



Programme "Prevention of and Fight against Crime"
European Commission Directorate General Justice Freedom and Security



Save the Children
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JUST

Juvenile Justice

Development of child rights
based methods of intervention
to prevent juvenile crime
and promote reintegration
of young offenders.

Italy, Greece, Romania.

JLS/2008/ISEC/AG/097

Manual for users

[Manual no. 2]

In partnership with:



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Chapter I

Introduction and methodology

The JUST project is aimed at strengthening the prevention of and the fight against juvenile crime, through the development of horizontal methods based on a child rights based approach. More specifically, it is intended to develop child rights based and multi-disciplinary methods of intervention to prevent juvenile crime involving young offenders coming from new EU Countries and Non-EU Countries, focusing specifically on child recidivism and to promote social reintegration of young offenders. Furthermore, it is intended to strengthen the knowledge and professional skills of public and private actors (such as, juvenile justice operators, law enforcement officials, judiciary authorities, institutions, NGOs) engaged in prevention and reintegration work in order to guarantee protection of children and their rights.

Aim of the Manual

This Manual (Manual no. 2) is part of a toolkit that also includes the presentation Manual of methods of intervention (Manual no. 1) and the Manual for trainers (Manual no. 3).

It aims to provide relevant suggestions related to the procedures that should be considered in order to implement methods of intervention aimed at preventing recidivism and promoting the reintegration of juveniles in conflict with the law, with a special focus on foreign children (especially in Italy and Greece).

Methodology

In order to identify procedures for the implementation of the methods of intervention described, JUST Partners proceeded as follows:

- ▶ **Firstly**, in the context of the **child rights based methods of intervention** useful for preventing juvenile delinquency and promoting social reintegration (identified and developed according to the steps described in the Manual of presentation of methods –introduction and methodology), the JUST Partners proceeded with the selection and analysis of the **more relevant and successful practices and procedures** used in the field of each intervention method identified. These practices were identified according to the correspondence with the international and European standards.
- ▶ **Secondly**, these **practices** were re-analysed in-depth in order to identify the best procedures and ways of achieving the desired goals. **Procedures were identified according to the information and suggestions arising from desk research as well as from results and recommendations from children and stakeholders** consulted during the previous phases of the project in each Partner Country. In some cases, procedures were also identified

through the contribution of an expert on the matter.

- ▶ **Finally**, guidelines on the possible **procedures of implementation of the methods of intervention** were developed at transnational level. These guidelines represent the operational minima criteria that users should consider to ensure the method achieves the expected results (prevention, education, reintegration, etc.). In the development stage, the Partners attempted to make the guidelines transnational (although some procedures are different in each country).

Target audience

The Manual is addressed to any actor, from the public or private sector, working with children in conflict with the law in the Partners' countries, able to implement the intervention method selected.

Learning objectives

The Manual aims at achieving the following goals:

to acquire a good understanding and knowledge of methods;

to acquire the capacity to implement the methods; to facilitate the exchange of experiences between users.

How the Manual is set out

The Manual is divided into modules and sessions, corresponding to those modules and sessions already included in the Manual for trainers and in the Manual of presentation of methods. For each method (session) the following explanations will be given:

Short description of method

- ▶ **Who should implement the methods and how?** (Subjects involved in their implementation, for example: public sector or/and private sector; practicable ways and suggestions for the implementation).
- ▶ **Where?** (On the street, in the detention facility or outside, in the external penal area, in the context of the children's lives or their families', in the juvenile justice services offices, etc.).
- ▶ **When?** (At any time or stage of criminal proceedings during the arrest, during the restriction, during criminal proceedings, before entering a criminal circuit (as a preventative measure), while serving a sentence etc.).
- ▶ **Type of intervention** (How can the method be implemented? By direct intervention, indirect intervention, advocacy intervention, intervention with another partner, outreach etc.).
- ▶ **Targets addressed** (Other operators, children, people in general etc.).

Explanations were also given according to the results and recommendations from children and stakeholders consulted and from methods experts consulted in the final step of the development of this Manual.

Key terms

Direct intervention: "for the purpose of this Manual an intervention is direct when

it produces effects concerning the creation and/or implementation of the method described, directly on the target considered”.

Indirect intervention: “for the purpose of this Manual an intervention is indirect when it produces effects concerning the creation and/or implementation of the method described, indirectly on the target considered”.

Advocacy intervention: “a series of structured activities designed to influence policies for children and the related programmes or government plans, institutions, international agencies and civil society as a whole, with the aim of achieving positive changes for children and improved protection and enforcement of their rights”.

Chapter 2

Methods of intervention: how to implement them?

Index of modules

Module 0: National, European and international instruments in the field of juvenile justice

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Session 3: Restorative justice

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Session 1: Adequate educative interventions for the specific needs of children in conflict with the law (flexible models, study grants...)

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Session 2: Vocational training, vocational orientation and work grants

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Module 7: Multi Agency Approach

Session 1: Networking

Module 8: Training

Session 1: Training professionals working with children in conflict with the law

Module 9: Evaluation and Research

Session 1: Research and study on the risk of recidivism

Session 2: Monitoring detention conditions of children deprived of their liberty

Session 3: Criteria for the effective collection of data

Session 4: Children's participation (research, consultation...)

