

MODULE SEVEN

**STANDARDS OF CARE IN
CUSTODY, AFTERCARE AND
SOCIAL REINTEGRATION OF
CHILD OFFENDERS**

FACILITATOR'S GUIDE

OBJECTIVES

At the end of this module participants will:

- Understand the international standards related to child custody.
- Identify action that they could carry out to improve the human Rights situation of child prisoners.
- Learn about the specific needs of girls in detention and develop Suggestions to improve their status in prisons.
- Learn about aftercare programmes and social reintegration.

TIME [4 Hours 20 minutes]

CONTENT

- 7.1 Human Rights of Children in Custody
- 7.2 The Situation of girls in Detention
- 7.3 Aftercare and Social Reintegration

MODULE OUTLINE

Sessions	Method	Resources	Time
7.1 Human Rights of Children in Custody	Brainstorm & slides.	Slides 1-6 ; Handout 1, Standards of Care in Custody; Handout 2, Detention in Police Custody; Exercise 1, Monitoring Conditions of Detention.	2hrs 20 min
	Group discussion		
	Develop checklist		
7.2 The Situation of Girls in Detention	Case study	Exercise 2, The situation of Girls in Detention; Handout 3, The Specific Situation of Girls; Slides 7-8.	60
	Slide presentation		
7.3 Aftercare and Social Reintegration	Presentation	Handout 4, Aftercare and Social Reintegration and the examples of reintegration programmes in South Africa and Philippines. Slides 9-10.	60 (+30)
	Sharing Programme Experiences OPTIONAL		
	Develop checklist		

MODULE SEVEN

SESSION PLANS

SESSION 7.1 HUMAN RIGHTS OF CHILDREN IN CUSTODY

Purpose Identify the international standards of care in custody and actions that could improve the human rights situation of child prisoners. Participants will also develop a checklist for use in monitoring the situation of child prisoners in detention.

Preparation Write objectives on flip chart, review slides, photocopy handouts.

Materials Slides 1-6 ; Handout 1, Standards of Care in Custody; Handout 2, Detention in Police Custody,

Equipment Slide projector and laptop, 4 pin boards, push pins, cards, marker pens, flip chart.

Activities **Time Estimate
(minutes)**

- Introduce the module objectives on flip chart. 5
- Introduce the session purpose.
- Group discussion of the human rights of child prisoners.

Steps:

1. In the groups where they are sitting ask the participants to spend 5 minutes discussing the question 'what are the human rights that should be guaranteed for child prisoners in custody?' e.g. child should be held separately from adults. 10

2. Ask each group to call out two or three suggestions. Note their responses quickly on flip chart. Explain that you will use these points in the following exercise. 15

3. Show slides 1-6, referring back to the flip chart wherever there are overlapping points. Refer participants to Handout 1, Standards of Care in Custody, in the participant's manual.

- Group discussion on implementation of standards of care for children in custody.

Steps:

1. Divide participants into four groups. Explain that each group should refer to the results of the previous discussion (on the human rights of child prisons and Handout 1, Standards of Care in Custody), to respond to the following questions: 30

- i) How could the standards of care be violated in prisons?
- ii) What measures could be taken to ensure that these standards are implemented effectively?
- iii) What are the obstacles that prevent these measures being taken?

- iv) Identify concrete recommendations to ensure humane treatment of children in prisons.
- 2. Debrief in groups. Ask each group to join one other group, so that the plenary is divided into two groups. The participants should share the conclusions from their discussion in these larger groups and question each other on whether their responses are practical and realistic. 20
- 3. There is no formal presentation to plenary. Instead ask the participants to share some of the comments from their small group debriefing. 10
- 4. Conclude by emphasizing the impact that improving professional behaviour has on the conditions in prisons. Refer the participants to example of Peshawar in Handout one.

ALTERNATIVE ACTIVITY: POLICE OFFICERS SHOULD COMPLETE THE FOLLOWING AS AN ALTERNATIVE TO THE TWO EXERCISES ABOVE

- Group discussion of the conditions of care in detention and strategies to ensure they are adopted.¹ 30

Steps:

- 1. In the groups where they are sitting ask the participants to respond to the following questions:
 - i) What are the human rights that should be guaranteed for child prisoners in police detention? e.g. child should be held separately from adults
 - ii) What strategies they can employ if these conditions are not met? 30
- 2. Give each group a flip chart and ask them to elect a presenter.
- 3. Invite one group to present their findings to plenary. The presenters from the other groups should stand next to their flip charts and tick off similar points as they are mentioned. Ask the other groups to present only on the remaining points. The responses should include some of the following points²:

The child should not be subject to an intervention that is more restrictive or intrusive than the minimum necessary.

A child who is serving a child custody sentence is to be held separate and apart from adults, unless they are members of the same family or it is in the best interests of the child not to be separated.

¹ Give out Handout 2, 'Detention in Police Custody' to support this exercise.

² These points are not specific to child detention in police cells but relate to any form of detention of children.

Children in custody retain the rights of other children. **Children** have rights and these rights are not removed or restricted for a child in custody or under supervision, except to the extent necessary to carry out the sentence of the court.

The **child still retains right to counsel**, right to freedom of expression, and other rights, and they can only be limited as a direct result of the sentence.

Involvement of the families of children and members of the community. The best way to assist in a successful reintegration and avoid re-offending is through continual contact and involvement of families, other meaningful individuals, and members of the community. Decisions are to be made in a fair and timely manner. Children have access to an effective review procedure.

Prohibition of torture and corporal punishment. According to the UN Rules. According to the UN Rules for the Protection of Juveniles Deprived of their Liberty and the UN Standard Minimum Rules for the Treatment of Prisoners, the use of corporal punishment, punishment by placing in a dark cell, closed or solitary confinement, any other punishment that may compromise the physical or mental health of the child and all cruel, inhuman and degrading punishment as disciplinary measures are prohibited.

All arrested persons, including children, must be brought before court within 48 hours after arrest.

- Develop a checklist for monitoring conditions of detention.

Steps:

1. In the same groups (or if you are conducting a regional workshop break into country groups) distribute exercise 1, Monitoring Conditions of Detention.
2. Ask the groups to respond to the following question: ‘How would you customize the checklist for use in monitoring conditions of detention in your country?’ Explain that they should think of what changes, issues or questions they would have to add or delete to the existing checklist.
3. Give each group a pin board and ask them to write each critical issue on a separate card and pin it on their board, reminding the participants to write clearly as there will be no verbal debriefing.
4. Debriefing using vernissage (see Training Tips in Module six). The groups should circulate and read each others’ cards. They are encouraged to add comments on the other pairs’ work on post-it notes and stick them on the board. The post-it notes should agree.

20

20

5. With the point, disagree or ask for clarification of anything they don't understand. Ensure that all participants have an opportunity to read the comments before returning to plenary.
 6. Plenary debrief: Ask the plenary for their observations, and ask if there is anything that surprises them. Encourage them to look at the post-it notes and highlight a few of the comments. Arrange for the output of the exercise to be typed up and distributed
- Give out Handout 2, Detention in Police Custody.

