

CORE COMPETENCIES FOR PERSONNEL WORKING WITH CHILDREN DEPRIVED OF LIBERTY

*An initiative to equip personnel working with children
deprived of liberty with the tools and knowledge to provide
child-friendly interventions*

ACKNOWLEDGEMENTS

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The IBCR also wishes to thank the partner institutions that took part in the process, namely: Defence for Children International, Global Campus of Human Rights, the United Nations High Commissioner for Refugees, the United Nations Committee on the Rights of the Child, the United Nations Office on Drugs and Crime, UNICEF, the Office of the UN Secretary General on Violence against Children, the John Howard Society, Terre des Hommes, the Working Group on Justice for Children and Save the Children.

It is also important to highlight the significant contribution of many other non-governmental organisations,

prison administrations and experts on the protection of children deprived of liberty. These individuals and organisations from 38 countries generously contributed their time and knowledge to develop and make improvements to this document.

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TABLE OF CONTENTS

04 - FOREWORD

06 - INTRODUCTION

07 - PART 1

THE CONTEXT OF CHILD DEPRIVATION OF LIBERTY AND THE NECESSITY TO BUILD THE CAPACITY OF PERSONNEL WORKING WITH THEM

- 8 Why are children deprived of liberty?
- 9 Where are children deprived of liberty held?
- 10 Who works with children deprived of liberty and what are their responsibilities?
- 12 Factors to take into account in the context of child deprivation of liberty

15 - PART 2

BACKGROUND TO THE COMPETENCY-BASED APPROACH ENDORSED BY THE IBCR

- 16 Core competencies for security forces
- 18 Core competencies for social services professionals
- 18 Core competencies for justice personnel
- 19 Advocating for the adoption of the core competencies for personnel working with children deprived of liberty

23 - PART 3

THE COMPETENCY-BASED APPROACH

- 24 What are core competencies?
- 25 Why is it necessary to define core competencies?
- 26 Improved recruitment and selection of personnel working with children deprived of liberty

27 - PART 4

CORE COMPETENCIES FOR PERSONNEL WORKING WITH CHILDREN DEPRIVED OF LIBERTY

- 36 Some practical resources relating to core competencies
- 37 Effects of the application of core competencies on children's experience

39 - PART 5

APPENDICES

- 40 Glossary of Terms
- 44 About the IBCR
- 45 IBCR Publications
- 46 Reports on Child Protection
- 48 List of Participants

FOREWORD

from the International Organisation
of La Francophonie (OIF)

The International Organisation of La Francophonie (OIF) promotes and protects children's rights in French-speaking countries, while ensuring that the principles of the Convention on the Rights of the Child (CRC) are respected. Over the past several years, the OIF has assisted with training and capacity-building for the various types of professionals who are responsible for ensuring that this document is effectively implemented.

As part of these efforts, the OIF supports the remarkable work carried out by the International Bureau for Children's Rights to strengthen the core competencies of police and judicial personnel working with children, and, in the framework of this new project, of personnel working with children deprived of liberty.

According to the UN's global study on children deprived of liberty, which was initiated in December 2014¹, most prison workers do not receive specialised training on children's rights. As a result, they are unable to provide an appropriate level of service to minors.



In all circumstances, children must be given special protection that takes into account their status as minors. As indicated in the preamble to the Convention on the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth." If a child is deprived of liberty, these safeguards must be reinforced.

This is what prompted the IBCR to create a document outlining the various core competencies for personnel working with children deprived of liberty, based on the practices and procedures described in international standards on juvenile justice. This report also responds to the OIF's dual objective: to strengthen the capacities of all professionals working with children, including prison staff, and to ensure that human rights are respected.

Deprivation of liberty must be used only as a last resort, when no alternatives exist. Moreover, it should be kept as brief as possible, because children need a positive environment and constructive assistance in order to reach their full potential.

The OIF is delighted to be collaborating with the IBCR. What is more, we encourage the organisation and its partners to continue doing this important work, which is essential to the protection of children's rights.

Antoine Michon

Director of Political Affairs and Democratic Governance
International Organisation of La Francophonie

from the International Bureau
for Children's Rights

Detaining children and depriving them of liberty goes against their most basic rights and is counter to the protection of their best interests. And yet, according to the United Nations, more than 7 million children around the world remain deprived of liberty today². This phenomenon can be observed in all countries, regardless of their level of development. Deprivation of liberty negatively impacts physical and mental health, and it hinders the development of children. In fact, it has been proven time and again that children deprived of liberty face a higher risk of being stigmatised, neglected, exploited or subject to abuse or violence.

Child deprivation of liberty persists nonetheless. Courts continue to sentence youth to custody, even though international standards on justice for children indicate that deprivation of liberty should be avoided or used only as a last resort. Children continue to be detained because they cross borders illegally. Some are held within the judicial system while they await procedures that are often long and not tailored to their needs. Others are institutionalised due to mental or physical health problems, or because they don't have a family to care for them. Girls are deprived of liberty to "protect them" from honour crimes or forced marriage. Finally, children are detained due to their presumed association with armed groups, terrorist movements or urban violence.

These discouraging findings are what led the International Bureau for Children's Rights (IBCR) to take interest in the personnel working with children deprived of liberty, such as prison security guards, social workers, special educators, psychologists, nurses, interpreters, lawyers and probation officers. Who are these women and men? What conditions do they work under? Do they have the right tools and skills to interact with children in a manner that protects their rights? How can they align their practices to provide children with better protection and treatment tailored to their special characteristics and needs?

The IBCR believes that before their interventions can be improved and aligned, the professionals involved must acquire the right competencies. Building on past projects in which the IBCR identified core competencies for security forces (2011), social workers (2016) and magistrates (2018), the IBCR embarked on a new reflection around professionals working with children deprived of liberty.

This document, which defines the core competencies needed to protect and uphold the rights of children at all times, is the culmination of this initiative. The information it contains was derived from a detailed analysis and consultations with more than 70 specialists, which the IBCR and its partners were able to complete thanks to valuable support from the International Organisation of La Francophonie.



Théophile Nikiyema
Chairman of the Board of Directors
International Bureau for Children's Rights

Guillaume Landry
Director General
International Bureau for Children's Rights



1. United Nations Global Study on Children Deprived of Liberty (2019)

2. United Nations Global Study on Children Deprived of Liberty (2019)

INTRODUCTION

30 years have passed since the adoption of the Convention on the Rights of the Child (CRC), which states that child deprivation of liberty should only be used as a last resort, for as little time as possible and under specific conditions. And yet, more than 7 million children are reported to be deprived of their liberty worldwide. It is widely known that depriving children of liberty results in serious consequences, including reduced life expectancy compared with non-detained children. These findings are set out in the United Nations 2019 Global Study on Children Deprived of Liberty, which examines the root causes and consequences of

this phenomenon. For girls and boys, deprivation of liberty is synonymous with vulnerability and social exclusion. It exposes them to various forms of violence and exploitation, and negatively impacts their physical and mental health and development.

Despite these challenges, many people in the field are making a genuine effort, at the professional and personal levels, to support these children on a daily basis. These individuals are asking for further training and additional tools to help them do their jobs more effectively. That is what this report aims to provide.



« The UN Global Study on Children Deprived of Liberty was just the first step. It is evident that much more needs to be done in terms of diversion, deinstitutionalisation, ending migration-related detention and other measures in order to comply with the Convention on the Rights of the Child. The Independent Expert and the Global Study team highly support this initiative by the IBCR as a positive example of a follow-up activity and implementation of the global study recommendations »

- **Manu Krishan**,
Global Study Programme Manager at the Global Campus of Human Rights



« It is tremendously important to define the core competencies for professionals who work with children deprived of liberty, particularly if it helps them understand that children have no place in a detention environment and that the conditions of detention are generally deplorable and constitute inhumane and degrading treatment that compromises their future, their development and the prospects for rehabilitation. »

- **Benoit Van Keirsbilck**,
Director of the Belgian chapter of Defence for Children International and member of the Advisory Board for the Global Study on Children Deprived of Liberty



01

THE CONTEXT OF CHILD DEPRIVATION OF LIBERTY AND THE NECESSITY TO BUILD THE CAPACITY OF PERSONNEL WORKING WITH THEM

01

Before we can improve the treatment and services provided to children deprived of liberty, we must first determine what types of professionals interact with them. It is essential that we understand which professionals have the complex task of ensuring that the

WHY ARE CHILDREN DEPRIVED OF LIBERTY?