MODULE 0: INTERNATIONAL, EUROPEAN AND NATIONAL INSTRUMENTS IN THE FIELD OF JUVENILE JUSTICE

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Session 1: International and European framework

Session 2: National juvenile justice in Italy, Romania and Greece

Session 3: Restorative justice

Considering that Module “0” of the Manual of presentation of methods includes a presentation of a general legislative context, at international and European level, as well as at national level, and considering that the module concerns theoretical aspects, the procedures for implementation of all three sessions of this module (described below) have been considered together.

Short description of the module

This module aims to provide a concise but not exhaustive framework of international, European and national legal provisions regarding juvenile justice systems, within the methods of intervention described below are implemented. Furthermore it provide a presentation of the general principles elaborated in the field of restorative justice.

The **international and European framework** is based on the main international and European documents as well as the most relevant case-laws elaborated in the field of juvenile justice, in accordance with the General Comment n. 10 “Children’s rights in juvenile justice” of the Committee on the Rights of the Child. Using the framework it is possible to evaluate and address the juvenile justice systems, in order to guarantee that all children in conflict with the law, have correct and fair assistance at all times, and the international standards are respected.

The **national framework** aims to provide a general framework on the national juvenile justice system of each project Partner. In particular, it contains a description of the administrative and judicial offices, as well as a short description of the main principle of the national juvenile justice system with a focus, in Italy and Greece, on the main weakness in relation to foreign children.

The **restorative justice framework** related to crime prevention contains a description of the main key-concept on the matter from the documents and initiatives developed by the three main international institutions: Council of Europe, United Nations and European Union.

Who should know the module?

Any actor (according to their competence and responsibilities) involved in the studies of the juvenile justice system and in the comprehension and analysis of its effects as well as any actor working directly with children in conflict with the law (jurists, lawyers, judicial authorities, legal operators, legislative offices at national, European

and international levels, administrative offices, and NGOs). Furthermore any actor involved in the implementation of the methods of intervention identified in the JUST Manual should have an in-depth and updated knowledge and comprehension of the international, European and national framework of the juvenile justice system.

Where / When?

The international, European and national framework of the juvenile justice system should be known in all its contexts and it should be taken into consideration at every stage of criminal proceedings.

How is it possible to implement the knowledge of this module?

The module should be made known at all levels through the promotion of regular training activities, promotion of research and studies in the field, at national and transnational level, promotion of seminars and conferences, exchange of experiences, collection of data, as well as through advocacy activities in order to encourage the improvement of the policies of the protection of children in conflict with the law and of the juvenile justice system in accordance with the European and international standards.

Targets addressed

- ▶ Personnel in the public and private sectors according to their competence and responsibilities.
- ▶ Indirectly, all children in conflict with the law will benefit from a better understanding of the juvenile justice system, at transnational and national levels.

MODULE 1: PREVENTION

Index

Session 1: Street education/outreach

Session 2: School mediation/family mediation

Session 3: Intervention to prevent school drop-out

Short description of method

The method aims to create a first contact with children at risk of involvement in a criminal circuit as well as with those already in conflict with the law, through the creation of a relationship with them. The street represents a social area, a privileged space for aggregation, communication and interpersonal relationships which make it a potentially educational place, a new space for a pedagogic action. At the same time the use of outreach and street education make it possible to meet vulnerable people and juveniles at risk in the urban area where they usually spend most of their time.

SESSION 1

Street education/
outreach

Who should implement the method and how?

The street education and outreach team should be made up of a number of different professionals. Regarding interventions in favour of migrant children, the presence of a cultural mediator would be preferable. In any case, the team formations should be diversified according to the specific context, the target group and the objectives. The teams could be made up of social mediators, educators, peers, as well as legal consultants, artists, experts in street animation activities or in sports activities, social assistants, researchers, etc. The professionals involved in these activities should have an in-depth and updated knowledge of the context and the phenomenon in which children at risk live, as well as of the marginality and the conditions of vulnerable children's lives (for example, prostitution, begging, theft, smuggling, child labour, etc.) and risks related to such conditions (eg. sexually transmitted diseases, relapse into the criminal circuit, consequences of the migration plan, etc.). This means a constant mapping (quantitative, qualitative and topographic) and monitoring (of continuity / discontinuity, mutability, circularity and cycles) that give the intervention effectiveness, flexibility, timeliness, and enable it to predict emerging phenomena and potential risk. It is useful to implement a variety of activities (such as games, dance, music, peer education, etc.), directly in the places where children meet in order to:

- ▶ engage them;
- ▶ bring them closer to the operators of the team;
- ▶ ensure a contact is extended to the whole group and be able to "dilute" educational messages aimed at the children in play and recreational activities.

It is also fundamental to build a network of public and private actors around the street team. So street initiatives should include a mapping of services offered in the territory together with collaborative teamwork in order to:

- ▶ develop and share problems and risks in action areas;
- ▶ share resources and best practices;
- ▶ develop partnerships and synergies;
- ▶ co-plan;
- ▶ send children to care, social, vocational, legal, health services etc.

