical condition, area of origin, place of the offence, type of offence, recidivism, type of sentence, the nature and the duration of the imposed sanction, duration of detention and of pretrial detention (as recommended by the Committee on the Rights of the Child in its General Comment No. 10 - 2007).

3. NATIONAL AND INTERNATIONAL PROGRAMS

3.1 SCIT DOMESTIC PROGRAMS

Since 2005 Save the Children Italy is engaged with domestic projects targeting both Italian and foreign children in contact with the law. This section introduces all the projects implemented in Italy dealing with children in contact with the law, both in terms of prevention and protection. Best practices and lessons learned in the national context have been an important starting point for the creation and development of SCIT's methodology in the international context.

The engagement of SCIT in this sector was justified by the relevance of gaps within the Italian juvenile justice system, in particular for the most disadvantaged groups, with a concrete risk of child rights violations. The main issues that compelled SCIT to intervene were related to foreign children in contact with the law, such as: risk of exploitation for unaccompanied minors, inadequate access to social services, lack of specific guarantee within the legislative framework. Moreover, the crisis that is affecting the Italian economy since 2008 reduced the commitment of the national government in investing resources to ensure welfare services. The negative consequences have been particularly intense for the most vulnerable social groups, especially children. Lack of access to justice and legal aid raises the probability of falling into even worsening poverty.

The European Commission's recommendation "Investing in children: breaking the cycle of disadvantage" advises Member States to address child poverty and social exclusion also through promoting child-friendly justice, "in particular by giving children effective access to court and judicial proceedings" and implementing "the child's right to be heard in all justice-related decisions". Access to fair procedures is often a precondition to access the high-quality services that the Recommendation itself deems essential to children's outcomes, "such as quality (pre-school) education, health, housing and social services, as well as opportunities to participate and use their rights, which help children live up to their full potential and contribute to their resilience".

According to the Guidelines by the Committee of Ministers of the Council of Europe of 2010¹⁷ and by the European Convention on the exercise of children's rights of 1996¹⁸, a child-tailored justice system relies on a set of guarantees ranging from participation, to the child's best interests, to protection from discrimination and the rule of law.

¹⁷ [Council of Europe, Guidelines on child friendly justice.](#)

¹⁸ [European Convention on the Exercise of Children's Rights.](#)

From the assessments carried out by SCIT before and during the implementation of several projects, some of the most common weaknesses of the Italian juvenile justice system are:

- Lack of adequate economic resources.
- Lack of sufficient human resources (ie. dedicated juvenile justice staff, in particular social workers).
- Lack of adequate and continuous training of the personnel.
- Lack of an adequate network between main stakeholders.

SCIT's interventions are structured around:

- Increasing the economic and human resources for juvenile justice.
- Developing multi-disciplinary trainings for personnel working in juvenile justice (including judges, prosecutors, police officers, lawyers, guardian, social workers and administrative staff).
- Promoting cooperation and networking between main institutional actors working in juvenile justice and civil society organizations.

This chapter will go through a short presentation of the programs implemented in Italy, including the most relevant best practices and a focus at international level on JJ programs implemented in Albania.

“ORIZZONTI A COLORI” (2005-2008)

The three years project called “Orizzonti a Colori”¹⁹ was implemented between 2005 and 2008 with the aim of preventing deviance and promote social reintegration of foreign children in conflict with the law. It was promoted by Save the Children in collaboration with the Juvenile Justice Center, the Department of Welfare of the city of Rome and two local associations: CIES (Development center for information and education) and Casa dei Diritti Sociali (House of Social Rights).

The project was successful in promoting local reintegration of foreign minors without appropriate care and in conflict with the law, through street education activities, cultural mediation within juvenile justice institutes, peer education, legal counseling and staff training. The project achieved the result of strengthening institutions and associations dealing with foreign minors in conflict with the law.

One of the most important lessons learned through this project is related to peer education. Increased professionalism of peer educators had a negative impact on their activities because progressively they started to feel themselves as social workers rather than peer educators. Successful peer education can be promoted only if peer educators are considered by the children as part of the same group and in the meantime as agents of change. When the peer educator gets knowledge, skills, a job contract and a regular salary they cannot be considered a peer anymore, while on other hand they lack the required professional capacity to be considered as a social worker, falling into a grey zone. From our practical experience we suggest to promote two different levels of peer education: a soft approach to peer education through preparatory classes with participative activities, and a deeper approach to peer education that should include the professional capacity building of the peer educator through school attendance and professional trainings as a transition to a proper job as social worker.

¹⁹ Final report only in Italian: [Progetto Orizzonti a colori - Rapporto conclusivo](#).



One of the best practices developed within “Orizzonti a Colori” project was the outreach activities conducted by the street unit team. Street unit is a multi disciplinary team composed by a cultural mediator, an educator and a legal expert. Usually it is quite flexible and operative, accordingly to the targeted street children to be reached. Outreach represents a special observatory of real time changes and issues happening in the local context. For this reason the unit should not be specialized only on a specific target, but it should remain open and prepared to intervene in different contexts with different tools to adapt their activities accordingly with social changes and new legislative provisions.

CIVICO ZERO (2011 - ongoing)

Civico Zero²⁰ provides support, guidance and protection to all unaccompanied foreign minors, including asylum seekers and Roma children²¹ at risk of deviance, and children in conflict with the law. It also concerns children in situations of marginality and social deviance, and subjected to the risk of exploitation and abuse. It ensures the improvement of life and respect for their rights. “Civico Zero” is a day care centre, a protected child friendly space created to provide consultation activities, workshops, outreach, child participation, training and networking. Access to the center is completely open and services are available to minors without any selection criteria. “Civico Zero” centre provides the young migrants with some basic services (showers, meals and washing machines) and, in addition, attends to children who require medical assistance or need to be driven or dropped off at specific clinics. Social mediation, peer education and peer research are some interesting activities of the centre. An important service of Civico Zero is a multi level legal support to vulnerable foreigner children to promote their social integration and regular permit to stay and strengthening legal assistance and access to justice. Some activities are individualized with a child friendly legal orientation at the front office; others are based on sharing general information to raise awareness on children’s rights and child protection. After the successful experience of Civico Zero in Rome, other Civico Zero centers opened in Milan and Turin.

²⁰ [Civico Zero project description](#) (only available in IT language).