Children can be deprived of liberty for various reasons and in a number of different situations. The duration, places and circumstances vary enormously from one country to another. In some countries, however, children are detained systematically, and not exceptionally, **when they come into conflict with the law or the juvenile justice system**. Many children are held in **pre-trial detention** while they await sentencing. All too often, they are held for excessively long periods of time, despite the provisions of Article 37 of the CRC, which states that detention should be used only as a measure of last resort and for the shortest appropriate period of time.



rights of these children are respected. As part of this professionalisation and capacity-building initiative for those whose everyday work involves children deprived of liberty, it is necessary to study the root causes of juvenile detention and the centres where these children are held.

Others are detained because they are **suspected of being involved with an armed group**, terrorist group or street gang. Some children are deprived of liberty for the simple reason that they are orphans or homeless. There are also cases of children deprived of liberty for “preventive” reasons, because their lives have been threatened by their family or community. This is often related to child marriage or potential honour crimes. Children involved in pending investigations are sometimes kept in custody because it is believed that they could provide useful information to the authorities. Then there are **those who live with a detained parent** or who were born to women held in detention centres.

Deprivation of liberty is not only a matter of being detained. Children can also be deprived of liberty due to their **status as accompanied or unaccompanied migrant children**. The lack of guidelines in this area is particularly problematic given the increase in migration and complex territorial sovereignty issues over the past few decades. Moreover, inappropriate policies on institutionalisation sometimes result in children with **physical disabilities, mental health problems or addictions** being deprived of liberty in order to receive treatment.

Finally, children can be deprived of liberty for all kinds of arbitrary reasons often resulting from **systemic discrimination** based on gender and ethnic origin. While boys are by far over-represented in detention centres, girls are more likely to be deprived of liberty for behaviours deemed to be out of the norm rather than for real offences. Such behaviours may include engaging in sexual activity, missing school or running away from home. Discrimination can also occur within detention settings. One thing is certain: deprivation of liberty is extremely harmful to children, regardless of where and why it occurs.

WHERE ARE CHILDREN DEPRIVED OF LIBERTY HELD?

Some children are held in **formal detention settings**, such as police stations or prisons, while others are confined to **administrative structures**, such as migrant centres or psychiatric hospitals where, due to the nature of the environment, children have no liberty of movement. For this reason, it is important to look beyond the labels and determine whether an institution allows children a minimum degree of freedom to come and go as they please, without fear of possible sanctions.

Children may be held in formal detention centres, such as: prisons, penitentiaries and pre-trial detention centres. Depending on local laws, prisons are often used for pre-trial detention due to a lack of a more appropriate alternative. Moreover, in response to the rise in migration, some states have created **detention centres for migrants**, which may be referred to as detention centres, closed camps, reception centres, accommodation centres, transit centres, identification and registration centres, etc. In all cases, migrants are unable to leave voluntarily and are often separated from their family members. Some centres are reserved for unaccompanied migrant children only. Some facilities are high-security prisons, while others are makeshift facilities set up in converted containers or former army barracks. Finally, facilities run by security forces—including cells in police stations, gendarmerie brigade rooms and vehicles used for transfers—should also be considered places where deprivation of liberty occurs. In the absence of structures or mechanisms to

protect and provide care for children in contact with the law, children may be kept in police facilities, sometimes for months at a time.

There are also **institutional settings** that go by a variety of names, depending on the country. These include education, re-education and rehabilitation centres, juvenile centres for youth in conflict with the law, as well as closed and semi-closed centres offering programmes such as assisted liberty, alternative outings and closed regimes. In all these institutions, youth are unable to go out at will without the permission of the persons or authorities that ordered them into custody. The same is true at psychiatric hospitals, treatment centres, orphanages (or reception centres run by faith-based organisations) and private residential-type institutions.

Deprivation of liberty is also used in **non-institutionalised contexts**, when children are recruited by armed or terrorist groups, and in cases of child trafficking.

The circumstances leading to deprivation of liberty and the locations where it occurs are diverse. They fall under different sectors, with some reporting to administrative justice and others reporting to criminal justice. Still others fall under arrangements that are questionable from a legal standpoint. This diversity makes it difficult to harmonise practices and identify the professional bodies concerned.





« The material was broad and detailed. It's crucial for senior management to be aware that these core competencies need to be incorporated into training programmes for prison workers. »

- **Amidou Zerbo**,
Director, Koumi Centre for Education and Social Rehabilitation for Minors in Conflict with the Law, Burkina Faso

WHO WORKS WITH CHILDREN DEPRIVED OF LIBERTY AND WHAT ARE THEIR RESPONSIBILITIES?

Based on the preliminary consultations, a long list was prepared of the various types of frontline workers who interact with children deprived of liberty. These include:

- › Administrative officials
- › Cooks
- › Educators and facilitators
- › Facility maintenance personnel
- › Healthcare workers (nurses, doctors, psychiatrists, psychologists and occupational therapists)
- › Immigration detention centre personnel
- › Interpreters
- › Judges
- › Members of religious communities
- › Military personnel
- › National guards
- › NGO staff and volunteers
- › Ombudspersons
- › Police officers and gendarmes
- › Prison guards and staff
- › Probation officers
- › Prosecutors, lawyers and other legal practitioners
- › Security agents
- › Social welfare workers
- › Teachers, educators and instructors

Obviously, these workers do not all take the same basic training programme nor do they report to the same authority. Consequently, each sector has its own set of priorities and day-to-day practices.

The above list shows the diversity of professional and non-professional sectors involved in protecting the rights of children deprived of liberty. These include government departments, administrative and judicial institutions, informal-sector professionals and groups, as well as civil society agencies and organisations. The diversity of these sectors reflects the numerous situations that lead to children being legally or practically deprived of liberty. For this reason, a multidisciplinary approach is needed to ensure that the personnel working in these sectors are able to take the best interests of the child into account when carrying out their duties. The various actors who work with children must cooperate to ensure that

services are tailored to the needs of each child, while also facilitating the child's access to their family, community and services provided outside the place where they are being held.

In light of this, it is clear that these workers have multiple responsibilities on many different levels, and all of these responsibilities are of crucial importance. Since detention environments temporarily replace family life for the child, the workers who interact with them have a tremendous responsibility. The professionalisation of their interventions is all the more important to avoid harming the children who are supposedly protected by these services. First and foremost, we must acknowledge that these workers are charged with a significant responsibility, despite the fact that their work is often undervalued and provides challenging conditions, such as minimum wage, long working hours, high worker-to-client ratio,

insufficient training, etc. It is important that we recognize these facts and help create environments in which their practices can evolve. For example, assigning these professionals concrete responsibilities could help ensure that

they become genuine agents of change. In addition, we must never lose sight of the fact that the state's role is to reduce, as much as possible, any harm caused by depriving children of liberty.



« The need for tailor-made training for different professionals dealing with children in contact with the law is very well-identified in the sector, even more as the professionals themselves ask for it continuously. But they ask for well-designed programs that add real value to their daily work. If we do not invest in the real professionalization of the services and the personnel who deal with children in contact with the law, spotlighting the work with children deprived of liberty in particular, we will be, as practitioners, failing to address our obligation towards the children themselves. »

- **Marta Gil**,
MENA Regional Programme Coordinator - Access to Justice, Terre des Hommes



« The workshop pushed me to reflect on the actual 'human face' of structures and systems, and, hence, on the criticality of defining the core competencies of the human resources working in structures and systems for children deprived of their liberty. The workshop also helped me see clearly the need for an inter-sectorial approach to improving justice/protection systems for children, and this was visibly reflected in the inter-sectorial profiles of the experts invited to contribute to the consultation. »

- **Daniela Baro**,
Child Protection, UNICEF Regional Office for West and Central Africa



FACTORS TO TAKE INTO ACCOUNT IN THE CONTEXT OF CHILD DEPRIVATION OF LIBERTY

Deprivation of liberty, especially for children, is not risk-free. When a child is deprived of their liberty, it means that society has failed in its mission to protect the best interests of the child. International law is clear on this

«No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No one shall be subjected to arbitrary arrest or detention³.»