The work team should avoid dividing children into pre-established categories, but rather be able to identify the main critical aspects and also the principle skills, resources and abilities.

Since the outreach efforts are intended in particular to minimize the risks arising from “life/road”, they should promote and implement the following activities: orientation, information disclosure (to health, legal, etc.), distribution of material (eg. condoms, brochures or information on potential risks).

Operators can work as a unit or from mobile structures (cars, caravans, tents, etc.) or through fixed support points on the road (offices, front-offices, etc.).

Where?

- ▶ Outdoors: on the street, squares, stations, etc.
- ▶ Settlements (authorized and unauthorized camps, occupied houses).
- ▶ Indoors (internet point, cinema, etc.).
- ▶ In any context where the children may be at risk.

When?

In the primary, secondary and tertiary prevention, the method is directed at preventing the commission of crime and reducing and/or fighting the risk of recidivism.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Children at risk of deviance.
- ▶ Children in conflict with the law.
- ▶ Children accompanied and unaccompanied, children asking for international protection.
- ▶ Children belonging to vulnerable groups, such as those in poverty or from needy families.
- ▶ Roma children, second generation children without a legal status, etc.

Short description of method

For the purpose of the JUST project – at the prevention stage - two different types of mediation have been catalogued, namely, *school mediation* and *family mediation*.

The *school mediation* concerns the lack or difficulty of communication between teachers and students and their families, as well as the inadequacy of the institutions to understand the juvenile problems and the incapacity of juveniles to understand institutions and adults.

The *family mediation* concerns the management of emotionality and problems existing within the family context, with special attention being paid to the psychological aspects.

SESSION 2

School mediation/
family mediation

Who should implement the method and how?

The competent professional figure is the mediator; he/she will represent a professional neutral and impartial third party, whose activity is directed at facilitating the negotiation between the parties for a pacific solution of the problem.

The school mediator is an interpreter for both parties whose job it is to establish a new dialogue and show latent conflicts inside the scholastic community.

The family mediator is a professional figure with specific knowledge and competencies in family dynamics and approach and in parent/child conflicts.

Where?

- ▶ In the schools and all educational institutions in which there is a relation between teacher and student, and with the involvement of the family.
- ▶ In the family context, with those affected by economic problems, poverty, problems of deviance and criminality, with social conflicts between the members of the group; in migrant families with integration difficulties and with second generation children with /or without legal status.

When?

In the primary, second and tertiary prevention.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Students.
- ▶ Children.
- ▶ Children in conflict with the law.
- ▶ Children at risk.
- ▶ Family context where affected by economic problems or at risk.
- ▶ Adults where both or one parent(s) are involved in the family context.

SESSION 3 Short description of method

Intervention to prevent school drop-out

The method proposes an individualized intervention for every single situation, in order to help juveniles in compulsory school to increase their self-esteem, develop their abilities, ameliorate their scholastic performance and to prevent school drop-out.

Who should implement the method and how?

The Public sector (school system: teachers/directors, political governance), the private sector (educators, social operators), children and their families.

The intervention includes the presence of several subjects working in the field of prevention, co-operating closely with the schools (which, although are the focal institutions, cannot deal single-handed with the situation) and promoting the responsibility and participation of the students. In particular, it would be useful to set up educational activities adapted to the students' specific aptitudes (individualized project), to include innovative and attractive activities (for example, making it possible to alternate school with work).

Where?

- ▶ In the schools.
- ▶ On the street.
- ▶ In day-care centres and meeting places.

When?

In any phase of the prevention.

Type of intervention

- ▶ Direct intervention.
- ▶ Indirect intervention.

Targets addressed

- ▶ Students.
- ▶ Students at risk of involvement in criminal circuits or already in conflict with the law.
- ▶ Students' families.

MODULE 2: CRIMINAL RESPONSIBILITY

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Session I: Assessment procedures of age

Short description of method

The age assessment procedures have to comply with a multi-disciplinary approach where the well-being of the child is concerned. The age assessment procedures shall be the result of a combination of methods balancing physical development, psychological, environmental and cultural factors.

Who should implement the method?

There are many subjects involved in the implementation of the method. On different levels the following are considered:

- ▶ the legislative offices, for the purpose of creating a rule;
- ▶ the doctors, psychiatrists and psychologists, for all medical aspects;
- ▶ the judicial authorities, for requiring a conduct exam with a multidisciplinary approach;
- ▶ the police, for identification procedures;
- ▶ the NGOs: to support a campaign and lobby to promote the method.

Where?

In hospitals and specific facilities dealing with age assessment.

When?

At the time of the arrest (at the time of identification) and at any time during the proceeding in which doubts concerning the age of the children in conflict with the law and/or their maturity and capacity to understand could arise.

Type of intervention

- ▶ Direct intervention: by personnel involved in the practical aspects of the age assessment (doctors, psychologists, etc.).
- ▶ Indirect intervention: by the police, legislative offices and judicial authorities – each according to their specific competencies and responsibilities - involved in ensuring and promoting respect of the multidisciplinary approach.
- ▶ Advocacy intervention: by lobby activities carried out by NGOs to support the method.