²¹ Around 60% of Roma people living in Italy has Italian citizenship therefore Roma children supported by the center are not necessarily foreigners.



One of the most successful practices implemented in Civico Zero is social mediation, in particular with Roma children in contact with the law without a fixed residence that difficultly can be reached by social services. Objective of social mediation is to promote intercultural conflict resolution within the juvenile justice system between the JJ institutions (Child Court, Pre-Trial Detention and Detention facilities, Social Services) and foreign children with their families, through a third impartial subject that facilitate dialogue. Best practice in social mediation consists in ensuring an initial contact with the target children, to provide all the necessary information and/or explanations; promoting contact with educators, becoming acquainted with their family background and environment and their general living conditions. Moreover social mediator frequently notifies court acts to children living in temporary camps and accompanies children to the Court hearings and/or encourages them and their families to attend the hearings. The dialogue with families and communities, experienced over time, has had the effect of strengthening their confidence in the social interventions and break down the barrier of prejudice that often prevents a child's full participation in any project. Finally social mediators offer support to social workers in the search for external resources, and opportunities for reintegration of the children once they are released.

JUST - JUVENILE JUSTICE (September 2009 - September 2011)

The two years EU-funded project called JUST²²: “Development of child rights based methods of intervention to prevent juvenile crime and promote re-integration of young offenders. Italy, Greece, Romania” was coordinated by Save the Children Italy and implemented in partnership with Save the Children Romania, ARSIS, the Italian Ministry of Justice (Juvenile Justice Department), the Greek Ministry of Justice (Department of Prevention of Juvenile Criminality & Social Inclusion) and the Romanian Ministry of Justice (Department for European Programs).

The project was targeting young offenders coming from countries that had recently joined EU and non-EU Countries, focusing specifically on child recidivism and promotion of social re-integration of young offenders.

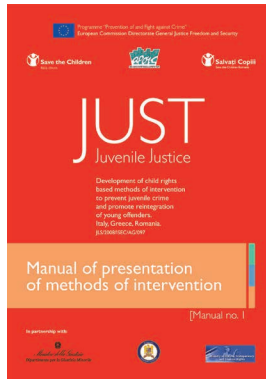
One of JUST's objectives was to strengthen knowledge and professional skills of public and private actors engaged in prevention and re-integration of juveniles (such as law enforcement officials, the judiciary, institutions, NGOs) to guarantee a better protection of children and their rights. For this reason JUST main outputs were the publication of 3 manuals: Manual of methods of intervention to prevent recidivism and promote reintegration of children in conflict with the law²³, Manual for users²⁴ and the Manual for trainers²⁵.

²² [JUST. Juvenile Justice. Development of child-rights based methods of intervention to prevent juvenile crime and promote reintegration of young offenders. Italy, Greece, Romania. JLS/2008/ISEC/AG/097](#)

²³ [JUST. Manual of presentation of methods of intervention](#)

²⁴ [JUST. Manual for users](#)

²⁵ [JUST. Manual for trainers](#)



During JUST project a “child rights based transnational framework of analysis” was created as a tool to analyze practices implemented in the field of prevention of recidivism and promotion of re-integration of young offenders. Main international and European documents and relevant case-law elaborated in the field of juvenile justice were selected and analysed to extrapolate the core elements that a comprehensive policy for juvenile justice should include. At the same time, main standards and principles for each core element together with the development of main indicators were elaborated to provide a practical tool of analysis. The best practice developed within the program was related to the transnational dimension of the problem analysis, having a flexible tool that allowed to compare different European countries as Greece, Romania and Italy with the aim of looking for adequate common solutions.

JUST A GAME (June - December 2012)

The project “Just a game”²⁶ was realized in collaboration with the Italian Ministry of Justice, the Department of Juvenile Justice and three regional Centers for Juvenile Justice to improve the minors knowledge about the juvenile justice system and the consequences of being “trapped” in it with at risk behaviors while at the same time preventing recidivism.

“Just a Game” is a table game inspired by the “game of the goose” and based on the path of the juvenile justice system. There are different slots distributed in a temporal logical sequence that includes the fundamental steps of the penal circuit: prevention, arrest, investigations, penitentiary system, alternative measures, exit and reintegration in the society. The meaning of winning is considered the full reintegration into society and not only the exit from the penal circuit.

In 2012 the game was tested in different institutions (juvenile pre-trial detention centers, detention centers, social service communities) and it was highly appreciated by the children who played it and the social workers who supervised the testing period. Moreover, within the process of active participation, children can get useful information about the consequences of their action and become aware of the efforts needed to readdress their own path²⁷.

²⁶ [Atlante Infanzia: How JUST a GAME was constructed](#) (only available in IT language).

²⁷ At the following link, <https://www.youtube.com/watch?v=ybztTx3JRrM>, a video to document the participatory process to create “JUST A GAME”, including the (anonymous) direct reports of two juveniles about their experiences in contact with the JJ system. The audio is in Italian.



Just a Game represents an innovative and effective way of approaching youngsters through active child participation: Cards are designed from boys and girls that participate to the game, and represent a further mean of participation and representation of their personal lives and experiences (each player can describe completely his/her story). JUST a Game can be used as an awareness raising tool for children to get familiar with their right to express their ideas and their right to be heard, and to collect child friendly information about the criminal process/procedures. The game is easy to be exported and contextualized into different situations and different JJ systems. It is an example about how to involve main subjects into program implementation using a methodology that is adapted to their capacities and needs (in this case, their creativity and their need to tell their own experience).

CLAIM - CHILD LAW: ACTION FOR AN INNOVATIVE METHODOLOGY (2013-2014)

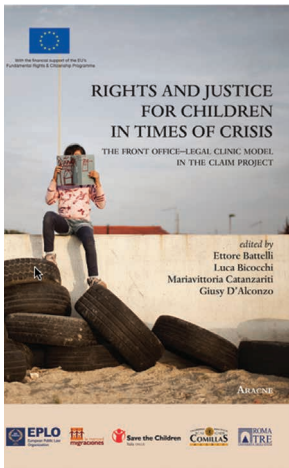
“Child Law: Action for an Innovative Methodology” (CLAIM)²⁸ project, funded by the European Commission and implemented in Italy²⁹ by Save the Children and the University of Roma Tre, promoted children’s access to justice in order to contrast poverty, inequality and social exclusion. The project was implemented in Italy through four main activities³⁰: a legal front office in Rome with lawyers providing legal advice and assistance to families and children; a legal clinic course on children’s rights held at the Law Faculty of the University of Roma Tre; a child participative workshop on access to justice involving selected teenagers, psychologists and social workers; a research and data analysis on cases managed by the front office-legal clinic.

