



Defence for Children
DCI-BELGIUM

The worldwide movement for children's rights

Children's Rights Behind Bars

PRACTICAL GUIDE

Monitoring places where children are deprived of liberty

15th February 2016





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1. The conception:

Why was the Guide created?

2. The gestation:

How has it been conceived?

3. The birth:

Where is it going to?



PRACTICAL GUIDE

*Monitoring places
where children are
deprived of liberty*

DEFENCE FOR CHILDREN INTERNATIONAL (DCI) - Belgium



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1. THE CONCEPTION

WHY WAS THE GUIDE CREATED ?



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• Basic statements

Deprivation of liberty → harmful – damaging – risky

Excessive recourse to children deprivation of liberty

Lack of exact and reliable datas

→ MONITORING

- ✓ Respect of standards – Rights of children deprived of liberty
- ✓ Prevention discrimination – abuse – ill-treatments / torture
- ✓ Protection of children
- ✓ Right to effective complaint



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• Basic statements

Visiting places where children are deprived of liberty

≠ Visiting places of detention for adults

← Specific rights and needs of children

← Different criteria of monitoring and indicators of visit

← Adapted precautions to take (*cf. interviews with children*)



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• Basic statements

YET - Monitoring mechanisms are often the same

- ✗ Specialisation
- ✗ Adapted methods and approach towards children
- ✗ Specific training
- ✗ Special skills
- ✗ Guidelines



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• PRACTICAL GUIDE

Monitoring places where children are deprived of liberty

Objective : *Contribute to reinforce the capacities of monitoring mechanisms of places where children are deprived of liberty*

- ✓ 1st Child specific tool in Europe
- ✓ Practical and methodological Guide
- ✓ Preventive and child sensitive perspective
- ✓ Child Right-based approach





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- **Practical**

- Based on the **experience of national and international mechanisms**
- Based on the **expertise and the multidisciplinary skills**
- In **its content** (methodological tool, assessment tool)
- In **its form** (format, pictos, notes, annexes, etc.)



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2. The GESTATION

How has the Guide been conceived?



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• Which places are covered by the Guide?

✓ **Any kind of establishment** – penal, correctional, educational, protective, social, therapeutic, medical, administrative – public or private – **from which a child is not allowed to leave at will.**

✗ *Exclusion:*

Any place where the child's right to leave the establishment is not restricted.



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• Who is this Guide for?

- ✓ **All professionals**, who are **entitled to monitor or visit** places where children can be deprived of their liberty ;
- ✓ **Authorities, direction and staff members** of places depriving of liberty.



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• How to use the Guide?

Several levels of **practical guidance**

Adapted to different degree of experience and knowledge

- ✓ Section 1 *Introduction – framework – definition*
- ✓ Sections 2 & 3 *Description – context*
- ✓ Sections 4 & 5 *Practices – methods*
- ✓ Section 6 *Focus on complaint mechanisms*
- ✓ Annexes (4) *Practical – informative*





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SECTION 2 : Deprivation of liberty of children – Context

Objective : *Define the framework, set the scene of the deprivation of liberty of children*

- Why children are deprived of liberty?
- In which kind of places?
- Who deprives them of their liberty?
- Vulnerabilities of children deprived of their liberty



SECTION 3 : Monitoring mechanisms

Objective : *Define the monitoring process, detail the monitoring mechanisms and their functioning*

- **Right-based approach of monitoring**
- **Object of monitoring children's deprivation of liberty**
- **Basic requirements for effective monitoring**

✓ *Independance*

✓ *Externality*

✓ *Regularity of visits*

✓ *Powers of investigation*

✓ *Interviews with children*

✓ *Report and recommendations*

✓ *Follow up*

✓ *Communication and cooperation*



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SECTION 3 : Monitoring mechanisms

- **Basic principles for monitoring**

- ✓ *Do not harm*
- ✓ *Know the standards*
- ✓ *Respect for the authorities*
- ✓ *Credibility*
- ✓ *Confidentiality*
- ✓ *Security*
- ✓ *Sensitivity*
- ✓ *Objectivity*
- ✓ *Transparency*



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SECTION 3 : Monitoring mechanisms

- Overview of the different monitoring mechanisms
 - ✓ *International*
 - ✓ *European*
 - ✓ *National*



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SECTION 4 : Monitoring methodology