- Universal Declaration of Human Rights



«No child shall be deprived of his or her liberty unlawfully or arbitrarily. 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 time⁴.»

- Article 37 of the Convention on the Rights of the Child

«Within the context of administrative immigration enforcement [...] the deprivation of liberty of children based on their or their parents' migration status is never in the best interests of the child, exceeds the requirement of necessity, becomes grossly disproportionate and may constitute cruel, inhuman or degrading treatment of migrant children⁵.»

- The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Therefore, we must ensure that professionalisation initiatives in this sector do not imply that child deprivation of liberty is encouraged or even tolerated.

The competencies described in this report must also reflect a central element of the CRC: workers interacting with children, including those deprived of liberty, must consider these children as full subjects of law in their own right, and not as objects of law. As such, children must be given the opportunity to participate by voicing their opinions and these opinions must be taken into consideration. Children have rights and adults must justify their actions toward children. Moreover, children have an important role to play in their development and in decisions involving them.

In many countries, it is proving difficult to align local standards and legal, administrative and procedural frameworks specific to the deprivation of liberty with

point: preference should always be given to non-custodial measures, such as educational measures in open environments.

international standards. This hinders the capacity of workers to provide children appropriate protection, particularly when children are deprived of liberty for a legally unjustified reason.

Specialised services and workers are also lacking, particularly to address mental health issues, learning disabilities, addiction, family conflicts and victimisation within the structures where children are deprived of liberty. This hinders the implementation of preventive measures and the protection of the best interests of the child. For this reason, the personnel working in these structures must be knowledgeable about child development and cognizant of how children must be treated differently than adults.

3. Universal Declaration of Human Rights, Art. 5 and 9.

4. Convention on the Rights of the Child, 1577 UNTS 3, Art. 37(b).

5. The Committee on the Protection of All Migrant Workers and their Families and the Committee on the Rights of the Child, Joint General Comment No. 3 and No. 22, State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, November 16, 2017, CMW/C/GC/3-CRC/C/GC/22, Art. 9.

Regardless of whether a child is in conflict with the law or institutionalised, and whether they have been deemed a migrant or a suspected terrorist, it is crucial to remember that he or she is still a child, and one with a unique life story, and should therefore be treated accordingly as set out in the United Nations Model Strategies and Practical Measures on the Elimination of Violence Against Children in the Field of Crime Prevention and Criminal Justice. Since deprivation of liberty makes children more vulnerable, states have the obligation to implement strategies and concrete measures to prevent and combat violence against children and to provide them with the protection to which they are entitled.



«The moral blindness of humanity to the problems of the present generations requires society to promote processes of social education and to cultivate a pedagogy for life in freedom. In addition to the need to transform the concept of retributive justice of punishment and confinement of adolescents and young people in conflict with the criminal law, towards an understanding of juvenile justice; humanistic, restorative, sensitive, preventive and dignifying with the life of human beings in difficulty.»

- **Angélica Patricia Velasco López**,
Social Manager of the Social Pastoral Office for Children and Family - OPAN Terciarios Capuchinos, Colombia



«This consultation highlighted the need to continue fighting to make child deprivation of liberty a last resort used for as briefly as possible. It also underscores the need for measures to divert children away from the judicial system at all times.»

- **Roberta Cecchetti**,
Consultant and International Expert on Children's Rights



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« Children and adolescents in situations of forced confinement continue to demand that our states/ governments do not forget that they are people with rights. The inequality of our peoples produces serious violations that lead to suffering and exclusion. The call is for adults, especially, to care for a dignified life for the younger generation. »

- **David Ordenes**,
La Caleta Programme Corporation (Chile)



« The consultation to develop competencies for the personnel working with children deprived of liberty, through the analysis and deep exchange of knowledge and experiences about reality in Latin America, will be a great contribution to guide the path towards the protection of children. There is still a long way to go, but these spaces give us not only knowledge, but also hope. »

- **Carolina Báez Hernández**,
Violence Prevention Expert (Chile)



« This framework of core competencies will be an excellent tool for reflection, discussion and pressure on States. »

- **Denisse Araya Castelli**,
Director, ONG Raíces (Chile)



« Participating in the IBCR's week-long consultations was very enriching. It gave me the opportunity to reflect on questions that I had not previously considered and propose ideas based on my past experience. I was also able to share stories with other countries in the region about the successes and failures of the personnel in charge of attending to adolescents deprived of liberty, and consequently, the skills that they must develop. »

- **María Consuelo Barletta Villarán**,
Lawyer in Restorative Justice, ONG Cometa (Peru)

02

BACKGROUND TO THE COMPETENCY-BASED APPROACH ENDORSED BY THE IBCR

02

The IBCR has long had an interest in establishing core competencies for professionals who interact directly with children, so that better capacity-building

objectives can be set for them. Here are the steps taken before the creation of this document for personnel working with children deprived of liberty.

CORE COMPETENCIES FOR SECURITY FORCES⁶

In November 2009, on the occasion of the 20th anniversary of the Convention on the Rights of the Child, representatives of the International Organisation of the Francophonie (OIF), Francopol, the IBCR and a dozen police and gendarmerie academies primarily from French-speaking Africa met in Ouagadougou, Burkina Faso. The objective of this meeting was to raise participants' awareness of children's rights and the principle of the best interests of the child in the context of police practice. At this conference, participants realised that while police forces were

familiar with the vocabulary associated with children's rights, they were less clear on the actual meaning of these terms and how to apply the concepts they represented. It was also revealed that while several security forces had pledged to offer child-rights training, these mostly consisted of one-time sessions provided by external consultants. These training courses were not evaluated, were too short and did not result in the adoption of a child-rights based approach in the work of police and gendarmes.

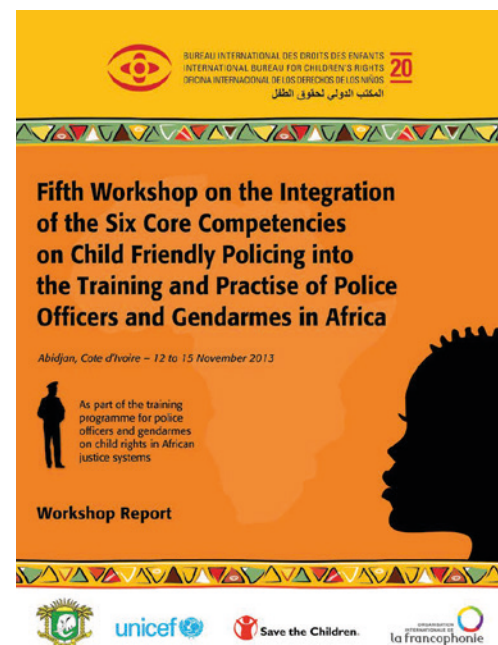
› Regional workshops and specialist meetings

After collecting these observations, the International Organisation of La Francophonie, Francopol and the IBCR furthered the process by holding, in December 2010, a regional workshop in Cotonou, Benin. It was attended by decision makers and educators from a dozen countries, who together analysed the child rights training framework for security forces. After developing a regional action plan at the workshop, the IBCR held a meeting in Dakar, Senegal,

in 2011, to validate and improve a reference document on core child-rights competencies for **security forces**. This meeting was attended by nearly 40 social services specialists, magistrates, psychologists, members of the security services, United Nations officials, representatives of civil society and political authorities. Two months later, in Niamey, Niger, **some 60 police and gendarme academy directors provided input on the reference document and adopted it.**