Almost all beneficiaries needed legal orientation at first and were provided with high-quality information. Beneficiaries who also needed an extra-judicial legal assistance were backed up by the front office throughout administrative procedures of great impact on their lives, such as immigration and citizenship procedures, requests of international protection, procedures regarding access to economic and social rights (health, housing, work and education). This support included contacts (meetings and in some cases correspondence) with the relevant authorities and public services, such as Police headquarters, municipalities, social services, health services and schools. The project adopted a multidisciplinary approach that has been the added value of the activities carried out. Collaboration at different levels between groups of professionals (lawyers, academics, legal experts and social workers) ensured the impact of the project was high for both beneficiaries and the students involved.

²⁸ [Save the Children Italy \(only available in IT language\) presentation of national on-going projects.](#)

²⁹ The overall CLAIM project was implemented in Italy, Greece and Spain, by Save the Children Italy, European Public Law Organisation (EPLO) and La Merced Migraciones respectively, in collaboration with the universities of Roma Tre, La Comillas in Madrid and the National and Kapodistrian University in Athens.

³⁰ The project also included the following initiatives: a public awareness campaign on the issue of access to justice; a bi-monthly newsletter on issues of children’s rights addressed to experts, legal professionals and social workers; a residential summer school for legal practitioners, academics and social workers.



The combination between front office and legal clinic served as a natural operational tool to pursuing access to justice, by promoting rights whose implementation is linked to overcoming the structural difficulties of the justice system, such as procedural guarantees for children and the right to legal aid in court. The front office, working alongside the legal clinic, helped to provide legal advice. Students contributed to the service by performing preliminary analysis and study of the cases under the guidance of legal experts and academics and by flanking front office legal experts in meetings with the beneficiaries. The interaction between the front office, aimed at defining the concrete legal problems which emerged in the cases in question, and the scientific academic approach to the legal sources and reference texts developed by the legal clinics, produced a valuable combination of methodologies, which was educational for the students attending the course and supportive to the children and families in need.

3.2 SCIT INTERNATIONAL PROGRAMS

Starting from the experience in JJ programs developed within the domestic context, SCIT expertise on child justice has been recognized by others SCI members and Country Offices. SCIT Technical assistance on JJ related issues has been frequently required in order to improve the program design and implementation in countries without any specific expertise in this area.

At the moment SCIT is supporting the implementation of JJ programs in Albania, Bhutan, Bolivia, and Egypt. These countries are located in four different continents, have a completely different socio-cultural background, different legislation on juvenile justice and different services for children in contact with the law, but the methodology of our intervention has a common root, based on the international standards and guidelines and on tested best practices and lesson learned.

The Albania country office is working in the JJ sector since 2010 implementing projects and developing best practices that are going to be presented in the chapter. The other international programs are ongoing and therefore at the moment are not going to be presented in this publication.

Supporting Minors in Kavaja Institute - phase I and II (2010-2012)

This project aimed to strengthen the Kavaja Institute, the only facility in Albania exclusively dedicated to children deprived of their liberty, in particular empowering services to promote a more effective psychosocial rehabilitation and reintegration of children. Phase I of the program reported a scarce presence of rehabilitation and reintegration measures with consequent high risk of recidivism, being the juveniles attracted once more (or for the first time) in criminal circuits once they leave the institution. Vocational training, occupational therapy, outreach work with families and community as well as business mobilization are fundamental to ensure reintegration of the juvenile offender and have been improved within this program.

The most challenging objectives have been: enhancing the quality of services provided in Kavaja Institute, facilitating conflict mediation, promoting psycho-social rehabilitation of children and facilitating the reintegration of children into families and society. The quality of services provided in Kavaja Institute has been enhanced as a result of the on-the-job training offered to the staff of the institution. Training sessions regarding conflict mediation and restorative justice between police and educational staff, between minors and also between minors and staff, have been delivered. Conflict mediation techniques have been included in the work methodology of the institution staff.



One of the most successful activities within Kavaja Institute has been psycho-social rehabilitation of children deprived of their liberty, promoted through gardening activities in the new greenhouse established inside Kavaja, carpentry activities to produce benches with the support of one trainer (the benches now are used by minors themselves in the classrooms of formal primary education) and also through animation activities (theatre classes undertaken by an Italian expert). These rehabilitation activities have been included in the monthly plan of Kavaja Institute and have been carried out by specialized staff. We learned that, starting a so peculiar economic activity, it is fundamental to take into account some critical issues regarding production and sell cycle. Best practices include: 1. Evaluate actual production possibilities in relation with capacities and sustainability: an ad-hoc workshop ("One day in the Institute for minors of Kavaja") has been undertaken to identify goods that can be produced in the carpentry workshop. 2. How to distribute the generated income is an awkward issue: options have been discussed with the General Directorate of Prisons that approved to distribute it to the involved children.



Establishing a Referral System for Under 14 in conflict with the Law in Tirana (2011-2012)

The project established a referral system respondent to the specific needs of protection for children in conflict with the law under the minimum age of criminal responsibility, with the aim of reducing recidivism among the target group. Considering the weaknesses of Albanian legal framework about children under the minimum age of criminal responsibility in conflict with the law (14 years old, according to Albanian legislation) as well as the lack of appropriate infrastructure and services for reintegration of children under MACR, the Ministry of Interior, the General Directorate of Police and Save the Children in Albania recognized the need of collaboration for the implementation of a referral system in Tirana, to be considered a model for replication in other cities as well as an instrument to provide inputs for the improvement of the existent legal framework.

The referral procedure is the following: once the child is taken by the Police in any of the six Commissariat of Tirana, the involved Commissariat immediately refers to the

CSO's partners assuring the presence of a social worker and a psychologist while the relevant procedures are undertaken by the Police. After that, the Police advises the family about the possibility of benefiting from the referral mechanism with related services. The project has been jointly identified and elaborated by Save the Children and the General Directorate of Police, with a continuous cooperation and coordination. It was focused only on the area of Tirana where six Police Commissariats operated with the involvement of the Tirana Municipality, and local service providers already active in the city such as ARSIS, FBSH and Street Children Center.