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SESSION 7.2 THE SITUATION OF GIRLS IN DETENTION

- Purpose** Participants should identify the specific needs of girls in detention and develop suggestions to improve gender issues in prisons.
- Preparation** Write objectives on flip chart, review slides, photocopy handouts.
- Materials** Exercise 2, The Situation of Girls in Detention; Handout 3, The Specific Situation of Girls, Slides 7-8.
- Equipment** Laptop and projector, flip chart, marker pens

Activities	Time Estimate (minutes)
<ul style="list-style-type: none"> • Introduce the session purpose. • Discuss case study of the situation of girls in detention 	
<p><u>Steps:</u></p> <ol style="list-style-type: none"> 1. Divide the participants into five groups. Ask each group to read the two case studies in Exercise 1 and respond to the following; <ol style="list-style-type: none"> i) “List the human rights issues in the case study of Zeeda and Laron”. ii) “Recommend interventions which are appropriate and effective in tackling gender issues”. 	20
<ol style="list-style-type: none"> 2. Give each group a flip chart and ask them to nominate a presenter who will debrief to plenary. 	30
<ol style="list-style-type: none"> 3. Ask one group to volunteer to present their lists, ask the other presenters to stand next to their flip charts and tick off the points that are mentioned. The other groups should then just present on their remaining points. <p>The list of answers should include the following issues: Sexual abuse by prison staff and the failure of prison officials to take girl/women’s complaints of abuse and threats of abuse seriously. Prison’s inability to deal with motherhood although some prisons do allow girl/women’s to have infants with them. Discrimination against women prisoners compared to men, such as the inadequacy of women’s facilities compared with men’s (e.g., lack of exercise outdoors, lack of access to library and educational facilities). Imprisonment of a woman for a crime for which a man is not imprisoned (e.g abandonment of family). Inadequate mental and physical health-care for women. Mistreatment, such as torture and abuses by prison guards and</p>	

others, of sexual nature.³

4. Conclude the exercise by highlighting that the criminal justice system needs to take into account gender issues in order to ensure that interventions are appropriate and effective. Mention that **Prevention programmes** need to address why boys are more at risk than girls of coming into conflict with the law and accordingly identify and mobilize protective factors, which are gender-specific; the minority of girls in the system needs to be protected through the **provision of adequate gender-sensitive staffing, facilities and services** (including gender-sensitive health services); **psychosocial and rehabilitation interventions** with girls and boys need to take into account differences due to gender; Programmes sensitizing detention centre staff on methods of discipline which are not abusive or humiliating need to take into account any differences in the ways in which girls and boys are treated; facilities for a **full range of community penalties** should be available to girls as well as boys in the local area, including community punishment orders and attendance centre orders.

- Show slides 7-8.⁴

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- Refer participants to Handout 3, The Specific Situation of Girls.

³ Refer to 7.1 Human rights rule on prohibition of torture and corporal punishment includes sexual abuse by prison guards and other inmates.

⁴ For less experienced groups, show the slides BEFORE doing the exercise on Zeeda and Laron

SESSION 7.3 AFTERCARE AND SOCIAL REINTEGRATION

Purpose The participants should have an increased awareness of the possible aftercare programmes and social reintegration. They will develop recommendations of factors that should be taken into consideration in implementing a variety of social reintegration programmes.

Preparation Write objectives on flip chart, review slides, photocopy handouts. **Pre-session assignment:** Ask participants to read Handout 4, Aftercare and Social Reintegration, and the examples of reintegration programmes in South Africa and Philippines. You can also ask one or two participants to prepare a short (10-minute) presentation on any similar programmatic experiences to those in the handout.

Materials Handout 4, Aftercare and Social Reintegration, and the examples of reintegration programmes in South Africa and Philippines. Slides 9-10.

Equipment Laptop, slide projector, flip chart and marker pens.

Activities	Time Estimate (minutes)
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- | | |
|---|---|
| <ul style="list-style-type: none"> • Introduce the session purpose. • Show slides 9 – 10. • Sharing programmatic experience (OPTIONAL ACTIVITY)
Possible presentation by one of the participants of their programmatic experience of aftercare and social reintegration programmes. Ask them to focus on the results, challenges and lesson learned. • Develop recommendations of the factors that a successful aftercare and social reintegration programme should consider:
<u>Steps:</u> <ol style="list-style-type: none"> 1. Divide participants into five groups, check they have read the handout and examples. 2. Explain that for a comprehensive aftercare programme to work, the components of the juvenile justice system must work together and develop interagency collaboration. Using the source material from the handouts and their experience, ask participants to develop recommendations of the factors that a successful programme should consider. For example, a mechanism that ensures that one approach is not used uniformly for all children. | <p>5</p> <p>30</p> <p>5</p> <p>25</p> <p>25</p> |
|---|---|

3. Give each group a flip chart and ask them in turn to present to plenary. Ask one group to feedback to plenary, ask for points of clarification. The other groups should present any points not yet mentioned.
4. The list of issues mentioned by the groups should include: the development of abilities to deal with risk factors (social, economic and physical environment of the offender, individual skills and characteristics, relationships with individuals and the community), acknowledge the history of the child concerned, accept that the process can be time consuming and may have its setbacks, work in a comprehensive and holistic manner without overemphasis on one risk factor, acknowledge that different individuals take different skills or resources from the same programme and that the results may vary.

Power Point Slides 1-10

The slides are available on the CD-ROM

Slide No

Speaking Points

Standards of Care in Custody

Key principles for custody

- ❖ The child should not be subject to an intervention that is more restrictive or intrusive than the minimum necessary
- ❖ A child who is serving a custodial sentence is to be held separate and apart from adults, unless they are members of the same family or it is in the best interests of the child not to be separated
- ❖ Children's rights are not removed or restricted while in custody, except to the extent necessary to carry out the sentence

Juvenile Justice Manual, Module Seven 1

1

Standards of Care in Custody

Key principles for custody

- ❖ The families of children and members of the community should be involved
- ❖ Decisions are to be made in a fair and timely manner
- ❖ Children have access to an effective review procedure

Juvenile Justice Manual, Module Seven 2

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Conditions of detention in police custody

- ❖ All arrested persons, including children, must be brought before court within 48 hours after arrest.
- ❖ Children must be separated from adults whilst in detention unless it is considered in the best interests of the child not to be.
- ❖ Prohibition of torture, of corporal punishment and of degrading and humiliating treatment

Juvenile Justice Manual, Module Seven 3

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Use when training Police Officers

Management of Juvenile Facilities

- ❖ Admission, registration, movement and transfer
- ❖ Classification and Placement
- ❖ Physical Environment and Accommodation
- ❖ Education, Vocational Training and Work
- ❖ Recreation and Religion
- ❖ Medical Care

Juvenile Justice Manual, Module Seven 4

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The best way to assist in a successful reintegration and avoid re-offending is through continual contact and involvement of families, other meaningful individuals, and members of the community.

Under international standards, prohibition of torture applies to all individuals. The 'Beijing Rules' (referred to in Module two) provide that law enforcement officials who come into contact with child offenders should avoid harming them.