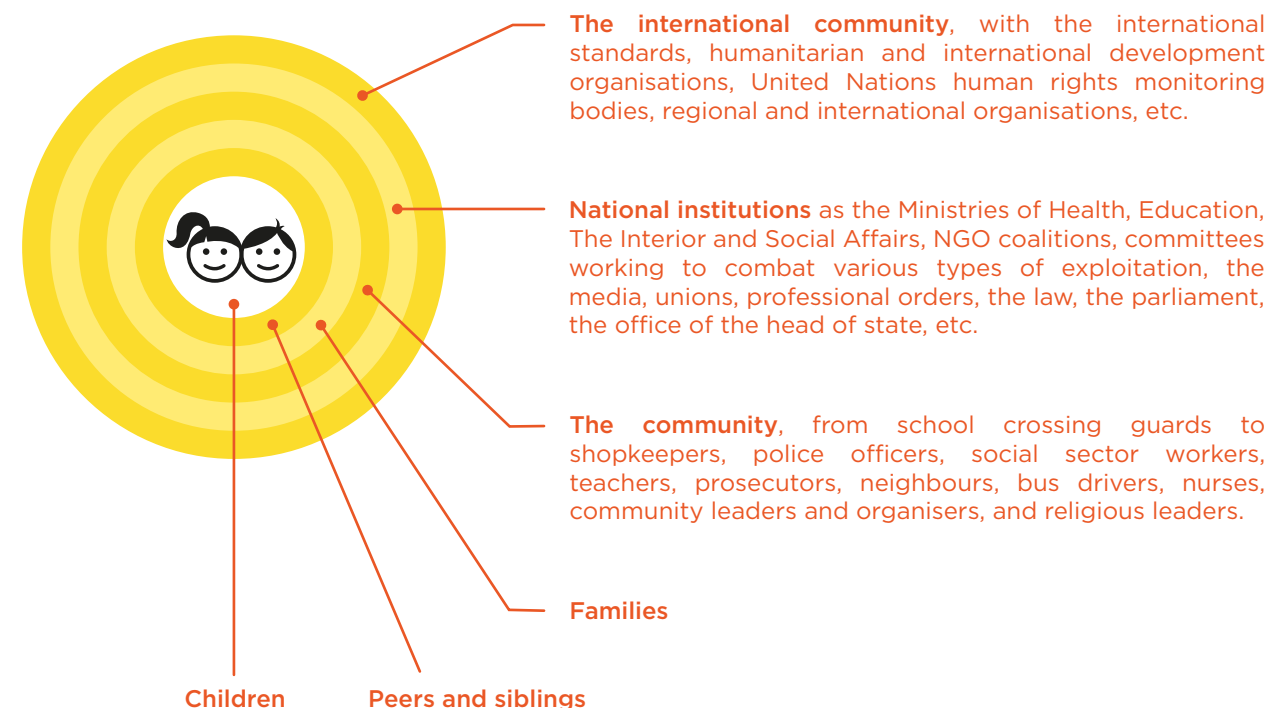
After each of these workshops, the IBCR published reports describing the findings of the consultations. The reference document was also shared with partners so that core child-rights competency development could be more readily added to security force training programmes in the concerned countries. Ultimately, it became an international reference document that would inform the work of the IBCR and various other international organisations specialising in promoting children's rights within juvenile justice and child protection systems.

Since then, the IBCR has provided support to security force training academies in some **30 countries**⁷ to review the curricula of basic training programmes (for new recruits), specialised training programmes (for child protection units) and professional development programmes (for current staff) and to determine how to include mandatory courses on child-friendly practices and competency development.



6. The term "security forces" is used to describe public institutions mandated to protect and ensure the security of the state and its citizens. Depending on a state's administrative model, the term may include police officers, gendarmes, national guards, paramilitary forces, information services and other similar agencies. The term "defence forces" is used to describe armed forces.

The child protection system



Every child in the world grows up within a protection system made up of girls, boys, women and men, all of whom have a role to play and responsibilities to uphold in that protective environment. As defenders of their own rights, children are at the heart of this system, in which families, communities, the State and the international community all intervene, both formally and informally. Any initiative to strengthen child protection systems must involve assessing these various stakeholders, providing them with the tools they need and strengthening their capacities so that each actor—shopkeepers, grandparents, sisters, brothers, lawmakers, teachers, neighbours, police officers, lawyers, traditional or religious leaders, journalists—can effectively fulfil their role in protecting children and promoting their rights. It is important to note that, as part of the broader justice system, the juvenile justice system is an integral part of the protection system, like education, healthcare, community services and traditional systems.

7. By carrying out sector-specific initiatives and more ambitious multisectoral projects spanning several years, the IBCR has played and continues to play a role in updating practices and training programmes for security forces, social services professionals, justice personnel and prison security guards in Afghanistan, Angola, Benin, Burkina Faso, Burundi, Cameroon, Canada, Chad, the Republic of the Congo, the Democratic Republic of the Congo, Costa Rica, Côte d'Ivoire, Djibouti, the Dominican Republic, Ghana, Guinea, Honduras, Iraq, Jordan, Kenya, Libya, Mali, Mauritania, Niger, Nigeria, Peru, Rwanda, Senegal, Togo, Tunisia and Yemen. For more information on the IBCR's target countries, go to www.ibcr.org.

CORE COMPETENCIES FOR SOCIAL SERVICES PROFESSIONALS⁸



From 2014 to 2016, the IBCR partnered with UNICEF, Terre des hommes and International Social Service to determine the core competencies for **social services professionals**, much like the past work carried out for security forces. An initial discussion workshop was organised in Senegal in June 2014 to allow various participating agencies to share their approaches and understanding of the issues surrounding this professional field. Case studies were then developed on a country-by-country basis to better define the competency development plan and training programme for social services professionals. In April 2016, a regional workshop was held in Cotonou, Benin, **at the end of which a series of core competencies for social services professionals dealing with children was validated by representatives from approximately 10 countries** and four participating organisations. Since then, the IBCR has further developed the reference document by adding detailed information about the knowledge, skills and attributes related to each competency. The IBCR uses the reference document in 10 countries that are introducing institutional reforms aimed at enhancing the professionalisation of social services professionals.

CORE COMPETENCIES FOR JUSTICE PERSONNEL

In fact, even before developing the competencies for security forces and social practitioners, the IBCR had carried out some work to strengthen **justice personnel** training in a number of countries. However, due to a lack of consensus on how to measure the effect of the updated training programmes on participants' knowledge, skills and attitudes, these exercises were not as conclusive as those conducted with the security and social sectors, which explains why the IBCR decided that a third phase of reflection was needed.

In 2016, the IBCR held various workshops aimed at developing, drafting and validating operating procedures⁹ and training kits in Burkina Faso, Costa Rica and the Democratic Republic of Congo, as these three countries had already begun updating their child-rights training programmes for judges and prosecutors. This preliminary

work involved specialists from the organisation's head office in Montreal as well as its field personnel. Judges, prosecutors and juvenile justice stakeholders from these countries also contributed to the process, providing insights on their needs and experiences. These pilot consultations resulted in a preliminary list of core competencies.

In 2018, the IBCR invited **35 juvenile justice and child protection professionals to participate in an expert workshop in Ouagadougou, Burkina Faso**. The purpose of this workshop was to review and improve on the preliminary core competencies drafted by the IBCR, and then to describe the knowledge, skills and attributes associated with each competency. Thanks to the diversity of participants—who represented 19 countries, various professional backgrounds (law, security, social work, psychology, healthcare) and agency types (civil society,

8. The term “social services professionals” is used to describe the women and men who play an important role in child protection by acting as social workers, social assistants, teachers, special education professionals and those with similar titles.