Targets addressed

- ▶ Foreign children in conflict with the law without any identification papers.

SESSION I

Assessment procedures of age

MODULE 3: JUDICIAL PROCESS AND DEPRIVATION OF LIBERTY

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- Session 1:** Appointment of a guardian for unaccompanied or improperly accompanied children
- Session 2:** Linguistic-cultural mediation
- Session 3:** Social mediation
- Session 5:** Free legal counselling.
- Session 6:** Specific support initiatives for juvenile offenders with drug and alcohol addiction and mental health disorders

SESSION I Short description of method

Appointment of a guardian for unaccompanied or improperly accompanied children

The guardian provides long term continuous care, he is responsible for participating in the penal proceedings, for the mental and physical well-being of the child as well as for the development of the child's personality.

Who should implement the method and how?

The subjects involved are:

- ▶ the public sector, specifically the judicial authorities, with the aim of supporting the appointment of a guardian;
- ▶ individuals qualified to become guardians both from the private and public sector. They should be independent, to avoid any possible conflict of interests professionally competent on matters of child protection, as well as on the juvenile justice system and criminal proceedings, and have an in-depth knowledge of immigration law and the migration phenomenon.

The appointment issued by the judicial authority should ensure a rapid identification of the guardianship. The appointed guardian should only be assigned the number of children whose supervision he/she can be reasonably expected to ensure. His activities should include both administrative-legal matters and an all-round and effective assistance of the children able to guarantee their mental and physical well-being.

Where/When?

A guardian should be appointed the moment the unaccompanied minors are found on the territory, but in any case, the presence should be guaranteed at every phase of criminal proceedings.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Children in conflict with the law (unaccompanied minors or improperly unsuitably accompanied children).

Short description of method

The method aims to promote intercultural dialogue and communication between migrant children involved in criminal proceedings and all juvenile justice system personnel and operators in charge of their care.

SESSION 2

Linguistic-cultural mediation

Who should implement the method and how?

Based on relevant research, it is generally considered that linguistic-cultural mediators should:

- ▶ have specific training in linguistic-cultural mediation;
- ▶ belong to a culture other than national,
- ▶ have a good knowledge of the migration phenomenon and of migrant children's cultural background;
- ▶ have an in-depth knowledge of street culture (language and behaviour codes) used by the migrant children also on the host territory;
- ▶ have a good knowledge of national culture and legislation, with special focus on criminal and immigration laws;
- ▶ be (as for every mediator) impartial, reliable and bound to confidentiality;
- ▶ be able not only to translate clearly and accurately the children's and operators' verbal communications, but also to explain the most culturally significant behaviour;
- ▶ be compatible with the role of mediator.

Where?

Wherever the children are serving time (especially in detention).

When?

At any stage of the criminal proceedings, and during the aftercare phase. Also during criminal proceedings, in accordance with the judicial authorities.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Foreign children in conflict with the law.

Short description of method

The social mediation is a form of social action, implemented at local and community level, aimed at facilitating communication and interaction and transforming and re-defining social relationships. The method has the following objectives:

- ▶ to overcome the cultural differences regarding children's social, cultural and family contexts, especially of those children living in more marginal environments;
- ▶ to facilitate the first contact with the child, the identification of his/her place of residence (for example, as in the case of Roma children living in temporary settlements who are subject to frequent transfers);

SESSION 3

Social mediation

- ▶ to ensure that suspected or accused children fully understand the meaning of the judicial process and the re-education and rehabilitation opportunities offered to them;
- ▶ to assist children and their families in understanding technical and legal terminology, content and meaning of communications and documents from judicial authorities;
- ▶ to communicate with the children's families, and encourage their active participation in criminal proceedings;
- ▶ to provide information and promote access to local services and opportunities;
- ▶ to promote family relationships (particularly in the case of second-generation children) arising from the contrast between the lifestyles and culture of their own families and those found in the host society.

Who should implement the method and how?

The subject directly involved is the social mediator who should have the following characteristics:

- ▶ be a professional;
- ▶ have specific knowledge and operation strategies;
- ▶ be impartial between the parties, and have no negative or positive prejudices;
- ▶ possess good communication skills, both verbal and non. Regarding non-verbal communication, for example, the mediator should have paralinguistic skills (such as intonation, rhythm, volume, use of pauses, etc. or use of gestures and facial expressions, eye contact, etc.);
- ▶ be an expert in intercultural communication between people from different local communication contexts, i.e. not only among people who were born in different territories, but also between individuals belonging to different generations or groups;
- ▶ be interested in cultures other than their own, be willing and able to change their stereotypes constantly.

Where?

- ▶ In the institutions of detention, inside any other juvenile justice service.
- ▶ In the Courts in accordance with the judicial authorities.
- ▶ In external criminal areas.
- ▶ In the territory, community or family context.

When?

At any stage of the criminal proceedings (from the time they enter to the time they leave the criminal circuit) and also in the aftercare phase (for short periods according to the children's necessities).

Type of intervention

- ▶ Direct intervention.
- ▶ Indirect intervention.

