

















## **GUIDELINES FOR CSOS** ON WORKING WITH YOUTH AND CHILDREN IN CONFLICT WITH THE LAW IN THE **WESTERN BALKANS** Ensure justice that empowers every child and young person



This publication has been created through the project `Youth at Risk from Social Exclusion` funded by European Union. European Union does not necessarily share the views presented in the publication.

GUIDELINES FOR CSOS
ON WORKING WITH
YOUTH AND CHILDREN
IN CONFLICT WITH
THE LAW IN THE
WESTERN BALKANS

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### **Abbreviations**

**ARYSE**- At-Risk Youth Social Empowerment

**CFJ** – Child Friendly Justice

**CSO** – Civil Society Organization

CYCL - Children and Youth in Conflict with Law

**EU** – European Union

**ICE** – In the Case of Emergency contacts

**JJ** – Juvenile Justice

**JDLs** - Juveniles Deprived of their Liberty

MACR - minimum age of criminal responsibility

**MoC** - Memorandum of cooperation

**M&E** – Monitoring and evaluation

**NGO** – Non-governmental Organization

**UN** – United Nations

**WB** - Western Balkans

These Guidelines for CSOs on working with youth and children in conflict with the law in the Western Balkans are the part of a wide project At-Risk Youth Social Empowerment – ARYSE funded by the EU¹. The coordinator of this almost 4 years long project (01 January 2016 – 30 September 2019) is the NGO Juventas from Montenegro, while the project partners are ARSIS- Social Organization for the Support of Youth from Albania, Association Margina from Bosnia and Herzegovina, HOPS from Macedonia, NGO Labyrinth from Kosovo, Prevent from Serbia and Schüler Helfen Leben (SHL) foundation from Germany.

This group of civil society organizations which have years of experience in supporting youth at risk of social exclusion, gathered around with the aim to improve policies and practices of institutions and civil society organizations, in relation to working with different groups of young people. In the framework of the project, the term "youth at risk" includes the following target groups: youth and children in conflict with the law, youth and children who use drugs, young people living in families with history of conflict with the law and/or drug use, children and youth with e street experience, young Roma and young people Leaving alternative care.

Among the project activities is the development of the General Guidelines and joint social delivery Standards for CSOs working with young people at risk of social exclusion in Western Balkans countries, as well as six practical Guidelines for providing services to the defined target groups.

The purpose of these Guidelines is to enable better protection of children and youth in conflict with the law in the region through the provision of high quality services standardized across borders. Guidelines are developed on the basis of good practices in the region and around the world, while being applicable within the contexts of the social, health, legal and child care systems in the Western Balkans countries. This publication is in line with the content of the General Guidelines and Standards for CSOs working with youth at risk of social exclusion as well as the remaining six Guidelines for service provision to the other target groups of the project which have been developed in parallel.

Main chapters of the Guidelines include:

- » Glossary with definitions listing and defining the main terms used in the publication, closely relevant to the children and youth in conflict with the law
- » Overview of the situation in Western Balkans countries, international binding documents and national legal framework presenting a current situation in the region and per each country, regarding work with youth and children in conflict with the law and its legal framework.
- » General principles and values presenting principles, values and conduct requirements with explanations specific for the CSOs' practitioners working with youth and children in conflict with the law
- » Types of services to be provided by CSOs for children and youth in conflict with the law - presenting a comprehensive overview and description of services that could be provided for youth and children in conflict with the law.
- » Procedures and guidelines presenting guidelines developed from the best practice examples in the region and around the world, applicable within the social, health, justice/legal and child care systems in the Western Balkans countries with a focus on a specific group of youth and children in conflict with the law
- » Conclusions and recommendations presenting main conclusions and recommendations regarding the CSOs' work with youth and children in conflict with the law

<sup>1</sup> EuropeAid/150147/DH/ACT/PRAREG

"For these are all our children. We will all profit by, or pay for, whatever they become."

### James Baldwin, Writer

Children and youth are essentially different form adults in so many ways that are not sufficiently understood and appreciated. Due to their age and immaturity, due to their vulnerability and limited capacity, due to the fact that they are still in a formative stage of development and dependent on adults, the existing justice systems and entire society's response to juvenile offending will not have the same intended effect as they have on adult offenders. Criminal accountability evolves according to the child's age and it cannot be treated as an adult, but it has to be treated as a person, a subject of rights. 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. The reasons why children and youth offend are diverse, but are rarely deliberate choice of getting into conflict with the law. As a rule, the roots of juvenile offending are in unfavorable conditions – social, economic, cultural, etc. and for that reason they are calling for remedying these driving factors in order to prevent, correct or rehabilitate the offending behavior.

Incorporating afore mentioned insights, in the course of the past few decades, the international community has developed comprehensive normative standards for the protection of the rights of children in conflict with the law. A number of instruments necessitate a specialized child-sensitive juvenile justice system and restorative justice approach. The standards require the treatment of juveniles to be based on the respect for their dignity, protection from discrimination, rule of law and the best interest of the child, while securing meaningful participation and promoting long lasting reintegration in society.

On the other hand, translation of these important principles into the practice on the ground is, however, far behind. Youth and children's vulnerabilities are not consistently treated with a due sensitivity so the child rights violations remain numerous, interventions often abusive or disproportionate, violence in institutions persistent and suffering punishments that stigmatize and marginalize them further frequent. Such responses are not in favor of child development. Furthermore, appropriate crime prevention efforts, support to families to develop safe environment, and education and work opportunities for youth are often lacking. The criminal justice system ends up being used as a substitute to weak or non-existent child protection systems. There are still many ways in which existing environments induce the repetition of the offenses rather than reintegration and rehabilitation and many fields in which implementation of international standards should be improved.

# 3. Glossary with definitions

Access to justice for children – ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards. It includes all relevant judicial proceedings, affecting children, including children alleged as, accused of, or recognized as having infringed the penal law, child victims and witnesses or children coming into contact with the justice system for other reasons (regarding their care, custody or protection). It covers civil, administrative and criminal spheres of national jurisdictions, international jurisdictions, and alternative and restorative dispute resolution mechanisms. In order to be attained it requires taking into account children's evolving maturity and understanding when exercising their rights. It requires the legal empowerment of all children so that they should be enabled to access relevant information and effective remedies to claim their rights.

**Administrative detention** - deprivation of child's liberty while waiting for a competent authority to give a final decision on his/her case.

**Alternative sanctions** - any kind of judiciary intervention avoiding deprivation of liberty (prison or closed facility).

**Child** - every person under the age of 18 years. The notion that the child's dignity is the same as that of adults, but who has, at that stage of development, a relative capacity for judgment, expression and defense is the basis for the existence of an autonomous system of justice for children, distinct from that for adults.

**Child victims and witnesses** – all persons under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders.

**Child-sensitive justice** - an approach in justice system that balances the child's right to protection and that takes into account the child's individual needs and views".

**Child-friendly justice** - justice system which guarantees the respect and the effective implementation of all children's rights at the highest attainable level, keeping in mind basic principles, giving due consideration to the child's level of maturity and understanding and to the circumstances of the case. The judiciary which meets the criteria of "child-friendly justice" is personal, accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.

**Child rights compliant juvenile justice system** – states' juvenile justice system that reflects a number of principles enshrined in international standards and ensures and protects children's rights as they are processed.

**Children in contact with the law** - all persons under the age of 18 in conflict with the law, children victims and witnesses of crime or children who may encounter the justice system as parties to a justice process, such as in custody arrangements, care, protection or inheritance (child parties to a justice process).

Children and young people in conflict with the law – any child or young person who comes into contact with the justice system as a result of being suspected or accused of committing an offence or convicted to commit one. In this guide the terms 'young offenders', 'children and young people in conflict with the law', 'juvenile offenders', and 'juvenile delinquents' will be used with the same meaning: all children and young people who have infringed the law.

**Deprivation of liberty** - some form of detention or imprisonment in a public or private facility, by order from a competent authority. The child is not allowed to leave the facility to his/her liking.

**Diversion** - diverting children and young people away from judicial proceedings and towards community solutions. Providing juveniles, at every stage of the procedure, the opportunity of an alternative way, separate from the formal justice system. It encompasses a spectrum of measures for dealing with offenders without resorting to judicial proceedings.

**Guidelines for Action on Children in the Criminal Justice System** - guidelines on how to implement the principles of the Convention on the Rights of the Child and other international standards relating to the administration of juvenile justice. Guidelines provide a comprehensive set of measures which needs to be implemented in order to establish a well-functioning system of juvenile justice.

**International juvenile justice framework** - a detailed framework, a set of international and regional treaties, conventions and standards created by the international community for dealing specifically with juveniles in conflict with the law. It is based on the recognition of the inherent vulnerability of children and young people for whom the punitive responses imposed on adult offenders do not serve the best interests of the child or society in the long-term.

**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** - systems of justice specialized for minors in conflict with the law. Encompasses legislation, policies, guidelines, norms and standards, procedures, mechanisms and treatment, institutions, systems, professionals and groups specifically devised for dealing with juveniles alleged as, accused of, or recognized as having infringed the penal law. These systems are in part or in whole distinct from the criminal justice system and treat children and young people in a different manner from adults. Also called 'Children's justice', 'Youth justice', and 'the system for children in conflict with the law' will all refer to laws, policies

**Justice for children** – an approach to the segment of justice relevant for children that is designed for the benefit of all children in contact with the justice system to ensure that the children are better served and protected. Justice for children takes a broader approach than the juvenile justice as it encompasses not only children in conflict with the law, but all the children in contact with the law. It is an overarching concept that works for the benefit and best interests of all children who come into contact with justice and related systems.

**Minimum age of criminal responsibility** – minimal age limit set by law after which it is considered that a child has attained the emotional, mental and intellectual maturity to be held responsible for their actions. A child under the age of criminal responsibility is considered to lack the capacity to commit a crime and is immune from criminal prosecution - it cannot be formally charged by authorities with an offence nor be subjected to any criminal law procedures or measures.

**Minor:** Child or youth, who, with regard to the law system concerned, can be made accountable for an offense, according to modalities different from those applied to an adult case.

**Non-violent juvenile justice system** - distinct and separate justice system which takes account of the special status of the juvenile, focuses exclusively on rehabilitation and reintegration and protects the juvenile from all forms of violence

Offence - any behavior (deed or omission) punishable in virtue of the judicial system considered.

**Parent** - person(s) with parental responsibility, according to national law. In case the parent(s) is/ are absent or no longer holding parental responsibility, this can be a guardian or an appointed legal representative;

**Rehabilitation** - re-integration into society of a convicted person.

**Restorative justice** - view of the criminal legal system which focuses more on the restoration of the damage that the crime has done to people and their mutual relations rather than the punishment of the offender. It involves all who are directly or indirectly affected by the crime in an attempt to

decide how best to restore the damage and it aims to restore balance in the damaged link between the victim, the perpetrator, and community. Its goal is to prevent the offender from relapsing into criminal behavior and provide the assistance required to correct the existing unacceptable behavior. It is based on the principles of reparation and rehabilitation.

**Retribution justice** - view of the criminal legal system which defines crime as an act against the state and the responsibility of the offender is defined by the sanction received. The key objective is to determine criminal responsibility - guilt, which is done in a procedure prescribed by the law. The result is a sanction that reflects the gravity of offence and whose service has an intimidating effect. The basic principles of retribution justice are those of retribution and punishment.

**Status offences** – offences - deeds or behaviors that are deemed offences only when committed by children or young people, but are not considered criminal when committed by adults. Include non-criminal behavior (running away, breaking disciplinary rules, breaking curfews, rude behavior...) which would not come under law if committed by an adult.

**Youth** - each person between 10 and 24 years of age (according to the definition of the United Nations); until the age of 30 (according to the Council of Europe); all persons between 15/16 and 30 years of age (in most of the countries from the region)

# 4. Overview of the situation in Western Balkans countries, international binding documents and national legal framework

Over the last twenty-five years, international juvenile justice standards have been developed by the United Nations at international level and the Council of Europe at regional level. They have developed and set international standards that guide the way that legal systems interact and treat children in conflict with the law.

These guides encompass child-specific instruments and general human rights treaties and are divided into two main categories of international standards:

- Treaties legally binding on States that are parties to them. They are obliged under international human rights law to respect, protect and fulfill their provisions and to report on the ways in which national legislation, policy and practice reflect this. Each treaty has established a committee of experts to monitor implementation of the provisions by the states
- When a rights standards non binding, non-treaty instruments in specific areas of juvenile justice diversion, prevention of delinquency, community sanctions and measures, detention: declarations, recommendations, bodies of principles, codes of conduct and guidelines. They complement the treaties, have significant moral force and provide useful and practical guidance. Their value rests on their recognition and acceptance by a large number of states

Among the juvenile justice guiding international legal instruments the following ones are of particular importance:

- » Universal Declaration on Human Rights 1948
- » International Covenant on Civil and Political Rights ICCPR 1966
- » Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (and its Optional Protocol 2002)
- » Convention on the Rights of the Child 1989
- » Standard Minimum Rules for the Treatment of Prisoners 1955
- » Code of Conduct for Law Enforcement Officials 1979
- » UN Standard Minimum Rules for the Administration of Juvenile Justice 1985 ('Beijing Rules')
- » UN Guidelines for the Prevention of Juvenile Delinquency 1990 ('Riyadh Guidelines')
- » UN Rules for the Protection of Juveniles Deprived of their Liberty 1990 ('Havana Rules')
- » UN Standard Minimum Rules for Non-custodial Measures 1990 ('Tokyo Rules')
- » Guidelines for Action on Children in the Criminal Justice System 1997
- » UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters 2002
- » UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders 2010 ('Bangkok Rules')
- » UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems 2012
- » Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1988
- » UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime 2005
- » Regional standards

- » European Convention for the Protection of Human Rights and Fundamental Freedoms 1950
- » European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 1987
- » Council of Europe Framework Decision on the standing of victims in criminal proceedings 2001
- » European Rules for juvenile offenders subject to sanctions or measures 2008
- » Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice 2010

It is important to note that under international law offenders lose their child specific rights when they turn 18 years old and there is no obligation on States to apply the principles for over-18s. International community has not adopted any binding international standards on young adult offenders so they can only rely on the international standards that apply to everyone. The international community has encouraged states to take an approach to young adults that is distinct from adults in order to recognize their transition into adulthood and address their particular needs and vulnerability. Instead of developing standards for 'youth', the international community should explore extending the relevant principles to apply to young adults. The Beijing Rules in this sense specify that efforts shall be made to extend its principles to protect young adult offenders. The age limit for who would be considered a 'young adult' is not specified.

