



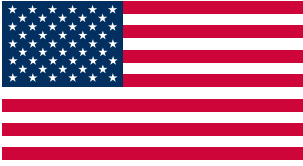
The International Institute for
Justice and the Rule of Law

**IJJ JUVENILE JUSTICE
PRACTITIONER'S NOTES**

Detention Personnel

*A publication under the
IJJ Juvenile Justice Initiative*





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The International Institute for Justice and the Rule of Law

Inspired by the Global Counterterrorism Forum (GCTF), the IJJ was established in 2014 as a neutral platform for training and capacity-building for lawmakers, judges, prosecutors, law enforcement, corrections officials, and other justice sector practitioners to share and promote the implementation of good practices and sustainable counter-terrorism approaches founded on the rule of law.

The IJJ is an intergovernmental organisation based in Malta with an international Governing Board of Administrators (GBA) representing its 14 members: Algeria, France, Italy, Jordan, Kuwait, Malta, Morocco, the Netherlands, Nigeria, Tunisia, Turkey, the United Kingdom, the United States, and the European Union. The IJJ is staffed by a dynamic international team headed by an Executive Secretary, who are responsible for the day-to-day operations of the IJJ.

Disclaimer

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For more information, please contact:
The International Institute for Justice and the Rule of Law
University of Malta - Valletta Campus
Old University Building, St. Paul Street, Valletta, Malta

info@theijj.org  @ijjmalta  @ijjmalta_fr theijj.org

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Ms Victoria Adzewodah, Chief Superintendent of Prisons, Ghana

Mr Thomas Black, Former Federal Criminal Prosecutor, United States, and Principal Reviewer of the *IJ Note for Detention Personnel*

Ms Amina Kavirondo, Superintendent of Prisons, Tanzania

Mr Michael John Langelaar, Corrections Policy Officer, United Nations Department of Peacekeeping Operations (DPKO), United States, and Author of the *IJ Note for Detention Personnel*

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Ms Marta Gil Gonzalez, MENA Regional Coordinator, Access to Justice Programme, Terre des hommes

Ms Laura Jacques, Legal Expert and Technical Advisor, Access to Justice Programme, Terre des hommes

Mr Duccio Mazarese, Programme Officer, United Nations Interregional Crime and Justice Research Institute (UNICRI)

Ms Chiara Bologna, Associate Programme Officer, UNICRI

Ms Margherita Alinovi, Intern, UNICRI

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Preface

Children impacted by terrorism – whether as victims, witnesses, or alleged offenders – increasingly find themselves in criminal justice systems tasked with enforcing national counter-terrorism laws. These laws most often mandate severely restrictive measures and harsh penalties. Balancing the special rights and needs of children with the demands of counter-terrorism legal frameworks poses significant challenges for justice sector practitioners. Without specialised training and a working knowledge of the legal rights afforded to children under applicable international law, justice sector stakeholders – including investigators, prosecutors, judges, detention personnel and defence counsel – may find themselves ill-equipped to effectively handle terrorism matters involving children.

Given their inherent vulnerabilities, children are disproportionately impacted by offences committed by terrorist actors. In some cases, children are recruited against their will, or without fully understanding the consequences of their actions. They are easily manipulated by adults who prevail upon them to carry out violent attacks or who seek their involvement to provide support for terrorist organisations. This manipulation can also be driven by those who take advantage of religious, cultural, political, or economic conditions to encourage child involvement in terrorism-related offences.

To address the challenges that arise when handling child cases in the counter-terrorism context, the International Institute for Justice and the Rule of Law (IJJ), with funding from the Governments of Switzerland and the United States, embarked on the Initiative to Address the Life Cycle of Radicalization to Violence. The IJJ Juvenile Justice Initiative started with development by the International Institute for Justice and the Rule of Law (IJJ) of the Global Counterterrorism Forum (GCTF) *Neuchâtel*

Memorandum on Juvenile Justice in the Counterterrorism Context (hereafter *Neuchâtel Memorandum*), which sets out thirteen Good Practices designed to provide guidance for all relevant actors on the handling of terrorism cases involving children.¹

The *Neuchâtel Memorandum*, endorsed by the GCTF in September 2016, reinforces the obligations enumerated by the *United Nations Convention on the Rights of the Child (CRC)* to treat children involved with terrorism with “the respect, protection, and fulfillment of their rights as defined by the applicable international legal framework, as applied by national law”.² Since its entry into force on 2 September 1990, the *CRC* has been ratified by 196 countries and contains obligations on the handling of child cases in all matters, including terrorism. These obligations are binding under international law on all states that have ratified the *CRC*. (The United States has not ratified the *CRC*, but recognises the need to establish specialised juvenile³ justice systems that protect the rights of the child and ensure that the best interests of the child are a primary consideration in terrorism cases.)

The IJJ Juvenile Justice Initiative developed a strategy to promote visibility and implementation of the GCTF *Neuchâtel Memorandum*, including the development of the *IJJ Juvenile Justice Toolkit*⁴ (hereafter *IJJ Toolkit*). The latest phase of the IJJ Juvenile Justice Initiative has aimed at helping the countries served by the IJJ to implement the *Neuchâtel Memorandum* Good Practices. This phase started by raising awareness of the *Neuchâtel Memorandum* during a series of five regional workshops for practitioners from the Sahel, Middle East-North Africa (MENA), East Africa, Western Balkans and Southeast Asia. The workshops, conducted between October 2017 and November 2018 in Yaoundé, Cameroon, Valletta, Malta, and Bangkok, Thailand, welcomed participants from a total of 27 countries. Other participants, experts

¹ <https://www.thegctf.org/DesktopModules/DnnSharp/SearchBoost/FileDownload.ashx?file=356&sb-bhvr=1>

² GCTF, *Neuchâtel Memorandum*, Good Practice 1; See also The *United Nations Convention on the Rights of the Child (CRC)*, Articles 37 and 40.

³ In this one instance, we use the terminology of the United States (U.S.) system as we are making a specific reference to the U.S. specialised process for handling of juvenile criminal cases.

⁴ Available on the IJJ website at: <https://theijj.org/wp-content/uploads/2021/09/IJJ-TOOLKIT-JUVENILE-JUSTICE.pdf>

and facilitators included representatives from international organisations and non-governmental organisations (hereafter NGOs) such as the African Court of Human and People's Rights, the Association of Southeast Asian Nations (ASEAN), the Centre for Democracy and Development in Nigeria, the Council of Europe (CoE), the European Commission, Hedayah, the International Red Cross, the Organization for Security and Cooperation in Europe (OSCE), the Penal Reform International, the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), the United Nations International Children's Emergency Fund (UNICEF), and the United Nations Interregional Crime and Justice Research Institute (UNICRI), as well as the Swiss and United States governments.