Targets addressed

- ▶ Direct intervention: children in conflict with the law and adults and parents present in family context.
- ▶ Indirect intervention: judicial authorities to promote and facilitate the method and to take into consideration the result of the social mediation.

Short description of method

The method should provide a concrete solution to juveniles' difficulty in understanding the juvenile justice universe. Regarding foreign children, the method should also support them in the procedure for regularization on the territory and that of ensuring a legal status.

SESSION 4

Free legal counselling

Who should implement the method and how?

The initiative should be implemented by one or more legal consultants, the service should be free and available on a regular basis. Free legal consultants should be trained and competent individuals, able to communicate in a child-friendly manner and with an in-depth knowledge of the juvenile justice system. If possible the legal consultant should be a qualified jurist with a degree in law and specific training in the juvenile justice system and children's rights (including international and European standards) as well as in pedagogical matters. Furthermore, in the case of migrant children, he/she should have a very good knowledge of immigration law and also be updated on the immigration phenomenon.

The service should be implemented in favour of both Italian and foreign children. In the latter case, the service should be integrated with the presence of the cultural mediator to facilitate the exchange of information between the legal consultant and the children.

The service should be provided in collaboration with the juvenile justice services and at the child's request (if serving a sentence). In the case of a child being in a criminal circuit, but free, it would be advisable to provide a system whereby the juvenile can be referred to external legal offices to access free services from legal consultants.

Free legal counselling should also be provided to juvenile justice operators, if necessary and at their specific request, on specific matters not included in their competencies (such as immigration law, regularization proceedings and practices, etc.). In this case, legal consultants could also support migrant children's families.

The free legal consultants should not overlap the child's lawyers' area of competence and assistance regarding juvenile justice matters but simply provide information and clarification as required.

Where?

- ▶ Inside juvenile justice services (including reclusion facilities), according to the agreements with juvenile justice services.
- ▶ At the legal front-offices or NGO offices, Local Authorities, Associations, etc.

When?

At any stage of criminal proceedings.

Type of intervention

- ▶ Direct intervention.
- ▶ Indirect intervention.

Targets addressed

- ▶ Children in conflict with the law, in particular foreign children without a legal resident's permit and/or without documents and in detention (direct intervention).
- ▶ Juvenile justice operators or other actors working with children in conflict with the law and migrant children's families (indirect intervention).

SESSION 5 Short description of method

Specific support initiatives for juvenile offenders with drug and alcohol addiction and mental health disorders

The method would identify juveniles' mental health needs and requirements in the case of drug and alcohol addiction when they enter juvenile justice programmes.

Who should implement the method and how?

The public and private sectors (psychologists, educators, doctors, social operators, judicial authorities).

The juvenile justice system should work in collaboration with the communities' broader mental health agencies and develop a significant number of psychological, pharmacological and family or social interventions for responding to juveniles' mental health and drug addiction needs.

Where?

In any facility, preferably mixed, able to receive children in conflict with the law and having drug or alcohol addictions and mental disorders, in which specialized personnel are present.

When?

At any stage of criminal proceedings (arrest/detention/aftercare).

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Children in conflict with the law affected by drug and alcohol problems and with mental health disorders.

MODULE 4: DIVERSION MEASURES

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Session I: Penal mediation (VOM)

Short description of method

The penal or offender mediation (hereinafter VOM) is a model of conflict resolution. To start mediation proceedings, there should be at least three conditions: the informed and voluntary consent of the child offender; the informed and voluntary consent of the victim; the admission of responsibility by the child offender.

Who should implement the method and how?

The method shall be implemented in accordance with the international guidelines and standards. The specific domestic legislation shall be described and reported in the Manual of presentation of methods of intervention (Manual no. 1, Module “0”).

Public sector:

- ▶ legislative offices, to promote the promulgation (where lacking) of legal provisions concerning VOM;
- ▶ judicial authorities, to promote and improve the use of VOM;
- ▶ juvenile justice operators: to promote the implementation of VOM practices, also through the referral of the cases to the judicial authority.

Public or private sector:

The penal mediator should have the following characteristics:

- ▶ he/she will be neither a judge nor a psychologist. He/she should not seek the legal truth nor interpret or analyse parties from a psychological point of view. He/she should be an impartial and tertiary professional, who should try to facilitate communication, looking for a conflict resolution that takes into account the needs of both parties, not providing a solution but rather promoting the best conditions for the parties to arrive at one themselves (should they so wish);
- ▶ communicative abilities;
- ▶ listening skills;
- ▶ empathy skills;
- ▶ flexibility, i.e. ability of adapting to sudden change and to the parties' contradictions.

Implementation methods

There are several implementation methods, depending on each country's national legislation. However, for a mediation process to take place, at least three conditions are necessary: voluntary and informed consent of the child offender; the victim's voluntary and informed consent, the admission of liability on the part of the child offender.

SESSION I

Penal mediation (VOM)

In principle, in each process of mediation, the following steps are included:

1. referral;
2. first contact;
3. preliminary talks;
4. the meeting between the parties;
5. conclusion.

Where?

In comfortable child-friendly ad hoc rooms (the mediation room).

When?

During the criminal proceeding.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Children in conflict with the law (as offender) or child victims.