According to the rules, harm includes the use of harsh language, physical violence or exposure to such an environment. According to the UN Rules for the Protection of Juveniles Deprived of their Liberty and the UN Standard Minimum Rules for the Treatment of Prisoners, the use of corporal punishment, punishment by placing in a dark cell, closed or solitary confinement, any other punishment that may compromise the physical or mental health of the child and all cruel, inhuman a degrading punishment as disciplinary measures are prohibited.

Admissions, registration, movement and transfer:

Children may not be detained in any facility without a valid commitment order nor in any institution, which does not maintain a proper register.

Where possible, every child shall have the right to contest any fact or opinion in his or her file so as to permit rectification.

A complete and secure record of information on the child shall be kept. Children shall be provided with a copy of the facility's rules.

Classification and Placement:

Determination to be made as to the most appropriate type of social care. Enabling individualized treatment and integration into community.

Physical environment and accommodation:

The detention facilities shall be designed in keeping with the rehabilitative aim of residential treatment (access to food, drinking

water, clean bedding, sufficient sanitary installations...)

Education, vocation training and work:

Preparing the child for release. Children are also entitled to receive vocational training to prepare them for suitable employment. Wherever possible, children shall have the opportunity to work within the local community.

Medical care:

Children are entitled to medical examinations to record evidence of prior ill treatment and to identify any physical or mental condition requiring medical attention. Throughout their period of deprivation of liberty, all children are entitled to adequate preventive and remedial medical care

Notification of illness, injury and death

Children shall be informed as soon as possible of the death, serious illness or injury of any immediate family member and be entitled to visit the family member or attend the funeral. The child's family shall be informed of the state of health of the child and of any changes which have occurred.

Limitations of physical restraint and the use of force

The carrying and use of weapons by personnel in facilities where children are detained is prohibited. Instruments of restraint and force may only be used in exceptional cases and only as explicitly authorized and specified by law and regulation. Such instruments shall not cause humiliation or degradation.

Contact with the community

Contact with the community outside of the facilities is an integral part of the right to fair and humane treatment and is essential to the preparation of children for release. Children shall be allowed to communicate with their families, friends and representatives of organizations. Every child is entitled to receive regular and frequent visits

Disciplinary procedures:

All disciplinary procedures shall be consistent with upholding the dignity of the rights of children and with respecting the basic rights of all. cruel, inhuman, degrading treatment including corporal punishment, placement in a dark cell, closed or solitary confinement, reduction of diet and the restriction of family contact is prohibited.

Inspection and complaints:

Children shall have the opportunity of making requests and complaints without censorship and they shall be informed of the response without delay.

Personnel:

Personnel shall receive training in child welfare, human rights and the rights of the child. The Personnel shall protect the children from any form of abuse or exploitation.

Management of Juvenile Facilities

- ↔ Notification of Illness, Injury and Death
- ↔ Contacts with the Community
- ↔ Limitation of Physical Restraint and the Use of Force.
- ↔ Disciplinary Procedures
- ↔ Inspection and Complaints
- ↔ Personnel

The Specific Situation of Girls in Detention

- ◊ Girls are particularly vulnerable to human rights abuses.
- ◊ Girls are often held in detention with female adults.
- ◊ Limited numbers of female staff make girls vulnerable to inappropriate handling and sexual abuse
- ◊ Girls face specific problems such as access to reproductive health care and sanitary supplies.
- ◊ In some countries they are deprived of access to services such as education, recreation.
- ◊ Where girls and boys are held together, girls are more likely to work as cleaners, cooks, and other domestic work.

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According to the Beijing Rules, female child offenders placed in institutions deserve special attention as to their personal needs and problems.

They shall by no means receive less care, protection, assistance, treatment and training than male child offenders.

Their fair treatment shall be ensured.

The Specific Situation of Girls in Detention

Possible actions

- ◊ The minority of girls in the system needs to be protected through the provision of adequate gender-sensitive staffing, facilities, and services (including gender-sensitive health services).
- ◊ Programs sensitizing detention centre staff need to take into account any differences in the ways in which girls and boys are treated.
- ◊ Facilities for a full range of community penalties should be available to girls as well as boys in the local area, including community punishment orders and attendance centre orders.
- ◊ Psychosocial and rehabilitation interventions with girls and boys need to take into account differences due to gender.

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Aftercare and Social Reintegration

Concepts

- ◊ Aftercare can be defined as re-integrative services that prepare out of home placed children for reentry into the community by establishing the necessary collaborative arrangements with the community to ensure the delivery of prescribed services and supervision.
- ◊ A comprehensive aftercare process typically begins after sentencing, continues through incarceration and into the period of release back to the community.

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Aftercare and Social Reintegration

Criteria

- ◊ A comprehensive aftercare program integrates two distinct components:
- ◊ **Intervention strategies** seek to prevent delinquency by changing individual behavior.
- ◊ **Community restraint** refers on the other hand to the amount of surveillance and control over offenders while they are enrolled in the community.

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ADDITIONAL READING

No 11/add 2 Human Rights and Prisons – A pocket book of International Human Rights for Prison Officials www.ohchr.org/english/about/publications/training.html;
www.ohchr.org/english/about/publications/training.html

Kids Behind Bars: A study on children in conflict with the law: towards investing in prevention, stopping incarceration and meeting international standards, S. Meuwese (ed 2003) Defence for Children International
<http://www.defenceforchildren.nl/ariadne/loader.php/en/dci/documenten/RapportKBB.pdf>

Enfants privés de liberté: droit et réalités, Geert Cappelare et Anne Grandjean, Editions Jeunesse et droit, septembre 2000

Children in custody: promoting the legal and human rights of children, Howard League for Penal Reform (www.howardleague.org)

Beyond the walls: Improving conditions of confinement for child in custody, Office of Juvenile and delinquency prevention (www.ojjdp.ncrjs.org)

More information is available in English on programmes interventions for children at www.dgsonline.com (The Office of Juvenile Justice and Delinquency's Model Program)

CHECKLIST FOR FACILITATORS

Key Message/ Reflective Questions
When there is no alternative to the placement of the child in custody, conditions of detainment should at minimum ensure: Least restrictive custody levels and practice. Separation of children from adults within custody. No torture and corporal punishment including sexual abuse. Need to focus on the special needs of girls and mothers.
Reintegration should start as soon as possible and at minimum after the determination of the sentence.

MAKING PRESENTATIONS

The following are some guidelines for making presentations:

- Speak clearly and slowly so that everyone can understand what you are saying. This is especially important if the language of the workshop is not the first language of all participants. If your presentation is being translated, speak even more slowly and clearly to facilitate accurate translation.
- Avoid jargon, unless you are sure everyone in the room is familiar with the terms you are using.
- Speak loudly enough for everyone to hear. This is easier if you look directly at the participants, rather than looking down at written notes.
- Participants are more comfortable and the presentation is more effective if the resource person is active – walking or moving around – instead of sitting or standing still the entire time.
- Stick to the time allotted for the presentation. Rehearse your presentation in advance to help ensure that it does not run over and cut into the time allocated for other activities.
- Interact with participants by asking them questions to prompt the next step of the presentation. Stop frequently to see if they have any questions. Watch their facial expressions and body language to determine if they understand and are following what you are saying.