All five workshops utilised the *IJ Toolkit*, which sets out the relevant international framework for each Good Practice of the *Neuchâtel Memorandum*, which includes case studies to illustrate how countries have responded to children involved in terrorism-related activities within international standards. Each section ends with a reflection exercise, permitting practitioners to consider their knowledge of standards and ways to implement the *Neuchâtel Memorandum*.

The IJ organised each workshop around the five sections of the *IJ Toolkit*, which mirror those of the *Neuchâtel Memorandum*, namely: (1) the status of children under international law; (2) preventing children's exposure to violent extremism and recruitment by terrorist groups; (3) justice for children; (4) rehabilitation and reintegration of children into society; and (5) capacity-building, monitoring, and evaluation of specialised child justice programmes. The *IJ Toolkit's* exercises and assessments facilitated the discussions at the workshops and called for each delegation to describe how their national laws, regulations, and practices might respond to the specific issues raised by the hypothetical situations presented.

Expert facilitators led open discussions in which participants freely exchanged national experiences, including challenges encountered, successes achieved, and solutions developed, in implementing the Good Practices of the *Neuchâtel Memorandum*.

The IJ, assisted by consultants, incorporated feedback from participants at these events into the *IJ Juvenile Justice Notes for Practitioners*, a set of five practice guides – one each for investigators, prosecutors, judges, defence counsel, and detention personnel. The principal purpose of the *IJ Juvenile Justice Notes for Practitioners* (hereafter *IJ Notes for Practitioners*) is to provide practical guidance to practitioners on how to implement the *Neuchâtel Memorandum*, and to provide examples of how countries have already implemented some of its principles. The *IJ Notes for Practitioners* are consistent with the *United Nations Convention on the Rights of the Child* and are largely based upon the information shared during the five regional workshops, but also incorporate material published by international organisations, court decisions, and research conducted by the drafters.

Following the drafting of the *IJ Notes for Practitioners*, the IJ convened a Juvenile Justice Focus Group consisting of, in addition to the drafters, other child justice experts and practitioners from Africa, the Middle East, Europe, and the United States, who met in Valletta, Malta, in March 2019. Members of the Focus Group reviewed and discussed the draft *IJ Notes for Practitioners* and offered suggestions for amendments aimed at making them as relevant as possible for all practitioners in the field. Following the incorporation of those suggestions, the IJ submitted the draft *IJ Notes for Practitioners* to peer review by practitioners and organisations with leading roles in the field of child justice. After incorporating comments and suggestions received from the peer reviewers, the IJ finalised the *IJ Notes for Practitioners* and is pleased to present them.

Introduction

The Global Counterterrorism Forum (hereafter GCTF) *Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context* (hereafter *Neuchâtel Memorandum*) reinforces the obligation imposed by the *United Nations Convention on the Rights of the Child* (hereafter *CRC*) for countries to treat children⁵ allegedly associated with or involved in terrorism-related acts with “the respect, protection, and fulfillment of their rights as defined by the applicable international legal framework, as applied by national law.” Consequently, parties to the *CRC* must strive to create “appropriate child-specific procedures for cases involving children”.⁶

Detention personnel play a key role in ensuring that children involved in terrorism-related cases are treated in accordance with the international human rights and rule of law principles on which the *Neuchâtel Memorandum* is based. An overriding principle contained in the *CRC*, as well as other international instruments, is that children suspected, accused, or convicted of criminal offences, including terrorism offences, should be detained only as a last resort and for the shortest time possible.⁷ In November 2006, the Justice Policy Institute conducted an analysis of the impact of incarcerating children in detention and other secure facilities.⁸ The research suggests that detention often increases rates of recidivism, typically pulls children deeper into the criminal justice system, can impact the mental health of young people and increase propensity to self-harm, and reduces the success of children in the labour market upon release.

The same research suggest that open detention is cheaper than closed detention regimes, thus saving resources. While conducted in the United States, the study’s findings on the impact of detention on children and the community, underpin arguments for alternatives to detention regardless of country context.

A second report⁹, published in 2018 by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, emphasised the damaging impact of incarceration on children. The report noted that the scale and magnitude of children’s suffering in detention and confinement called for a global commitment to abolishing child prisons and large care institutions, alongside scaled-up investment in community-based services.

The nature and the circumstances of an initial contact with detention personnel are likely to have a lasting impact on a child. Many children involved in terrorist offences have been forcibly recruited or otherwise coerced by adults who take advantage of their age, lack of discernment, and malleability to force them to associate with terrorist groups. As a result, international child justice principles recognise that the justice system should treat children involved in terrorism offences primarily as victims.¹⁰ Understanding these factors will allow detention personnel to develop child-sensitive operational procedures that can improve their capacities and avoid possible further victimisation.

⁵ The *CRC* defines a child as every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier. In addition, some legal systems allow for special consideration for young adults above the age of 18 years. While this *IJJ Note for Prosecutors* refers to “children”, it does not preclude specific measures from applying to young adults above the age of 18, consistent with the *Neuchâtel Memorandum*.

⁶ *CRC*, Article 40 (3); *Neuchâtel Memorandum*, Section III, Good Practice 5 at p. 6.

⁷ *CRC*, article 37 (b) (“The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.”).

⁸ *The Dangers of Detention: The impact of Incarcerating Youth in Detention and other Secure Facilities*, Barry Holman and Jason Ziedenberg, Justice Policy Institute, 28 November 2006 (hereafter *The Dangers of Detention*).

⁹ *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, A/HRC/38/36, para. 53

¹⁰ For further information on the applicable international legal framework regarding children suspected of or charged with terrorism-related offences, please see the *UNODC Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System (2017)* (hereafter *UNODC Handbook*). Regarding the key principles that should inform any action directed towards these children, please see the *UNODC Roadmap on the Treatment of Children Associated with Terrorist and Violent Extremist Groups (2019)*.

This *IJJ Juvenile Justice Note for Detention Personnel* (hereafter *IJJ Note for Detention Personnel*) offers “action points” to guide detention personnel in addressing the issues mentioned above by employing and promoting effective practices to support child-specific procedures for children involved in terrorism-related offences. The *IJJ Note for Detention Personnel* aims to capture and build upon the discussions, presentations, and suggestions of practitioners participating in the five regional workshops and the focus group meeting implemented under the IJJ Juvenile Justice Initiative.¹¹ This Note discusses not only pre-trial detention of the child but also detention after trial and sentencing. This Note also highlights examples of how specific countries have implemented the guiding principles of the *Neuchâtel Memorandum*, providing guidance on how states may successfully put the principles of the *Neuchâtel Memorandum* into practice.