MODULE 5: EDUCATION

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Session 1: Adequate educative interventions for the specific needs of children in conflict with the law (flexible models, study grants...)

Session 2: Peer education

Short description of method

The method aimed at improving and guaranteeing the participation of the children in any form of education shall be implemented on the following points:

- ▶ schooling,
- ▶ work and occupational therapy,
- ▶ citizenship training,
- ▶ social skills and competence training,
- ▶ individual and group therapy,
- ▶ physical education and sport.

Who should implement the method and how?

The juvenile justice services operators as well as the private sectors (teachers, educators, social operators, volunteers, etc.), in accordance with the judicial authorities in the context of the individualized reintegration project provided for the juvenile. Generally, the mentioned methods should always be individualized and, if necessary, flexible, i.e. able to be implemented at short notice and include attractive initiatives (such as video, multimedial activities, sports activities and anything else able to engage the juvenile and involve him/her in a wider educational project).

Regarding migrant children, apart from teaching them literacy and traditional educational courses and providing libraries with books also in foreign languages, intercultural dialogue between national and foreign children should be promoted and should also include the involvement of a linguistic-cultural mediator and/or of a peer.

Where?

Anywhere the children are serving their sentence.

When?

At any stage of criminal proceedings.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Children in conflict with the law.

SESSION I

Adequate educative interventions for the specific needs of children in conflict with the law (flexible models, study grants...)

SESSION II Short description of the method**Peer education**

Peer Education is an educative method, different from the traditional ones, where juveniles are active subjects of the training process, through the promotion of spontaneous exchange of experiences, emotions and knowledge with other children having peer status.

Who should implement the method and how?

The peer educator, who should be selected from among children belonging to the same group of people involved in the educational path. He/she does not work alone, but is supported by a network (schools, social private sector, NGOs, institutions, etc.)

The key concepts of peer education are:

- ▶ *peer education is participation*: the peer on his/her own does not transform anything but stimulates participation;
- ▶ *peer educator is not a professor*: he/she is not an expert of precise scientific knowledge; his/her role is that of a mediator able to manage a relationship;
- ▶ *peer education is not to delegate and to manipulate*: peer education is a model that sees in the adult a positive force, essential for the success of the intervention on the juvenile;
- ▶ *peer education changes the roles*: juveniles with peer education are responsible for their own education;
- ▶ *peer education is supported by a network*: the schools, the social private sector, NGO's, and local authorities all have a central role in the realization of the project;
- ▶ *peer education is research*: it is a preventive participation model where it is possible to share experiences with peers in a pedagogical way;
- ▶ *peer educator in the group creates culture*: peers are ordinary children with a higher awareness of the communicative process within the peer group, therefore they participate in the creation of the culture of the group.

Where?

Anywhere where the role of peer educator could successfully achieve its aim (on the street, in places at risk, in communities...).

When?

In primary, secondary and tertiary prevention.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Children.
- ▶ Children in conflict with the law.

MODULE 6: REINTEGRATION AND AFTERCARE

Index

Session 1: Procedures for regularization and ensuring the legal status

Session 2: Vocational training, vocational orientation and work grants

Session 3: Aftercare

Short description of method

The ensuring of a legal status is considered essential in order to develop a successful and effective project of reintegration.

Who should implement the method and how?

Public sector:

- ▶ police officers (migration department – in accordance with the domestic law): promoting and supporting the issue of the residence permit;
- ▶ judicial authorities, requiring the police to release the paper and to regularize the position on the territory.

Public and private sector:

- ▶ educator, supporting the juvenile on his/her reintegration path and his/her understanding of the crime;
- ▶ legal consultant (also volunteers), lawyers advising the children on the procedures directed at the regularization and support of the child, his/her family and juvenile justice operators in the implementation of the proceedings.

Practical ways

In order to promote a wider knowledge of all possible regularization procedures, legislation and case-laws on the matter, it is advisable:

- ▶ to organize training activities;
- ▶ to promote research and collection of practices and case-laws;
- ▶ to promote legal points of consultation or legal counselling services;
- ▶ to organize networks at local and national levels.

Where?

Regularization procedures should be implemented wherever the children are serving their sentence or elsewhere, if the child is free (legal offices, NGOs, etc.). The procedure shall be carried out in the offices whose responsibility it is according to the national law.

When?

At any stage of the criminal proceeding, especially before leaving the penal circuit but also during the pre-cautionary phase.

SESSION I

Procedures for regularization and ensuring the legal status

Type of intervention

- ▶ Direct intervention: on the children.
- ▶ Indirect intervention: through the activities organized by the subject involved in the implementation of the method.
- ▶ Advocacy intervention: to promote a better implementation of the method.

Targets addressed

- ▶ Foreign children in conflict with the law.

SESSION 2 Short description of method

Vocational training, vocational orientation and work grants

The method would arrange an effective reintegration and avoid the recidivism of the juvenile through vocational training, vocational orientation and work grants provided according to the juvenile's professional aspiration and the job market's needs.

Who should implement the method and how?

The public sector in accordance with the private sector, as well as the representatives of institutions and the job market, to facilitate and arrange agreements between enterprise/industry and the juvenile justice system. The subjects involved shall particularly favour round tables and meetings on a regular basis.