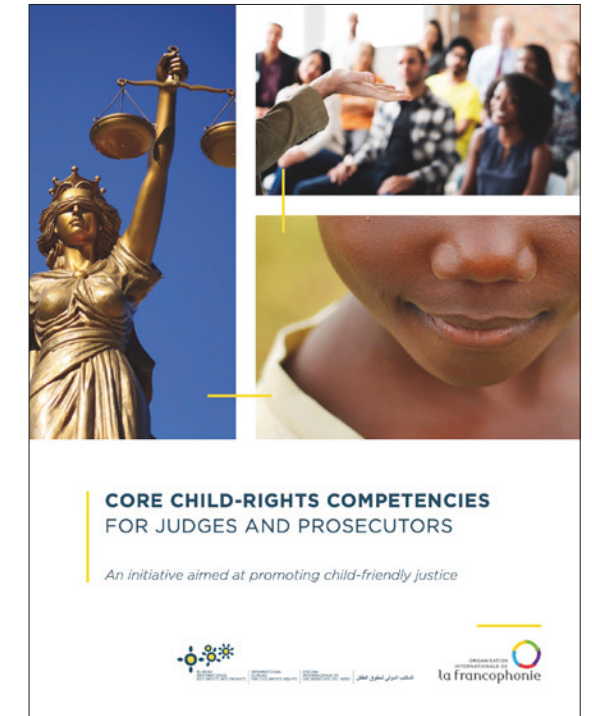
9. The term “operating procedures” is used to describe the terms of reference, internal procedures and intersectoral protocols (often referred to as “standard operating procedures”) which formalise work methods within a department, professional body or system, and which specify how to perform tasks effectively and in accordance with international standards.

government, international organisations)—a broad range of viewpoints helped shape the competency grid, ensuring that it was both comprehensive and relevant. This led to the publication of an official report, which is available in French and English on the IBCR website.



« All personnel in contact with detained children need to realise that each child is a full subject of the law and that their rights must be protected at all times, regardless of the circumstances. This idea was made clear in the workshop on core competencies for actors in the child protection system. »

- **François Crépeau**,
Professor of Public International
Law at McGill University, Canada



ADVOCATING FOR THE ADOPTION OF THE CORE COMPETENCIES FOR PERSONNEL WORKING WITH CHILDREN DEPRIVED OF LIBERTY

Building on its experience developing core competencies for security forces, social practitioners, and justice personnel, the IBCR began a fourth work phase in 2020. This new initiative aimed to reflect on and formally establish core competencies for personnel working with children deprived of liberty.

The IBCR invited 70 professionals¹⁰ who either interact directly with children deprived of liberty or work in the child protection field to participate in a consultative process to determine the core competencies needed to perform their duties effectively. The process involved a number of different steps. First, roughly 50 experts from 30 countries were split into three groups based on language (French, English and Spanish) to take part in a series of online consultations from October 26 to 30, 2020. The IBCR also held a 2-day in-person consultation in Ouagadougou, Burkina Faso on October 27 and 28, 2020. It was attended by 15 field specialists from eight countries (Burkina Faso, Chad, Senegal, Mali, Niger, Togo, Benin

and Côte d'Ivoire). Participants were asked to complete a questionnaire aimed at identifying the key issues related to interacting with and upholding the rights of children deprived of liberty. Through this questionnaire, participants provided important input for the finalisation of this reference document. The information collected enabled the validation of certain hypotheses previously established by the IBCR (such as circumstances, locations, type of personnel, and essential competencies) and brought to light a number of challenges related to the professional practice of these workers. It also provided insights on certain core competencies, such as the concepts of safeguarding, gender, and child participation, to name just a few.

The primary objective of the consultative process was to identify and validate the core competencies required by those who work with children deprived of liberty and then to break them down into knowledge, skills and attributes. Thanks to the diversity of participants—who represented

10. See p. 48 for the complete list of experts invited to attend the workshop.

38 countries, various professional backgrounds (law, social work, child protection, prison administration, health and safety) and agency types (civil society, government, international organisations and UN agencies)—a broad range of viewpoints helped shape the competency grid, ensuring that it was both comprehensive and relevant. Once the consultative process was complete, this information was sent, along with a revised and detailed version of the core competencies for professionals working with children deprived of liberty, to all the concerned specialists for final comment. The results of this process are included in Section 4 of this report.

Finally, a publication bringing together the key competencies for the three professional sectors targeted to date (justice, social work and security) has also been published in 2019 and will be adapted in 2021 to include those presented in this document.



« Specialized staff training, a collaborative approach, and successful reintegration plans were some of the points we all agreed were essential in providing the best care and assistance to all children. We strongly believe that this collaborative effort will bring forth a positive change and exponentially improve the lives of children deprived of their liberty internationally. »

- Capitaine Marwa Alabbassi, Police Officer at the Juvenile Care Center, Ministry of Interior, Kingdom of Bahrain



Cover of the publication grouping together the core competencies: justice, social work and security sectors.

› Timeline of the consultative workshops conducted by the IBCR

<p>2009</p> <p>2010</p> <p>2011</p> <p>2012</p> <p>2013</p>	<p>CONSULTATION ON CHILD RIGHTS TRAINING FOR POLICE FORCES</p> <p>- Ouagadougou, Burkina Faso</p> <p>REGIONAL WORKSHOP ON THE APPLICATION OF INTERNATIONAL JUVENILE JUSTICE STANDARDS FOR POLICE IN WESTERN AND CENTRAL AFRICA</p> <p>- Cotonou, Benin</p> <p>EXPERT WORKSHOP ON CHILD RIGHTS TRAINING FOR SECURITY FORCES IN FRENCH-SPEAKING AFRICA</p> <p>- Dakar, Senegal</p> <p>REGIONAL WORKSHOP ON CHILD RIGHTS TRAINING FOR POLICE AND GENDARMES IN FRENCH-SPEAKING AFRICA</p> <p>- Niamey, Niger</p> <p>REGIONAL WORKSHOP ON THE INTEGRATION OF CORE CHILD-FRIENDLY POLICING COMPETENCIES INTO POLICE AND GENDARME TRAINING AND PRACTICES IN AFRICA</p> <p>- Lomé, Togo</p> <p>REGIONAL WORKSHOP REPORT ON JUSTICE FOR CHILDREN IN THE MIDDLE EAST AND NORTH AFRICA, ESPECIALLY THE FAMILY AND CHILD PROTECTION UNITS</p> <p>- Amman, Jordanie</p>	<p>WORKSHOP ON THE INTEGRATION OF THE SIX CORE COMPETENCIES ON CHILD-FRIENDLY POLICING INTO THE TRAINING AND PRACTICE OF POLICE OFFICERS AND GENDARMES IN AFRICA</p> <p>- Abidjan, Côte d'Ivoire</p> <p>REGIONAL WORKSHOP ON SOCIAL WORK TRAINING</p> <p>- Dakar, Senegal</p> <p>REGIONAL WORKSHOP ON CORE CHILD PROTECTION COMPETENCY AND CAPACITY BUILDING FOR SOCIAL SERVICES PROFESSIONALS</p> <p>- Cotonou, Benin</p> <p>EXPERT WORKSHOP ON CORE COMPETENCIES FOR JUSTICE PERSONNEL</p> <p>- Ouagadougou, Burkina Faso</p> <p>CONSULTATIVE PROCESS ON CORE COMPETENCIES FOR PERSONNEL WORKING WITH CHILDREN DEPRIVED OF LIBERTY</p> <p>- Regional workshop in Ouagadougou, Burkina Faso</p> <p>- International consultation held in three languages (French, English and Spanish), online</p>
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03

THE COMPETENCY-BASED
APPROACH

03

WHAT ARE CORE COMPETENCIES?¹¹

The term “competency” is used to describe the knowledge, experiences, skills and behaviours required to perform effectively in a given job, role or situation. They are the various characteristics, attitudes, capabilities, skills, knowledge and behaviours that a person already has or may acquire.

Therefore, the term “competency” could be defined as “the ability to do something thanks to one’s knowledge, skills and attitudes.” There are three facets to each competency.