The main challenges have been: assuring adequate protection to Under-14 in conflict with the law, reduce recidivism among the target group, reducing discomfort of Under-14 stopped by the Police, enhancing access to social services, strengthening capacities for social service providers and Police staff and promoting coordination amongst actors dealing with Juvenile Justice and Under-14.

Through a coordinated intervention between partners from CSO's (FBSH, ARSIS, Municipality of Tirana), police officers, social workers, teachers, families, mediators and other actors the referral mechanism ensured: a preliminary social investigation with consequent need assessment; individualized case management and referral to the relevant services; psycho-social assistance and counselling in the police stations for children and their families; activities in school for inclusion and integration; administrative support for children and their families according to their needs; cultural mediation; medical support and vocational training opportunities.

It is fundamental to create a protection network including all relevant institutions and professionals with different expertise to face different problems. This result has been achieved giving a specific educative role to different actors, without excluding the fundamental role of the family but, on the contrary, recognizing its ultimate responsibility.



Promoting Child Friendly Justice Norms for Children in Contact with the Law (2012)

This project aimed to promote child friendly justice practices and norms starting from documented experiences and lessons learned of the previous projects. SC recognized the need to extend and expand targeted interventions to other pre-trial detention facilities in Albania. Direct interventions focused on:

- Assisting child-friendly reintegration of juveniles after they leave the pre-detention and detention facility;
- Promoting tools and approaches in conflict management inside pre-detention facilities, drawing upon global best practices;
- Provision of legal services for juveniles
- Provision of psychosocial support for juveniles and their families, including formal and non-formal education opportunities (vocational education training in the community as part of the reintegration process.)
- Refurbishing and provision of child-friendly spaces for juveniles in order to reduce harm and discomfort during time spent in police stations;

- Defining and institutionalizing standard protocols for child-friendly interviewing techniques for children in contact with the law, during witness testimony and/or for victims of all forms of abuse, applying the best interest of the child principle.

Moreover, the project contributed to sustainable and systemic changes in child justice system, thus becoming a replicable model by institutional structures.



One of the best practice developed within this program was child friendly protected interview rooms. The child friendly protected interview rooms were equipped directly by Save the Children in collaboration with General Directorate of State Police. The project partner CILSP, together with the Ministry of Interior, General Prosecutor's Office and Bar Association in Albania promoted child friendly practices and norms in police stations by equipping each of the selected Regional Directorates of Police with protected interview room equipped with hi-tech audio and video recorders in a child friendly environment. Standard Protocols on child-friendly procedures with interviewing techniques for children (as victims, witnesses and offenders) were developed and referral of cases of children in contact with the law (i.e. witnesses and victims of abuse) was established. SC, together with other key development actors in Albania, such as the EU and Terre des Hommes (TdH), promoted the endorsement and the institutionalization of these documents and practices with the Ministry of Interior. The involvement of a multisectoral group of professionals was strongly.

Strengthening Juvenile Justice in Albania (2013-2015)

The “Strengthening Juvenile Justice in Albania” Program aimed at empower the capacity of the institutions involved in the protection of children in contact with the law to promote their reintegration into society through a range of rehabilitative, social and legal services. Furthermore, the program promoted public awareness and crime prevention campaigns through training of policy-makers, and creation of interagency and interdepartmental coordination units as to assure and significantly enhance the welfare of minors.

The program has been developed on two levels of intervention: institutional and community based. Both levels imply support to various institutions and Albanian CSOs engaged in the field of juvenile justice.

The program supported the criminal justice system at a local level, through a cluster of activities, in cooperation with the national level in order to look for restorative community solutions (victim offender mediation, social control and community based activities) for those minors who have committed sporadic minor offences. Community justice aimed at smoothing out the progress of solving the less problematic issues while promoting alternative measures.

Another fundamental aspect was the comprehensive approach to aftercare services provided to ensure an effective social reintegration of children in conflict with the law. Before their release, children deprived of their liberty have been supported with orientation workshops

and vocational training about their future reintegration into society. Families with children in conflict with the law have been supported with psychological and legal services to contrast poverty and ensure access to justice. After their release, reintegration into society was facilitated through an integrated intervention with the families and the involvement of business community and work grants for children in conflict with the law.



One of the best practices for successful reintegration of children in conflict with the law was related to the involvement of business community. Small and medium enterprises (SME) need incentives to be involved in reintegration activities: tax reduction was not possible without effective State commitment. Moreover special dispositions and job restrictions related to young workers (16-18 years) for their safeguard at work are considered strong constraints by SMEs.

Effective collaboration with the local business community has been facilitated through activation of Save the Children 6 months work grants for released children. For every one-year signed contract 6 months have been paid by Save the Children work grants and 6 months are directly paid by the company. Areas of job placement were food delivery, hairdresser and clothing industry. Through work grants children learnt a profession and the respect of social living rules, building trust and positive relationship between companies, children and families.

Institutional Development of Restorative Justice and Victim Offender Mediation for juveniles in Albania (2014-2015)

The actions proposed in the program financed by EU funds aimed to strengthen the capacity of Albanian authorities and civil society organizations to support effective access to juvenile justice for vulnerable and marginalized groups through restorative justice. Moreover, it contributed to promote restorative justice as an alternative measure to divert juveniles in conflict with the law from the judicial proceedings. RJ approach has been promoted in Albania by the Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR). The specific objective of the program focused on conflict mediation interventions for children in conflict with the law to consolidate the already existing victim-offender mediation for juvenile offenders and promoting a community conferencing model as innovative approach for ROMA families with children in conflict with the law. The program also aimed at institutionalizing restorative justice for juvenile offenders through lobbying and advocacy activities with Albanian authorities. The activities have been implemented in partnership with Save the Children in Albania, AFCR and in close collaboration with Albanian JJ institutions, General directorate of Police and General Directorate of Prisons, High Council of Justice in order to achieve the results and create local ownership of the project. The activities included a preliminary data collection and research on the impact and effect of restorative justice for juvenile offenders; capacity building activities with national and

international experts for JJ professionals (judges, prosecutors and police officers) to promote the effective use of diversion measures in criminal proceedings; victim-offender mediation, community conferencing activities and lobbying and advocacy activities aimed at institutionalizing restorative justice and strengthening the Albanian legal framework on diversion for children in conflict with the law.