¹¹ Prosecutors, judges, investigators and defence counsel in attendance at separate workshops and the focus group meeting also provided comments and suggestions that have been incorporated into the *IJJ Note for Detention Personnel*.

Action Point 1:

Detention personnel should treat children deprived of their liberty in compliance with legal obligations set forth in the international instruments ratified by their countries

Hold children deprived of their liberty in appropriate facilities; support, protect, and prepare them for reintegration.

GCTF Neuchâtel Memorandum, Good Practice 10

Practitioners at all levels should handle terrorism cases involving children in line with international law and international child justice standards with a shared understanding that, regardless of the offence they are alleged to have committed, children may be mentally, physically and socially immature and thus have greater capacity for change. Competent practitioners should consider arresting minors only if alternatives are not appropriate to the case, have failed, or are likely to fail if attempted, or when an arrest is necessary to preserve evidence or the safety of a child or others involved.¹²

Violence towards children deprived of their liberty, especially amongst groups of children who have allegedly committed, or who are accused of, an offence against penal law, is widely believed to be increasing¹³. Child suspects may be at an increased risk of cruel and inhumane treatment, including gender-based violence, due to the societal bias, sensationalism and exceptionalism associated with terrorism-related offence¹⁴. While not all children in custody are exposed to violence or abuse, experts believe that harsh treatment and poor custodial conditions that children may suffer in custody may make them dramatically more vulnerable to recruitment by terrorist organisations.

Therefore, the long-term successful reintegration of children in conflict with the law, and the overall impact on society, will likely improve when children are not subjected to restrictive custodial measures¹⁵. For this to happen, practitioners must view detention as a last resort, and when detention is unavoidable, shall advocate for humane and appropriate detention regimes, which include infrastructure, programming, detention conditions, policies, detention regulation, etc.

¹² CRC, article 37 (b) (detention or custody "measure(s) of last resort and for the shortest appropriate period of time"). See also *IJ Juvenile Justice Note for Judges, Action Point 9*, (IJ website).

¹³ *United Nations Report of the independent expert for the United Nations study on violence against children*. A/61/299, 29 August 2006.

¹⁴ *Children and Violent Extremism, International Standards and responses from Criminal Justice Systems*, Penal Reform International, March 2017.

¹⁵ *The Dangers of Detention*, *supra*, n.2.

Action Point 2:

Detention personnel should understand that the admission process creates a first and lasting impression for children

First impressions are powerful and lasting. In any form of detention by police or other detention personnel, the point of admission is an extremely anxious, tense, and fearful experience for children, including those involved in terrorism-related offence. Research indicates that the first 48 hours of detention are the most vulnerable period in terms of depression, possible self-harm, and violent outbursts. Therefore, the first point of contact can significantly calm or agitate a suspected or convicted child.

All too often the admissions process can be hard and cold, with detention personnel providing little explanation or direction to children. Minors easily become apprehensive if they are accused or found guilty of a heinous offence and more so if there is a language or comprehension issue. It is important that the admission process be handled delicately and with professionalism, regardless of the personal feelings and frustrations of the custodial personnel involved. In many cases, children's heightened anxiety and fear impede their comprehension. As a result, the intake officers must be patient, explain the process, and guide children all whilst ensuring an ambience of order and control.

Aside from a calming communication style and friendly body language, other aspects of custodial officers' treatment of children at intake play an important role in establishing an impression of a fair yet disciplined environment. For instance, it is preferable to have children sit in chairs during interaction with the admission officer and not be required to kneel on the ground. This latter practice would amount to degrading treatment and constitute an infringement of the CRC principle that every child suspected of an offence shall be treated with humanity and respect for the inherent dignity of the human person¹⁶. In most cases, treating children with respect will beget a similar response.

The admissions process is also an opportunity to gather necessary information to protect and support the child while in custody by verifying and documenting information needed to ensure appropriate classification as an adult or a child. It also prevents prolonged and arbitrary detention by establishing a platform for tracking and notifying competent judicial authorities of upcoming judicial dates. Such records should be maintained as confidential in secure locations in order to protect against their loss, destruction or disappearance.

The admission process should also establish the necessary structure and roadmap to support children throughout their period of custody, and help plan for their transition back into the community. This should start with health, physiological and security assessments, as well as a review of the social investigation report. Practitioners should be curious and verify the information they obtain from the police and courts. Oftentimes, when admissions officers create a relaxed and non-confrontational environment by being less authoritarian and more supportive, detained children will engage in honest and open conversations. This type of dialogue more often produces important information that can support the children's rehabilitation and reintegration plans.

Finally, it is vitally important that, depending upon the recommendations of the multi-disciplinary team and the courts, the child's family is notified of the child's detention location. This is critical to establish or continue the child-family relationship that is vital to the reintegration process. If records from the multidisciplinary team or the judge determine that the family has a negative influence on the child, then community support, such as child mentors, should be established in favour of the child.

¹⁶ CRC, art. 37 (c)

Highlighted Examples

In **Mali**, the central prison in Bamako is extremely overcrowded and has a high population of persons associated with violent extremist groups. At the time of admissions, intake officers review the demographic information of offenders. Regardless of offence involved, if an assessment determines that the offender is a child, the intake officer will not admit the offender, but will contact superiors who will coordinate with the competent judicial authority to have the child redirected to a proper child facility.

In **Kenya**, when children in conflict with the law are brought to the child institution for boys and girls, admission officers verify all information provided. Oftentimes the ages of the individuals are unclear given the lack of birth records in remote parts of the country. Officers have been trained to work with children and are able to loosely assess their ages based on developmental and maturity standards. If the child institution personnel question the ages provided by the police and courts, which occurs most frequently with children initially assessed to be 14, 15 or 16 years of age, the children are referred for genetic testing to ensure their placement in the most appropriate environment to support their developmental, physical, and emotional well-being.

Action Point 3:

Detention personnel should use risk assessments to classify children rather than relying only on the charged offence

Before detention personnel determine the most appropriate programme for newly arrived children, they should conduct a thorough assessment that considers whether the children present a risk of harm to others or themselves and whether they are capable of broadly conforming to the rules of the facility. Even though in practice, classification of children tends to rely on the seriousness of the offence, experience has shown that offering children individualised treatment in a controlled and safe environment encourages positive behaviour that promotes their engagement in reintegration activities.