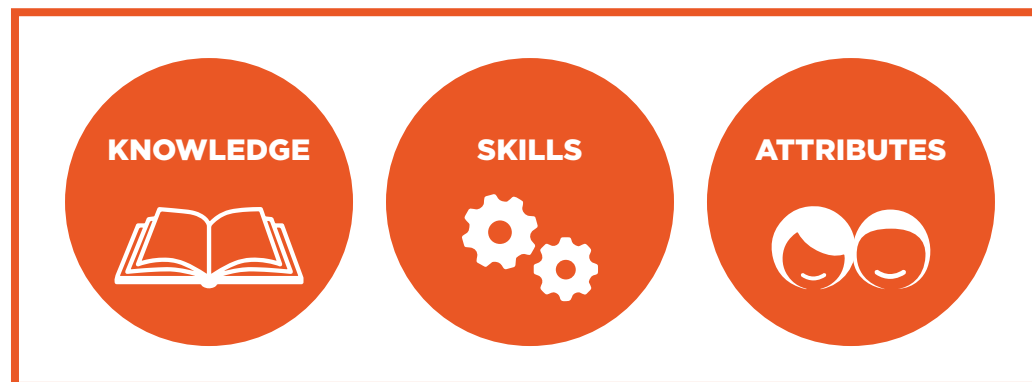
» **Knowledge** is information that a person has acquired. Practically, it means that the learner is KNOWLEDGEABLE about a law, legal provision, procedure, concept, notion, mechanism, partner, principle, structure or obligation. Having knowledge about something increases a person’s capabilities. It is a starting point from which professionals can take action. If a person lacks knowledge, they are unable to turn that knowledge into skills. Child-protection personnel must have knowledge on child development phases, legal provisions applicable to children in specific international conventions, and the concepts of the best interest of the child and child participation.

» **Skills** are a person’s ability to apply knowledge and act on it. The term “technical skills” is also used. Practically, this means the learner is able to APPLY

or make use of a law, legal provision, procedure, concept, notion, mechanism, partner, principle or obligation. Being skilful involves effectively completing a practice in one’s everyday work. If a person does not know how to put knowledge into practice, it may be because the training they received was too theoretical or simply failed to show the learner how the information relates to their professional duties. Child-protection personnel must be skilled at interviewing children, involving a child’s family in a manner that is appropriate and referring certain cases to other professionals as needed.

» **Attributes** are a person’s various qualities, attitudes and behaviours. They may be innate or learned through training and experience. Practically, this means the learner is able to demonstrate an ATTITUDE that facilitates the application of a law, legal provision, procedure, concept, notion, mechanism, partner, principle or obligation. By demonstrating a specific attribute, a person shows they are able to adjust their approach, language, body language, and the way in which they apply a competency. Even if a person has the right knowledge and skills, they can’t be effective unless they have the right attributes. For example, workers must be able to tailor their approach when dealing with a child who has faced certain difficulties. Being empathetic, a good listener and respectful are examples of attributes.

COMPETENCY



The first step in identifying core competencies for a given position is to prepare a list of the professional competencies that an individual needs in order to fulfil their duties effectively. These competencies must then be defined in accordance with a detailed analysis of the circumstances surrounding that individual’s work. Special attention must be paid to the way definitions are formulated. The right level of language must be used and the definitions must

cover all three aspects of a competency: knowledge, skills and attributes.

When combined, the competencies provide a comprehensive set of abilities required for the professional—in this case personnel working with children deprived of liberty—to fulfil their professional duties effectively, which necessarily involves adopting a child-friendly approach.

WHY IS IT NECESSARY TO DEFINE CORE COMPETENCIES?



« In order to effectively protect and care for children deprived of liberty, you need to give them access to high-quality services that meet their needs in a manner that is respectful of their rights and best interests. This is not possible unless the personnel working with children, regardless of the institution they report to, are suitably trained and equipped to interact with children, adapt and coordinate their interventions to suit the needs, profiles and situations of the children in their care. INVESTING in training on how to act, interact and react in response to the various backgrounds and profiles of children deprived of liberty, while protecting their rights and best interests, is ESSENTIAL for strengthening child protection systems. States must do everything possible to acknowledge the importance of the role played by personnel in contact with children deprived of liberty and take action to professionalise these workers. »

- **Najat Maalla M'jid**,
Special Representative of the Secretary-General on Violence Against Children



Having a clear reference document on core competencies can be very useful. For example, it can help hiring authorities **determine what qualities candidates should have** or help supervisors guide employees in their capacity development in order to be more effective in their jobs. Moreover, having a series of well-defined core competencies can be **helpful when creating or updating training programmes and when assessing whether training is leading to improved services and trajectories** for minors within the protection system. They can also help **establish a standard level of service** to better protect the public, evaluate services, reform practices and, in this context, ensure that the child’s experience is a key consideration when establishing work methods and services. In short, adopting a core competency reference document allows **a professional body to structure and standardise interactions with children**. As described in Section 1, a wide range of workers come into contact with

children deprived of liberty. While this makes identifying core competencies more complex, the exercise remains of primary importance nonetheless.

Finally, using a competency-based approach is **an effective way for professionals to strengthen their capacities** in the area of children’s rights. While different competencies are needed for different professions, certain core competencies are essential for all personnel working in child protection. All of these workers play an essential role in the child’s journey by respecting and upholding their rights. Regardless of their occupation, they all have **the same final objective: to protect the best interests of the child**. For this reason, all professionals who interact with children must follow **an established methodology**, take into account each child’s specific needs, and ensure that the rights of children are consistently upheld in their interventions.

11. The definitions provided below are intended to facilitate the understanding of this report and may differ from the conventional meaning of the terms. Helpful resources include: Dictionnaire Larousse, www.icem-pedagogie-freinet.org, and La construction des compétences, www.pedagogie.ac-nantes.fr (2012).

IMPROVED RECRUITMENT AND SELECTION OF PERSONNEL WORKING WITH CHILDREN DEPRIVED OF LIBERTY

When assessing whether a professional possesses a given competency, it is important to have a predetermined assessment grid used to evaluate the individual's professional performance and behaviour. This can be done in a number of ways:

- List the behaviours expected from personnel. This approach is used in the United Nations Competencies for the Future¹².
- Create three tiers of behaviours—Basic, Intermediary and Advanced—and specify which one is required for each professional level. This approach is used in the Child Protection in Emergencies Competency Framework developed by the Alliance for Child Protection in Humanitarian Action¹³.
- Rate behaviours as satisfactory or needing improvement for each competency. This approach is used in the Humanitarian Coordination Competencies or Alaskan Core Competencies for Direct Care Workers in Health and Human Services¹⁴.
- Break down each competency into three components: knowledge, skills and attributes. This approach is used in the Patrol Officer Training Programme at Collège Maisonneuve¹⁵.

Using a competency grid, like the one proposed by the IBCR in this document, is possible regardless of which technique is chosen. Competency grids can be helpful for

supporting recruitment activities, evaluating personnel performance and developing basic training and professional development programmes. A competency grid can also provide a better appreciation for the work performed by the highly diverse professionals in this sector, whose contributions have so far not been sufficiently valued.

Competency-based training for personnel working with children deprived of liberty must meet certain criteria, including but not limited to:

- Establish clear training objectives with specific reference to the required knowledge, skills and attributes.
- Determine, during the training exercise, how to assess whether the knowledge, skills and attributes have been developed.
- Include, in the key messages, a reminder that participants should strive to be equally proficient with the various the knowledge, skills and attributes presented during the training activity.
- Dedicate equal time and energy to each core competency so that participants develop a balanced approach in their work with children deprived of liberty.
- Ensure that assessment activities focus on measuring change as a means of determining whether workers have developed the required skills and attributes (and not just acquired the knowledge).