In order for states to achieve a child rights compliant juvenile justice system, their systems need to reflect principles and standards from international juvenile justice framework and ensure and protect the rights of minors.

Western Balkans region has also made progress towards the child rights compliant juvenile justice system. In accordance with the Constitutional commitment of the WB countries, the international standards are a significant determinant of national legislation. The reform of child protection has achieved significant results regarding a harmonization of individual national legislative framework with international standards. Here, we will look through the national legal and institutional framework in Western Balkans countries in this area<sup>2</sup>, and the full and detailed overview of national legal and institutional framework for Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia is in the Annex 1.

In general, the comparison between the states shows wide variations in achievements on most of the parameters which suggest uneven practices across the region and opens up a possibility for significant exchange of good practices regionally. There is also wide variation among the parameters within each of chapters and slight lagging of institutional parameters in comparison to legal ones; both of which could be interpreted as the developmental occurrences which should be remedied in the course of further improvements of national juvenile justice systems.

More detailed view of the chapter 1 – Social support for CYCL, shows that main achievements throughout the WB region are that:

- » Children in conflict with law are recognized in the Law on Social Protection as a priority group
- » There are public institutions for children and youth in conflict with law (semi-open)
- » There are closed correctional institutions for minors in conflict with law

<sup>2</sup> Taken and adapted from the Regional study: Arising support from understanding and bridging the gaps, Improving social inclusion of selected groups of children and young people in Western Balkans, Juventas, 2017.

At the same time, the biggest issues for (almost) all countries are that:

- » There are no guidelines for collection of data in the social protection system for this group
- » There is no official document which contains rules of cooperation between NGOs and institutions in this area
- » Self-support groups do not exist
- » Independent living support services are not provided to this vulnerable group, neither is social housing nor other types of support for housing
- » There is no mechanism of coordination among public authorities, and models of mutual referring of children and youth from this category
- » There are no mechanisms of coordination between local/municipal and national institutions in this area
- » There are no mechanisms of outsourcing and paying for social services which are provided to this category outside public institutions

As for the Employment of CYCL, Chapter 2, main accomplishments are that:

- » Protection of children is prescribed by the Labor Law in all countries
- » There are programmes aimed at enhancing working skills of this group and those for mentorship in employment in majority of countries.

Common issues for (almost) all countries remain plentiful:

- » CYCL are not recognized in the relevant chapter of the Strategies for Children/Young People
- » There are no subsidies for employers which hire young people from this category, nor there are organizations which provide opportunity for employment of this group (in social enterprises, etc.)
- » There are no Laws on Social Entrepreneurship, neither the Strategies for Social Entrepreneurship
- » There are no mechanism of outsourcing and paying for services which are offered to this category outside public institutions

Detailed view of the chapter 3 – Education of CYCL, shows that main achievements throughout the WB region are that:

- » CYCLs are recognized in laws on education and in the relevant chapter of the Strategy for Children/Young People
- » Education is regulated in the Law on Juvenile Justice
- » Education of children with special educational needs is recognized by other laws
- » Free of charge books for children in institutions are guaranteed by law
- » Free of charge elementary and secondary education in prison is guaranteed by law
- » There are elementary schools within correctional facilities for minors
- » VET programmes are available in prison
- » VET certified programmes are available in correctional institute for juveniles

At the same time, the biggest issues for (almost) all countries are that:

- » There are no elementary schools within institution for execution of criminal sanctions for adults
- » Centre for Vocational Education/for Education of Adults do not provide services to CYCL
- » Additional programmes for provision of support to studying are neither available inside schools nor in the community/ with CSOs
- » There is no mechanism of outsourcing and paying for education-related services which are provided to this group outside public institutions

As for the Health of CYCL, Chapter 4, main attainments are that:

- » Free of charge healthcare in closed institutions is guaranteed by law
- » Health protection is defined in the Law on Execution of Criminal Sanctions
- » Health protection of prisoners falls within the remit of the Ministry of Justice
- » There is a treatment for adults who use drugs, within closed or semi-open institutions
- » Substitution therapy can be continued in prison
- » Services for improvement of mental health are provided in closed institutions
- » Services for prevention of communicable diseases, such as HIV, are available to this group Common issues for (almost) all countries stay ample:
  - » National Drug Strategy does not prescribe measures for drug abuse prevention for children and youth in conflict with law
  - » Health protection of prisoners does not fall within the remit of the Ministry of Health
  - » There are no guidelines for health protection of CYCL, nor for collection of data on their health protection
  - » CYCLs are not recognized in the relevant chapter of the Strategy for Children/ for Young People
  - » There is no treatment for children who use drugs, within closed or semi-closed institutions
  - » Prison hospitals are not operational
  - » There is no mechanism of outsourcing and paying for health-related services which are provided to this category outside public institutions

And finally the detailed view of the chapter 5 – Security of CYCL, shows that main achievements throughout the WB region are that:

- » There are the Laws on Juvenile Justice
- » Alternative sanctions are introduced in laws which regulate the position of CYCL
- » Laws prescribe obligatory treatment for people who use drugs and who are in conflict with law
- » There are separate prisons for minors and judges for minors
- » Probation services for minors exist
- » Offices for treatment of minors are available within judicial systems, including psychologists and/or social workers
- » Offices for treatment of minors in conflict with law are available within centers for social work At the same time, the biggest issues for (almost) all countries are that:
  - » There are no guidelines for collection of data
  - » There are no National Strategies or acts for prevention of behavior that is not socially acceptable
  - » There are no National Councils for Juvenile Delinquency Prevention
  - » Centers for minors in conflict with law (closed) do not exist
  - » There are no courts for minors
  - » Data on sanctions, treatment and probation are not collected inside judicial systems
  - » Data on children and youth in conflict with law are not connected with data on social protection

Main strengths in attaining child rights compliant juvenile justice system throughout the region are various laws necessary for adequate treatment of CYCLs and introduction of several institutional provisions. At the same time, we can emphasize here that the most consistent weaknesses, in different forms present in all the five chapters of CYCL treatment are: poor data collection, lack of guidelines, institutionalization is delayed in following the legislation, no outsourcing mechanisms and even poor recognition of CYCLs in relevant strategies.

## 5. General principles and values

The overarching approach which encompasses a number of values, principles and standards regulating juvenile justice is the **child-friendly justice**. It builds on international children's rights obligations, introduces principles that empower children to enforce their rights, strives to eliminate many of the traumatic experiences children face in the legal system and encourages states to develop policies that address children's situation in the justice system specifically based on well recognized particular needs and vulnerabilities of children and youth. This approach signifies justice system which guarantees the respect and the effective implementation of all children's rights at the highest attainable level, keeping in mind basic principles, giving due consideration to the child's level of maturity and understanding and to the circumstances of the case. The judiciary which meets the criteria of "child-friendly justice" is personal, accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.

General elements of child-friendly justice

- » Information and advice
- » Protection of private and family life
- » Safety (special preventive measures)
- » Training of professionals
- » Multidisciplinary approach
- » Deprivation of liberty as the last resort

Furthermore, international standards recommend promotion of other child-friendly actions:

- » Research into all aspects of child-friendly justice and dissemination of information and training
- » Exchange of practices and international promotion co-operation
- » Publication and dissemination of relevant legal instruments
- » Information offices for children's rights possibly linked to bar associations, welfare services, (children's) ombudsmen, CSOs etc.
- » Facilitation of children's access to courts and complaint mechanisms and further recognition and facilitation of the role of CSOs and other independent bodies or institutions in supporting children's effective access to courts and independent complaint mechanisms
- » Establishment of a system of specialized judges and lawyers for children and further development of courts in which both legal and social measures can be taken in favor of children and their families
- » Use of universal and European human and children's rights protection mechanisms for the pursuit of justice and protection of rights when domestic remedies do not exist or have been exhausted;
- » Making human rights, including children's rights, a mandatory component in the school curricula and for professionals working with children;
- » Development and support of systems aimed at raising the awareness of parents on children's rights;
- » Setting up child-friendly, multi-agency and interdisciplinary centers for child victims and witnesses
- » Setting up specialized and accessible support and information services, such as online consultation, help lines and local community services free of charge;

» Ensuring that all concerned professionals working in contact with children receive appropriate support, training, and practical guidance

It is generally accepted and clear that juveniles have rights equal to those enjoyed by adults in the criminal justice system and in addition, they have the right to be treated favorably in a manner which takes into account their age and maturity.

Cross-cutting principles of child-friendly ensure that law, policy and practice in the area of juvenile justice protect the rights of all children and promote their favorable development. In order for states to achieve a child rights compliant juvenile justice system, their systems need to reflect a number of these principles from international standards and ensure children's rights as they are processed. These principles that underpin the protection of children's rights in criminal justice systems must be taken account of in all actions where children are affected, and the application of these principles can be seen in each chapter of these Guidelines.

The fundamental principles of a comprehensive policy to protect the rights of children and youth in conflict with the law which must be systematically taken into account throughout the juvenile justice system are:

- » Protection of the best interests of the child and youth is the keystone value, the central principle of the Child Protection and Juvenile Justice
  - This principle requires that in all actions where juveniles are directly, or indirectly, involved or affected by the justice system the best interests of the juvenile are a primary consideration-guiding factor in all decisions concerning of her/his case taking into account the gravity of the crime, their maturity, level of development, abilities and personal circumstances. It also requires that all interests at stake (psychological, physical legal, social and economic) will be taken due account, as well as that the best interests of all children involved should be separately assessed and balanced with reconciling possible conflicting interests. A comprehensive approach to all of these perspectives is the rule here that will ensure their best interests are met.
- » Protection from discrimination on any ground such as sex, age, race, color, language, religion, sexual orientation, political or other opinion, national or social origin, socio-economic background, property, birth, gender identity or other status and status of their parent(s) is a well-established principle in international human rights law.
  - This principle guarantees to all children the right to equal enjoyment of all their rights and means that children are entitled to equal treatment before the law. States are bound to respect each child's rights without discrimination of any kind, and to take measures to ensure that all children are protected against all forms of discrimination. Additional specific protection and assistance may need to be provided to more vulnerable children, such as migrant children, refugee and asylum-seeking children, unaccompanied children, children with disabilities, homeless and street children, Roma children, and children in residential institutions and any other sub-group of juveniles depending on local context and individual circumstances. Furthermore, another important generator of discrimination in the area of juveniles' rights is age and capacity. Very young children or children without full capacity to pursue their rights might need alternative systems of representation in order to avoid discrimination. Also, a gender sensitive approach should be taken in all interventions. Particular measures are to be taken to prevent discrimination of children and youth in conflict with the law when they try to get access to education or to the labor market.
- » Meaningful participation in judicial or administrative proceedings requires that the ability of children to understand and participate in their own criminal proceedings be respected and facilitated.

This principle requires respect for the rights of offenders to freely express his/her views in all matters that affect them, either directly or through a representative or an appropriate body. It also requires taking their opinion into account seriously and given due respect at all times in matters and procedures prescribed by law in accordance with the child's age, maturity and any communication difficulties they may have in order to make this participation meaningful. Furthermore it requires for all juveniles to be informed about their rights, about the process, the choices they have and possible consequences of these choices In order to ensure this right as well as to be given appropriate ways to access justice. Therefore, the proceedings should be conducted in an atmosphere of understanding, which allows the juvenile to participate and to express freely their views, opinions, and concerns and to actively participate throughout the judicial process and not be faced with a fait accompli.

» Rule of law principle applies fully to children as it does to adults.

This principle guarantees elements of due process such as the principles of legality and proportionality, the presumption of innocence, the right to a fair trial, the right to legal advice, the right to access to courts and the right to appeal, the right to access appropriate independent legal assistance and effective complaints mechanisms for juvenile as they are guaranteed for adults and prohibits their minimization or denial under the pretext of the child's best interests.

The right to the protection of the juvenile offender's dignity is a basic human rights requirement

It guarantees that the juveniles will receive the treatment consistent with the promotion of their sense of dignity and worth, treatment with care, sensitivity, fairness and respect, with special attention for their personal situation, well-being and specific needs, and with full respect for their physical and psychological integrity, regardless of their legal status and capacity in any procedure or case. This principle also guarantees that all forms of violence in the treatment of children in conflict with the law must be prohibited and prevented i.e. that juveniles shall not be subjected to torture or inhuman or degrading treatment or punishment.

A strictly punitive traditional mainstream criminal justice approach is not in accordance with the leading principles and the approach of child-friendly justice and its effect tend to go against the best interests of the child and young person.

Juveniles differ from adults in their needs and vulnerabilities and such differences constitute the basis for the lesser culpability of children in conflict with the law, are the reasons for a separate juvenile justice system and require a different treatment for juveniles. The protection of the best interests of the child also means that the traditional objectives of punitive justice, such as repression, retribution and punishment, must be replaced with restorative justice objectives in dealing with juvenile offenders.