**MODULE SEVEN STANDARDS OF CARE IN
CUSTODY, AFTERCARE AND
SOCIAL REINTEGRATION OF CHILD
OFFENDERS**

PARTICIPANT'S MATERIALS

OBJECTIVES

At the end of this module participants will:

- Understand the international standards related to child custody.
- Identify action that they could carry out to improve the human rights situation of child prisoners.
- Learn about the specific needs of girls in detention and develop suggestions to improve their status in prisons.
- Learn about aftercare programmes and social reintegration.

TIME [4 Hours 20 minutes]

CONTENT

- 7.1 Human Rights of Children in Custody
- 7.2 The Situation of Girls in Detention
- 7.3 Aftercare and Social Reintegration

Standards of Care in Custody

The placement of a child in custody shall always be a disposition of last resort and for the minimum necessary period. However, the reality is that there are children in prisons and in institutions. They are entitled not only to all the human rights protections accorded to adults, but to receive additional services and protection due to their vulnerability.

Key Principles for Custody and Supervision include the following:

- **Least Restrictive Measure**

A child should not be subject to an intervention that is more restrictive or intrusive than the minimum necessary.

This provision generally encourages the use of least restrictive custody levels and practices that are least likely to significantly restrict the liberty and other rights of the child. This is very important in relation to areas ranging from the use of physical restraint (both in resort to the use of such restraints in the first place and the degree of restraint) and to the types of conditions that are placed on a child under supervision

- **A Child who is Serving a Child Custody Sentence is to be Held Separate and Apart from Adults**

Children shall be separated from adults, unless they are members of the same family. An exception may be made where it is in the best interests of the child and where the non-separation is under controlled conditions as part of a special programme.

Experience has shown that contact with adult prisoners is dangerous for children. Children housed with adults are more likely to be raped, beaten and exploited.

If the child is detained in adult facilities or reaches adult age and is transferred to adult facilities, he/she should not be disadvantaged with respect to eligibility for and conditions of release. Thus, a child should, as a general principle be eligible for conditional release and other programmes that are available in the adult facility.

Child correctional officials determine whether a child is placed in a more open or secure custody level, both at the time of committal to custody and for any subsequent transfers. However, in some countries, jurisdictions may still choose to have this administrative decision made by the child court at the time of sentencing.

- **Children in Custody Retain the Rights of Other Children**

Children have rights and these rights are not removed or restricted for a child in custody or under supervision, except to the extent necessary to carry out the sentence of the court. Thus, while the child is in custody, the right to liberty may be restricted, but other rights are not. The child still retains the right to counsel, the right to freedom of expression and other rights, and rights can only be limited as a direct result of the sentence. Further, the child's rights in regard to consent to treatment or care are preserved.

- **Facilitate the Involvement of the Families of Children and Members of the Public.**

It is important to recognize that a child will be leaving custody and returning to the community at some point, and that the best way to assist in a successful reintegration and avoid re-offending is through continual contact and involvement of families, other meaningful individuals, and members of the public.

While family involvement may not always be possible or appropriate, depending on the circumstances, it is important to maintain or facilitate links with those who will be involved with the child and provide support. This can be achieved through visiting programmes, reintegration leave, conferences aimed at reintegration, and mentoring and other programmes that ensure that a child is not facing isolation while in custody, but is building on relationships that can assist in reintegration.

- **Decisions are to be made in a Fair and Timely Manner**

This principle flows from the need to ensure that decisions that affect children in custody and on supervision in the community are fair, open and timely. To the greatest extent possible, the child should be heard in the course of, and participate in, decisions that affect them and have access to information on which decisions are based. An important example of this would be involvement in the development of a reintegration plan.

- **Children have Access to an Effective Review Procedure**

Going hand-in-hand with the requirement for fair and timely decisions, is the child's access to an effective review procedure. This can be through legislated provisions in areas such as custody reviews, reviews of levels of custody, as well as through a child's access to a child advocate or other form of ombudsperson.

The Management of Juvenile Facilities

- **Admission, Registration, Movement and Transfer**

Children may not be detained in any facility without a valid commitment order nor in any institution, which does not maintain a proper register. All reports on children shall be placed in confidential files, which are accessible only to a limited number of authorized persons. The reports shall be classified in such a way as to be easily accessible.

Where possible, every child shall have the right to contest any fact or opinion in his or her file so as to permit rectification.

In every place where children are detained a complete and secure record of information shall be kept including information on the identity of the child, the fact, reasons and authority for the commitment, the day and hour of admission, transfer and release and details of notifications to parents and guardians. Any details of known physical and mental health problems shall also be included.

In order for children to be aware of their entitlements, they shall be provided with a copy of the facility's rules and a description of their rights and obligations in a language which can be understood by them. Also included should be the addresses of the competent authorities to receive complaints and the names and addresses of public and private bodies, which provide legal assistance. Where children are moved to or from facilities, it should only be with adequate ventilation and light. At no time shall they be subject to hardship or indignity.

- **Classification and Placement**

After admission, children shall be interviewed to enable a determination to be made as to the most appropriate type of social care. Wherever special rehabilitative treatment is required, the trained personnel shall prepare a written, individualized treatment plan specifying the treatment objectives.

The number of children detained in facilities shall be as small as possible and small enough to enable individualized treatment and integration into the social, economic and cultural environment of the community.

Detention facilities shall be open, i.e. with no or minimal security measures. They shall be decentralized to facilitate access and contact between the children and their families.

- **Physical Environment and Accommodation**

The detention facilities for children and of the physical environment shall be designed in keeping with the rehabilitative aim of residential treatment, with due regard to the right of

the child to privacy, sensory stimuli, opportunities for association with peers and participation in sport, physical exercise and leisure time activities.

Every detention facility shall ensure that every child receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of hygiene and health and, as far as possible, religious and cultural requirements of the children. Clean drinking water must also be available to every child at any time.

Every child should be provided with clean bedding and sufficient sanitary installations in accordance with local and national standards. Similarly, clothing must be suitable for the climate and must not be degrading or humiliating. Every child has the right to privacy, including the right to retain its own personal effects.

- **Education, Vocational Training and Work**

The purpose of education is to prepare the child for release. The provision of education must therefore avoid the risk of stigmatization. As far as possible, the education of children deprived of their liberty shall take place in the community outside of the detention facility in programmes integrated with the education system of the country. Children are also entitled to receive vocational training to prepare them for suitable employment.

When undertaking any work, children are entitled to choose the type of work they wish to do. Wherever possible, children shall have the opportunity to work within the local community. In any case, the work carried by children should not contravene to the applicable international norms and standards.

- **Recreation**

Facilities in which children are deprived of their liberty shall ensure that suitable time is allocated for daily exercise in the open air, whenever weather permits. In addition, time shall be allocated for daily leisure activities.

- **Religion**

If children wish, they are entitled to participate in or organize their own religious services. They also have the right to possess and retain the necessary religious books and items of religious observance. Similarly, children are entitled to decline all forms of religious participation including religious services and education.

- **Medical Care**

Upon arrival, children are entitled to medical examinations to record evidence of prior ill treatment and to identify any physical or mental condition requiring medical attention.