« The importance of strengthening the capacities of the personnel accompanying children and adolescents subject to juvenile criminal sanctions also lies in the fact that it allows the principle of specialisation, understood as the driving force behind qualitative and cultural changes, to materialise in the way children and adolescents are conceived, from a human rights perspective. »

- **Zoel Antonio Franco Chen**,
Coordinator of the Deprivation of Liberty and Punitive Power Programme, Institute of Comparative Studies in Criminal Sciences (Guatemala)

12. For more information about the United Nations Competencies for the Future, go to: https://careers.un.org/lbw/attachments/competencies_booklet_en.pdf

13. See: <http://cpaor.net/sites/default/files/cp/Inter-agency-CPIE-Competencies-Final-ENG.pdf>

14. The full text is available here: https://www.wiche.edu/info/publications/Alaskan_Core_Competencies_Assessment_Tools_2011.pdf

15. See: <http://www.enpq.qc.ca/futur-policier/programme-de-formation-initiale/approche-par-competences.html>

04

CORE COMPETENCIES FOR PERSONNEL WORKING WITH CHILDREN DEPRIVED OF LIBERTY

04

CORE COMPETENCIES FOR PERSONNEL WORKING WITH CHILDREN DEPRIVED OF LIBERTY

The adoption of a set of core competencies must follow a constructive approach, based on sharing experiences and raising issues and good practices in the field. This approach allows the process of reflection to evolve and thus define a grid of competencies complete and applicable to everyone. Result of collective work, the grid below is therefore intended to be universal.

In many countries, one of the main challenges is not the absence of legal instruments and guidelines, but rather a lack of instructions on their practical application. Since laws are often written in a very general manner, provisions may be interpreted in different ways by different people, resulting in inconsistencies. This document aims to help personnel working with children deprived of liberty to professionalise their interventions, tailor their practice and uphold children's rights in their everyday work. It does not describe an ideal; rather it summarises the primary core competencies that personnel working with

children deprived of liberty require in order to adequately fulfil their child protection duties.

The eight core competencies for personnel working with children deprived of liberty are described in the following table. Each competency is broken down into knowledge, skills and attributes which can and should be tailored to the local context. In fact, adjusting the competencies for each occupation and setting can make it more feasible for workers to effectively implement and operationalise them.

Finally, it is important to note **certain abilities are integral to all the listed competencies**, namely: being able to identify and **take into account children's best interests**; **involving children** in decisions that affect them; and **adopting a benevolent attitude** toward children deprived of liberty.



COMPETENCY 01	Being familiar with and applying national and international laws and standards relating to child deprivation of liberty
COMPETENCY 02	Tailoring interventions to uphold the rights and reflect the trajectory of each child deprived of liberty
COMPETENCY 03	Creating an environment that is conducive to effective communication and interactions with children
COMPETENCY 04	Protecting and safeguarding children deprived of liberty and reducing the risk of harm
COMPETENCY 05	Adapting applicable tools, procedures and systems to the needs of each child deprived of liberty
COMPETENCY 06	Promoting and facilitating child reintegration and rehabilitation in each intervention
COMPETENCY 07	Collaborating with all formal and informal actors, including institutional workers, family members and community representatives, to ensure that interventions are effectively coordinated
COMPETENCY 08	Being familiar with and adhering to the code of conduct applicable to personnel working with children deprived of liberty

REMINDER!

FACTORS TO BE TAKEN INTO ACCOUNT IN THE CONTEXTE OF DEPRIVATION OF LIBERTY OF CHILDREN

- **Child deprivation of liberty should never be used systematically** and should be specifically avoided in a number of different scenarios, such as those involving migrant children.
- In matters of juvenile justice, deprivation of liberty should be used only as **a measure of last resort and for the shortest appropriate period of time**, in accordance with Article 37 of the Convention on the Rights of the Child.
- Each actor whose work involves interacting with children deprived of liberty must consider these children as full **subjects of the law**.
- The capacity of workers to **provide children with appropriate protection** may be compromised when children are deprived of liberty for a legally unjustified reason or under excessively harsh terms.
- The **lack of specialised services and workers** for children deprived of liberty hinders the protection of their best interests and their rehabilitation.
- Regardless of the reason why a child is deprived of liberty, it is crucial to remember that they are **still a child** and should therefore be treated in accordance with the **special rights and protections** to which they are entitled.
- In the competency table, each time the term "deprivation of liberty" is used, it refers to **situations involving justice, institutionalisation, migration, armed conflict and armed violence**.

COMPETENCY 1 <i>Being familiar with and applying national and international laws and standards relating to child deprivation of liberty</i>	COMPETENCY 2 <i>Tailoring interventions to uphold the rights and reflect the trajectory of each child deprived of liberty</i>	COMPETENCY 3 <i>Creating an environment that is conducive to effective communication and interactions with children</i>	COMPETENCY 4 <i>Protecting and safeguarding children deprived of liberty and reducing the risk of harm</i>	COMPETENCY 5 <i>Adapting applicable tools, procedures and systems to the needs of each child deprived of liberty</i>	COMPETENCY 6 <i>Promoting and facilitating child reintegration and rehabilitation in each intervention</i>	COMPETENCY 7 <i>Collaborating with all formal and informal actors (institutional workers, family members and community representatives) to ensure that interventions are effectively coordinated</i>	COMPETENCY 8 <i>Being familiar with and adhering to the code of conduct applicable to personnel working with children deprived of liberty</i>
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KNOWLEDGE - CROSS-SECTOR KNOWLEDGE

- Be familiar with the concept of the best interests of the child
- Be familiar with the concept of child participation (effective and genuine)
- Understand child development phases and behaviours, as well as cognitive development processes
- Be familiar with the various types of violence against children, including the associated dynamics, and their traumatic effects

- Understand the various behaviours demonstrated by children deprived of liberty, including the effects of the traumatic situations that led to or stem from their deprivation of liberty
- Have a thorough understanding of the factors that put children at risk with being in conflict with the law, re-offending and the various opportunities for rehabilitation and reintegration
- Understand the short, medium and long-term risks involved with depriving children of liberty and the related consequences on their health and development
- Be familiar with specific factors related to gender; since not all children have the same experiences or trajectory, being knowledgeable on gender-specific issues is necessary in order to provide adequate support