The best practices developed within the restorative justice program in Albania were the victim-offender mediation and community conferencing activities. SC and AFCR identified the focal Roma community leaders and activists to be trained in RJ, particularly in community conferencing and Victim-Offender Mediation. ROMA community accepted positively conflict mediation solution rather than judicial, in particular through community conferencing. A group of 12 Roma facilitators and 8 mediators were jointly selected and trained with the aim to provide the trainees with basic knowledge and skills in conflict management, communication, restorative justice and mediation.



Cases referred to victim-offender mediation have been mostly related to crime of battery, insult, threat to revenge. The handled cases were mainly referred by prison authorities. During the implementation period, the majority of them were successfully managed, in the sense that mediation avoided the application of disciplinary measures to juveniles involved in conflicts, and normalization of the relationships between the mates was achieved. Community conferencing activities with Roma families were mainly referred by police officers and schools with intervention of AFCR mediators and Roma trained facilitators.

The majority of cases were related to Roma juveniles involved in violence and battery. Although most of them were petty crimes, there was high risk of escalating the conflicts into more serious ones. Therefore the intervention of the facilitators and community conferencing helped to normalize relations between the parties through apologies and reconciliation. The most challenging part of restorative justice has been the victim's acceptance to seat at the same table with the offender, but very frequently children have been more open minded than their families to accept to be part of the mediation process. Almost every case where the victim accepted to meet the offender was concluded positively with a significant reduction of recidivism.

4. RECOMMENDATION

4.1 Thematic Recommendations

a. Data collection and prevention

- It is fundamental to collect disaggregated data on children at risk and children in contact with the law, although it may be difficult to get reliable data from governmental institutions, in particular if related to sensitive data as children are deprived of their liberty. Data and analysis of the phenomenon can be really helpful to plan effective interventions on Juvenile Justice and to monitor results achieved.
- Efforts should be done to collect data on juvenile recidivism: although it is not a simple indicator to be analyzed, it gives precious information about children's reintegration into society.
- Particular emphasis should be given to prevention policies that facilitate the successful socialization and integration of all children, including foreigners. Therefore, prevention program should focus on the support for vulnerable families, involving the schools in the teaching of basic law, and extending special care and attention to children at risk.

b. Pre-trial detention and detention

- Child detention should be a measure of last resort and for the shortest possible time, giving priority to alternative measures.
- Regulating conditions of detention is a fundamental requirement for preventing violence, including ensuring the segregation of children away from adults, the separation of boys from girls and the convicted from those awaiting trial.
- Children in custody should have regular access to parents, family and lawyers.
- Children in custody should have access to educative and rehabilitative services.

c. Diversion, alternative measures and restorative justice

- Children who have committed petty offences, usually first offences, and whose behavior has been criminalized - who represent the overwhelming majority of children in conflict with the law - should be diverted away from the criminal justice system through community-based alternative diversion mechanisms.
- The formal criminal justice system should only deal with the small minority of children who have committed very serious crimes, usually involving violence, and who represent a threat to themselves and/or their society.
- Alternative measures should be strongly encouraged during any phase of the judicial proceeding. It is vital to establish a comprehensive, child-centered, restorative juvenile justice system that implement international standards and provide real alternatives to detention.
- Key actors, including community leaders, members of local authorities as well as officers of the justice system (in particular the police, prosecutors, social workers and judges) should be trained to understand the importance of alternative measures.
- Restorative Justice Programs should be developed ensuring that the offender becomes fully aware and willing to take responsibility for his or her actions, repairing the harm done to the victim and restoring the balance within community and society.
- An holistic, multi-sectoral and community-based approach, involving education, health and protection sectors should be considered as a comprehensive approach to juvenile justice to ensure successful results.

- d. Judicial proceeding**
- A specialized child-centered justice system must be established with Child Court and trained judges, prosecutors and lawyers.
 - Regular and free access to legal aid and legal representation should be ensured to every child.
 - The Minimum Age of Criminal Responsibility should be not too low and should be revised if necessary.
 - Child friendly court procedures should be developed to facilitate the juvenile in the process of understanding the committed offence and its consequences.
 - Judicial proceeding should be inspired by principles of fair and just trial.
- e. Rehabilitation, reintegration and aftercare**
- Rehabilitation of young offenders should be a priority in any criminal justice system, while effective reintegration and appropriate aftercare are considered crucial in reducing recidivism.
 - Vocational training, vocational orientation and work grants should be part of any project for the release of a juvenile.
 - An individualized rehabilitation program focused on educative and formative activities should be considered as a key instrument for promoting reintegration of children involved in the criminal circuit.
- f. Child victims and witnesses**
- Child witnesses should be assisted in the judicial and administrative processes with special care and attention.
 - Sensitive information from child victims and witnesses should be collected during the judicial proceeding with particular child friendly interview techniques and in child friendly protected interview rooms.
- g. Training and capacity building**
- The successful implementation of children's justice Programs requires co-operation and co-ordination between the various government bodies involved in the criminal justice system and other agencies, institutions and individuals working to help children in conflict with the law.
 - Training Programs are also essential, to ensure that personnel are properly equipped to work with these children.
 - The setting up of a child-friendly justice system requires that personnel to be knowledgeable about international standards and guidelines and about how these international standards are to be applied locally. They need to know their own national policies and how to put these into practice.
 - Juvenile justice personnel and all personnel in contact with children in conflict with the law should be qualified and include a sufficient number of specialists, such as educators, vocational instructors, counselors, social workers, psychiatrists and psychologists, etc. The police should also be specifically instructed and trained and should adopt a non-discriminatory attitude during their contacts with children.