Since tools for assessing risk are generally developed for adults and do not consider specific needs of the child, it is important to make assessment tools child-sensitive. A multidisciplinary team, comprised of a variety of professionals including experts from the fields of security, health, psychology, social welfare and social work, and if applicable, religion, should recommend the most appropriate routine or regime for detained children. This should not be a onetime assessment, but rather an ongoing evaluation to account for any changes in the children's physical and mental well-being that may impact their behaviour or that may increase or decrease the risk of harm to visitors, personnel, other inmates, and even themselves. In the context of children recruited by terrorist groups, the assessment should also consider the risks of re-recruitment, retaliation from the group and secondary victimisation within the justice system.

Once the risk assessment is complete, and to encourage a positive start, the detention officer should place the child initially in the least restrictive environment possible, rather than in a "closed" environment where "openness" is earned. Maximum appropriate privileges should be granted at the onset, and only withdrawn as a form of progressive discipline that preserves the child's opportunity to earn them back quickly with appropriate behaviour in compliance with the rules.

If and when individual behaviour demonstrates that a child is unable to function within an "open" environment, more restrictive corrective measures may be appropriate, but only if they are part of an established policy outlining the disciplinary process. The disciplinary measures should be progressive and fully explained to children in advance. Not all privileges should be withdrawn on the first offence, and withdrawals should be limited in duration. In addition, they should be endorsed by the responsible Ministry and regularly reviewed by an independent accountability mechanism. In accordance with applicable international, regional and national human rights law and standards, restrictive measures must never limit or remove any fundamental rights or infringe on the dignity of any person. Proscribed measures include, inter alia, withholding of life sustaining services such as food, water, health and hygiene services, and reduction of access to fresh air, recreational activities, programmes, and family visitation.

Highlighted Example

In **Tunisia**, children are placed in reform centres only if the crime they committed is serious and if no alternative measure serves their best interests. The reform centres are established to reform and educate children and are separate from adult prisons and detentions centres, and are designed to suit the needs of individual children. All children are entitled to a number of rights and must carry out certain duties according to the bylaws of each facility. They must have the opportunity to study and learn a profession, as well as to access additional activities and exercises. They are also entitled to participate in field trips and family visitations at certain times.

Action Point 4:

Detention personnel should creatively improve the child's custodial conditions and experience within existing infrastructure

The custodial environment has the power to provoke a negative emotional response in a newly-arrived child or to create a sense of well-being, calm and security. Unfortunately, detention personnel seldom have the luxury of working in a facility intentionally designed to nurture the developmental needs of children in conflict with the law. Therefore, practitioners should focus on influencing the conditions and experiences available within the infrastructure in which they operate. In addition to ensuring that the physical infrastructure is appropriate for children, detention practitioners should promote policies and detention regulations that are compliant with human rights.

It is paramount that children never be housed in adult facilities with adult inmates. If no separate facilities exist, States should dedicate separate child wings within adult facilities and restrict interaction between adult detainees and children. Regardless of the facility, however, detention personnel must take measures to humanise the custodial environment and establish meaningful relationships with the children in their care. Even in the direst of circumstances when detained children are housed in the corner cell of a separate wing of an overcrowded, under-resourced adult prison, practitioners can positively impact the detention experience. Professional and constructive interaction between personnel and detained children alone can enhance the psychological well-being of children and result in increased participation in recreation activities, counselling, educational and vocational training activities.

Practitioners should, nevertheless, advocate for child-centred structures that offer open, airy, and light-filled spaces with recreation yards, visitation areas, and space for vocational and educational rehabilitation programmes. Low-cost refurbishments such as fresh paint using stimulating and calming color schemes when appropriate, additional lighting, adequate airflow, and necessary furnishings and fixtures – even if for a dedicated cell in the larger adult prison – will result in a better and safer custodial experience offering a more secure, nurturing, and stimulating environment for children. This enhanced experience will encourage reintegration.

Highlighted Example

In **South Sudan**, prior to 2018, children from the Juba region were housed in cells in Juba Central Prison, an overcrowded facility offering little protection from frequent interaction with adult prisoners, as well as limited opportunities for recreation, programmes and external support. In 2018, the National Prison Service, with the support of international child advocates, designed and constructed a modest facility for boys behind the central prison for men. It is a large building, consisting of two large, airy and light-filled dormitory style bunk areas with dedicated toilet facilities in each dorm. One area houses children serving a sentence, while the other accommodates children awaiting court proceedings. Limited resources restricted the construction of enclosed programming spaces, so children are offered programmes, services, recreation and visitation in an unfenced area outside of the prison perimeter wall. Dedicated personnel, who have developed supportive relationships with the children, are able to supervise and support these activities and discourage children from walking away from the prison despite the lack of physical security measures.

Detention personnel can also be creative in finding ways to improve a child's custodial conditions. For example, while running water and toilets in dormitory-type accommodations are preferred, if the infrastructure for this doesn't exist, personnel can provide water in greater quantities and increase access to toilet facilities outside the cell. While dedicated space for education, recreation and general activity may be limited or unavailable, accommodation areas can be multi-purposed and transitioned into activity areas during operational hours. When "life skills" programming is limited, children can be incorporated into the running of the facility, learning cooking, cleaning and general maintenance. Even if significant resource shortages exist, detention personnel can consider targeted outreach programmes to forge partnerships with civil society groups to support enrichment initiatives for children. In the absence of in-house health, psychological, and counselling services, detention personnel can arrange for these types of services through partnerships with relevant ministries or with NGOs.

In the end, conditions must support the fundamental, life sustaining needs of children, as well as promote their physical, psychological and emotional development.

Highlighted Example

In **Yemen**, a pilot Juvenile Care Facility in Aden, with low walls, low security measures, but enhanced openness and increased external support, has been established as a result of a major overhaul of the child justice system in 2001 endorsed by the Ministry of Social Welfare and Ministry of Interior and supported by various international partners. The overall objective was to move child detainees away from the punitive adult facility to an environment that provides a more supportive, rehabilitative and caring approach to child detention. The project uses existing infrastructure but operates the facilities more like boarding schools than like detention centres, characterised by brightly painted, decorated, clean, and orderly dormitories that were supervised 24 hours per day by child protection personnel. Despite the lack of funds for ongoing maintenance, child detainees are encouraged to keep both themselves and their physical spaces clean. Routines included school lessons, group and individual counselling, play, sport, theater, art and vocational skills development.

Action Point 5:

Detention personnel and the policies and practices they enforce should create an “open” environment

Detention personnel should understand that each child is unique and that each will respond differently, even if in a similar environment. Unfortunately, custodial facilities typically do not have the space or resources to allow for one-to-one engagement that supports each individual's needs and wants. Therefore, in order to positively impact the custodial experience of all children in the facility, policies and practices, including the daily order of activity and services, as well as the rules required to maintain order and control, should focus on creating an open environment that encourages positive social relationships and individual responsibility within groups that mirror behavioral expectations in the community.