Restorative justice is a model of the criminal legal system which focuses more on the restoration of the damage that the crime has done to people and their mutual relations rather than the punishment of the offender. It involves all who are directly or indirectly affected by the crime in an attempt to decide how best to restore the damage and it aims to restore balance in the damaged link between the victim, the perpetrator, and community. Its goal is to prevent the offender from relapsing into criminal behavior and provide the assistance required to correct the existing unacceptable behavior. It is based on the principles of reparation and rehabilitation, welfare and reintegration.

General view of the restorative justice is that when a person commits a crime he or she harms the community as a whole, as well as the individual victims. Criminal justice systems which focus on punishment and retribution do little to acknowledge these harms. They also often fail to identify or acknowledge the problems and issues that led the offender to commit the crime in the first place. The basic principle of restorative justice is that it promotes the concepts of reparation and rehabilitation

over those of retribution and punishment. Restorative justice aims to resolve conflict and repair harm in a number of situations by encouraging those who have caused harm to acknowledge the impact of what they have done and give them an opportunity to make reparations. It also offers those who have been the victim of harm the opportunity to have harm acknowledged and amends made. Restorative justice programmes aim to achieve these results by encouraging those affected by an offence, including the victim and the offender, to discuss what happened and to reach a consensus regarding an appropriate sanction or consequence. While sanctioning is an aspect of restorative justice, the focus of the proceedings is on redressing the harm done by the offence, healing the victim and community and ensuring the reintegration of the offender.

### Restorative justice is based on the following guiding principles:

- » Making the restitution for the victim
- » Ensuring that the offender understands and is willing to take responsibility for his or her actions and the harm that he or she has caused
- » Assist in changing and improving future behavior of the offender
- » Repairing the harm done
- » Restoring the balance within community and society and rebuilding a sense of community disrupted by a crime or conflict

A restorative process under this model is any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of an impartial third party. It includes prevention, diversion measures, rehabilitation, alternatives to detention (detention being used as a last resort only, for the shortest time possible, capital and corporal punishment being banned). Restorative justice is a broad concept that can be utilized pre-trial, pre-sentencing, and post-conviction as well as in a range of non-judicial situations (such as conflict management in schools or with children at risk). For the best effects restorative justice programmes should be available at every stage of the criminal justice process. They should be completely voluntary for both victim and offender and either can withdraw consent at any time.

Due to its healing nature, the restorative processes are particularly important for juvenile offenders, since they can impact in a sustainable and positive way on their moral and emotional development providing a valuable educational response and diverting them from the path to adult crime. They have also high levels of victim satisfaction, much higher than the court processes.

6. Types of services to be provided by CSOs for children and youth in conflict with law

Undoubtedly, the responsibility for juvenile justice lies with the state, but it is also undisputed that civil society correspondingly plays a significant role. So, in this section we will highlight interventions that can be delivered by the CSOs bearing in mind that in our region transition is still in the process of opening the fields of CSO involvement among those that were traditionally ran only by state (like many social, educational, community and other services, that are now gradually being taken over by non-state actors).

It is important at the very beginning to adopt the overall approach that youth-friendly justice interventions, measures, serviced are not confined only to actual justice system and court proceedings. On the contrary, to actually provide child-friendly justice for children and youth at its fullest in real life, these actions should have broader scope aimed at all actors dealing with children and youth in conflict with the law, in and outside judicial proceedings. Only the joint structured strategic cooperation of all sectors in the society can guarantee that juvenile's rights are known and scrupulously respected and that this overarching concept that works for the benefit and best interests of all children and youth in conflict with the law.

Under this overall framework and in accordance with the principles of child friendly and restorative justice, there are possibilities as well as the need for development of myriad of services. Even more, it is of utmost importance to develop different, tailor-made, targeted, context-specific services/interventions in order to achieve high impacts in the field of child-friendly justice. Full set of interventions has to be comprehensive in a sense that it provides necessary options in accordance with international standards at every relevant point.

Community-based services and programmes which respond to the special needs, problems, interests and concerns of juveniles and which offer appropriate services to young persons and their families should be developed at every point relevant to juvenile offending – at the level of root causes generating juvenile offending, at every stage of a juvenile's contact with the justice system, at the level of community and broader society surrounding juvenile, as well as when forming legislation and policy<sup>3</sup>

Note that we are using terms interventions, programs and measure run by CSO in the area of CFJ, not only the term 'services'. This is to emphasize that in addition to narrower - service providing activities related to CFJ, CSOs can also have broader scoped functions – like watchdog function which put them in the position to undertake advocacy initiatives in CFJ, shadow reporting, human rights monitoring, policy influencing, community voices channeling and other initiatives of this kind.

For the purpose of easier navigation we will here categorize the full spectrum of possible interventions based on the phases of juvenile crime trajectory from its root causes, through passing through justice system to phases after leaving the justice system of following strategic areas of intervention:

- 1. Prevention programs
- 2. Reactive -within justice system measures
- 3. Post-release programs

For the purpose of clarity, we will here present an extensive list of possible interventions with explanations, while an ample reading list with detailed descriptions of existing programs and their varieties will be given at the end of this manual.

<sup>3</sup> Based on Riyadh Guidelines, No. 32; Committee on the Rights of the Child, General Comment No.10

### **Prevention measures**

A combination of several factors (socioeconomic conditions, family relations, unemployment, and circle of friends etc.) tends to influence children and youth to offend. These include in particular broken homes, large families, uneducated parents, lack of proper parental care and guidance, unemployment, economic deprivation, drug and alcohol addiction, unfriendly environment, negative peer influence and pressure, etc. Effective preventive measures aim at mitigating these factors and preventing them from causing juveniles to offend.

The primary prevention of juveniles from committing offences is essential since it aims at inhibiting delinquency before it happens. Prevention encompasses a wide range of policy solutions and community-based programmes that are attempting to address the root causes of problem – to stop the juvenile offending where it starts - in the family and the community. This broadest level of protection can include well informed (scientifically and demographically) national policies and programmes for the entire population that contribute to everybody's well-being, social justice and an inclusive society, providing opportunities for education, housing, health, employment, social security and social mobility, family support and protection service, poverty reduction strategies that meet the needs and expectations of juveniles. Here also belong youth associations and other CSOs, cultural and leisure facilities together with well-defined and accepted system of civic values which all contribute to tackling the root causes of offending.

Secondary prevention targets at risk children and youth and encompasses the efforts to create a safety net for them through individual secondary supports and intermediary services which include appropriate monitoring systems and a wide range of family, school or and youth support and counseling services that reach out to the most marginalized and at-risk young people in an attempt to remedy the conditions which can foster offending. This may involve the removal or reduction of 'risk factors', such as family dysfunction, a delinquent peer group, absenteeism, alcohol abuse, as well as the adding or strengthening of 'protective factors' such as having a positive role model or part-time employment, providing parenting training and support for low-income, single-or otherwise disadvantaged households.

CSOs due to their rootedness in the community are particularly well positioned to be able to understand different needs and vulnerabilities and best fit interventions to affect juvenile offending both for designing services and influencing policies. They can outreach for at risk persons in the communities, facilitate their inclusion and integration, promote positive values and models in the community, support families and vulnerable juveniles, engage the whole family, provide quality referral, facilitate dialog of most at risk juveniles with the public sector and even directly feed these data to policies.

### Activities of CSOs under prevention can include:

Development of comprehensive community-based juvenile's programmes and services to respond to basic needs and promote the rights of juveniles is an ideal solution for primary prevention of offending. It can rarely be achieved solely by CSOs, so the better options is to develop coordinated – all stakeholder programme response with development, planning, implementation, monitoring and evaluation covering all the children and youth in need and aiming towards prevention of juvenile offending. Here are of particular direct influence on prevention of offending creation of youth resource centers available to all juveniles, provision of accessible activities on/for children and youth e.g. congress, camps, summits, quality health and education services and value formation activities, provision of rural and secluded areas with adequate socio-economic opportunities and services, ensuring that youth from poor urban settings have available educational, employment and leisure programmes, fostering the development of community organizations, particularly youth associations and strengthening community involvement in primary prevention.

Juvenile crime community awareness raising programmes at community level for children, youth and adults are essential part of prevention. They can take different forms and be conducted either through media appearances, public announcements, public events, information-education campaigns, production of information-education materials, educational and training programmes, through existing institutions and organizations, by contacting groups, individuals or public in general. Their aim is to raise the awareness of general population regarding the risks and best responses to juvenile offending, human rights and community roles in preventing juvenile crime, existence and functioning of criminal justice system, existing services and programmes in this area.

Mentoring programs involve creation of "one-to-one" relationship in which the mentor supports and encourages the juvenile and are often used as an intervention method in preventing juvenile offending by improving young people's academic performance, risk behavior, substance use and psychosocial development. Mentoring can take many forms and varies depending on program goals and expected outcomes. It can involve "at risk" or mainstream youth and pro-social peers. Particularly beneficial mentoring is the one integrating peer mentoring, ex-at risk youth or exoffenders as mentors, and peer group interventions. These programs aim to enhance the social-emotional development of youth by providing role models as well as improve the cognitive development of youth. Often mentors also act as advocates for youth concerns.

One of the secondary prevention interventions that may be delivered by CSOs is a **twenty-four hours emergency service** for children in crisis which directly provides or refers them to emergency or long-term care services. These should particularly include adequate shelter, food and health services for homeless or street children; information about local facilities, accommodation, employment and other forms and sources of help that should be made readily available to juveniles in crisis.

The outreach programs for those who have acted in an anti-social way and therefore are at-risk sub-population of juveniles aim at stopping the trajectory to actual offending by detailed initial screening, learning cognitive behavior skills, providing structured groups support, self-help groups. family therapy for families of children at-risk, organization of watch groups, teaching their parents effective family and child management strategies, providing counseling, academic tutoring, school advocacy and teacher consultations. These programs have proven positive effects and have been widely replicated.

Another example of preventive program includes capacity building of parents, teachers, and children designed to promote emotional and social competence for children, teacher-family socialization processes, reduce risk factors and undesirable behaviors correlated with juvenile offending, develop family communication and problem-solving, improve parental use of nonviolent discipline, reduce behavior problems in children's interactions with parents, reduce parent depression and improve parent self-confidence, improve parent bonding and parent-teacher relationships, improved parenting skills and reduce child and peer aggression. If ran competently and accountably these program can have great impact at stopping juvenile offending at its source and significantly promote development of children and youth.

Addiction centers managed by CSOs can provide services to juveniles with a history of substance abuse which could lead them to offending. Their services can include detoxification, guidance and counseling, meditation, literacy, psychotherapy, skills development training, education, recreation activities and Narcotics Anonymous and Alcoholics Anonymous meetings aiming directly at neutralizing one of the main generators of offending.

### Reactive -within justice system programs

### **Diversion measures**

Despite the noble aims of juvenile justice, contact with any justice system is in practice likely to have a harmful impact on children. The punitive realities of many formal justice systems, potentially harsh consequences of involvement in legal proceedings, and societal stigmatization of children who have come to the attention of the juvenile justice system cannot be ignored. In light of these failings, children in conflict with the law are often better served by constructive responses outside judicial proceedings that more effectively promote rehabilitation and social reintegration. These courses of action are made available through a process known as diversion, whereby children are channeled away from the formal justice system before a sentence is pronounced.

Diversion is aimed at diverting children and young people away from judicial proceedings and towards community solutions. It should provide juveniles at every stage of the procedure, the opportunity of an alternative way, separate from the formal justice system. It encompasses a spectrum of measures for dealing with offenders without resorting to judicial proceedings.

There are numerous kinds of diversion measures, applicable at various points during the process of helping juveniles in conflict with the law. Among the most common are: cautions, mediation programmes, reconciliation programmes, apologies to persons negatively affected by the actions in question, compensation, including non-monetary payment, for any damage caused conferencing, community service etc. Although the various actors within the criminal justice system can play an important role in diverting young people away from the system, mainly by referring cases for inclusion in diversion schemes, in most cases it is community groups, CSOs, social welfare professionals who actually run the schemes.

Community service requires the young offender to serve the community for a recommended number of hours instead of going to court or being incarcerated. It offers a way for the child to be held accountable and to repair some of the harm caused by his or her criminal conduct. This involves placing the young offender in suitable community service settings, depending on what skills they can offer usually the homes or hospitals for people with physical or mental disabilities, public general hospitals, libraries, municipalities, children's homes, homes for the elderly, police stations or similar. It is important not to use young offenders performing community service as free labor to replace potential paid employees. Care must be taken also to ensure that a young person is not given a work programme that he or she has no chance of completing or are in any way harmful for them. When the service has been satisfactorily completed, the charge is usually withdrawn, and so the young offender has been diverted away from the criminal justice system. Community service is particularly beneficial in involving the local community in the reintegration of the child. It works best where the type of work done relates to the offence the young person has committed. For example, if the child has committed an act of vandalism they may be required to work painting or rebuilding community structures.

Restorative cautioning is the use of cautioning or a 'final warning' by police that also attempts to make a juvenile take responsibility for their actions and be aware of why their behavior is harmful and unacceptable, whilst promoting their reintegration into society. It should be carried out by trained officers so as not to have a damaging, humiliating or stigmatizing effect on the juvenile. They should deliver the cautioning in front of the child's parent or guardian and explore the reasons behind the offence and discuss the impact on those affected. Where appropriate, this can lead on to referral to social welfare services.

**Mediation programmes** allow willing victims and the offender to meet face-to-face in a safe, secure environment and talk about the offence with a trained, third-party mediator facilitating and directing the proceedings. It can be a very difficult situation and care must be taken to ensure children

(including child victims) are properly protected, are aware of what the process entails and that it is in their best interests to carry it through. Mediation proceedings should take place in a neutral arena that is not typically associated with the criminal justice system and in which both child and victim feel secure, such as a community center or library. During the mediation proceedings, the rules of court are not applicable, a judge will not be present, and in most cases, neither party is represented by a lawyer. Mediation sessions can impose a wide variety of sanctions on an offender, including: community service, supervision, restitution (for damaged property, medical and funeral expenses, etc.), counseling, drug treatment, mandatory education, fines, home monitoring, probation, a simple apology, or any combination of these. In contrast to formal sentences, agreements reached during mediation tend to reflect the wishes of both the victim and the offender regarding the penalty that should be imposed.

