

Children's Rights Behind Bars 2.0

A participatory path toward reintegration

Protocol for reintegration

RECOGNISING the requirements under Articles 3, 12, 37 and 40 of the UN Convention on the Rights of the Child.

ALL children leaving custody must be provided with timely support and assistance to ensure they have the best possible chance of reintegrating into society at the earliest opportunity in a way that is consistent with their best interests and, so far as is possible, their wishes and feelings.

TO achieve this all professionals involved with a child in custody should ensure that:

1. Planning for a child's release starts on their arrival in custody, continues until the point of release and is supervised and monitored until the end of its implementation.
2. A named person in the custodial establishment is responsible for coordinating release planning and identifying the earliest possible release date.
3. All adults involved in the child's life on release are involved in release planning.
4. Plans for release are comprehensive and include plans for
 - a. Accommodation;
 - b. Education/training/work;
 - c. Health;
 - d. Emotional support;
 - e. Leisure and enrichment activities;
 - f. Family contact;
 - g. Financial support; and
 - h. Work in custody in preparation for release, including practical work, psychological interventions, contact with family and the outside world and plans for temporary release for reintegration purposes.
5. Plans are documented and always record the child's wishes and feelings.
6. Plans are in the child's best interests, accord with his or her wishes and feelings so far as is possible and be available at the earliest opportunity.
7. Where a child is entitled to support from statutory services, that service is involved from the outset.
8. If statutory services fail to provide the support a child is legally entitled to, the child is supported to access independent legal advice.
9. A final release plan is in place and approved as soon as possible and never less than two weeks before release.
10. A final assessment of the outcomes of the release plan is done with the participation of the child to inform the system's efficiency.

The rights underpinning best practice for a child's reintegration from detention:

Article 2 – non discrimination

Article 3 – best interests principle: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 12 – voice of the child: A child who is capable of forming his or her own views has the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 24 – right to healthcare: The right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. No child should be deprived of his or her right of access to such health care services.

Article 37 – prohibition on inhuman and degrading treatment, detention should be for the shortest appropriate period of time: No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. 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.

Article 40 – treat children in conflict with the law with dignity and preparing them for positive reintegration into community: Every child alleged as, accused of, or recognised as having infringed the penal law has the right to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and child's assuming a constructive role in society.



HR HELSINKI FOUNDATION
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