“Open” and “closed” are terms typically used to describe the level of restrictiveness or control detention facilities exercise to manage the behaviour of inmates and mitigate the risk of harm to others, including personnel, other detainees and members of the public. An “open” environment, regardless of infrastructure, should be characterised by less restrictive measures, such as increased time out of cell, dormitory rooms, or any improvised accommodation space (i.e. converted shipping containers in some conflict environments) that permit interaction with other inmates. Detention personnel should also consider increased access to recreation, social and educational programmes, more frequent visitation for longer periods of time, and most importantly, staff interaction and engagement with detainees that uses less authority and control and avoids crossing the line into intimidation, manipulation, and physical intervention.

“Open” regimes are preferred and should be made available to all children equally as an incentive to interact and behave appropriately in a more “normalised” environment. Arbitrary, inequitable access to activities, programmes and services without transparent or reasonable justification will likely increase children's frustrations and worsen their psychological development.

Detention personnel must strike a delicate balance between creating a supportive environment that prioritises rehabilitation and instituting security measures to ensure the safety of children, personnel and the wider community, regardless of the designated security level of the facility. Good order and control provide children with structure, a sense of safety and security, and an environment where programming and activity can take place. However, the value of order and control often comes into conflict with children's powerful need for privacy, association with peers, and opportunities for development through education, exercise and other recreational activities. Appropriately balancing those elements for all children in the facility, without creating the perception of inequitable treatment, can pose a significant challenge. When personnel are overly invasive and controlling, children tend not to feel respected or safe and secure. They may seek these assurances through other means, including through closer association with groups, including gangs or terrorist groups.

Practitioners should understand that good order and control do not require closed regimes with restrictive measures and strict discipline. Closed approaches may serve a purpose in the short-term, but often result in significantly more frequent security incidents as detainees rebel against repressive regimes and authority.

Action Point 6:

Detention personnel should establish positive relationships between personnel and children

The attitudes of personnel during their interactions with children are likely to influence the custodial experience of detained children. Finding the correct balance between establishing a supportive relationship and maintaining institutional good order and control can be a challenge. Overcoming this challenge would require having in place a group of personnel that develops positive staff-child relationships; promotes fair treatment and a sense of “wellbeing” among detainees; and makes sure that individuals are kept busy doing constructive and purposeful activities that contribute to their future reintegration into society.¹⁷ This concept is often described as dynamic security and is increasingly being adopted globally. Even though it is used in adult prisons, its essential elements can be adapted to the context of children in detention.

Personnel using dynamic security will actively engage in professional and motivational relationships with children to better assess the changing dynamics within the child population, monitor children’s attitudes and emotional status, and gauge whether the overall mood of the custodial environment is positive or negative. Dynamic security also creates a platform to identify and share information with the multidisciplinary support team to establish, amend, or continue to support children’s pre- and post-release reintegration strategies and plans. In addition, dynamic security practices promote positive role modeling through positive social interactions between children and a variety of staff, including security personnel, social workers, guidance counsellors, spiritual leaders, and teachers. In addition, this concept helps detect early warnings for potential security risks and creates a basis to proactively address minor issues prior to them becoming significant problems. Dynamic security practices build motivational relationships with children while making the custodial environment safer for everyone.

Establishing a motivational relationship with children can help build trust and breakdown “us versus them” barriers. It can reduce children’s distrust and suspicion towards authority figures, which is a common attitude in a child in conflict with the law mind-set. Investing in professional relationships is critical to operating safer facilities, as well as enhancing the likelihood of children’s successful rehabilitation and reintegration upon release.

Other considerations that impact relationships, both positively and negatively, include the use of less threatening street clothes versus uniforms; using terminology such as “support home” or “residential facility” in place of “detention facility”; addressing children by their names rather than calling them “offenders”; referring to personnel as “father or mother” instead of using their official titles, which avoids exuding state authority; and ensuring that the general appearance of the facility is clean, hygienic and bright, rather than dirty, dark and drab.

Highlighted Examples

In **the Philippines**, children convicted of non-serious offences, punishable by less than six years’ imprisonment, are sent to a rehabilitative centre where staff, including security staff, are not in uniform and are called “father” or “mother”.

In **Singapore**, places of detention are called “boys’ home” or “girls’ home”. Children are not formally sentenced but are subject to dispositional orders.

¹⁷ UNODC, *Handbook on Dynamic Security and Prison Intelligence*, Criminal Justice Handbook Series, New York, 2015, p.29

Action Point 7:

Detention personnel should create an environment conducive to reducing the stigma against children deprived of their liberty

Develop rehabilitation and reintegration programmes for children involved in terrorism-related activities to aid their successful return to society.

GCTF Neuchâtel Memorandum, Good Practice 11

In some cases, the stigma of detention can be significant and may impede the healthy development of children's self-identities. Research has shown that the greater the stigma of detention on children, the greater the challenge they face in removing themselves from groups that provide them a sense of purpose, protection and self-respect. Stigmatised children are even more likely to remain in groups that espouse anti-authoritarian ideology, such as terrorist group, because they feel a sense of shame and dishonor, whether caused by internal or external drivers.

For many reasons, stigmatised children may struggle with a sense of low self-worth because they perceive they have disappointed or disrespected their families, friends and religion. Addressing this type of psychological burden is complex and should be built into the reintegration strategies facilitated by multidisciplinary teams, as mentioned previously, as well as families and other community members.

The potential for harm is especially acute in children in detention, as is the risk of negative secondary effects including mistrust and traumatic reactions. Addressing these external factors will require a comprehensive community outreach and sensitisation strategy designed to reduce the negative perception of detention and of the nature of the offence by enhancing the public's understanding of how children are victimised by terrorist groups. The strategy can also emphasise the long-term benefits to the child of a supportive reintegration experience and focus on resilience factors and children's potential to become active citizens. Such a strategy could include community engagement in the form of an oversight body that advocates for children and detention personnel, sponsors child social welfare events, such as religious and other holiday celebrations, and recruits volunteers to support recreational and reintegration activities. Restorative justice, mediation and community-based programmes for children are additional options that could assist children detained for terrorism-related offences.¹⁸

In short, creating an open, accessible, and responsive detention environment that is supportive of good order, personal relationships, rehabilitation and reintegration programmes can reduce the stigma of detention at a relatively low cost and provide significant returns for children and for society as a whole.¹⁹ Reintegration is the primary emphasis of international human rights standards relevant to children deprived of their liberty and is the ultimate objective of practitioners and advocacy groups supporting the rights of these children. As identified earlier, the entire custodial process from intake to release should be designed to model appropriate behaviour as well as provide a nurturing and stimulating environment creating optimal conditions for the rehabilitation and reintegration of children. Such services must be afforded to all children in custody regardless of risk classification and existing infrastructure.