Conferencing is similar intervention to mediation in its basic purpose and structure; however the mediator is referred to as a facilitator. The difference between mediation and conferencing is that conferencing is more inclusive, and encourages the participation of victims, victim advocates, the offender, members of the offender's family, friends of the offender, law enforcement officers, community representatives, and any other individuals affected by the crime who might have input into the proceedings. Conferencing proceedings follow the same pattern as mediation. Once the victim and the offender voluntarily agree to participate, the facilitator will prepare all parties for the conferencing session. They will arrange a meeting in a neutral location and during the session, each affected party will have an opportunity to express his or her views and to ask questions. As with mediation, the objective is to reach an agreement (written or oral) regarding the appropriate outcome. The possible outcomes of conferencing are the same as those for mediation but offers more structured participation of other involved parties and can be especially useful in the case of children.

Financial or material penalties can be imposed as the sole sanction, as one of several sanctions, or as a condition of probation. The amount of the fine should be tailored to an offender's ability to pay. Fines are the best-known and most common form of monetary sanction. Fines are considered humane, causing a minimum of social disruption for children who can afford them. However, they may create inequalities by discriminating against poor children, for whom the inability to pay may result in imprisonment.

**Restitution** is typically ordered to compensate victims in cases of property crime, fraud, forgery, or theft. It may also be applied to reimburse victims of violent crime for expenses related to their physical and mental health recovery. Direct service to victims is the rarest form of restitution. It is a type of reconciliation in which the offender and the victim meet in a carefully supervised setting to determine how the offender can make restitution directly to the victim by performing a service. These services usually include repairing property damaged by the offender. This type of personalized restitution incorporates the benefit of the victim being able to meet the offender, which often alleviates the fear associated with the criminal encounter (much like mediation programmes).

**Intervention or treatment orders** are interventions that are designed to reinforce pro-social behavior. Some specific types of treatment approaches include: individual therapy, anger management, problem solving, behavior modification, group therapy, multi-systemic therapy, individualized case planning.

### Other programmes

Other than the bulk of diversion programmes, CSOs can play significant role even if the juvenile enters the formal justice system.

**Information and advice** are the crucial elements of CFJ from the first involvement of juveniles with the justice system and other authorities (police, immigration, educational, social or health care services). At every step, juveniles and their parents should be promptly and adequately informed on children's rights in general or basic information on the legal issues of their own case or situation. Age-appropriate materials containing relevant legal information should be made available and widely distributed. Such services can also provide referral to a lawyer or assistance in exercising their rights, guidance and support, ideally free of charge.

Civil society groups provide legal assistance to accused or detained juveniles, and psychological, educational or social assistance to juvenile prisoners, organizes activities for young detainees, including recreation and education programmes and family visits, sport and arts based initiatives, pastoral support, providing mentoring schemes and support groups, and working with young people to build their confidence and personal skills, as well as pre-release preparation.

### **Reintegration Post-Release Programs**

Reintegration is considered to be the effective re-entry of a juvenile back into the community following a custodial sentence. Post-release, or aftercare programs, are a vital component of effective juvenile justice systems as they assist juvenile offenders who have been placed in custody to reintegrate into the community after being released. This set of programs can encompass comprehensive actions from just after sentencing, through the incarceration period, to well after release into the community. A reintegration process requires the creation of a unified set of interventions across formal and informal social control networks as well as the creation of a continuum of community services to prevent the re-occurrence of anti-social behavior.

Research has identified a number of causes of reoffending, which if tackled can prevent ex-offenders from committing more crime: lack of education, lack of employment, drug and alcohol use, poor mental and/or physical health, lack of positive attitudes and self-control, institutionalization and missing life-skills, lack of housing, lack of financial support, lack of family networks, lack of positive social support etc. A thorough individualized assessment of the risk factors needs to be for every juvenile offender to ensure that their reintegration into the community will be successful. Provision of effective interventions in determined key areas is likely to create successful reintegration of a juvenile and stop him or her from reoffending. Without this kind of support, it is likely that the juvenile will go back to the same circumstances that led to offending and even any rehabilitative gains made during their time in incarceration may be lost.

There are two sub-groups of these kinds of programmes:

- » Community restraint programs which use surveillance and control over offenders once they are released into the community. Examples include employment verification, intensive supervision, electronic monitoring, house arrest, residential halfway houses, urine testing for use of illegal substances, and contact with parole officers or other correctional personnel are more often implemented by state institutions.
- » Intervention programs which are aimed at changing the delinquent behaviors of young offenders, and typically provide therapeutic treatments, substance abuse services as well as other community supports such as employment and education assistance amongst other services and are more often implemented by CSOs.

All of these measures fall under the tertiary prevention as they are reactive in their nature – reacting to juvenile offenders with the aim to avoid recidivism.

International standards promote the use of early and conditional release, if there is satisfactory progress towards rehabilitation. Usually, when young people are released early from their sentence, for a specified period of time they must abide by the condition to engage in certain activities, attend certain centers, and refrain from engaging in certain behavior. Violation of these requirements will usually result in their placement back at the detention center. It is important that juveniles are not only supervised to ensure that they are not breaking the terms of their conditional release, but also given support to stay out of trouble.

Provision of basic services is often needed. Many juveniles come from difficult and unstable living conditions before they went into detention, and may not have anywhere suitable to return to after release. If this is the case, arrangements need to be made for the juvenile to have a place to live, employment, clothing, and other basic necessities upon release. Any gaps between leaving custody and finding accommodation or returning to education can push the juvenile to re-offending due to the existential dead-end. Under this set of assistance, comes, also the need to secure the continuity of care, which means that any support or treatment that juvenile was receiving during incarceration should not be abruptly terminated just because the juvenile leaves the institution if the treatment or care is still needed, like in the case of some medical treatments, started education, addiction treatment or similar.

Therapy providing aftercare programs are designed for juveniles with mental health or substance abuse problems and provide behavioral and other therapies to juveniles and their families to help the institutionalized youth reintegrate in the community. They can be organized as individual/family or group therapy sessions. These programs aim to lower the risk of recidivism in such way that they achieve youth abstinence from alcohol and other substances, improve youth mental health and increase pro-social behavior, teach them lacking social and coping skills, increase commitment to change on the part of the youth and their family, Improve lifestyle choices (social, education, job training, and employment), train family members in establishing partnerships with schools, community agents, parole and other systems and act as effective advocates for youth participants and connect the family with appropriate community support. These programs start couple of months before the youth is released and continue for several months after release – depending on the individual circumstances and planned aims and have proven track-record in lowering the recidivism rates

One-on-one support provides mentoring in rehabilitation and reintegration programmes. We have mentioned that mentoring schemes are beneficial in prevention, and here we add that they can be used in custody and alternative sentencing as well as in aftercare. Young offenders often lack positive role models, self-esteem and knowledge of the opportunities available to them. Mentoring provides one-on-one support, friendship, advice, encouragement and reinforcement of healthy behaviors and attitudes when the young persons released from custody in order to help them reintegrate into the community and stay out of trouble. It can be provided by a young person's peers, reformed young or adult offenders or adults. Where mentoring is used to assist young people to reintegrate, it is very helpful if the mentor and the young person can get to know each other before the released. The involvement of volunteers also assists in breaking down barriers between the local community and young offenders.

Life skills programmes for juveniles on release target the one of main causes of offending and reoffending – the lack of necessary life skills (decision making, problem solving, stress management, peer pressure handling, life planning etc.) that drove juvenile to offending at the first place. These reintegration programmes are offered to a juvenile on release and preferably before and should be based on the individual assessment of lacking skills and individual development plans. Work can include individual and group sessions, as well as combination of both over a period of several weeks to several months. The life skills programmes focus on the individual for the first few sessions and thereafter participants are encouraged and supported to build a life plan for themselves, set boundaries and exercise self-discipline.

Transition to family programs aim at returning juveniles back to family setting after incarceration with the maximum benefit. In this view it is vital to work with both families and offenders to prepare them for the young person's release and provide practical and emotional support to ensure a smooth transition from institutional care to family life. This transition can be made easier where families have been able to maintain regular contact with their children throughout their sentence. It is particularly helpful if young people have the opportunity to slowly reintegrate, being allowed to go home on day release and weekend visits and such kind of activities should be planed as soon as possible during the incarceration.

Stepping stones programmes are based on the use of semi-institutional arrangements such as half-way houses, educational homes and day centers as promoted in international standards. These are established to provide support to young people on leaving closed institutions. Conversely, some young people are not ready to return home straight after their release from prison, or their families are not ready, not able or not willing to take them back. Programmes offering temporary shelter, activities that help young people find their feet - skills training, access to education, help finding employment, and assistance in reintegrating into their communities are crucial to their reintegration. Without such programmes, it is likely that young people will find themselves on the streets and highly vulnerable to re-offending.

Creating positive public perception is necessary for successful reintegration. Negative public perception hinders the rehabilitation and reintegration of young offenders, making them more vulnerable to re-offending. Young offender will not stay out of trouble for long if they are faced with prejudice, exclusion and a lack of opportunities within the community. To effect change, it is essential that the public's misunderstandings and misconceptions about young offending, the juvenile justice system and the effectiveness of responses to youth crime is challenged. Society and communities must also be encouraged to integrate children and young people if the reintegration is to happen.

Given the wide span and variety of possible services provided to CYCL by different CSOs in different countries it is not possible to provide full, final and exhaustive guidelines, protocols and forms here which would be ready to use in each of implementing CSOs. Therefore, we will here offer the samples of the most frequently used guidelines with the basic and universal contents. Each CSO will have to complement and amend them with chapters and points relevant for their particular services and context.

### **Code of Ethical Conduct**

The first, overall and generally guiding document for every CSO is its Code of Ethical Conduct. The Code should not be too lengthy and overly-encompassing document. Rather, it should be clear and comprehensive, relatively long-term document, while detailed guidelines for specific situations or service-delivery aspects should be developed in separate procedures and should be up-dated regularly.

### Sample Code of Ethical Conduct

The Code of Conduct applies to everyone employed by, contracted by or in some other formal relationship with CSO and is relevant to all locations of its work.

The fundamental principles:

- » Protection of the best interests of the child and youth
- » Protection from discrimination on any ground
- » Meaningful participation
- » Rule of law
- » The right to the protection of the juvenile offender's dignity

### 1. Professional conduct in relation to CYCL and carers

- » To recognize and respect the unique qualities, abilities, and potential of each CYCL.
- » To appreciate the vulnerability of CYCL and their dependence on adults.
- » To advocate for and ensure that all CYCL, including those with special needs, receive needed services and right treatment.
- » To ensure that each CYCL's culture, language, ethnicity, and family structure are recognized and valued.
- » To create and maintain safe and healthy settings that foster CYCL's welfare and development and that respect their dignity and their contributions.
- » To guarantee the confidentiality of all CYCL and carer's data
- » To ensure the safety of all CYCL and their carers in CSO, as well as to assist them in making necessary safety plans for outside the CSO
- » To ensure that all CYCL, including those with special needs, are protected from any form of discrimination, violence, abuse or negligence.
- » To provide CYCL carers with opportunities to contact and if needed cooperate with CSO, other carers, community resources, and professional services.
- » To cooperate with others in meeting the needs of CYCLs
- » To promote the rights of CYCL and their carers
- » To ensure clear boundaries between professional and personal relationships in doing all the above

### 2. Professional conduct in relation to self

- » To acquire, maintain and improve professional competence
- » To maintain standards of work
- » To maintain physical and emotional well-being
- » To commit continuous learning, skills development and application of new knowledge related to CYCL and the CSO
- » To contribute to the body of knowledge, the evolution of the profession and the growth of individuals through research, sharing, and dissemination of knowledge

### 3. Professional conduct in relation to colleagues

- » To establish and maintain relationships of respect, trust, confidentiality, collaboration, and cooperation with colleagues.
- » To share resources with colleagues, collaborating to ensure that the best possible CYCL programs are provided.
- » To support colleagues in meeting their professional needs and in their professional development.
- » To accord colleagues due recognition of professional achievement.
- » To exercise care in expressing views regarding the personal attributes or professional conduct of colleagues. Statements should be based on firsthand knowledge, not hearsay, and relevant to the interests of CYCLs and programs.
- » To restrain from participating in and counter practices that discriminate against a colleagues because of sex, race, national origin, religious beliefs or other affiliations, age, marital status/family structure, disability, sexual orientation or other personal characteristic.
- » To draw bad practice and shortfalls in professional standards to the attention of colleagues where appropriate in order to enable them to improve their practice and attempt to resolve the matter collegially and in a confidential manner.

### 4. Professional conduct in relation to employers

- » To fulfill contractual obligations and duties.
- » To contribute to the fulfillment of the professional aims of the CSO.
- » To maintain loyalty to the agency.
- » To contribute to the development of the agency in order to meet the needs of the service users more effectively.
- » To ensure that adequate and appropriate resources are made available to meet the needs of service users, to ensure that resources are equitably allocated and to draw to the attention of a responsible person any shortfalls in services and the resources required to provide them.
- » To report to a responsible person any circumstances in which safe and appropriate services cannot be provided or in which acceptable standards of practice may be jeopardized.
- » To report any bad practice or unacceptable aspects of services in order to maintain high standards of service and to protect the reputation of the CSO.
- » To assist the CSO in providing the highest quality of service.
- » To avoid doing anything that diminishes the reputation of the CSO unless it is violating laws and regulations designed to protect CYCL or is violating the provisions of this Code.

### 5. Professional conduct in relation to employees

» To set the standard and be an example for staff members.