4.2 JJ Project Recommendations

- Programs should always be focused on child rights approach. Activities, results and objectives should be tailored on the rights of the child and their best interest. Children in contact with the law are considered by SCIT as child protection thematic area.
- Clearly identify the program's target groups (i.e. children at risk, children in conflict with the law, child victims and witnesses, children under MACR, Judges, Prosecutors, Lawyers, Social Workers, Probation Officers, Police Officers).
- Clearly identify most relevant problems and areas of intervention (i.e. prevention, children deprived of their liberty, alternative measures, ...).
- Ask for technical assistance and support from professionals with specific expertise on juvenile justice (i.e. SCIT), or invest on training of internal human resources on JJ or create strong partnerships with other international organizations or INGOs with specific skills and previous experience in this area of intervention.
- Depending on the kind of intervention developed in the proposal, create strong partnerships with relevant stakeholders to ensure an efficient network. A pilot project or a comprehensive program necessarily includes different partners but both require an accurate selection of stakeholders involved in the program implementation
- Create a positive relationships with local authorities, partners and relevant stakeholders based on trust and common respect. Try to find the most appropriate way to denounce weaknesses and bad practices of the system while at the same time keeping a pragmatic approach to avoid institutional obstructionism.
- Support reintegration of released children through after care services, in particular with work grants, to facilitate the creation of concrete job opportunities and work placement in SMEs.

ANNEX

Annex I

International standards

A large variety of international conventions, standards, guidelines, resolutions and plans of action govern and guide the way that legal systems interact with children in conflict with the law. Taken together, this collection of instruments provides a comprehensive picture of a non-violent juvenile justice system and forms the backbone of the vision set out in this report. The most prominent of these instruments are listed and described in further detail below, with a link to the online resource:

- **UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985)**

The Beijing Rules call on States to establish legal protections that further the well-being of children in conflict with the law. The Rules cover children's interaction with the legal system from first contact with law enforcement through to adjudication and disposition, directing States to establish separate juvenile justice systems with laws, regulations and policies that both protect children's rights and meet their individual needs. Specifically, States are encouraged to provide for flexibility and discretion in conducting juvenile justice proceedings while at the same time guaranteeing children basic procedural safeguards.

<http://www.unrol.org/files/UNAdminofJJJUSTICE.pdf>

- **Convention on the Rights of the Child (CRC, 1989)**

The Convention on the Rights of the Child enshrines a comprehensive vision of children's civil, political, economic, social and cultural rights. Of particular relevance to children in conflict with the law, the CRC recognizes children's absolute right to be protected from all forms of violence, prohibits torture and other cruel, inhuman or degrading treatment, and firmly limits deprivation of liberty to a measure of last resort and for the shortest appropriate period of time. The Convention also sets out States' obligations with respect to juvenile justice, reaffirming the central importance of rehabilitation and underscoring children's right to fair treatment and special consideration before, during and after legal proceedings.

<http://www.unicef.org/crc/>

- **UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines, 1990)**

The Riyadh Guidelines take a child-oriented approach to guarantee young persons' full participation in society, encouraging States to adopt laws and processes that address the conditions underlying juvenile delinquency. Among other measures, States are asked to enact laws that promote and protect the rights and well-being of children and to support mechanisms and advocacy services that ensure the status, rights and interests of children in conflict with the law are upheld. Following the principles of fairness and equity, the Guidelines further dictate that official intervention into a child's life must always be pursued in the best interests of that child.

<http://www.un.org/documents/ga/res/45/a45r112.htm>

- **UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules or JDLs, 1990)**

The Havana Rules give standards of reference to professionals involved in the management of the juvenile justice system from arrest through to release to uphold the safety and well-being of children in conflict with the law. Havana rules include the basic principle that deprivation of liberty should be a last resort measure and for the shortest possible time. The conditions and circumstances of detention should ensure respect for children's rights, and each child must be individually assessed and cared for in line with their needs, status and special requirements. The Rules further address children's rights to education, recreation, religion, health care, and to contact with the wider community, and would require States to provide effective remedies where these or any other rights are breached.

<http://www.unrol.org/files/TH007.PDF>

- **UN Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines, 1997)**

The Guidelines for Action are addressed not only at States, but also UN entities, NGOs, professional groups, the media and children. They address children who become involved in the criminal justice system in any capacity, whether as offenders, victims or witnesses, and encourage the full implementation of children's rights in the administration of justice.

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CriminalJusticeSystem.aspx>

- **Committee on the Rights of the Child - General Comment No. 10 on Children's rights in juvenile justice (2007)**

The General Comment encourages the development of juvenile justice policies that ensure respect for children's rights, and maintains a particular focus on the prevention of delinquency and alternatives to formal judicial proceedings. It notes the ongoing importance of awareness-raising, training, data collection, evaluation and research in the effective administration of juvenile justice.

<http://www.unrol.org/files/CRC.C.GC.10.pdf>

- **Guidance Note of the Secretary General: UN Approach to Justice for Children (2008)**

The Note argues that States should embrace a stronger rule of law for children by empowering justice institutions and adopting strategies that specifically guarantee respect for children's rights. Guiding principles to be followed include the best interests of the child, the right to fair and equal treatment, the right to be heard, and the right to be protected from violence.

http://www.unrol.org/files/RoL_Guidance_Note_UN_Approach_Justice_for_Children_FINAL.pdf

- **UN Human Rights Council Resolution on Human Rights in the Administration of Justice, in particular Juvenile Justice (2011)**

In this Resolution, the Human Rights Council calls on States to take effective legislative, judicial, social, educative and other measures in implementing UN standards on human rights in the justice system. Rehabilitation, reintegration and monitoring are stressed, and

the Resolution recognizes that children in conflict with the law must be treated in a manner consistent with their rights, dignity and needs. States are advised to allocate resources for legal aid in a way that promotes these rights, and in particular urged to take all necessary steps, including legal reform, to prevent and respond to violence against children within the justice system.

http://srsg.violenceagainstchildren.org/document/a-hrc-res-18-12_447

- **UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012)**

The Principles and Guidelines make clear that legal aid should be provided to children as a matter of priority and in a manner consistent the best interests of the child. To meet this standard, States must create legal aid programmes for children that are accessible, age-appropriate, multidisciplinary, effective, and tailored to the needs of individual children.

http://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

While the international standards above apply at least in part specifically to juvenile justice, it must also be noted that a much larger body of human rights instruments exists in relation to the overall administration of justice. By and large, the provisions of these instruments also extend to children in conflict with the law, and their relevance must not be overlooked. Particular attention is drawn to the following:

- **Guidelines on the Role of Prosecutors (1990).**

<http://www.unrol.org/files/Guidelines%20on%20the%20Role%20of%20Prosecutors%20.pdf>