¹⁸ UNODC Handbook, p.88

¹⁹ "Correcting the Course", *Advancing Juvenile Justice Principles for Children Convicted of Violent Extremism Offenses*, p.6. Global Centre and the International Centre for Counter-Terrorism. September 2017.

Action Point 8:

Detention personnel should focus on enhancing opportunities and support networks for children deprived of their liberty rather than focusing exclusively on the offence

Ill-informed judgments about the reasons for children's involvement in terrorism-related offences could lead to adoption of inappropriate and unsuccessful reintegration strategies. In most cases, children involved with insurgent groups are neither violent nor extremists. More often, they are mere couriers used to facilitate the transfer of goods and resources used or produced by the terrorist organisations. They are typically coerced or manipulated, or otherwise victimised, to commit the offences and do not do so voluntarily. In such cases, successful reintegration will be more dependent on enhancing opportunities for detained children as well as creating networks to support them upon release from detention.

While there is little research on the rehabilitation and reintegration of children in custodial environments, we can draw on examples and best practices developed during the disarming, demobilisation, and reintegration (DDR) of children associated with armed forces or armed and violent extremist groups. Research pertaining to the DDR of children suggests that they are exceptionally capable of rehabilitation when emphasis is placed on building constructive trust-based relationships with personnel; developing a sense of optimism about their post-release future through improving their education, training and employment prospects; and establishing positive connections with their families and friends²⁰. This DDR approach applies equally to the reintegration of children deprived of their liberty and needs to be fostered.

Highlighted Examples

In **Sri Lanka**, a programme for former Liberation Tigers of Tamil Eelam (LTTE) combatants, including children, consists of six modules in the "6+1 model." The modules address education; vocational skills; psychosocial and creative therapies; social, cultural and family values; spiritual and religious topics; and recreational activities. The additional "1" refers to community engagement module.

In **Somalia**, a child who withdraws from Al-Shabab is deemed a victim and is automatically given access to rehabilitation services, including access to education, vocational training, counselling and spiritual guidance.

²⁰ *Ibid.*

Action Point 9:

Detention personnel should follow the three main principles of rehabilitation

Develop rehabilitation and reintegration programmes for children involved in terrorism-related activities to aid their successful return to society.

GCTF Neuchâtel Memorandum, Good Practice 11

Practitioners agree that the most effective rehabilitation programmes typically include elements of psychosocial counselling and positive support from personnel, friends and families. Successful programmes also include education to improve opportunity, enhance personal empowerment, and lessen any existing disparity in educational levels in the community. In addition, rehabilitation efforts are more likely to produce good results if they incorporate vocational programmes to improve opportunity for gainful employment, as well as sports and recreational activities to stimulate physical and psychological well-being. Child justice practitioners suggest that applying the risk-need-responsivity (RNR) model²¹ offers the best chances for developing effective rehabilitation strategies for children. The three principles have been widely regarded as the premier model for guiding offender assessment and treatment. Even though this model is typically used for adult offenders, it can be adapted to children deprived of their liberty, especially those who have been sentenced.

1. Risk principle: The intensity of the rehabilitation programme should be tailored to the risk, or likelihood of recidivism. Intensity refers to the frequency, duration and timing of programming for children. These three factors should be driven by the child's individual needs, set forth in the sentence plan developed at time of intake, and aimed at maximising the positive impact a child's custodial sentence.

While predicting human behaviour is by no means a perfect science, certain indicators have been shown to increase the predictability of certain behaviours such as recidivism. The simplest and most reliable predictor of future behaviour is the prevalence of past aberrant behaviour. Thus, child with no history of conflict with the law generally presents a low probability of recidivism (few risk factors), while a child with multiple or sustained encounters with the law generally presents a high probability of recidivism (many risk factors). Detention personnel should recognise that over-programming low risk children in conflict with the law can actually increase their risk of recidivism. The risk principle, therefore, tells us *who* to focus on and at what level of intervention.

2. Need principle: Rehabilitation programming should be designed to address the individual needs of children deprived of their liberty. Each child's rehabilitation programme should be based in large part upon the assessment detention personnel and social service teams perform when the child is admitted to the detention facility. In resource-rich environments where information gathering and sharing is common practice, the needs assessments tend to be very comprehensive, resulting in complex and targeted intervention programmes. Even in environments where fewer means are available, the assessments – while conducted with less information and resources – can still result in a more structured approach to children's rehabilitation strategies.

Social investigation reports should be written for all children when they are placed into pre-trial detention, and judicial authorities should rely on them throughout the trial and sentencing process. These reports contain invaluable information that contributes to the needs assessment that underlies the child's individualised rehabilitation programme. The report should be readily available to the multidisciplinary team supporting

²¹ Andrews, Bonta & Wormith, 2011.

each child. All detention personnel should establish relationships with community social workers, child support groups, community and religious leaders, and law enforcement agencies in order to improve information sharing if and when needed.

A personalised rehabilitation programme must address both the child's intrinsic and extrinsic needs. Intrinsic needs are those that spring from factors internal to the child (Example: attitudes, emotions) while extrinsic needs emanate from external factors (Example: access to education). Typically, these factors can be addressed through counselling, training, education, and targeted programming, which can often alter them to result in more law-abiding behaviour.

Therefore, using a very simple yet comprehensive approach, a needs assessment should evaluate the following criminogenic areas and identify the variables, either alone or in combination, that have likely influenced a child's behaviour or resulted in association with the terrorist organisation:

- history of antisocial or anti-authoritarian behaviour;
- antisocial or anti-authoritarian personality patterns;
- antisocial or anti-authoritarian cognition that affects decision making;
- antisocial or anti-authoritarian associations;
- family;
- school;
- activity and recreation; and
- substance abuse, including the influence of Khat or other drugs, on decision making and behaviour.

Each child's intrinsic and extrinsic needs can be targeted to reduce risk of recidivism. Thus, the need principle tells us *what* to target for each individual.

3. Responsivity principle: Styles and modes of programmes must be matched to the child's learning style and abilities. Ideally specialists will assess each child's responsivity factors, which include anxiety level, self-esteem, depression, gender, motivation, learning style, race and ethnicity, as part of the child's comprehensive assessment. Rehabilitation programmes should provide tailored intervention approaches to accommodate these factors and maximise impact and results. Realistically, however, this type of resource-intensive assessment is not feasible in all detention environments. Detention personnel should therefore use the means available to them to assess each child and craft a programme that meets the child's individual learning styles and abilities.