- » To act in a responsible manner and practice sound management.
- » To promote safe and healthy working conditions and policies that foster mutual respect, cooperation, collaboration, competence, well-being, confidentiality, and self-esteem in staff members.
- » To create and maintain a climate of trust and candor that will enable staff to speak and act in the best interests of CYCL, carers, and the CFJ.
- » To assure an environment of inclusiveness and a commitment to diversity in the organizations we serve.
- » To strive to secure adequate and equitable compensation (salary and benefits) for those who work with or on behalf of CYCL.
- » To encourage and support continual development of employees in becoming more skilled and knowledgeable practitioners.
- » To champion the development of others as ethical leaders in the profession and in organizations.

### 6. Professional conduct in relation to profession

- » To establish professional standards
- » To counteract bad practice
- » To extend professional knowledge and skills
- » To promote good working relationships
- » To build respect, credibility and strategic importance for the profession within our organizations and the communities in which we work.
- » To encourage social responsibility.
- » To adhere to the highest standards of ethical and professional behavior.
- » To measure the effectiveness of our programs in contributing to or achieving CSO goals.
- » To comply with the law.
- » To strive to achieve the highest levels of service, performance and social responsibility.

### 7. Professional conduct in relation to society and community

- » To meet the needs of children and young people in the context of the wider society
- » To provide the community with high-quality CYCL programs and services.
- » To promote cooperation among professionals and agencies and interdisciplinary collaboration among professions concerned with CYCL.
- » To work through education, research, and advocacy toward a society in which all CYCL will have access to high-quality CFJ.
- » To promote knowledge and understanding of CYCL and their needs.
- » To work toward greater societal acknowledgment of CYCL's rights and greater social acceptance of responsibility for the well-being of all children and youth.
- » To support policies and laws that promote the well-being of CYCLs and families, and to work to change those that impair their well-being.
- » To further the professional development of the field of CYCL care and CFJ and to strengthen commitment to realizing its core values.

### General guidelines for the first interview with the CYCL

First contact and the first interview with the CYCL are of utmost importance both for CSO and the CYCL as a client. It will lay the ground for all the future cooperation and may even cause either of the sides to decide not to start the cooperation at all, especially if not done properly.

### Interviewers' instructions for the first interview with CYCL

All CYCLs and even the young children and those with severe mental challenges can provide useful information; but, often interviewers are unsure how to communicate with them to achieve that. Incorrect interviewing techniques can be stressful and unproductive for the CYCL and interviewers so the interviews should be done following a set of guidelines to ensure that the interviewer obtains unbiased information and that the CYCLs feel safe and able to express themselves fully.

### Preparing for the Interview

- » Choose a location where there is as much privacy as possible, there are few distractions and the CYCL feels safe and comfortable.
- » Choose how the interview will be recorded and how these records will be kept confidential i.e. two interviewers (one note taking), one interviewer taking notes, using recording device.
- » If interviewing girls there should be a female interviewer available to undertake the interviews where necessary.

### Starting the Interview and making the CYCL feel safe:

- » Introduce yourself properly before the interview.
- » Explain the purpose of the interview, what the information they give will be used for and the limitations of the things you can do.
- » Explain why you are taking notes/using a recorder during the interview and how it will be kept confidential.
- » Start with conversational or non-controversial questions and work towards more sensitive issues.
- » Use an informal and relaxed approach to help the CYCL feel at ease. Understand that it may take some time for the child to become relaxed enough to be comfortable talking, especially if the events they are recalling are traumatic ones.

### Common problems:

- » CYCLs answering questions to which they don't know the answer;
- » CYCLs telling the interviewer what they believe the interviewer wants to hear;
- » Fear that any information they disclose will be used against them or disclosed;

### Getting unbiased information

- » Explain that it is acceptable to tell the interviewer if they do not know the answer to a question.
- » Explain that they should correct the interviewer if s/he is mistaken or incorrect.
- » Ask open-ended questions and encourage the child to tell the story in their own words.
- » Avoid leading questions or comments that may make the child feel coerced or pressured into giving a certain answer.

- » Avoid repeated questions as it may lead the child to believe their previous answer was 'wrong'.
- » Use simple, age-appropriate language and ensure that the CYCL understands the correct meaning of the question.
- » Use short interviews (or multiple ones where necessary) to allow for a child's short attention span, dependent on their age/maturity.
- » To get more detail use follow-up questions, e.g. "And then what happened?".
- » Plan one or two short breaks during the interview at appropriate points to allow for a child's short attention span.

Recommended domains of inquiry during the first interview with CYCL should include:

- » Personal Information
- » Family
- » Friends
- » Community
- » Educational, Vocational background of the CYCL
- » Work background of the CYCL
- » Health status of the CYCL
- » Emotional/Behavioral Aspect of CYCL
- » Offence Related
- » Any other Special Considerations
- » General impression of the interviewer about the CYCL
- » Further information requested

Here we have listed all the areas that should be covered during the service intake, while the concrete questions are offered in Annex 2.

### Finishing the Interview

- » Ask the CYCL if they have any questions for you or anything else they'd like to tell you.
- » Explain again the limitations of your work and avoid raising false hopes.
- » Complete your notes immediately after the interview has finished to ensure the most accurate representation of the interview as possible.

### **Confidentiality Procedures**

Respect of confidentiality means limiting the sharing of information that is considered sensitive, and sharing it only with those individuals who require the information in order to perform their work and only under the condition that they will treat the information as confidential. Protection of confidentiality and anonymity is in best interests of the CYCL for their physical protection and psychosocial well-being and must be guaranteed to every CYCL client of the CSO. Assurance of confidentiality is especially important in small, closely connected communities where any leak of information means that entire community is informed.

Information which may be considered confidential or sensitive includes: any identifying information on CYCL, his or her parents, family, guardian etc., their addresses, contacts or locations, information which may be hurtful or harmful to CYCL by causing stigmatization, marginalization or aggression.

Recommended confidentiality procedures are:

- » CSO should establish and maintain clear written confidentiality procedures.
- » Confidential information have to include all CYCLs' files and records (electronic, media and hard copy), telephone contacts and messages, correspondence, meeting notes, discussions, visit information and any other mentioning of information on CYCL even outside his or her file.
- » CSO has to ensure that all staff and volunteers sign an Oath of Confidentiality.
- » A copy of the signed Oath of Confidentiality has to be kept in the CSO as part of the personnel file, and one is given to the staff or volunteer.
- » All staff and volunteers of CSO have to be trained in confidentiality procedures.
- » All the outsourced personnel (like interpreters, mediators etc.) has to sign an oath of confidentiality, too.
- » All CYCL information has to be kept strictly confidential and only made accessible to CSO service staff and volunteers authorized to work on program and only in the extent required to perform their jobs
- » CSO staff has to be resourced with equipment (e.g. covered clipboards, locking file cabinets, locking office doors, volume controlled telephone, message playback facilities) that is necessary to maintain confidentiality.
- » Statistics should be kept in order to report, for evaluation purposes and to account to donors, but these activities must not compromise CYCL's confidentiality.
- » During the intake assessment, CYCL have to be informed that their information is kept securely and confidential.
- » CYCL also have to be informed that there are limits to confidentiality when:
  - » The client's file is subpoenaed for the purposes of court proceedings.
  - » CSO staff determines that a notification to relevant child/youth protection authorities is required.
  - » The CYCL seeks clarification and information regarding his/her time at the CSO.
  - » CYCL agrees that information can be shared with a third party (e.g. in cases of referral).
  - » CYCL records that are submitted to appropriate agencies can only be submitted so that they are in a sealed envelope with the clear mark "Confidential" on both sides of the envelope, with appropriate receipts for the documents.
- » The safety, security and privacy of all CSO staff and volunteers has to be a high priority and CSO should ensure that all staff and volunteers-related information is kept strictly confidential and secure and that clients and visitors are unable to access this information under any circumstances.

- » Measures to ensure staff and volunteers' personal safety have to include:
  - » Staff and volunteers' surnames are not included on documentation (with the exception of legal documents).
  - » Staff and volunteers' phone numbers are stored staff-only areas of the CSO premises.
  - » Separate and discrete car-parking facilities for staff and volunteers.
- » CSO has to follow, regularly update information and respect all relevant legislation about: confidentiality, privacy, freedom of information, notification requirements and subpoena of files.

Sample Confidentiality procedure check-list is in Annex 3 and it can be used to quickly assess confidentiality practices in your CSO against the recommended standards.

### **Electronic Devices Procedures**

Given the great importance, multiple roles and ever-evolving functions of various electronic devices, as well as the amounts in which children and youth use them, it is important for every CSO to get aware of all the ways this use can affect its work. Consequently it is important for the CSO to formulate procedures which will manage possible confidentiality, privacy and even safety risks, unsupervised use of electronic devices can create.

Recommended electronic devices procedures are:

- » The CSO should include a clause in their service agreements requiring clients not to bring phones into the building or to leave them with staff for the duration of the visit in the CSO for the following reasons:
  - » If the phone rings it will interrupt the flow of the visit.
  - » If a call is taken during a visit it will bring an unauthorized and unsuperviseable person into the visit.
  - » The multipurpose nature and evolving capabilities of devices (e.g. the ability to record, video, transfer data and GPS locate) makes it impossible to guarantee privacy for other clients and staff.
  - » The rapidly evolving capabilities of electronic devices that staff may not be aware of.
- » No electronic devices are permitted in the CSO premises without prior assessment and written approval of an appropriate staff member, taking into account:
  - » Acknowledgement that some devices have positive interactive benefits.
  - » Discussion between staff and clients about ways in which the same engagement can be achieved by other means (e.g. instead of bringing an iPad for the purpose of playing music, burn music to disc.).
  - » If a client needs their phone for emergency contact during a visit, suggest the phone is left with a staff member to monitor.

The taking of photographs and video footage during the stay in the CSO is only permitted where a staff member operates or supervises the operation of the camera, taking into account:

- » An assessment of the suitability and appropriateness of taking photographs or video recording on an individual basis.
- » Gaining juvenile's consent where age appropriate.
- » Only the CYCL/s and carer/s are in the photo frame or video footage. (i.e. not staff or other clients).
- » Only short periods of video footage are recorded.

### **Complaint Procedures**

Having complaints and dissatisfaction among the clients of any service is inevitable and will regularly happen. It is thus very important to establish proper complaint procedures to mitigate negative effects of complaints and actually use this negative feedback to improve your services and raise client's satisfaction.

Recommended complaint procedures are:

- » CSO should have proper written procedures in place to receive feedback on its services, including complaints.
- » All staff should be aware of the complaints procedure and are familiar with the processes involved in its implementation.
- » CYCL should be included in the process of developing procedures for complaints via any of various possible channels (focus groups discussions, individual input, feedback forms, etc.).
- » CSO has to appoint a staff responsible and competent for receiving and handling complaints
- » Complaints should be resolved at early stages, as quickly as possible.
- » As part of the intake assessment, clients have to be informed of the CSOs complaint procedures and provided with a written copy of how to lodge a complaint.
- » Information on the CSOs complaints policy has to be displayed in the reception area and readily available at each service outlet and on CSO's web-site.
- » CSO should actively seek feedback from those using the service by offering non-mandatory anonymous feedback form.
- » The complaints policy should include the following steps:
  - » Received complaints have to be processed by the respective line-manager, depending on the point of submission.
  - » If the complainant is not satisfied with the response or is not comfortable in raising their complaint with the manager, then the next step is to raise their concern with the Supervisory board of the organization.
  - » If the complainant is not satisfied with the response or is not comfortable in raising the complaint with the management or the Board, the complainant can submit anonymous or signed written complaint in a prescribed form available at each service outlet or submit their complaint via e-mail, regular mail, fax or phone available at the afore mentioned places.
  - » All complaints should be investigated and documented and service responses documented.
  - » Based on this documentation, appointed staff should produce annual complaints analysis and report with recommendations
- » All CSO staff has to be familiar with the procedure for complaints from referring agencies.
- » The CSO has to distribute the complaints procedures to referrers.
- » CSO has to actively seek feedback from those who refer to it.

Sample Complaint form is in Annex 4 and it can be used with or without amendments for a specific service.

## **Safety Procedures**

The safety of all who visit or work at a CSO is of utmost importance. CSOs should guarantee the physical and emotional safety of CYCL, their caretakers, all the visitors and staff at all times. All the CSO activities must address the safety and should be treated it as a prerequisite and not as something to be balanced or negotiated in any way. For these reasons each CSO should develop specific Safety procedures which address safety risks across all relevant aspects of service delivery. These procedures should be designed in such a way to take into account:

- » The type of services delivered (e.g. reporting requirements, data collection and IT security, record keeping and privacy requirements, reporting of critical incidents, risk of or actual self-harm, risk or threats of harm to others).
- » The type of clients population being serviced (e.g. confidentiality provisions, referral and information-sharing protocols, screening, assessment and referral processes)
- » Staff security (e.g. workplace health and safety, recruitment and induction processes, codes of conduct, workplace competencies, staff supervision, staff training needs)
- » Factors relevant to the particular CSO (e.g. physical location, building specifications, other activities ran by the same CSO).

Primarily, Safety procedures are to be used by CSOs as a practical tool that provides those working in CSO with clear instructions and information that supports them to respond to a variety of issues likely to impact on the safety and security of staff and clients.