In order to ensure an effective social reintegration (especially work integration), an integrated method of intervention would be useful that includes:

1. creation or strengthening of a network of relevant stakeholders (including: juvenile justice services, trade associations, charitable institutions, employment offices, companies, etc.) in order to: a) analyze the needs of the labour market, b) promote the organization of professional courses to be attended externally, and c) look for work grants for children;
2. organization of professional training in accordance with real market needs and, possibly, implemented outside the juvenile facility of detention (alternatively to encourage companies to organize professional training into the detention facility); to prefer training courses that make it possible to obtain a professional qualification, possibly with entities specialized in the training of the child at risk and in conflict with the law; to establish agreements in order to look for post-release employment opportunities;
3. creation of work grants;
4. creation or strengthening of centres to guide children in finding work once outside the criminal circuit.

Where?

In any location (public or private) where it is possible to organize the meeting between the subjects involved.

When?

Concerning the subject: during the assessment of the political and economic inter-

vention by the representatives of the institution and the job market and on a regular basis.

Concerning the children in conflict with the law: at any stage of the sentence with specific attention in the aftercare phase to promote social reintegration.

Type of intervention

- ▶ Direct intervention: on the children in conflict with the law.
- ▶ Indirect intervention: through the activities of the subject involved.

Targets addressed

- ▶ Children in conflict with the law.
- ▶ The subjects of the public and private sectors involved.

Short description of method

The aftercare concept is a new way of approaching offender reintegration, and it generally requires changes in a state's existing juvenile justice system. It includes all the services of reintegration that should be implemented before the children leave the criminal circuit.

SESSION 3

Aftercare

Who should implement the method and how?

The public and private sectors (also in partnership, with funding from government and others resources).

The programme of aftercare could include some or all of the following:

- ▶ preparing juveniles for increased responsibility and freedom in the community;
- ▶ encouraging positive social youth interaction in the community;
- ▶ working to provide juveniles, their families and communities with support systems;
- ▶ identifying and developing new and existing resources and supports for juveniles;
- ▶ monitoring juveniles in the community through the use of a coaching model;
- ▶ connecting juveniles to vocational employment training and/or academic courses;
- ▶ identifying high risk offenders' targets;
- ▶ promoting a change in criminology factors, strengthening children's knowledge, their attitudes to education, peer associations, authority, work behaviour and interpersonal relationships;
- ▶ linking institutional and community-based services for a seamless transition;
- ▶ involving collaboration systems to build a comprehensive supportive network.

Where?

Wherever children are serving a sentence, to prepare them for aftercare and wherever they return to and in whatever context, on leaving the penal circuit (day-care centres, communities, apartments-group, families, etc.).

When?

At any stage of the sentence, particularly during the preparation for aftercare and later during the monitoring of the reintegration.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Children in conflict with the law.

MODULE 7: MULTI AGENCY APPROACH

Index

Session I: Networking

Short description of method

The method aims to create a network between different branches of the juvenile justice system in order to intervene with a coordinated multi-disciplinary approach and an inter-disciplinary interaction.

SESSION I Networking

Who should implement the method and how?

Representatives of the public and private sectors as well as any other actors working with children in conflict with the law (police, judicial authorities, NGOs, lawyers, legal consultants, social assistants, social operators, etc.) including those working in the field of primary prevention.

To this end, it would be useful to implement the following:

- ▶ organization of networks meeting on a regular basis;
- ▶ organisation of workshops or any other training initiatives, on a regular basis, that should permit periodical exchange of experiences;
- ▶ creation of a mailing list or online web site for the exchange of opinions and updates;
- ▶ promotion of collection of practices and research with the involvement of the above-mentioned actors. In all cases, it is necessary to ensure a restitution phase for the final results.

Where?

Anywhere – in accordance with the national law – political governance can take effect and at all meetings directed at implementing the method.

When?

On a regular basis to ensure the objective is met.

Type of intervention

- ▶ Direct intervention regarding the subject involved in the multi-agency approach.
- ▶ Indirect intervention on children in conflict with the law.

Targets addressed

- ▶ Each subject involved in the improvement of a multi-agency approach.
- ▶ Children in conflict with the law.

MODULE 8: TRAINING

Index

Session I: Training professionals working with children in conflict with the law

SESSION I

Training professionals working with children in conflict with the law

Short description of method

The method shall guarantee a high level of professional competence on the part of personnel in contact with children in conflict with the law.

Who should implement the method and how?

Professional specialized representatives of the public and private sectors - with a high level of educational competence (Universities, Training Schools and Institutions specialized in the training of juvenile justice operators; Training bodies; Lawyers' Bar; NGOs, trainers, experts, etc.).

Training should be continuous, organized on a regular basis and be constantly updated. It should be organized on the basis of the specific characteristics and competence of the target group.

In order to promote major involvement and participation of professionals from the juvenile justice services, adequate remuneration should be guaranteed and regular careful selection and recruitment be carried out in order to ensure every level and type of personnel.

Where?

In any public or private place suitable for implementing the method (specialization school for the services of juvenile justice, universities, facilities reserved for professional training, training for the private sector, professional ranks, etc.).