Objective : *Provide practical advices for each stage of the monitoring process*

o. Monitoring strategy

1. Preparation to the visit
2. Implementation of the visit
3. Follow up on the visit



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SECTION 4 : Monitoring methodology

- **Monitoring Strategy**

- **Description of the monitoring team**

- ✓ *Composition*
- ✓ *Qualification*
- ✓ *Initial and ongoing training*
- ✓ *Interpreters*



2. How has the Guide been conceived?



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SECTION 4 : Monitoring methodology

- **Monitoring Strategy**

- Adopt ethical guidelines and a child protection policy

Annexe 2: procedures and ethical considerations, security and respect

Annexe 3: guarantee to prevent risks of abuse, procedure of immediate response to child abuse





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SECTION 4 : Monitoring methodology

• Preparation to the visit

→ Preparation of the supporting documents

- ✓ *Informative document, questionnaires, checklists*
- ✓ *Appropriate and adapted language*
- ✓ *Translation*



2. How has the Guide been conceived?



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SECTION 4 : Monitoring methodology

• Implementation of the visit

→ Interviews with children

- ✓ *Crucial but sensitive*
- ✓ *Ethical guidelines*
- ✓ *Experience*
- ✓ *Preparation*
- ✓ *Specific training*



2. How has the Guide been conceived?



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SECTION 4 : Monitoring methodology

• Implementation of the visit

→ Interviews with children

- ✓ *Specific communication requirements*
- ✓ *Identification of children to be interviewed*
- ✓ *Places where children are going to be interviewed*
- ✓ *Who perform the interviews*
- ✓ *Privacy and confidentiality*
- ✓ *Common issues & potential problems*



2. How has the Guide been conceived?



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SECTION 4 : Monitoring methodology

- Implementation of the visit

→ Interviews with children

Do not harm

Build trust and confidence

✓ Security

✓ Confidentiality

✓ Predictability

✓ Patience

✓ Empathy

✓ Respect

No false hope

Meaningful / grateful

2. How has the Guide been conceived?



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SECTION 4 : Monitoring methodology

- **Follow up monitoring visits / Actions to enforce**

- Internal report / External report

- Dissemination

Power of change

- Drafting recommendations *SMART*

- Follow up on reports and recommendations

- Evaluation of the impact

- Possible additional follow-up strategies



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SECTION 5 : Child specific indicators of visit

Objective : *To be used as an assessment tool, to support the evaluation of the level of respect of children's rights within the visited facilities*

- ✓ International and European standards
- ✓ The child at the center of the evaluation
- ✓ To be used at every stage of the monitoring process





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METHOD :

- Principal aspects of deprivation of liberty - object of the monitoring
 - *Procedure of deprivation of liberty*
- Each aspect – object of the monitoring // Related standards
 - *Access to a lawyer*
- Standards = Question ?
 - *"Do children have access to a lawyer / legal advisor / legal assistance and do they have effective, confidential and free access to them?"*



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SECTION 5 : Indicateurs de visite spécifiques aux enfants

- Indicators = Help to find answers the question

→ *Who*

→ *Observe*

→ *Check*

- ✓ Specific indicators related to
specific groups of children
specific places of deprivation of liberty

→ **Assessment tool :** *Adjustable to practice*
 To be completed



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SECTION 6 : Complaint mechanisms

Objective : *Focus on one specific and complementary guarantee to monitoring; participation of children*

✓ Complaints *Internal / External*
 Formal / Informal
 Individual / Collectives
 Oral / Written
 Direct / Through representation



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SECTION 6 : Complaint mechanisms

- **Accessibility**
- **Child sensitive**
- **Security**
- **Effectivity**
- **Who can children complain to ?**

2. How has the Guide been conceived?



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ANNEXES

Annex 1 : **CRC simplified version**

Annex 2 : **Ethical Guidelines**

Annex 3 : **Child Protection Policy**

Annex 4 : **Relevant jurisprudence of ECtHR**

FURTHER READINGS AND INFORMATION

www.childrensrightsbehindbars.eu / Resources



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3. THE BIRTH WHERE IS THE GUIDE GOING TO?



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✓ **Direct use / Dissemination**

✓ **Promotion / Awareness**

Posters, brochures, video crew, conferences, meetings, articles...

✓ **Translations**

Italian, German, Russian, Spanish, etc.

✓ **Training material / briefings**

Members and experts of monitoring mechanisms, trainers

✓ **Adaptation to other contexts**

Middle East, Africa, Asia, America





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Thank you very much for your attention.



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