For most CSOs and their services for CYCL the primary safety provisions will include:

- » Safety suitable arrangement of premises and security systems
- » Safety protocols
- » Regular review of all safety protocols and measures envisaged
- » Established separate protocols specific for critical incidents.
- » Specific staff training
- » Skilled staff presence at any time
- » Every CYCL's intake assessment and periodical case review

#### Recommended confidentiality procedures are:

- » CSO should establish and maintain clear written safety procedures.
- » CSO should provide all the staff with clear safety procedures in writing.
- » CSO should provide staff with adequate support, training and resources to comply with those policies and procedures, including the capacity to respond to a diverse range of safety needs and incidents.
- » CSO should display and make available current and accurate information about safety issues and procedure for CYCL in the appropriate reception and office areas.
- » All security measures should be as discreet as possible, but it must be made clear to all who enter the CSO that these provisions are in place and are effective (e.g. video surveillance, safety locks).
- » Staff checks should ensure that all staff seeking to work in the CSO:
  - » Complete a personal disclosure statement showing they have not been charged with or convicted of any criminal offences.
  - » Undergo police and other checks which confirm that they are not prohibited under the law from being employed or engaged in any capacity where they have contact with vulnerable persons (i.e. a child or an individual aged 18 years and above who

is or may be unable to take care of themselves or is unable to protect themselves against harm of exploitation by reason of age, illness, trauma or disability or any other reason).

» Comply with relevant professional codes of conduct.

#### » Staff safety should ensure that:

- » All staff receives training in risk assessment appropriate to their role including understanding the risks of services delivered, related to the client population being targeted, or other relevant factors.
- » Staff training also includes training on how to seek help and how to manage threats and/or threatening behavior.
- » All CSO staff is provided with appropriate professional supervision relevant to their role and responsibilities.
- » Staff dealing with high risk and complex cases needs to be supported by supervisors with relevant skills and experience.
- » Supervisors need to be aware of the signs of vicarious trauma.
- » All staff, clients and/or witnesses to a safety incident or serious matters are offered the opportunity for debriefing and on-going support if required.
- » Supervision and debriefing sessions are recorded and include the outcomes of any decisions taken in regard to the circumstance.

#### » CYCL safety should ensure that:

- » All CYCL (and their caretakers) at CSO behave appropriately. Any violent, abusive, intimidating or threatening behavior is managed in accordance with the Safety procedures.
- » If it is identified that this is an issue for the CYCL, CSO staffs assist CYCL to develop a safety plan for getting themselves safely to and from the CSO.
- » If it is identified that the client requires broader assistance with their safety when not at the CSO, a staff assists CYCL to develop an individual safety plan for that of refer them to an authorized referral service that can provide that.
- » CSOs that have children on site for any period of time, without a parent being present, have at least one staff member present who is trained in basic workplace first aid.
- » All CSOs have at least one staff member who is trained in basic workplace first aid in attendance and on site when any client is present.
- » CSO also develops, in consultation with caretakers, appropriate safety plans for CYCLs with disabilities and relevant health issues such as asthma and allergic reactions.
- » Referrals are not made to services that are likely to compromise client safety (e.g. referring a client to a service that the organization has not identified as an authorized referral service).
- » All safety incidents should be recorded, reported and discussed with supervisors to decide whether the incident has to be reported.
  - » Where required, this record also outlines any additional support provided to staff involved.
  - » Any serious or imminent threats, or acts that occur in a CSO that may constitute a criminal offence, is immediately reported to the appropriate authorities.
  - » All CSO staff is obliged to report if they have a genuine concern or information about the safety of a CYCL in terms of child abuse and/or neglect.
  - » If there is a need, some CYCLs or visitors that pose a threat to safety could be banned from entering CSO permanently or temporarily.
  - » Or, in such cases a single visit for that day can be canceled if the client or visitor is assessed as a safety risk.

All CSOs should also establish separate protocols specific for critical safety incidents. Safety incidents are all possible situations that may pose a threat to safety of CYCLs, their family/guardians, CSO staff or other visitors present at the CSO and may be caused by any of them. Some examples of most common safety incidents are below, but this is a non-exhaustive list and each CSO should come up with own risk assessment regarding expected incidents:

- » Immediate harm or threat to the life or body of anyone.
- » Making threats to harm anyone.
- » Acts of self-harm, or statements of an intention to commit suicide.
- » Producing a weapon or indicating one is in their possession and stating their intention to use it to harm anyone.
- » Restraining someone against their will or holding them hostage.
- » Attempting or threatening to abduct someone, or actual abduction from the CSO.
- » Intimidating, aggressive and/or abusive behavior.
- » Creating a disturbance with persistent loud shouting and offensive language.
- » Refusing to stop offensive behavior and/or leave after a reasonable request.
- » Throwing furniture and/or other objects.
- » Damaging property and/or breaking windows.
- » Breach of security or confidentiality resulting from stolen electronic or paper files.
- » Loitering inappropriately outside a CSO and/or stalking anyone.
- » Stating an intention to create a fire or an explosion.
- » Incidents that could escalate and pose a threat to safety such as:
  - » Person exhibiting serious delusional or paranoid behaviors
  - » Person exhibiting behavior consistent with being seriously affected by alcohol or drugs
  - » Person experiencing a health crisis such as heart attack or seizure.

Safety incidents have to be reported urgently when serious circumstances endanger clients, staff or the CSO, or are likely to attract media attention including in following cases:

- » Homicides or serious assaults involving CYCL or staff of the service
- » Serious criminal charges against any staff member
- » Allegations from a client about sexual harassment or child-abuse against a staff member
- » Property is damaged rendering CSO inoperable
- » An incident occurs threatening the viability or daily work of the CSO (for example, a picket, a siege, hostage situation, bomb threat, health hazard or a circumstance making it unsafe for staff to attend work)
- » An incident occurs that raises important public policy issues (for example, those requiring a legislative or program response)
- » Any other incident occurs likely to attract negative publicity or undermine public confidence in the work or CSO

For other safety incidents, when reporting is not so urgent, it should also get dully attention, but maybe in a slightly longer period.

Sample Safety incidents procedures check-list is in Annex 5 and it can be used to quickly assess safety incidents practices in your CSO against the recommended standards.

### **Partnerships**

Given the ever limited resources of all actors working with CYCL and the interdisciplinary nature of the issue in scope, partnerships are inevitable and necessary for any successful work. Youth-friendly justice requires a whole-of-society approach and is not restricted only to actual justice system and court proceedings because juvenile offending is habitually related to other problems that the juvenile justice system cannot address in isolation (e.g. social and economic issues, mental illness, substance abuse etc.). In order to actually provide justice for children and youth at its fullest in real life, activities should have broader scope aimed at all stakeholders dealing with children and youth in conflict with the law - representatives of the media, CSOs, children and young people, parents, academics, state institutions, community representatives. Only a multi-disciplinary approach and such a joint structured strategic cooperation of all sectors in the society can guarantee that juvenile's rights are known and rigorously respected.

Recommended procedures and steps for CSOs for developing the partnerships are:

#### » Mapping the stakeholders

This step is not to be taken lightly and superficially. Although the main stakeholders for work with CYCL are quite obvious – judicial institutions, CSO's, police, social and health services, educational institutions, families, communities, the public, etc. the real mapping of them will require more precision. Maybe not all of them will be relevant for all CSOs dealing with CYCL. So only the really relevant ones should be included in the map. Furthermore, these are only the categories of actors and each of them should be fully explored to get to the concrete names of all organizations, institutions and groups.

#### » Mapping existing services and resources

In this next step, all the precisely identified stakeholders should be further examined to find out: what are their actual services and programs for CYCLs, what are the activities on these programs, what is the geographical demographical and scope in terms of numbers of their programs, what are the points of connections with other stakeholders, are there any overlapping with other stakeholders and what are their resources.

#### » Establishing contacts with stakeholders

Next is the step of initializing and establishing the contacts with all stakeholders. This also includes establishing contacts between all stakeholders not just with the CSO that is initializing the process. Usually, this takes a form of a cross-sectoral group which is gradually going to formalize and define its work.

#### » Agreeing on acceptable roles of each actor

In this stage it is crucial to clearly define everybody's expectations, readiness for cooperation and commitment. Here, those points of connections and possible cooperation as well as overlapping should be clarified and (re)defined. Each actor should decide on its acceptable roles and it is important that nothing is imposed, but rather jointly decided so that all actors can really commit to agreements. Also, if the cross-sectoral body is going to be established, its mandate and procedures have to be defined in this stage. It is important in this stage to ensure maximum buy-in from stakeholders and effective multi-agency engagement.

#### » Signing long-standing memoranda of cooperation between relevant actors

After the defining stage, now it's the time to formally seal the agreements through documents of cooperation which would institutionalize future joint work. It is highly recommended that all the cooperation documents, usually the MoCs, are carefully formulated as long-term cooperation contracts, rather than just one-off project cooperation agreements. It is also important to choose MoC or similar concrete form of cooperation document rather than memorandum of understanding or statement of joint position, etc. which would only acknowledge interest in cooperation but not actually concretize or guarantee the cooperation.

#### Developing cooperation protocols

After the formal commitment to cooperation is achieved it will be important also to develop precise cooperation and joint-actions protocols and in this way ensure same high quality work and the same understanding of it as well as to avoid potential misunderstandings in the future.

#### » Monitoring, updating and, if necessary revising the protocols and memoranda

As every other work, cooperation should also be regularly updated, monitored, periodically evaluated and, if necessary, revised.

#### **Referral Procedures**

Referral procedures are closely related to those of cooperation and partnership. In fact, they are based on them and represent a form of cooperation. However, even if the cooperation or partnership with other actors is not (formally) established it is possible to establish high quality referral procedures.

Good referral practices are essential for clients to allow them to get benefits from all the services that might be useful for them and well developed referral system can ensure single-entry-point system for individual clients.

Recommended referral procedures are:

- » All referrals should only be done with the informed consent of the client.
- » Even more, CYCL's written consent is to be obtained before making a referral to another service which entails the provision of confidential information.
- » CSO staff has to assist CYCLs with referral decision by providing them with details of the appropriate services available.
- » Prior to making a referral, staff has to obtain in depth knowledge of and updated information about a service and its capacity to effectively provide the required service to CYCL.
- » An updated list a directory of recommended service providers in the area has to be maintained in the CSO.
- » All actors in the referral system or in the referral directory of CSO should have the same confidentiality standards and this should be guaranteed to CYCL.
- » A protocol between the CSO and other service providers, including clear processes for exchange of client information have be obtained prior to any referrals.
- » Referral routes have to be jointly agreed upon among actors (specifying who should do what, which cases to refer where, etc.).
- » Referrals are not made to services that have not been identified as a recommended referral service under any circumstances.
- » Referral must occur with a specific purpose and a plan, and be understood and accepted by all parties.
- » When making referrals, staff has to provide personal introductions and clear plans and follow-up regarding what is to be achieved through the referral.
- » All referrals have to be timely, at the moment CYCL really needs them and is ready to give his or her informed consent and without delays.
- » When required, CSO staff can assist CYCLs with referrals to other services by making phone calls, sending letters etc. to another service.
- » When receiving referrals, with the permission of all the parties, as much information as possible should be taken from the referring organization or institution.
- » When receiving referrals referring actors should be encouraged to be frank with the CSO about relevant issues in relation to the person being referred to CSO.

Sample Referral form is in Annex 6 and it can be used with or without amendments for a specific service.

## Record keeping procedures

Record keeping is an important function for CSO, particularly in respect of the CYCL clients, their families and other institutions and organizations, but also in the case of any complaints, disciplinary procedures, safety incidents, health issues as well as for M&E purposes. It is important that staff gather all the necessary documentation and information about the CYCL and not just those easily available.

Recommended procedures for record keeping are:

- » CSO should establish a comprehensive system of record keeping, storing and handling for the safekeeping of its records in accordance with legal and professional requirements.
- » CSO should develop a full set of unified record keeping forms in accordance with legal and professional requirements and their use has to be mandatory.
- » All staff and volunteers of CSO should be trained in proper record keeping including the maintaining of records on a regular and timely basis and filling-in all the forms.
- » Each client should have an individual client folder containing all the records relevant for that CYCL (electronic, hard-copy, video, audio or any other type of records)
- » Records which should be maintained by CSO related to each CYCL accessing the service in his or her individual client folder include:
  - » Information on identity
  - » Personal and family contacts and ICE contacts (if different than family)
  - » A copy, signed by all relevant parties of the service agreement between the CSO and the CYCLs (and/or parents if required by the law)
  - » The intake screening and assessment records
  - » Records on services provided, observational notes, phone calls and a record of the dates and times of attendance of the CYCL (and/or parents if required)
  - » All incident reports
  - » Copies of all relevant court orders with certification that the originals have been sighted by the CYCL
  - » Any correspondence received from, or copies of any correspondence addressed to the court, the parent's legal representatives or an Independent Children's lawyer, or any relevant government department concerning the CYCL (and the parents if required)
  - » All M&E relevant data required by the project M&E plan
  - » All statistical data required for research approved by CSO
- » All client records have to be kept confidential, except as required by the law.
- » Records kept by a CSO have to be legible, and ready to be produced to court if subpoenaed.

Sample Record keeping procedure check-list is in Annex 7 and it can be used to quickly assess record keeping practices in your CSO against the recommended standards.

## Documenting, monitoring and evaluating the work of CSOs

Regardless of what services or other programs CSOs implement, all of their work should have incorporated into their design high quality monitoring and evaluation based on proper methodical collection of data, documenting and record keeping (for these, please see the section on Record keeping in this chapter).

Monitoring and evaluation are complementary management tools. Monitoring is a continuous process of systematic overseeing of resource use, timely implementation of planned activities and progress in relation to expected results and set goals. Evaluation is a systematic and objective assessment of the activity/project/CSO, its design, plan, implementation and achievements, with the aim of determining its efficiency, effectiveness, impact, sustainability and the relevance.

M&E can be done at the level of activities (e.g. M&E of skills building trainings for CYCL), projects/programs (e.g. M&E of entire half-way house program for CYCLs leaving institutions) and at the level of entire civil society organization (M&E of entire work of one CSO). It is greatly recommended that all CSOs develop full M&E systems which will set both M&E processes at all of these levels as parts of a comprehensive organizational system which then serves as the vehicle of organizational effectiveness, learning, sustainability and development.