Throughout their period of deprivation of liberty, all children are entitled to adequate preventive and remedial medical care, preferably through community health facilities and services in order to prevent stigmatization. Medicines shall only be administered for necessary treatment on medical grounds and when possible after the informed consent of the child. The administering of medicines to elicit information or confessions or as a punishment or means of restraint is prohibited in all facilities. The experimental use of drugs and treatment is also forbidden.

Facilities shall adopt specialized drug abuse prevention and rehabilitation programmes. Children who are mentally ill shall be treated in independent specialist institutions.

- **Notification of Illness, Injury and Death**

Children shall be informed as soon as possible of the death, serious illness or injury of any immediate family member and be entitled to visit the family member or attend the funeral.

The child's family shall be informed of the state of health of the child and of any changes which have occurred.

- **Contacts with the Community**

Contact with the community outside of the facilities is an integral part of the right to fair and humane treatment and is essential to the preparation of children for release.

Children shall be allowed to communicate with their families, friends and representatives of organizations. Every child is entitled to receive regular and frequent visits in principle once a week and not less than once a month. All visits shall respect the child's right to privacy. Children shall also be permitted to leave the facilities for visits to their family homes and given special permission to leave the detention facilities for educational, vocational or other important reasons.

Every child shall also have the right to communicate in writing or, where appropriate, by telephone at least twice a week with the person of the child's choice, unless legally restricted.

- **Limitations of Physical Restraint and the Use of Force**

The carrying and use of weapons by personnel in facilities where children are detained is prohibited. Instruments of restraint and force may only be used in exceptional cases and only as explicitly authorized and specified by law and regulation. Such instruments shall not cause humiliation or degradation.

- **Disciplinary Procedures**

All disciplinary procedures shall be consistent with upholding the dignity and the rights of children. Labour shall be regarded as an educational tool and shall not be imposed as a disciplinary sanction.

Cruel, inhuman, degrading treatment including corporal punishment, placement in a dark cell, closed or solitary confinement, reduction of diet and the restriction of family contact is prohibited. Collective sanctions are forbidden and no child shall be punished more than once for the same disciplinary offence.

No child shall be disciplined except in accordance with the terms of the law and the regulations in force and only after being clearly informed of the alleged infraction. Complete records shall be kept of all disciplinary proceedings.

- **Inspection and Complaints**

Qualified independent inspectors shall be empowered to conduct regular inspections and to undertake unannounced inspections on their initiatives. Children shall have the right to talk in confidence to any of them. Any violation shall be communicated to the competent authorities for investigation and prosecution.

Children shall have the opportunity of making requests and complaints without censorship and they shall be informed of the response without delay.

- **Personnel**

Adequate remuneration shall be provided to attract personnel capable of providing children with positive role models.

All personnel shall conduct themselves at all times in such a way as to gain the respect of the children. They shall also seek to minimize the differences between life inside and outside the facility. To be effective, personnel shall receive training in child psychology, child welfare, human rights and the rights of the child.

Personnel shall protect the children from any form of abuse or exploitation.

Improving Conditions of Detention in Pakistan

Organizations: Juvenile Justice Network including the DOST foundation, Surhad NGO ittehad (SNI), Joint Action Committee (JAC), Provincial AIDS Consortium, National NGO Network, Provincial human rights monitoring committee (PHRMC), the Ministry of law, Justice and Human Rights Regional Directorate (NWFP).

Purpose: Influencing the attitudes of the police, prison and probation authorities to adopt prisoner-friendly approach in their respective fields.

Background: About 20 advocacy and networking meetings were conducted. During these meetings, the focus mainly remained to ensure and improve the service delivery mechanism to the children.

Activities:

- In the hospital at Central Prison Peshawar a separate ward has been constructed exclusively for child prisoners who need hospitalization to treat their medical problems.
- Women's section to the hospital, on a small scale was constructed adjacent to the women's barracks in Central Prison Peshawar. DOST Foundation donated 10 ceiling fans to the newly constructed women's hospital.
- One teacher has been inducted into the prison service to help staff in the provision of non-formal education to child prisoners in Central Prison Peshawar.
- The Prison department took an appropriate step to improve the sanitation facilities in the prisons; the paving of the bathrooms is in progress in almost all of the prison.
- The provincial government took a very innovative step to build family quarters in the prison to provide the opportunity of family life while children are in prison. This facility will be extended to four Central Prisons. For this purpose the provincial cabinet constituted a prison committee. Necessary amendments to the prison rules have been made by the law department on the recommendations of the prison committee.
- Positive changes have been brought in the jail manual, this is in the process of finalization. The provincial prison committee has also suggested other changes still under consideration.
- Cementing of the floors of juvenile barracks in Central Prison is finalized with the full financial assistance of the DOST Foundation.

The Registrar Peshawar High Court issued notification to all District & Session Judges under the Juvenile Justice System Ordinance 2000, to constitute the panel of lawyers to provide free legal aid to children deprived of their liberty. The panels have been finalized in Peshawar and other major districts and work is in progress in the remaining districts.

Lessons learned: The networking meetings have contributed considerably in minimizing the degree of corporal punishment in the targeted prisons. The incidents of physical violence decreased to a satisfactory level, particularly with children and women prisoners. The educational and recreational facilities for child prisoners improved. Badminton, cricket and volleyball are being played in Central Prisons. Provision of recreational facilities in the prisons brought a pleasant and healthy impact on the lives of the child prisoners. Due to the physical activity, the fights among the inmates reduced to a considerable level. The prison staff is very friendly and sensitized in the provision of data regarding the child prisoners.

Monitoring Conditions of Detention: Prisons Checklist in Nigeria

Juvenile Justice Administration Project in Nigeria - Field Visits by the National Working Group
 Assessment Checklist for Police Cells, Prisons and Juvenile Detention Centres

Please Tick (4) as appropriate in the column and insert the codes for the type of facility (TF) visited.

S/ N	Check List	Police cells (PLC) / Prison (PRC) / Juvenile Detention Centres (JDC)														
		TF:	TF:	TF:	TF:	TF:	TF:	TF:	TF:	TF:	TF:	TF:				
		Y	N	U	Y	N	U	Y	N	U	Y	N	U	Y	N	U
1.	Is the lock-up for the young offenders similar to the adult prisoners?															
2.	Is there an updated record on the total number of prisoners and young offenders on the detention board?															
	Adult prisoners															
	• Male =															
	• Female =															
	Young Persons 10-18yrs															
	• Male =															
	• Female =															
	Children below 10yrs															
	• Male =															
	• Female =															
	Total number of prisoners =															
3.	Are there adequate facilities for															
	• Education/vocational skills															
	• Recreation															
	• Healthcare, reliable water supply & sanitation (any rodents, bedbugs and ventilation)															
4.	Is there adequate and quality feeding?															
5.	Is there high level of dermatological/intestinal illness?															
6.	Is the accommodation overcrowded?															