- **UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) (1990).**

http://www.unodc.org/pdf/compendium/compendium_2006_part_01_03.pdf

- **Basic Principles on the Use of Restorative Practices in Criminal Matters (2002).**

<http://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf>

- **UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005).**

<http://www.unrol.org/files/UNGuidelinesChildVictimsWitnesses.pdf>

- **United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules 2015)**

http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_24/resolutions/L6_Rev1/ECN152015_L6Rev1_e_V1503585.pdf

Annex 2

Preliminary self assessment

This preliminary self assessment could be considered an useful tool to collect information on the implementation of juvenile justice international standards in a country. It is not compulsory to fill all questions, but it is useful to answer as much as possible to get precise and updated information about the current situation of the JJ system. The “Yes” column has two possible answers in relation with the source of information used to check/collect the information by the assessor. In addition, it would be helpful to list any public report and/or official data about children in contact with the law with special attention to conditions of detention of children deprived of their liberty (including information and details about respect of basic rights, i.e access to quality food, sufficient sq. meters per person, quality sleep, access to laundry services etc.).

	Yes		No
	Verified by Law	Verified by practice	
International Standards			
1) Is the country signatory of the following set of laws:			
• UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)			
• Convention on the Rights of the Child			
• UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)			
• UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules or JDLs)			
• UN Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines)			
• Guidelines on the Role of Prosecutors			
• UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules)			
• Basic Principles on the Use of Restorative Practices in Criminal Matters			
• UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime			
National juvenile justice legislation			
2) Has the country adopted a specific legislation for juvenile in conflict with the law?			
3) Is a reasonable minimum age of criminal responsibility (MACR) established by law to ensure that children under that age are not criminalized? If yes, please specify the MACR.			
4) Is a referral mechanism for children under MACR in conflict with the law established?			
Data Collection			
5) Is a disaggregated data collection system available to monitor on a timely basis, the phenomenon of children in contact with the law?			

	Yes		No
	Verified by Law	Verified by practice	
7) Is a statistical data on recidivism of children in conflict with the law available?			
8) Are disaggregated data on children at risk and without appropriate care collected?			
Prevention			
9) Is a National Plan on Juvenile Crime Prevention adopted?			
10) Do children involved in substance abuse have adequate assistance and support?			
11) Is assistance provided to families with children at risk?			
12) Are there any structures where children without appropriate care or children at risk can stay temporarily with adequate support from specialized workers?			
Pre trial detention and Detention			
13) Does the law envisage deprivation of liberty as a measure of last resort and for the shortest possible period of time for a child in conflict with the law?			
14) Are conditions of detention of children in conflict with the law respondent to “UN Rules for the Protection of Juveniles Deprived of their Liberty”? (i.e. respecting human rights, ensuring health, encouraging rehabilitation and social reintegration)			
15) Is any complaint mechanism available for children in detention?			
16) Are conditions of detention monitored regularly by independent bodies?			
17) Are children in detention allowed to receive regular visits from parents, guardians and relatives?			
Diversion, alternative measures and restorative justice			
18) Are alternatives to divert children in conflict with the law from formal legal proceedings developed ? (i.e. victim-offender mediation, penal mediation)			
19) If yes, are alternative measures effectively operative?			
20) Are alternative sentences applied within the juvenile judicial proceeding? (i.e. probation?)			
21) Is restorative justice available to apply in cases of juvenile crime? (i.e. community-based sentences)			
Judicial Proceedings			
22) Is a specialized Child Court / Child Bench established in the country?			
23) Is access to justice ensured for children in contact with the law in the country through free legal aid services provided by CSO's?			
24) Does the law envisaged the following elements:			
<ul style="list-style-type: none"> • best interest of the child taken into consideration within the judicial hearing (i.e. respecting the effective implementation of children's rights, giving due consideration to the child's level of maturity and understanding and the circumstances of the case) 			

	Yes		No
	Verified by Law	Verified by practice	
• the right of the child to be heard (i.e. children's point of view is taken into consideration)			
• child innocence presumed until proven guilty according to law			
• child privacy respected at all stages of the proceedings			
Child victims and witnesses			
25) Are there any specific protection for child victims and witnesses?			
26) Are protected interview room available?			
27) Are child friendly procedural guidelines available for child victims and witnesses?			
Training and capacity building			
28) Are trainings on children's rights carried out for the following juvenile justice personnel working with children in contact with the law:			
• Judges			
• Prosecutors			
• Lawyers			
• Social Workers			
• Police Officers			
29) Are capacity building activities (i.e. workshop, seminars....) developed to guarantee a high level of professionalism ensured for JJ workers?			

Self Assessment compiled by:

Date:

Annex 3

Indicators for JJ systems monitoring and evaluation

UNICEF and UNODC have selected 15 indicators for measuring and presenting specific information about the juvenile justice system. Building on our experience, we created a list of other 43 outcome indicators. Both the lists can be considered a starting point for the design of an M&E plan, but they have not to be used as a predetermined fixed framework to be applied in every situation and context. Each indicator can be included or not, it can be modified and the lists can be enriched. Whenever is possible, data for any indicator should be collected and kept disaggregated by age, sex, other main variables.

Tab. I - UNICEF/UNODC JJ Indicators

Indicator		Definition
Quantitative indicators		
1	Children in conflict with the law	• Number of children arrested during a 12 month period per 100.000 child population
2	Children in detention (CORE)	• Number of children in detention per 100.000 child population
3	Children in pre-sentence detention (CORE)	• Number of children in pre-sentence detention per 100.000 child population
4	Duration of pre-sentence detention	• Time spent in detention by children before sentencing
5	Duration of sentenced detention	• Time spent in detention by children after sentencing
6	Child deaths in detention	• Number of child deaths in detention during a 12 month period, per 1.000 children detained
7	Separation from adults	• Percentage of children in detention not wholly separated from adults
8	Contact with parents and family	• Percentage of children in detention who have been visited by, or visited, parents, guardian or an adult family member in the last 3 months
9	Custodial sentencing (CORE)	• Percentage of children sentenced receiving a custodial sentence
10	Pre-sentence diversion (CORE)	• Percentage of children diverted or sentenced who enter a pre-sentence diversion scheme
11	Aftercare	• Percentage of children released from detention receiving aftercare
Policy indicators		
12	Regular independent inspections	• Existence of a system guaranteeing regular independent inspection of places of detention • Percentage of places of detention that have received an independent inspection visit in the last 12 months
13	Complaints mechanism	• Existence of a complaints system for children in detention • Percentage of places of detention operating a complaints system
14	Specialised juvenile justice system (CORE)	• Existence of a specialised juvenile justice system
15	Prevention	• Existence of a national plan for the prevention of child involvement in crime

Source - "Manual for the Measurement of juvenile justice indicators", UNODC and UNICEF, New York, 2006.