By their nature CSOs are in particularly suitable position for fast and flexible piloting of innovative services and interventions - projects, so much important in work with CYCL. But these have to be closely monitored and evaluated as well as fully documented to be suitable for replication, scaling-up and incorporating into the system of existing measures. Regrettably, more often than not, M&E functions are the weakest links in CSO project management and this hinders otherwise valuable projects to overcome ad hoc and one off appearances. This is why program documentation, monitoring and evaluation is of the utmost importance for the sector and it should be built in to all project processes. Evaluation of all aspects of projects' implementation should be ongoing as a core function, rather than a low priority activity. Evaluation is crucial to quality assurance and should include, but not be limited to, CYCL feedback, referrer feedback and stakeholder input. At the project activity level, there should be a periodic review of all cases in order to assess the efficacy of the service being provided in each case, to review the appropriateness of the service continuing in each case and as a part of the ongoing overall evaluation of the project.

#### M&E is carried out in three stages:

#### 1. Planning

The planning of M&E activities should be done during the planning/writing of the project so that all data collection and M&E activities can start with the very start of the project. M&E plan should define the following:

- » Who will implement M&E activities (is it your CSO staff only and who exactly or you will hire external expert for M&E)
- » What are the purposes of evaluation? (to improve you work, or planning, because of learning, for making a decision, for increasing credibility etc.)
- » When and where will you do M&E activities? (making the activity plan for M&E, so that you can calculate how much time and resources you will need for it)
- » What indicators will you be collecting? (is it a number of participants at your trainings, satisfaction of clients of the drop-in center, % of recidivism among CYCL you work with, or some others, depending on your project)

» What methods will be used for M&E? (Questionnaires, interviews, documentation review, group discussions, field visits...)

#### 2. Implementation

Implementation of M&E starts with the very start of the project activities and should encompass:

- » Data collection (For instance focus groups with CYCLs who attended therapeutic sessions. Here it is very important to choose persons with enough sensitivity and skills to contact CYCLs without causing any harm)
- » Analysis and interpretation of collected data (tabulating collected data and transforming them into graphs, determining the trends and patterns in collected data which will be interpreted as a prof of a degree of success of your project)
- » Performance assessments. Making the final conclusions about the project success and the success of each of its activities.
- » Report writing. Writing a quality reports on monitoring and evaluation is often neglected and results in impractical documents which will not be used afterwards.

#### 3. The use of results

Although the most important, this step usually gets skipped and all the benefits that your organization can get from doing high quality M&E never get used. Here is where the purpose of M&E is visible and it can be one or more of the following:

- » Improving design/performance/management of projects, e.g. changing the working hours of drop-in center so it better suits CYCLs
- » Making decisions among activities or projects e.g. making funding decisions so that only the most successful project is funded next year
- » Learning lessons for future application e.g. learning more on what triggers anti-social behavior in CYCLs by evaluating anger management course effectiveness
- » Accountability e.g. proving to donor that your CSO been using limited resources in the ways planned and bringing about the intended results.
- » Fundraising e.g. using quality evaluation report as the tool to convince donors that your project has comparative advantage since its success has been proved
- » Credibility e.g. using quality evaluation report to raise your profile in the community, in public general or some specific expert target groups to demonstrate your CSO's capacity and success and to promote your work or publicizing M&E reports (in the adapted forms) for informing or educating targeted audiences
- » Advocacy e.g. using M&E results for evidence-based advocating for policy reform for instance
- » Awareness rising e.g. CSOs can proactively use M&E results to provide the media or the public with positive news stories and images of CYCLs and successful projects with them
- » Networking, cooperation and partnering e.g. sharing M&E results with other relevant actors can be used for exchange of practices and promoting cooperation, finding partners in the field of child-friendly justice even internationally

In order for any of these purposes to be achieved M&E results have to be disseminated. Preferably to all the stakeholders. And this is rarely done. High quality M&E reports need to be adapted, sometimes shortened or translated in order to be adjusted to the needs of all the targeted readers. But then, these documents need to be disseminated as widely as possible.

Besides the actual service delivery which is operating on the project level, it is very important for every CSO to assess its entire work. Now we will again quickly draw the attention to the benefits of the organization-level M&E which is comprehensive organizational system of documenting, tracking and assessing functioning of your complete CSO. Its greatest importance lies in its potential to be the tool for sustainability and development. In the Annex 8 there is a short organizational assessment tool tailored specifically to needs of CSOs working with CYCLs. Other, more comprehensive and also lengthy tools as well as their reviews can be found on the Internet<sup>4</sup>. We encourage you to use them either independently or with the assistance of skilled external facilitator if any of the tools seam too unclear or demanding.

<sup>4</sup> http://sector.rec.org/self-assessment/

https://www.msh.org/resources/me-participatory-self-assessment-tool

https://www.unpei.org/sites/default/files/PDF/institutioncapacity/Brief-Review-20-Tools-to-Assess.pdf

https://gife.org.br/gife-governance-indicators/self-assessment/?lang=en

http://pdf.usaid.gov/pdf\_docs/Pnacy483.pdf

After all the analyses main conclusions regarding the CSOs' work with youth and children in conflict with the law in the region are:

A group of children and youth in conflict with the law as groups at risk of social exclusion is not sufficiently recognized. There is a lack of awareness of the existence of this highly vulnerable group, its needs and responses to them, both with the professional and the general public in the region. For further improved work with CYCL it would be very useful to adopt current terminology and to understand the dynamics of the risk of social exclusion.

Due to insufficient recognition, CYCL are not sufficiently present in all relevant strategies, other important documents, even in statistics and monitoring. There is no unified and comparable collection of CYCL data in different sectors, at national or regional level. The adoption of a unified system of indicators for monitoring data and trends related to CYCL would be of great importance for further improvement of work with them and regional and wider networking and information exchange.

There are not enough regionally relevant good practices and guidelines for working with CYCL and there is interest in such materials among existing actors in this field. There is also a great need for exchange of information and experiences.

There is not enough research into the CYCL needs, community dynamics and the development of context appropriate interventions in accordance with international standards and without those, no real change could be brought about.

In the existing data and rare materials from this field in our region, the complete absence of gender dimension is noticeable. Given the great importance and influence of gender on all spheres of life, and so on girls and boys, and young men and women who come into conflict with the law, gender sensitization of actions in this area is indispensable.

There are neither real national strategies for the work on this problem, nor strategic actions in the full sense of the term. There are several reasons for this situation. There are some poor quality strategic documents and those completely without funding, monitoring, and evaluation. The participation of CSOs in the development of strategies is at times insufficient or absent, and for that reason sometimes the strategy documents are inadequate. Even if the documents themselves are acceptable, weaknesses are manifested in the implementation and achievement of the planned impact. Setting up and successful implementation of national strategic frameworks for work with CYCL are one of the first and most important steps in this field.

Comprehensive responses - programs and services are missing for CYCL. Existing programs are extremely fragmentary and partial rather than complementary as parts of the same system should be. This also affects the effects of the existing few programs, and for users it means that there are no real interventions that change lives but only ad hoc help.

The coverage of services and programs in relation to the needs of CYCL themselves and the needs of the rest of the population related to CYCL is very small. First of all, there is not enough service providers for this target group, i.e. actors involved in this area. There are no enough CSOs dealing with this target group due to funding problems and other adverse factors in the environment. Furthermore, some potential actors are inert and do not use all the opportunities for work. For example, educational institutions could take up much more preventive, informative, referral and other roles. The state through various institutions could play a key role in formulating a comprehensive strategic response to this problem, but this part of the activity has yet to be significantly strengthened. Public sector stakeholders in this area often lack sufficient resources to work, especially for introducing innovations. And there is no sufficient number of experts with the actual work experience with this vulnerable group in all sectors.

There is significant geographical regional/local imbalance of the practices, quality and availability of services and programs for CYCL. As a result of all the above mentioned weaknesses, there is also insufficient coverage of services. Even where there are successful programs, their actual coverage in relation to needs is very small and uneven due to low visibility, availability, acceptability, absence of outreach etc.

Contacts (and sometimes collaboration) generally exist among all service providers and implementers of the CYCL program, but there is also plenty of room for improvement here. First of all, in establishing true co-ordination and cooperation between the existing actions and forming a referral system with full protocols.

Prevention, real primary one does not exist, especially not comprehensive and strategic one. Only ad hoc activities of this kind are appearing. There are also deficient secondary prevention programs that would specifically address young people at risk. This means that the programs present are usually only interventions on a problem that has already emerged, and they are considerably less cost-effective and effective than preventive measures that should be developed and expanded.

The sustainability of all work programs related to CYCL is an open issue. CSO programs are especially questionable in this regard, since their financing is almost completely project based, while their institutionalization and incorporation into the system are difficult. Even public sector programs, if project-funded as innovations do not have a guarantee that they will remain part of the system after completion of project financing. Without designing mechanisms for ensuring the viability of successful CYCL work programs, no permanent impact is possible, and this issue is a high priority.

The local and wider social environment in the region as a rule condemns and stigmatizes this target group of young people and children in conflict with the law, and opposes the realization of programs for them in their community as well as directly affects the inclusion and social status of CYCL. Information, education, advocacy and awareness-raising campaigns that deal with public attitudes towards these groups are very important and it would be important to start them and make them continuous.

Advocacy and lobbying related to CYCL in the region are minimal. This is, on the one hand, a consequence of insufficient foreign funding for these programs, and domestic funding can hardly be expected to be directed at CSOs that will criticize the public sector in any way. On the other hand, and more importantly, this is the result of an insufficiently large, insufficiently strong and insufficiently resourced civil sector dealing with this topic. The importance and breadth of the impact of advocacy activities on all events in any sector cannot be emphasized enough and therefore it would be very important that in the future we see more and more such programs at work in the region.

Even for the existing programs and services, there is a lack of sufficient, high quality and documented monitoring and evaluation of the effects. The existence of high quality evaluation is crucial for achieving impact in society, further programming and strategic decision making, also co-operation and networking, and its introduction would be very important.

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#### Annex 1.

For the purpose of conciseness and clarity, the overview of national provisions for children and youth in conflict with the law is presented in tabular form with five chapters each divided into two categories:

- 1. Legal framework (blue areas) and
- 2. Institutional framework (pink areas).

Each parameter is given one of possible marks:

- 1) existing and functional (green),
- 2) existing but not functional (yellow),
- 3) not existing (red) or
- 4) not relevant (grey).

Table 1. Children and youth in conflict with law - Regional overview of legal and institutional framework<sup>5</sup>

CHILDREN AND YOUTH IN CONFLICT WITH LAW	ALB	ВВН	KOS	MKD	MNE	RS
1. SOCIAL SUPPORT						
They are recognized in the Law on Social Protection as a priority group						
They are recognized in the Law on Child Protection as a priority group						
They are recognized in the Law on Social and Child Protection as a priority group						
Children in conflict with law are recognized in the Law on Social Protection as a priority group						
Youth in conflict with law are recognized in the Law on Social Protection as a priority group						
They are recognized in the Strategy for Social Protection						
They are recognized in the Strategy for Child Protection						
They are recognized in the Strategy for Social and Child Protection						
Children from this category are recognized in Guidelines for provision of social protection services						
Youth from this category are recognized in Guidelines for provision of social protection services						
They are recognized as a separate group in the National Strategy for Reduction of Poverty and Social Inclusion						
Recognized in the National Drug Strategy						
They are recognized in local strategies for improvement of social inclusion						

<sup>5</sup> Taken and adapted from the Regional study: Arising support from understanding and bridging the gaps, Improving social inclusion of selected groups of children and young people in Western Balkans, Juventas, 2017.

They have priority in achieving right to social housing			
There are guidelines for collection of data in the social protection system for this group			
They are recognized in the relevant chapter of the Strategy for Children/Strategy for Youth			
There is an official document which contains rules of cooperation between NGOs and institutions in this area			
There are public institutions for children and youth in conflict with law (semi-open)			
There are closed correctional institutions for minors in conflict with law			
Institutions which provide resocialization services (public sector) have been established			
Centers for provision of resocialisation services (NGO sector) have been established			
Centers for Social Care provide resocialisation services			
There are day centers which provide social protection services to this category			
There are drop-in centers which provide social protection services to this category			
Self-support groups exist			
Independent living support services are provided to this category			
Socio-educational services are provided to this category			
Counseling and therapy services are provided to this category			
Social housing is provided for this category			
Other types of support for housing are provided to this category			
Data are collected within social protection system			
There is a mechanism of coordination among public authorities, and models of mutual referring of children and youth from this category			
There are mechanisms of coordination between local/municipal and national institutions in this area			
There are mechanisms of outsourcing and paying for social services which are provided to this category outside public institutions			
2. EMPLOYMENT			
Protection of children is prescribed by the Labor Law			

Free of charge programmes for acquiring qualifications are guaranteed to this group			
Work in public interest is recognized as working experience			
This category is recognized as hard-to-employ category			
This category is recognized as a group in the National Employment Strategy			
There are subsidies for employers which hire young people from this category			
They are recognized in the relevant chapter of the Strategy for Children/ Young People			
There are programmes aimed at enhancing working skills of this group			
Free of charge programmes for acquiring qualifications are offered to this group			
Organizations provide opportunity for employment of this group (in social enterprises, etc)			
There are programmes of mentorship in employment			
There is the Law on Social Entrepreneurship			
There is the Strategy for Social Entrepreneurship			
There is a mechanism of outsourcing and paying for services which are offered to this category outside public institutions			
3. EDUCATION			
Provision of elementary education inside institution for execution of criminal sanctions is obligatory			
There is the Law on education of children with special educational needs			
This category is recognized in the field of education of children with special educational needs			
This group is recognized in laws on education			
Education is regulated in the Law on Juvenile Justice			
Education of children with special educational needs is recognized by other laws			
Free of charge books for children in institutions are guaranteed by law			
Free of charge elementary education in prison is guaranteed by law			
Free of charge secondary education in prison is guaranteed by law			
They are recognized in the relevant chapter of the Strategy for Children/Young People			