Monitoring Conditions of Detention: Prisons Checklist in Nigeria

Other remarks:

- Type of offences:
- Type of records available:
- Type of accommodation (sleeping habits, bedding, clothing):
- Type of educational/vocational skill facilities:
- Type of recreational facilities:
- Type of healthcare facilities:
- Type of water and sanitation facilities:
- Type of torture or harassment of children by adult prisoners:
- Type of torture or harassment of children by officials:
- Type of legal representation and level of impunity enjoyed by officials:
- Type of social care and aftercare services:

ACTIVITY: How would you customize the checklist above for use in monitoring conditions of detention in your country.

DETENTION IN POLICE CUSTODY

Detention of children should be avoided whenever possible. In most cases the benefits for the child and society are limited, while the damage can be overwhelming: in addition to the blatant human rights violations that occur, detention contravenes the principles of restorative justice and contributes to the isolation of children from their communities and support networks.

However, despite extensive knowledge, theory, experience and international guidelines that detention should be used only as a last resort and even then only for the shortest possible time, it is most often used as a first and only resort, and often for the longest rather than the shortest possible time. Detention starts at the police cell and continues into remand (before and during trial/hearing), and then usually as a preferred sentencing option. During this time, the child can be subject to multiple forms of abuse.

Conditions of Detention in Police Custody

Limited Duration:

All arrested persons, including children, must be brought before court within 48 hours after arrest. The period of detention, although supposedly 24 hours or less, can actually extend to weeks and even months. Delays in processing and constant postponements are common due to lack of transport between the institutions and the court, delays in contacting parents or guardians, unavailability of judicial personnel at weekends, lack of coordination between departments responsible for investigating and writing reports, excessive workloads of probation and social services staff, bureaucracy and general inertia. In some cases, the combination of poor conditions and insecurity as to how long they will remain in the remand home pushes many children into pleading guilty for their crime whether or not this is actually true, simply because to do so usually resolves their case more quickly.

Separation from Adults:

Children must be separated from adults while in detention; this clearly refers to detention in police custody, including in cells and vehicles. The right of every child to be separated from adults (unless it is considered in the best interests of the child not to be) is one of the key principles of juvenile justice administration. However, contrary to all of these international standards, it remains a common problem at both pre-and post-trial stages.

Prohibition of Torture and Corporal Punishment:

Torture is often synonymous with custody in many countries. Children in police custody are found to be raped, tortured and ill-treated. Torture may take place in police custody and remand homes. Street children are easy targets in this regard. Torture is also used as part of criminal investigation.

Under international standards, prohibition of torture applies to all individuals. However, children are more vulnerable to torture. A particular form of treatment or punishment may not be prohibited when inflicted upon adults but may amount to cruelty or degradation when perpetrated against children.

The 'Beijing Rules' have a wider definition of torture. They provide (Rule 10.3) that law enforcement officials who come into contact with child offenders should avoid harming them. 'Harm' includes, according to the Rules' commentary, the use of harsh language, physical violence or exposure to such an environment.

According to the UN Rules for the Protection of Juveniles Deprived of their Liberty and the UN Standard Minimum Rules for the Treatment of Prisoners, the use of corporal punishment, punishment by placing in a dark cell, closed or solitary confinement, any other punishment that may compromise the physical or mental health of the child and all cruel, inhuman and degrading punishment as disciplinary measures are prohibited.

The Situation of Girls in Detention

Case studies of Zeeda and Laron.

Case study a): Zeeda was raped by her uncle when she was young and then sexually molested by her father. To escape from them, she ran away from home before finishing school. In order to support herself, she began working as a prostitute. Police arrested her several times for prostitution. After the fourth arrest, she faces a jail term (although the 'pimp' who solicited customers for her could not be sentenced under law to a jail term, and only received a fine). Zeeda is thrown in the 'women section' of the Wantox prison, a line of 10 cells in the back of a men's maximum-security prison, which holds all kinds of women prisoners, from mass murderers to shoplifters. At Wantox, the women prisoners, unlike the men, are not allowed out into the prison yard because the yard is used constantly by men. Nor are they allowed access to the library or educational programme. The head of the prison ignores a complaint about this issue, remarking that it is not important as there are so few women in the prison. Because of her reputation as a prostitute, prison guards constantly threatening Zeeda to rape her and on one occasion, a guard does rape her. When Zeeda complains, she is thrown into solitary confinement.

Case study b) Laron was arrested for organizing a demonstration. She too is sent to Wantox. Like Zeeda, she is constantly harassed because of both her gender and her political beliefs. Laron has an infant child whom she is not allowed to see during the entire three weeks that she is spends in prison. She pleads with the guards to let her nurse her daughter but her requests are refused.

- i) List the human rights issues in the case studies of Zeeda and Laron.
- ii) Recommend interventions which are appropriate and effective in tackling gender issues.

The Specific Situation of Girls

As criminal justice systems are traditionally orientated towards boys, girls are particularly vulnerable to human rights abuses. For example, due to lack of space in many police and detention facilities girls are often held in detention with female adults. Furthermore, the limited numbers of female staff in the criminal justice system make girls vulnerable to inappropriate handling and sexual abuse, particularly by law enforcement personnel.

In addition, due to their minority status in criminal justice systems, girls in detention face specific problems such as access to reproductive healthcare and sanitary supplies. These issues become even more complex in the case of girls who are pregnant or who have babies with them in detention. In some countries, the lack of appropriate facilities for girls or the small numbers of girls in a given facility may also mean that they are deprived of access to services that boy detainees may receive, such as education, time outside of cells for recreation, etc. Where both girls and boys are detained at a facility, assumptions about girls' social roles may mean that they are more likely to be required to work as cleaners, cooks, or perform other 'domestic' work in the facility.

The international standards, namely the 'Beijing Rules', recognize to a certain extent the particular requirements of girls. According to the Rules (Rule 26.4), female child offenders placed in institutions deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than other male child offenders. Their fair treatment shall be ensured.

Example, Girls' Service Unit in the USA.

Background:

In September of 2000, the San Francisco Juvenile Probation Department in the USA, in collaboration with the District Attorney's Office, brought in a full-time Girls' Services Coordinator from the ranks of the District Attorney's Victim Advocates staff. The Girls' Services Coordinator works with community-based organizations offering services for girls in detention in juvenile hall and in the community after release.

In 2001, through funding from the state's Juvenile Justice Crime Prevention Act, the Girls' Service Unit entered into a collaborative partnership with community-based nonprofit organizations for enhanced victim advocacy, case management services and gender-specific programming for girls in detention and in the community. The mission of the unit is to provide education, advocacy and rehabilitation services to young women who are detained in San Francisco's juvenile hall.

Project: The goal of the unit is to increase the quality and quantity of gender-specific prevention and intervention services for girls and, in doing so, decrease their

incarceration, out-of-home placement and recidivism into the juvenile and adult criminal justice systems.

Activities:

- The Girls' Services Unit provides the following services:

- Case management for girls in detention, including gender-specific needs assessments, community-based referrals for mental health, legal services, job training, family contact and court accompaniment. The assessment will be given to every girl entering the juvenile justice system and used to measure her strengths and needs. The information will then be used to develop an individual case plan for each girl that includes referrals to appropriate community-based services. The girl, her family and her probation officer will all sign off on the plan before the referral is made.
- Gender-specific education and programming for girls in detention.
- Victim Services in detention for girls who have documented histories of abuse and are provided assistance in applying for the Victim of Crime Compensation Program.
- Inside Mentoring Program, created after it was discovered that girls in the juvenile justice system, just as women in the adult system, receive far fewer visits and family support than their male counterparts. Volunteer college interns and staff from community-based organizations visit girls in detention on a daily basis. Girls who do not receive family visits or who are incarcerated for long periods of time receive priority visiting. Since this program has been in existence, there has been a marked decrease in fights, suicide attempts and visits to the nurse's office in juvenile hall.