This principle is grounded in the concept that when children feel safe, secure and respected, they will respond better to education, vocational training, counselling and organised activities. Because children change and grow, however, detention personnel should employ security practices to monitor the responsivity factors identified above. Any change, positive or negative, may require more intense intervention, a modification in intervention approach or, in the case of positive change, significant positive reinforcement. Thus, the responsivity principle tells us *how* to target the programming.

Action Point 10:

Detention personnel should use positive relationships with family and community to support the reintegration process

Develop targeted prevention strategies with a strong focus on the creation of networks to support children at risk.

GCTF Neuchâtel Memorandum, Good Practice 4

Develop rehabilitation and reintegration programmes for children involved in terrorism-related activities to aid their successful return to society.

GCTF Neuchâtel Memorandum, Good Practice 11

Positive and regular family contact and support networks within the community are extremely important to the successful reintegration of children deprived of their liberty. Research in the United States shows that children granted increased engagement with their families throughout their detention show an improved sense of well-being and mental state. The initial family and community assessment in the social investigation report is critical to determine whether or not the family can and should be involved in the reintegration plan of the child during and after the period of detention. Positive family contact offers significant opportunities for pre-release and post-release support planning, given that family members tend to have unique knowledge of the child that may not be available through short assessments and minimal supervision observation. On the other hand, the multidisciplinary team must continually monitor and assess the influence and impact of family contact to ensure the benefits continue to outweigh any negative influences. Children can be susceptible to negative family influences as easily as positive influences, especially the influences of older siblings.

In some environments, however, the cost of travel may prevent such family involvement and, in these cases, detention personnel should consider inexpensive solutions to initiate, maintain and even increase family engagement. Some simple solutions include increased opportunities for telephone communication, and if the technology exists, calls via available software applications such as WhatsApp, Face-Time, Skype, etc. More expensive solutions may include providing welfare funds to support family visitation.

Likewise, practitioners should actively solicit interested community organisations, businesses and even NGOs to engage with children. Community support not only establishes trusting relationships between children and communities, but can be an effective means of supplementing needed resources in the form of supplies and services. Most importantly, community engagement is a means of bridging the difficult transition from detention to reintegration.

Highlighted Example

In **Ghana**, Senior Correctional Centres under the authority of the Ministry of Interior and designed to house children between the ages of 15 – 18 years old, alert the Ministry of Social Welfare when a child has been admitted. The Ministry of Social Welfare contacts the family and facilitates visitation. If the family is unable to travel due to financial hardship, the local social welfare office provides a stipend for visitation.

Action Point 11:

Detention personnel should ensure sufficient transition and post-release support

Transitioning from detention into the community, whether through a supervised release during the sentence or definitively at the end of the sentence, is a significant and sometimes anxious event. Good behaviour while in detention is not always predictive of appropriate behaviour upon release. As much as practitioners attempt to adapt the detention environment to the outside world, the structured routines, clear rules, and constant staff supervision and support that frame a child's detention experience are not typically the norm in the community. Therefore, it is important to ensure successful pre-release preparation as part of the individual reintegration strategy; a phased transition approach to community living; and post-release support to ensure the continuity of support programmes and progress achieved while in detention. When developing post-release support programmes, the specific needs of girls deserve special consideration.²²

Highlighted Example

In **Tunisia**, Defence and Social Integration Centres established as public institutions under the supervision of the Ministry of Social Affairs serve in transitioning children released from reform centres or prisons by supporting them to integrate into the social and economic life of their communities in coordination with other institutions. In addition, the centres empower families to help tackle the difficulties they and their newly-released children face.

Children in conflict with the law will likely face significant social reintegration challenges upon release, including being ostracised and stigmatised. This is particularly true when terrorist groups instill fear and terror amongst communities that oppose their ideology and beliefs. In these circumstances, community engagement strategies at the organisational level, including engaging the community to oversee and support children inside places of detention, will lessen community fear and anxiety, and hopefully garnish reintegration support. At the individual offender level, community advocacy groups for children are very effective in bridging the transition from the facility to the community.

Highlighted Examples

In the **Netherlands**, the Dutch Family Support Unit, an independent organisation, supports young offenders after their release from detention by providing family counselling and other services to support the reintegration of children back into their families.

...

²² UNODC Handbook, p.109.

...

In **Somalia**, the High-Risk Prisoner Rehabilitation project for former Al-Shabaab members is a partnership between the Custodial Corps, Baidoa Central Prison, the Centre for Research and Dialogue, and the United Nations. The Centre for Research and Dialogue is a well-respected and influential community-based NGO whose director is a former politician with significant community outreach and influence. This NGO effectively transitioned former Al-Shabaab members back into the community through a series of awareness campaigns educating community members that many of the former members associated with Al-Shabaab due to coercion and out of financial necessity, and not because they were religious extremists. The NGO rallied the business community to support vocational training for prisoners inside the prison and created opportunities for work placement upon release as a means of ensuring the releasees gainful employment and financial sustainability.

In cases where the community environment into which a child is released fully supports radical ideology and anti-governmental activity, or the pre-release community assessment suggests that the negative influence of close family members will significantly impede the physical or psychological well-being of a child or diminish progress towards the reintegration plan, detention personnel should pursue other placement options. These options can include the support of other family members, volunteer families, foster care, group homes or boarding schools.

Highlighted Example

In **Italy**, children of mafia members from Calabria who appeared before a child court judge in 2012 were placed with volunteer families or in child facilities, sometimes as far away as northern Italy. The intent was to break the cycle of negative family influence.

Action Point 12:

Detention personnel should advocate for a child who turns 18 while in custody to remain in a child facility

Hold children deprived of their liberty in appropriate facilities; support, protect, and prepare them for reintegration.

GCTF Neuchâtel Memorandum, Good Practice 10

Custodial practitioners rarely make decisions about whether to transition children to adult facilities when they attain the age of majority. In most circumstances, it is competent judicial authorities who make those determinations. Transfer from a child facility to an adult detention centre marks a transition from a rehabilitative to a more punitive environment. Therefore, transferring children who turn 18 while in custody should be discouraged. The Committee on the Rights of the Child recommends that children who turn 18 before completing a diversion programme or non-custodial or custodial sentence be permitted to complete the programme, measure or sentence in a facility designed for children and not to be sent to centres for adults.²³ Detention personnel should advocate for this outcome. In those exceptional cases when competent judicial authorities find it necessary for children who turn 18 to transition from a child to an adult facility, detention personnel should advocate for special oversight to assure the continuity of programmes and care that increase the child's opportunities for reintegration.