There are elementary schools within correctional facilities for minors			
There are elementary schools within institution for execution of criminal sanctions for adults			
Centre for Vocational Education/for Education of Adults provide services to this group			
There are organizations which provide VET services to this group			
VET programmes are available in prison			
VET certified programmes are available in correctional institute for juveniles			
Additional programmes for provision of support to studying are available inside schools			
Additional programmes for provision of support to studying are available in the community/CSOs			
There is a mechanism of outsourcing and paying for education-related services which are provided to this group outside public institutions			
4. HEALTH			
Free of charge healthcare in closed institutions is guaranteed by law			
National Drug Strategy prescribes measures for drug abuse prevention for children and youth in conflict with law			
Health protection is defined in the Law on Execution of Criminal Sanctions			
Health protection of prisoners falls within the remit of the Ministry of Justice			
Health protection of prisoners falls within the remit of the Ministry of Health			
There are guidelines for health protection of this group			
There are guidelines for collection of data on health protection of this group			
They are recognized in the relevant chapter of the Strategy for Children/ for Young People			
There is a treatment for children who use drugs, within closed or semi-closed institutions			
There is a treatment for adults who use drugs, within closed or semi-open institutions			
Prison hospital is operational			
Substitution therapy is introduced in prison			

Substitution therapy can be continued in prison			
Services for improvement of mental health are provided in closed institutions			
Services for prevention of communicable diseases, such as HIV, are available to this group			
There is a mechanism of outsourcing and paying for health- related services which are provided to this category outside public institutions			
5. SECURITY			
There is the Law on Juvenile Justice			
Alternative sanctions are introduced in law(s) which regulate(s) the position of children in conflict with law			
Law prescribes an obligatory treatment for people who use drugs and who are in conflict with law			
There are guidelines for collection of data			
There is the National Strategy or act for prevention of behavior that is not socially acceptable			
Role of a social worker is recognized in the Law on minors in conflict with law			
They are recognized in the relevant chapter of the Strategy for Children/for Young People			
There is the National Council for Juvenile Delinquency Prevention			
There is a separate prison for minors			
Centers for minors in conflict with law (closed) exist			
There is a court for minors			
There are judges for minors			
Offices for treatment of minors are available within judicial system, including psychologists and/or social workers			
Offices for treatment of minors in conflict with law are available within centers for social work			
Probation services for minors exist			
Probation services for adults exist			
Data are collected inside judicial system and contains information on sanctions, treatment and probation			
Data on children and youth in conflict with law are connected with data on social protection			

## Recommended areas of inquiry during the first interview with CYCL

These questions can be used as planning toward preparing individual child care plan More indepth work would be required after the initial interview especially for juveniles who may require intervention by mental health professionals and first contact staff need to refer such CYCL to appropriate experts.

#### **Personal Information:**

- » Name of the CYCL with alias
- » Age
- » Sex
- » Present address of the CYCL
- » Permanent address of the CYCL
- » Phone number
- » Contact person for the CYCL
- » Relationship to the CYCL

## **Family Background:**

#### Family:

- » Whether juvenile has family?
- » If yes, does juvenile stay with them?
- » If Yes, Since when?
- » Details about family members and their relationship with CYCL.
- » Whether there are economic difficulties, alcoholism, domestic violence, illness or any other crisis situation at home

#### If CYCL has No Family/is orphaned:

- » With whom does CYCL stay and place of stay?
- » Who can come to the CSO for case related matters (guardian/ friend/ neighbor/ employer/ any other)?
- » Knowledge of other relations, if any

If staying with friends/ on street, details about CYCL's life with them

- » Facilities.
- » Income,
- » Support

#### If CYCL has family but deserted:

- » Reason for such a situation
- » Possibility of reconnecting with family/guardian/relations
- » Options of staying in an institution till 18 years of age and after

#### Friends:

- » Details of friends/peers (education, involvement in crime, addiction, having family/ without family/ elder/ younger in age to CYCL)
- » If no friends, reason behind not having friends
- » Persons with whom CYCL is emotionally close and able to share

#### Community:

- » Physical structure (buildings/ slum/ rural area)
- » Occupation
- » Religion
- » Any kind of violence/ fighting/ addictions/ abuse/ offences/gangs in community
- » If Yes, details about the same

### Health status of the CYCL

- » Whether has any health issues
- » If Yes, more information on specifics of issues, treatment, check-ups
- » If No, whether had check-ups recently

#### Educational, Vocational background of the CYCL:

- » Education; whether going to school
- » If, yes, details of schooling, performance at school, experience of school, future plans, if any, regarding education
- » If, No, whether dropped out, never went to school, reason for no enrolment in school/ dropping out
- » Whether engaged in vocational training, options for the same
- » Interest areas, hobbies, talents, aspirations of the juvenile
- » Educational/vocational/training needs, aptitude and interest
- » Plans for the future

### Work background of the CYCL:

- » Whether working, details of employment, reasons for working
- » Future plans related to work
- » In Not, reasons for not working and sources of livelihood

## **Emotional/Behavioral Aspect of CYCL:**

- » Fear, anxieties, anger, upset, sadness, loneliness, depression if any
- » Dealing/coping with disappointment/frustration/tears
- » General characteristics; shy, talkative, etc.
- » Trust/secure relationships with peers/friends/family

#### Offence Related:

- » Whether first offence
- » Whether there have been offences earlier but not got caught
- » Whether repeat offender
- » Whether committing offence along with others, motivation to do so
- » Nature of offence and details of planning
- » If repeat offender, details of previous experience with the juvenile justice system

## **Any other Special Situations**

» CYCL to be encouraged to share any other points that has not been covered in the interaction

## General impression of the interviewer about the CYCL

- » Whether cooperative
- » Whether sincere
- » Whether clear
- » Overall impression of CYCL's wellbeing in all aspects

# Further information requested

- » Which areas are insufficiently clear and need more information
- » In what way should this information be obtained (further interviewing, testing, contacting other organizations/persons, etc.)

# Confidentiality procedures check-list

CONFIDENTIALITY PROCEDURES CHECK-LIST			
	YES	PARTLY	NO
CSO has established and maintained clear written confidentiality procedures.			
Information treated as confidential always include all CYCLs' files and records (electronic, media and hard copy), telephone contacts and messages, correspondence, meeting notes, discussions, visit information and any other mentioning of information on CYCL even outside his or her file.			
CSO does ensure that all staff and volunteers sign an Oath of Confidentiality.			
A copy of the signed Oath of Confidentiality is kept in the CSO as part of the personnel file, and one is given to the staff or volunteer.			
All staff and volunteers of CSO are trained in confidentiality procedures.			
All the outsourced personnel (like interpreters, mediators etc.) do sign an oath of confidentiality, too.			
All CYCL information is kept strictly confidential and only made accessible to CSO service staff and volunteers authorized to work on program and only in the extent required to perform their jobs.			
CSO staff is resourced with equipment (e.g. covered clipboards, locking file cabinets, locking office doors, volume controlled telephone, message playback facilities) that is necessary to maintain confidentiality.			
Statistics kept in order to report, for evaluation purposes and to account to donors, do not compromise CYCL's confidentiality.			
During the intake assessment, CYCL are informed that their information is kept securely and confidential.			

CYCL are also being informed that there are limits to confidentiality when:  » The client's file is subpoenaed for the purposes of court proceedings.  » CSO staff determines that a notification to relevant child/ youth protection authorities is required.  » The CYCL seeks clarification and information regarding his/her time at the CSO.  » CYCL agrees that information can be shared with a third party (e.g. in cases of referral).	
CYCL records that are submitted to appropriate agencies are only being submitted so that they are in a sealed envelope with the clear mark "Confidential" on both sides of the envelope, with appropriate receipts for the documents.	
CSO ensures that all staff and volunteers-related information is kept strictly confidential and secure and that clients and visitors are unable to access this information under any circumstances.	
Measures to ensure staff and volunteers' personal safety include:	
Staff and volunteers' surnames are not included on documentation (with the exception of legal documents).	
Staff and volunteers' phone numbers are stored staff-only areas of the CSO premises.	
Separate and discrete car-parking facilities for staff and volunteers.	
CSO follows, regularly updates information and respects all relevant legislation about: confidentiality, privacy, freedom of information, notification requirements and subpoena of files.	

# Sample complaint form

SAMPLE COMPLAINT FORM
CSO
Service/department
Complainant name
Complainant contact information
Complaint against
COMPLAINT
I hereby file this complaint against the above named person/s for violating my rights and interests in the following manner:
Location of the incident
Date and time of the incident
Attached to this complaint (if any):  *  *  *
Complainant's Signature
Name and Signature of CYCL  Name and Signature of Parent/Guardian  Received and filed this at day of, 20
1.0001700 and mod tho at day of, 20, 20
Name and Signature of the CSO staff receiving the complaint

# **Safety Incidents Procedures**

Safety Incidents Procedures			
	YES	PARTLY	NO
CSO has internal procedures for reporting and managing safety incidents in place.			
These procedures are easily accessible and understood by all staff and they have all received adequate training on it.			
These procedures are regularly reviewed, updated and communicated to all staff.			
These procedures include:			
The steps to be followed and clear guidance about what procedures need to be implemented and who needs to be advised/notified and when			
Debriefing and safety planning that can be immediately provided following a safety incident			
Clear guidance on follow-up procedures			
Clear guidance on details to be recorded in writing and any risk management data entry requirements			
The legal or statutory obligations to be met.			
CSO conducts, and periodically reviews, a Safety Risk Assessment which demonstrates a thorough understanding of safety risks related to all relevant aspects of CSO work.			
As a minimum, these assessments reflect:			
The type of services delivered			
The client population being targeted			
A business continuity plan to prevent or limit disruption to services following a safety incident.			
To minimize the risk of safety incidents, CSO has developed and established protective measures and practices that maximize the safety of all that attend or work for the service.			

These measures include:		
Monitoring and re-evaluation on an on-going basis, and		
Modifying if necessary to address any unanticipated safety needs identified through this process, or as a result of a safety incident.		
Written internal policies and procedures for managing safety incidents		
Minimum safety practices according to relevant legislation		
CSO staff is required to report internally on all the safety incidents.		
Detailed documentation on each incident is kept with line manager.		
All safety incidents are reported to all other staff on the staff meetings.		
All safety incidents reports are fed to the next cycle of safety assessment and planning, requesting for amendments if necessary.		

# Sample referral form

SAMPLE REFERRAL FORM	
CSO	
Service/department	
Date:	
I. Referred To/For:	
(Name of	CSO/Institution/Agency)
II. Identifying Information of the CY	CL
Name of CYCL: Age:	Sex: Birthday:
III. Background information about the	
III. Reasons for Referral:	
IV. Intervention/Services Requested:	: 
Referred by:	Approved by:
Name, Designation, Signature	— Name, Designation, Signature

# Record keeping procedures check-list

Record keeping procedures check-list			
	YES	PARTLY	NO
CSO has established a comprehensive system of record keeping, storing and handling for the safekeeping of its records in accordance with legal and professional requirements.			
CSO has developed a full set of unified record keeping forms in accordance with legal and professional requirements and their use is mandatory.			
All staff and volunteers of CSO are trained in proper record keeping including the maintaining of records on a regular and timely basis and filling-in all the forms.			
Each client should have an individual client folder containing all the records relevant for that CYCL (electronic, hard-copy, video, audio or any other type of records)			
Records which maintained by CSO related to each CYCL accessing the service in his or her individual client folder do include:			
Information on identity			
Personal and family contacts and ICE contacts (if different than family)			
A copy, signed by all relevant parties of the service agreement between the CSO and the CYCLs (and/or parents if required by the law)			
The intake screening and assessment records			
Records on services provided, observational notes, phone calls and a record of the dates and times of attendance of the CYCL (and/or parents if required)			
All incident reports			
Copies of all relevant court orders with certification that the originals have been sighted by the CYCL			

Any correspondence received from, or copies of any correspondence addressed to the court, the parent's legal representatives or an Independent Children's lawyer, or any relevant government department concerning the CYCL (and the parents if required)		
All M&E relevant data required by the project M&E plan		
All statistical data required for research approved by CSO		
All client records are kept confidential, except as required by the law.		
Records kept by a CSO are be legible, and ready to be produced to court if subpoenaed.		

# **Assessment of CSO**

Here is a sample tool for evaluating several aspects of organizational effective functioning. This simple assessment tool can help you to identify how you can improve your service for CYCL

Assessment of CSO's functioning			
	YES	PARTLY	ИО
Policies and procedures			
We have a written commitment to deliver an equal and inclusive service to all CYCL			
Our service has clear policies and procedures for our work with CYCL			
Programme planning and delivery			
Our programmes are designed and delivered to include the diverse needs and identities of CYCL			
Our programmes include varied forms of work in supporting CYCL			
Our programmes address the issues of behavioral change and personal development			
Our programmes have beneficiaries' well-being clearly documented			
Participation			
We make sure we include the voices of CYCL at all levels of our service			
We ensure that we include and consult with our clients at all levels of our service			
Administration and documentation of CYCL cases			
Intake information is well documented			
A case plan exists and is dynamic			
Case notes provide comprehensive documentation of activities			
Case files are protected and organized			
Partnerships			

Our service has close links with all the relevant local national actors dealing with CYCL		
Our service has partnerships with other services that assist CYCL		
Effective referral forms are being used to enable access to other service providers		
A follow up system exists to best ensure beneficiary access to referral parties		
Professional development		
Our staff and volunteers are trained and supported to deliver an inclusive youth service		
Staff have an overall understanding of the Juvenile Justice System and services within		
Our staff are trained and supported to deliver specific behavioral modification to CYCL		