Aftercare and Social Reintegration

Although deterring children from entering the juvenile justice system through prevention activities (such as diminishing risk factors and promoting protective factors) is preferable to punishing them, some children will commit crimes and some of those will be sentenced to out-of-home placement.

Most children placed out-of-home will one day re-enter the community. Thus, the juvenile justice system must address an important question: What should be done to prevent the recurrence of offending behavior when child offenders are released from out-of-home placement?

Conventionally speaking, reintegration refers to working with prisoners and ex-prisoners who have committed crimes and have served or are serving a custodial sentence by providing programmes that aim to reduce re-offending through the provision of certain skills.

A number of terms are used in this field, such as 'rehabilitation', 'reintegration' or 'aftercare'. For the purposes of this section, the term 'aftercare' will be used as it most accurately reflects the current development in this field.

Concepts

Aftercare can be defined as 're-integrative services that prepare out-of-home placed children for re-entry into the community by establishing the necessary collaborative arrangements with the community to ensure the delivery of prescribed services and supervision'.

The term 'aftercare', however, is something of a misnomer because the process does not simply begin after an offender is released. A comprehensive aftercare process typically begins after sentencing, continues through incarceration and into the period of release into the community. It requires the creation of a seamless set of systems across formal and informal social control networks as well as the creation of a continuum of community services to prevent the re-occurrence of antisocial behavior.

There are two key components to the aftercare concept. First, the child must receive services and supervision. Second, he/she must receive intensive intervention while incarcerated, during transition to the community, and when under community supervision. This component refines the concept of re-integrative services to include not only a focus on what takes place after release, but on what takes place before release into the community.

Criteria

A comprehensive aftercare programme integrates two distinct components: intervention strategies and community restraint to better prepare children for their return to the community.

Intervention strategies (e.g., counselling, behavioural programmes, restitution, probation, employment, vocational and academic programmes) seek to prevent delinquency by changing individual behavior.

Community restraint refers on the other hand to the amount of surveillance and control over offenders while they are enrolled in the community. Specific examples of community restraint are activities such as contact with parole officers or other correctional personnel, urine testing for use of illegal substances, electronic monitoring, employment verification, intensive supervision, house arrest and residential halfway houses. Theoretically, increasing these surveillance tactics over offenders in the community will prevent criminal activities by reducing both their capacity and their opportunity to commit crimes.

Aftercare Programmes

A common trend in juvenile justice systems is to compartmentalize the steps in the juvenile justice process and create competing agendas that overlook what should be a shared goal - the prevention of juvenile re-offending. For example, correctional personnel or institutions can prepare offenders for release but their authority is generally limited to what happens within the institution and they are less concerned about what happens in the community. On the other hand, parole officers and probation officers influence offender supervision but they have limited input into what occurs in institutions.

For a comprehensive aftercare programme to work, the components of the juvenile justice system must work together and develop interagency collaboration.

Successful programmes, therefore, refer to the development of the ability to deal with risk factors so as to function in society, thereby improving the quality of life of the child and the community. Risk factors are regarded as those conditions or characteristics that may contribute to or result in re-offending. The most pertinent factors relate to:

- Social, economic and physical environment
- Individual skills and characteristics
- Relationships with individuals and the community
- Stigmatization
- Institutionalization

Thus, successful aftercare programmes need to:

- Acknowledge the history of the child concerned
- Accept that the process can be time-consuming and may have setbacks

- Acknowledge that one programme or approach will not work for all
- Work in a comprehensive and holistic manner without overemphasis on one risk factor
- Acknowledge that different individuals take different skills or resources from the same programme and that the results may vary.

Today, several promising programs combine intervention strategies with community restraint to form an aftercare design that prepares child offenders for reentry into communities.

Example: Reintegration – The Tough Enough Programme (TEP) in South Africa

Organization: National Institute for Crime Prevention and Reintegration of Offenders (NICRO).

The Tough Enough Program (TEP) is a response by NICRO to increase the effectiveness of offender reintegration by focusing on the quality of the intervention rather than on the number of people assisted. The development goal of the programme is to reduce crime by reducing recidivism. TEP is not run exclusively for children in prisons but, where feasible and possible, the programme involves them. The objectives of the programme are to assist pre- and post-release prisoners with skills development, building and improving relationships, developing potential and motivation for action. The intensive programme challenges offenders to take full responsibility for their actions and hold themselves accountable for their future and their families. Participation is voluntary.

The program runs in six phases over a number of months. It starts in prison, about three to six months before release and continues six to nine months after release. It encourages participants to take responsibility for the factors in their life that may cause them to re-offend (including factors that inhibit reintegration, which may be related). This is a participant-driven process, with facilitation by NICRO. There is a strong emphasis on community involvement and support. It includes, amongst other things, victim/offender mediation.

The programme, confined to a maximum of 15 participants per group, comprises six phases.

Recruitment, assessment and selection:

Phase 1 is recruitment and assessment, when offenders volunteer to be on the program and are individually assessed by a NICRO worker.

Identifying the challenges:

In Phase 2, group members set themselves individual challenges during a five-day workshop where ‘they look inside themselves to find solutions to their problems’. They learn basic coping skills and participate in team-building and trust-building exercises, as well as group and individual counselling.

Overcoming the challenge:

Phase 3 comprises an eight-session programme, during which the ex-offender starts implementing his/her decision to control his individual problem, whether it is drug abuse, stealing or aggressive behaviour. During this period, NICRO workers regularly meet with participants' families, encouraging them to create an environment conducive to supporting the prisoner and his reintegration into the community.

Phase 4 begins when the ex-offender is released. Each has a mentor, such as a police officer, magistrate, social worker or minister from the community in which he/she lives, to provide support after his release.

Staying out: this is continuous for the participant, with minimal NICRO support. The client takes responsibility for his or her reintegration, and for making positive contributions to the community.

During Phases 5 and 6, the ex-offender accepts full responsibility for staying out of prison. NICRO meets regularly with mentors and participants to ensure that ex-offenders stick to their decision to refrain from committing crimes.

Results: In 2002, NICRO commissioned an evaluation of the TEP.

It found that the most significant factors that motivated a positive change in participants were their resolution not to return to prison, the desire to rebuild a relationship with the family, employment and the influence of religion. Upon their release from prison, clients experienced a high level of acceptance and support from their families. The TEP also played a role in helping clients to value the support received from their family: 39 percent said family support had increased greatly in importance and 51 percent of these attributed this to the TEP. Participants also discontinued contact with friends who were a negative influence on their positive commitments.

The community involvement of participants actually increased: the majority of clients maintained their support and participation in community activities.