Tab. 2 – Menu of SCIT outcome indicators for JJ programmes

Dimension to be evaluated	Indicator
Beneficiaries well-being ¹	<ul style="list-style-type: none"> - Number/percentage² of children who return to their families after their release from detention - Number/percentage of children who return to regular school after their release from detention - Recidivism rate / Rates of reoffending for each type of sentence - Number/percentage of children in contact with the law who declare their rights have not been violated throughout the whole proceeding (from the first contact with police up to the reintegration into society)³ - Number/percentage of incidents of children being compelled or threatened⁴.
Existence of Law, rules and policies	<ul style="list-style-type: none"> - Presence of specific dispositions for juveniles introduced in reformed criminal procedural code - Existence of manual for trainers on juvenile justice issues and training techniques - Existence of protocols signed between main actors involved (Police, Prosecutor, Judges, Social Services, Probation Office) - Presence of an endorsed SoP/ Diversion guidelines
Proper functioning of the JJ System	<ul style="list-style-type: none"> - Reliable data on juvenile crime, the juvenile justice system and the impact of crime prevention initiatives, disaggregated by age and gender, are available on a timely basis - Number/percentage of relevant agencies accessing and using disaggregated data for program planning and decision making - Number/percentage of cases who have been closed after a restorative justice activity (e.g. victim-offender mediation) - Number/percentage of children sentenced by Child Justice Benches - Number/percentage of sentenced young offenders who are sentenced to alternative measure (e.g. a term of probation) - Number/percentage of children in contact with the law who have access to alternative measures to detention - Percentage of children who fail to complete a term of probation (because of a new offence or a breach of the probation conditions) - Number of children under the minimum age of criminal responsibility temporary placed in detention structures - Percentage of children in detention who are aware of the exact nature of the charges against them - Number /percentages of lawyers who attended a specialized course on child rights to represent and defend children in conflict with the law - Linkages with CSOs for post-release services to children in contact with the law established

¹ Indicators related with beneficiaries well-being are focused on “impact” and not only on “outcome”.

² Usually it is important to collect data and report both on absolute values regarding a phenomenon and on its relative frequency, that is the percentage of cases showing a specific characteristic over the total number of cases.

³ This indicator is a general version of more specific indicators related with different child rights violation e.g.: children in contact with the law who declare to have suffered violence during the detention, to have not received legal assistance, etc.).

⁴ We need to ensure that accused children are never compelled to give testimony or to confess or acknowledge guilt (through law reform, guidelines for police and prosecutors, training of officials, right to appeal, presence of legal counsel).

Existence, access and quality of facilities	<ul style="list-style-type: none"> - Number/percentage of children availing aftercare services - Number/percentage of Police stations with child friendly spaces / protected interview rooms - Number/percentage of times protected interview rooms have been used - Number/percentage of pre-trial detention facilities and protected interview rooms with fully equipped interrogation rooms - Existence of a structure where children without appropriate familiar care can temporary stay with appropriate support from specialized workers - Number/percentage of female detainees deprived of their liberty in a specific female section and/or female centre
Existence, access and quality of services	<ul style="list-style-type: none"> - Number children and their family members who have access to primary and secondary prevention interventions - Number/percentage of children in detention having access to recreational activities - Number/percentage of children participating to conflict mediation activities carried out in different places (schools, ...) - Number/percentage of children detained in facilities responding to international standards - Number/percentage of children in detention who have access to formal education and vocational training - Number/percentage of children in detention getting appropriate health care and medical treatment for diseases - Existence of psychological support and social assistance within detention facilities - Number/percentage of children in detention who receive psychological support and social assistance - Number/percentage of children who can benefit of a stage with a work grant - Number/percentage of children who have access to short-term financial support at the time of their release - Number/percentage of children having access to integrated services provided from social services
Awareness, knowledge and capacities of different subjects	<ul style="list-style-type: none"> - Existence of CSOs organization raising the awareness about child rights of children in contact with the law - Percentage of positive attitude of community members toward juvenile offenders released from detention - Number/percentage of juvenile justice workers (police officers, judges, prosecutors, lawyers, probation officers, ...) who improved their knowledge (or who reached an appropriate knowledge) on juvenile justice issues - Number/percentage of JJ workers who participated at national seminars to share good practices on juvenile justice - Number/percentage of trained police personnel who demonstrate increased knowledge and skills in child friendly police procedure - Number/percentage of police personnel oriented in the use of SoP/ Diversion guidelines - Number/percentage of JJ system staff who have access to lifelong learning.

Data and information sources

It should be kept in mind that different indicators have different data sources and indicators should be selected considering the existing sources and the possibility to create a new one. A first important source is the national and local legislation, procedure, rules and guidelines that should be compared with international standards. Sources regarding the range of the phenomena are the official database kept by Ministry of Justice, Ministry of Social Services, Police Departments, Courts, Detention facilities, whenever they exist and they are accessible. To control the quality of the detention facilities and of detention conditions it can be useful to elaborate quality checklist and to realize direct assessment. In order to have reliable data regarding the access of children to services, institutions providing these services should keep records of their beneficiaries, hopefully not only during the service delivery but also for a following period of observation during the reintegration into society. Data concerning awareness, attitude, knowledge and capacities are usually obtained through ad hoc surveys and/or pre-post questionnaires to test the trained subjects. Finally it could be necessary to realize surveys and quality studies to collect opinions and stories by children who are/have been in contact with the law and by their family members to evaluate the impact of our interventions in terms of wellbeing.

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Save the Children

Italia ONLUS

Save the Children Italia Onlus
Via Voltumo 58 - 00185 Roma
tel +39 06 4807001
fax +39 06 48070039
info.italia@savethechildren.org