When?

During any work access procedure, at the time of recruitment, and on a regular basis.

Type of intervention

- ▶ Direct intervention: in relation to the subject involved.
- ▶ Indirect intervention: in relation to the benefits to the children in conflict with the law.

Targets addressed

- ▶ Any professional that for any reason is in contact with children in conflict with the law (public sector, police, social operators, judicial authorities, lawyers etc.)

MODULE 9: EVALUATION AND RESEARCH

Index

- Session 1:** Research and study on the risk of recidivism
- Session 2:** Monitoring detention conditions of children deprived of their liberty
- Session 3:** Criteria for the effective collection of data
- Session 4:** Children's participation (research, consultation, etc.)

Short description of method

Research and study on the risk of recidivism aimed at understanding the phenomenon of children in conflict with the law, as well as the failure and the critical aspects of the juvenile justice system (in particular with regard to recidivism).

Who should implement the method and how?

The public and private sectors, including Universities (jurists, lawyers, teachers and professionals specialized in the field of children in conflict with the law).

Where/When?

The research should be promoted with a regular time line in order to carry out the study.

Type of intervention

- ▶ Direct intervention: considering the subject involved.
- ▶ Indirect intervention: considering the benefit to the children and children in conflict with the law.

Targets addressed

- ▶ Every professionals category specialized in the field of children in conflict with the law (public sector, police, social workers, educators, mediators, judicial, authorities, lawyers...)

Short description of method

Monitoring the conditions of children deprived of their liberty. The aim of this method should be to guarantee an adequate condition of detention of the juvenile.

Who should implement the method?

Preferably authorities, organizations and all other impartial and independent bodies with the right of free access to the detention structures at all times.

SESSION 1

Research and study on the risk of recidivism

SESSION 2

Monitoring detention conditions of children deprived of their liberty

Where?

In detention centres.

When?

During the reclusion period, without notice and on a regular basis.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Juvenile justice services responsible for penal institutions and places of reclusion.

SESSION 3 Short description of method
**Criteria
for the effective
collection of data**

The aim of the method is to select criteria for the collection of reliable and effective data. It is therefore essential to elaborate precise criteria for collection of the data to ensure the information is as realistic as possible.

Who should implement the method and how?

Personnel with relevant competencies on the collection of the data and interpretation and phenomenological studies, working in collaboration and in accordance with the juvenile justice services.

Practical criteria for the collection of data:

- ▶ selection of the period of reference;
- ▶ direct collection of data; if data collected from other subjects is used, it is advisable to disclose the source;
- ▶ using, especially, nominative criteria;
- ▶ using, especially, criteria divided by age, sex, crime, nationality;
- ▶ using, if possible, international indicators (thereby permitting transnational comparison of the phenomenon).

Where/When?

The criteria should be implemented according to the specific requirements of the juvenile justice system and in relation to the period considered. The collection of data will be arranged wherever the children are conducted at the moment of the arrest, in the detention places and facilities.

Type of intervention

- ▶ Direct intervention.

Targets addressed

- ▶ Personnel involved in the implementation of the method.

Short description of the method

This method aims to involve the children in matters affecting them with different forms of participation.

Who should implement the method and how?

National and local governments, UN Agencies, international and national NGOs, community groups and schools.

Since the Convention on the Rights of the Child came into force, there has been a great deal of discussion and practical action to give effect to the principle embodied in Article 12 that children have a right to be listened to and taken seriously. It has become clear that children can become successfully involved in:

- ▶ research;
- ▶ monitoring and making decisions regarding their health;
- ▶ managing their own institutions such as schools;
- ▶ evaluating services intended for younger people;
- ▶ peer representation;
- ▶ advocacy;
- ▶ project design, management, monitoring and evaluation;
- ▶ campaigning and lobbying;
- ▶ analysis and policy development;
- ▶ publicity and use of the media;
- ▶ conference participation.

Where/When?

The involvement can take place in any institutional setting with which children have contact – schools, residential homes, juvenile justice systems, the media, child care agencies, youth services, workplaces, health services, local and national government. They can also participate at all levels from the family to local communities to the international arena.

Type of intervention

- ▶ Direct intervention.
- ▶ Advocacy intervention.

Target addressed

- ▶ Children in conflict with the law.
- ▶ Children in general.

SESSION 4

Children's participation
(research, consultation...)

JUST project, coordinated by Save the Children Italy and implemented in partnership with Save the Children Romania, Arsis and the Ministries of Justice in Italy, Greece and Romania, is aimed at strengthening the prevention of and fight against juvenile crime, through the development of horizontal methods based on a child rights based approach. More specifically, it is intended to develop child rights based and multi-disciplinary methods of intervention to prevent juvenile crime.

The present Manual (Manual no. 2) is part of a toolkit that also includes the presentation Manual of methods of intervention (Manual no. 1) and the Manual for trainers (Manual no. 3). It aims to provide relevant suggestions related to the procedures that should be considered in order to implement methods of intervention aimed at preventing recidivism and promoting the reintegration of juveniles in conflict with the law, with a special focus on foreign children (especially in Italy and Greece).