Highlighted Example

In **Australia**, children who entered supervision at 17 years of age or younger and thereafter turn 18 may, at a court's discretion, continue to be supervised within the child justice system. They are treated as children²⁴ due to their vulnerability or immaturity, and courts may sentence them to detention in child detention centres rather than adult prisons.

²³ United Nations Committee on the Rights of the Child, *General comment No.24* (2019), para.35.

²⁴ The Australian child justice system refers to them as "young persons".

Action Point 13:

Detention personnel should be carefully selected, trained, deployed and supported by their administration

Because of the amount of interaction detention personnel have with the children under their supervision, they have considerable influence over and impact upon those children and can dramatically shape their detention experience and ultimate chances of successful reintegration. Therefore, personnel must be equipped with both the knowledge and resources to perform their roles professionally, and detention facilities should consider personnel selection, training, and deployment a low-cost, high-yield investment in the future of the children in their care.

Detention personnel should be qualified to work with children, motivated, skilled in rapport building and patient in temperament. As well, the composition of personnel should reflect the diverse nature of the population in the community. There should be a balance between security personnel and rehabilitation support workers. Knowledge of dynamic security practices, motivational interviewing techniques, and support counselling should be at the centre of a programme of initial and continuous capacity building strategy for personnel. If candidates' values do not coincide with the values and principles underpinning child justice standards, they will likely not possess the professional qualifications needed to be effective in dealing with children deprived of their liberty. For example, if candidates believe that all those suspected of terrorism-related offences should be subject to the death penalty and that prisons are places of punishment, they will probably have difficulty establishing the professional and motivating relationships required to support the reintegration of children.

All detention personnel require support, especially in challenging and potentially violent work environments such as child detention facilities. One form of support consists of clear policies and guidance that provide the authority, protection, and boundaries for carrying out their functions. This is absolutely necessary in "good order and control" environments, where force may have to be used to stop harmful or illegal behaviour and protect others. However, the use of force or restraints should be limited to exceptional circumstances, in situations where the child poses an imminent threat of injury to himself or herself or others, and only after all other means of control have been used and failed. Also, restraints or force must never be used as a means of punishment.²⁵

Therefore, policies and guidance should be incorporated into the recruitment process so that candidates who are chosen understand and accept those principles. Child-specific safeguarding policies, code of conduct, policies on protection from sexual exploitation and abuse in detention facilities, relevant child-specific operating guidelines, and accountability mechanisms and consequences for infringing set rules should also be included in all continuous training programmes, and personnel should have easy access to such materials. All directives in the policies and guidance should be applied and enforced equally, transparently, and without bias. Policies and guidance are not only important to ensure that personnel are cognisant of the balance of power in their relationships with children deprived of their liberty, but also in encouraging personnel to role-model appropriate behaviour. Personnel policies should impose a strict "zero tolerance" rule concerning abuse of authority by staff members.

²⁵ United Nations Committee on the Rights of the Child (hereafter Committee), General Comment No.24, para.95 (f).

Highlighted Example

In **Kenya**, the Children's Act, section 32(2)(g), states that the National Council for Children's Service is responsible for training and shall prescribe the requirements and qualifications for authorised officers. Section 72 (e) states that the Minister may make regulations for the training and remuneration of persons employed in children's remand homes and rehabilitations schools.

Action Point 14:

Detention institutions should periodically undergo both internal and external inspections

Design and implement monitoring and evaluation programs to ensure the effective implementation of international juvenile justice standards.

GCTF Neuchâtel Memorandum, Good Practice 13

States should mandate periodic internal and external inspections of child detention facilities to ensure they are well-run and children are safe. Inspections can help protect children from any form of abuse or inhumane treatment, including corporal punishment and sexual abuse. They also protect personnel from unfounded allegations of misconduct, including the abuse of children in their care, which in turn limits negative impact on the reputation of the detention administration. Detention administrators should also conduct unannounced inspections, in support of both personnel and children deprived of their liberty.

Likewise, States should ensure that independent and qualified inspectors or an equivalent duly constituted authority, unaffiliated with the administration of the facility, are empowered to conduct regular inspections and to undertake unannounced inspections on their own initiative. Inspectors should place special emphasis on having conversations with children in the facilities, in a confidential setting²⁶ that ensures the child's anonymity. These external inspectors should have the authority to interview personnel and children, access all forms of registries and logs, and provide feedback to relevant authorities on conditions of work, conditions of detention, operational and administrative practices, and any other relevant observations made during the visit.

Such inspections have the potential to enhance the visibility, professionalism, and reputation of child institutions workers. The findings and recommendations from the inspections can also form the foundation for human, and other, resource requests and advocacy campaigns.

Highlighted Example

In **Mauritania**, child court judges are required by statute to follow up on children they send to detention, including visiting any detention facility hosting a child at least once a month. The child court judge is also statutorily a member of the committee overseeing the detention facilities – *Ordinance n°2005-015 on the penal protection of the child, art. 167*.

²⁶ Committee General Comment No.24, para.95 (j). See also UNODC Handbook p.100.

Conclusion

Although detention should always be the last resort for children in conflict with the law, sometimes the circumstances make it unavoidable. To ensure that detention programmes for children have the most positive impact possible and position the child for successful reintegration back into society, they should be staffed by well-trained professionals who operate in a supportive, child-friendly environment. All programmes should be considerate of the child's individualised psychological, emotional and physical needs, and should respect the fundamental principles set forth in the *United Nations Minimum Rules for the Administration of Juvenile Justice* (the *Beijing Rules*) to minimise detrimental impacts.

Detention personnel should ensure that all initiatives to support children deprived of their liberty, regardless of culture, religion, ethnicity, gender, status, offence, group affiliation, adhere to the following critical principles: furthering the well-being of the child; developing conditions that will prepare the child for a meaningful life in the community; and adopting a diverse approach to resource mobilisation, including family, community, volunteers, schools, etc. The ultimate purpose is to promote the well-being of the child and encourage his or her successful contribution in the community. Most importantly, however, the dignity and rights of the child must be upheld in all circumstances, even in respect to the most challenging and sensationalised cases, such as cases in which children are suspected of or charged with terrorism-related offences.



The International Institute for Justice and the Rule of Law

University of Malta - Valletta Campus
Old University Building, St. Paul Street, Valletta, Malta

info@theij.org

[@ijmalta](https://twitter.com/ijmalta)

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