Another result was the improvement in participants' areas of skills. Twenty-six percent said their conflict management skills had increased; 24 percent said their self-awareness had improved; 17 percent reported a change in their problem-solving skills, and 14 percent said they coped better.

The greatest impact of the TEP was that it increased the personal empowerment of almost all participants in the following areas: improved self awareness and self esteem; greater coping skills; improved anger management/ communication skills; increased problem solving skills.

The TEP played a positive role in helping participants get employment. In terms of its usefulness, participants favorably rated economic empowerment skills such as 'building a career' and 'running a business'. A high percentage (58%) felt that being a part of the

TEP helped them to overcome the problem of having a criminal record. Almost everyone in the sample agreed that the TEP had great motivational and inspirational benefits, and the majority of respondents agreed that the programme had helped them significantly by motivating them to choose a life away from crime.

Example: Reintegration - Involving Children in Programmes. Leadership by Children in South Africa.

Organization: Khulisa (NGO)

Project: Khulisa is a South African non-profit organization that works with juvenile offenders. The organization has described its work as unique, because it was introduced and facilitated by former offenders and graduates of the child programme. Khulisa works with sentenced and un-sentenced children in prisons, and with disadvantaged communities, schools and secure care facilities.

The organization runs four core programmes, two of which are aimed at reintegration:

Make It Better: a preventative programme that develops child leaders to run community-level projects offering group participation and income-generation.

New Directions: a non-custodial course for first time child offenders who have been diverted from the criminal justice system by the courts or other competent authorities.

Discovery: an in-prison rehabilitation programme, which teaches offenders to become accountable for their behaviour.

Destinations: the reintegration of ex-offenders into society by linking them to training, learnership and job opportunities.

The reintegration programme comprises two components: the first, *Usiko* (meaning heritage) combines storytelling with multi-faced life skills activities in an attempt to restore self-respect and a sense of responsibility among children at risk and in conflict with the law. Traditional stories that focus on values and morals are the entry point to a variety of outcome-based life skills exercises. Visual arts, drama, dance and musical activities highlight the inspirational and educational messages in the stories. The second component, 'My Path', focuses on serious creative writings (journals and exercises) and leads to self-discovery. The programme also allows for transformation and development through experiential learning and is based on three, three-month self-study modules with weekly facilitated group discussions.

Results: Since Khulisa began, more than 400 children have participated in reintegration programmes and, of its original group of 40 volunteers, 22 have been released. From a selected sample of sixteen participants, only two have re-offended. Eleven now form a team of 'change catalysts'; seven of these have been on parole for more than a year.

MODULE SEVEN

HANDOUT 4

Example: Aftercare

Background:

The 'Balay Pasilungan' project was established in 1996 as a 'home' (temporary shelter) for released child offenders in Cebu in the Philippines and serves to support their reintegration into society. The initiative was supported by an attorney who was a member of the Free Rehabilitation Education, Economic and Legal Assistance Volunteers Association (FREELAVA). FREELAVA, established in 1983, is an umbrella organization of community-based organizations, governmental organizations, academic and civil-minded individuals.

The Project was initiated out of concern for the lack of community support for released child offenders.

Project:

Balay Pasilungan primarily serves boys who tend to come from the major jails of Cebu City and Cebu Province. The boys are permitted by a judge to stay in the centre either because of suspended sentences or through the center's application of release on recognizance (for cases in which the court trial is ongoing and the centre accepts responsibility to present the children in all court hearings). Sometimes the community-based diversion programme of FREELAVA and Task Force on Street Children of Cebu City also refer children to the Centre.

The criteria for the selection of clients are boys of 18 years of age or younger and released first offenders from any of the major jail facilities of Cebu. Priority is given to those who qualify under these criteria and are willing to be admitted to the centre. In some exceptional cases the centre agrees to also consider applications from other

children, such as second time offenders; girls offenders (14 cases so far); and 'walk-in' clients who are not offenders.

Children stay in the centre while their cases are pending in court or while serving suspended sentences up to a maximum of six months. However, services may be continued depending on the readiness of the child and the family. Children who stay in the center longer include children whose court hearings are pending due to the relatively slow judicial process in the Philippines or children whose parents/families are incapable of providing support during reintegration.

Programmes and services offered:

The activities proposed to child offenders vary depending on the phase of the child's case and are implemented gradually. The general objective is to provide a continuing rehabilitation programme in the centre as the children return to normal life through various child development activities prior to reintegration.

The different phases are:

Phase 1: Pre-admission activities (while still deprived of their liberty).

Objective: To identify qualified minors and prepare them for admittance to the centre.

Activities:

- Jail visitation.
- Case follow-up.
- Rehabilitation activities such as group discussions and value-formation activities in jail in order to observe the behavior of the boys and gather information to determine which boys are qualified to be transferred to the centre.
- Information dissemination.
- Family/community orientation and counseling: the jail coordinator contacts the offender's family to ask permission to provide orientation for the centre programmes and services and facilitates their support.

Phase 2: From admission to preparation for social reintegration (1st - 4th month).

Objective: To provide rehabilitation activities that allow the child to recover emotional strength, build capacity to restore social functioning, and possibly achieve a change in values and behaviour.

Activities:

- Counseling sessions.
- Psychosocial testing, analysis and treatment in order to identify minor behavior that will become the basis for individual therapy and intervention.
- Medical testing and management.
- Case handling and management.

- Values formation seminars.
- Social and cultural programs.
- Sports (based on the choice of the child and available resources).
- Drug education/awareness and treatment, usually conducted twice a year.
- Health education.

Phase 3: Rehabilitation and self supporting programmes (5th - 6th month).

Objective: To provide rehabilitation activities that allow the child to recover his/her emotional strength, and build capacity to restore social functioning.

Activities:

- Preparation for school programmes.
- Enrolment in formal/non-formal education courses.
- Skills training (such as basic photography; silkscreen printing; basic furniture and house painting; welding and machine shop, cooking and culinary arts; tailoring; high speed sewing; refrigeration; car repair; food processing and preservation and basic electronics),
- Job-seeking/hiring support system (assistance provided by social workers).
- Career assessment programme.
- Family reintegration.
- Referral to other institutions for long-term assistance programmes.
- Follow-up care and communication.

Results:

- Reduction in the number of child offenders being held in detention centers: since the beginning of the programmes, 507 children in conflict with the law have been admitted to the centre and benefited from its programmes and services.
- Reduction in the number of children living away from their families by over 200 since 1996, due to reintegration with their families: some other children (generally 13 - 15 years of age) were also referred to non-custodial institutions for long term assistance.
- This model has already inspired interest from several countries in East Asia and the Pacific.

Necessary Conditions:

- Ties with the local community. Community service, schools and religious events are ways that children are reintegrated into the community while residing at this open centre.
- Skills training resources available in house at the open center.
- Security plans for the safety of the children.

Lessons learned:

1. Open dialogue with representatives of the community can result in a shift to supportive, child-friendly attitudes towards children in conflict with the law.
2. Explanation of the services provided and their understanding by the children facilitate their reintegration.
3. Community services undertaken by the children at the centre are one way of establishing relationships with the community.
4. Recreational activities are an important part of the rehabilitation programmes.