<p>a. Be familiar with the principles and standards relating to deprivation of liberty</p> <p>b. Be familiar with the local, national, regional and international legal and institutional frameworks on the promotion and protection of children's rights</p> <p>c. Know how deprivation of liberty can affect children and how to mitigate harm</p> <p>d. Be familiar with the standards and laws applicable to child deprivation of liberty in emergency situations, pandemics and humanitarian crises</p>	<p>a. Understand how deprivation of liberty is inherently harmful to mental health</p> <p>b. Understand the importance of assessing a child's background, risk factors and vulnerability, and of creating personalised diversion plans and interventions for each child</p> <p>c. Be familiar with tell-tale behaviours and strategies for interacting with children deprived of liberty</p> <p>d. Understand the importance of maintaining contact with family and community for children deprived of liberty</p> <p>e. Be aware of the relationships between the child and the people in the child's environment</p> <p>f. Know and understand each child's personal trajectory</p> <p>g. Be familiar with strategies and measures to prevent and fight sexual or sexist violence against children deprived of liberty</p> <p>h. Understand the roles of the various actors involved in developing personalised intervention plans based on a child's trajectory</p>	<p>a. Be familiar with effective and child-friendly communication techniques (verbal and non-verbal)</p> <p>b. Be familiar with active listening techniques</p> <p>c. Be familiar with different strategies for communicating with children deprived of liberty</p> <p>d. Be familiar with the principles that promote child participation in environments where children are deprived of liberty</p>	<p>a. Understand the responsibilities of the various institutions that deal with children deprived of liberty</p> <p>b. Be familiar with the patterns and effects of discrimination against children (based on race, ethnicity, sex, gender, language, etc.), as well as the concepts of prevention and mitigation</p> <p>c. Be familiar with the principles of diversity and inclusion</p> <p>d. Be familiar with the various characteristics of children who are victims, witnesses of crime, in contact/conflict with the law or institutionalised</p> <p>e. Know values and principles that underlie the protection of children's rights (dignity, integrity, equality, security, transparency, confidentiality and accountability)</p> <p>f. Recognise signs of distress, abuse or exploitation in children (including risk/signs of violence, bullying, self-harm or suicide)</p> <p>g. Be familiar with positive sentencing practices and conflict resolution or mediation methods</p> <p>h. Be familiar with the mechanisms in place for monitoring, reporting, filing complaints and investigating potential or confirmed cases of abuse in environments where children are deprived of liberty</p>	<p>a. Be familiar with applicable procedures, databases, documentation, referral mechanisms, protocols and tools and the measures for adapting them to interventions with children deprived of liberty</p> <p>b. Know how to report and address potential, suspected or actual cases of violence, abuse, neglect or exploitation</p> <p>c. Be familiar with the signs of harassment, violence and discrimination against children, including gender-specific considerations</p> <p>d. Be familiar with safety and security assessment procedures</p> <p>e. Know what measures should be taken in suspected cases of violence and how to help children navigate the process</p> <p>f. Be familiar with the mechanisms, tools and procedures related to children in emergency situations, pandemics and humanitarian crises</p>	<p>a. Understand the importance of meaningful and respectful child participation at all stages of their deprivation of liberty</p> <p>b. Be familiar with the strategies for reintegration and rehabilitation, including preparation and follow-up</p> <p>c. Know social development and educational activities that are suitable for children deprived of liberty</p> <p>d. Understand what is a life project, including its various components, and why having one is important for children deprived of liberty</p> <p>e. Have a solid understanding of the importance of maintaining family and social ties, particularly to make the child feel secure and prepared to return to their home environment</p> <p>f. Know which external services and partners can assist with child rehabilitation and reintegration</p>	<p>a. Be familiar with the various formal and informal actors within the child protection system that play a role in the trajectory of each child, as well as their mandates, roles and responsibilities</p> <p>b. Be familiar with your own organisation's multidisciplinary approach, operating procedures and tools, including the mechanisms for making referrals, communicating information and coordinating efforts</p> <p>c. Be familiar with and proficient in using the mechanisms for collaborating with the various external actors involved in the child protection system, including the type of collaboration required based on the child's profile (at-risk, in contact with the law, migrant, associated with an armed group or armed force, etc.)</p> <p>d. Be familiar with techniques for communicating with people involved in the child's life</p> <p>e. Be aware of available humanitarian actors and specific coordination teams for emergency situations, pandemics and humanitarian crises</p>	<p>a. Understand the codes of conduct applicable to the different types of workers who interact with children deprived of liberty for various reasons</p> <p>b. Be familiar with professional conduct obligations and responsibilities</p> <p>c. Understand the issues surrounding identity protection and stigmatisation</p> <p>d. Be able to describe the ethical considerations and code of conduct applicable to interacting with children deprived of liberty</p> <p>e. Be familiar with privacy rules</p> <p>f. Know where to get information and find professional training for my profession</p> <p>g. Know where to refer cases or who to share information with internally or outside the organisation</p> <p>h. Understand the biases and preconceived notions held by other actors, reflecting their personal beliefs or those of the institution they represent</p>
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	<p>f. Be able to identify and properly refer children showing signs of mental health issues to an appropriate professional</p> <p>g. Understand your role in developing and implementing personalised intervention plans based on a child's trajectory</p>				<p>h. Take action to ensure that acts of violence against children are investigated and prosecuted promptly, independently and effectively</p> <p>i. Know how to adapt the mechanisms, tools and procedures related to children in emergency situations, pandemics and humanitarian crises</p>		<p>j. Take measures to plan and execute the child's release from the detention environment in collaboration with community resources</p> <p>k. Know how to communicate and coordinate effectively with humanitarian actors and how to contribute effectively to coordination bureaus created specifically for emergency situations, pandemics and humanitarian crises</p>	
COMPETENCY 1 <i>Being familiar with and applying national and international laws and standards relating to child deprivation of liberty</i>	COMPETENCY 2 <i>Tailoring interventions to uphold the rights and reflect the trajectory of each child deprived of liberty</i>	COMPETENCY 3 <i>Creating an environment that is conducive to effective communication and interactions with children</i>	COMPETENCY 4 <i>Protecting and safeguarding children deprived of liberty and reducing the risk of harm</i>		COMPETENCY 5 <i>Adapting applicable tools, procedures and systems to the needs of each child deprived of liberty</i>	COMPETENCY 6 <i>Promoting and facilitating child reintegration and rehabilitation in each intervention</i>	COMPETENCY 7 <i>Collaborating with all formal and informal actors (institutional workers, family members and community representatives) to ensure that interventions are effectively coordinated</i>	COMPETENCY 8 <i>Being familiar with and adhering to the code of conduct applicable to personnel working with children deprived of liberty</i>

ATTRIBUTES - CROSS-SECTOR ATTRIBUTES

- Show respect
- Be resilient in the face of adversity
- Act with integrity
- Be impartial

- Be engaged
- Have a caring attitude
- Believe in a child's potential to change
- Be a team player
- Be able to let go of preconceived notions
- Show initiative and be proactive

<p>a. Be open to giving children the benefit of the doubt</p> <p>b. Be thorough</p> <p>c. Be pragmatic</p> <p>d. Demonstrate strong information analysis and synthesis skills</p>	<p>a. Be flexible and adaptable to different situations and cases</p> <p>b. Show an interest in implementing best practices</p> <p>c. Be discerning</p> <p>d. Demonstrate initiative and an open attitude</p> <p>e. Advocate for tolerance</p> <p>f. Be able to question your thoughts and actions</p>	<p>a. Be interested in working with and for children</p> <p>b. Demonstrate a caring and sensitive attitude toward each child</p> <p>c. Be caring and supportive in your approach</p> <p>d. Communicate effectively</p> <p>e. Control your emotions</p>	<p>a. Respect children's rights</p> <p>b. Uphold the presumption of innocence for children who have not been convicted of a crime</p> <p>c. Be objective</p> <p>d. Be open-minded and tolerant</p> <p>e. Demonstrate the ability to take a step back</p> <p>f. Demonstrate humility by acknowledging risks (despite your best intentions)</p>		<p>a. Be creative</p> <p>b. Show initiative and be proactive</p> <p>c. Be flexible</p>	<p>a. Demonstrate perseverance and be welcoming, patient, disciplined and tolerant</p> <p>b. Be available</p>	<p>a. Be willing to work in a multidisciplinary team and share information</p> <p>b. Maintain a culture of mutual respect between professional groups</p> <p>c. Demonstrate interest in refreshing and improving your knowledge and skills</p> <p>d. Be willing to work as a team to improve the psycho-social care provided to children</p> <p>e. Demonstrate humility and be able to question your thoughts and actions</p> <p>f. Be diplomatic</p>	<p>a. Act with impartiality</p> <p>b. Act with impartiality</p> <p>c. Act professionally</p> <p>d. Demonstrate strong moral values as outlined in your professional code of conduct</p> <p>e. Abide by applicable ethical rules and your professional code of conduct</p>
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SOME PRACTICAL RESOURCES RELATING TO CORE COMPETENCIES



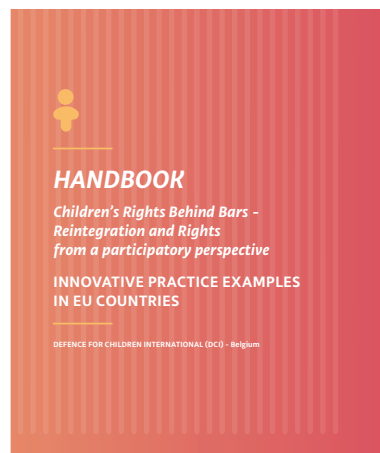
› PRACTICAL GUIDE FOR INTERVIEWING AND ASSISTING CHILD VICTIMS OF VIOLENCE

The International Organisation of La Francophonie has developed a Practical Guide on Interviewing and Assisting Child Victims of Crime with the help of a broad range of specialists who interact with children from French-speaking countries, including doctors, psychiatrists, paediatricians, social workers, teachers, police officers, prosecutors, magistrates, children's rights defenders, non-governmental organisations and France's National Human Rights Commission. The Guide focuses on how to interview and assist child victims of crime and is intended for police and justice professionals.



› PROTECTING CHILDREN'S RIGHTS IN CRIMINAL JUSTICE SYSTEMS

A training manual and reference point for professionals and policymakers¹⁶.



› CHILDREN'S RIGHTS BEHIND BARS

Reintegration and Rights from a participatory perspective in Defense for Children International - Belgium¹⁷.



EFFECTS OF THE APPLICATION OF CORE COMPETENCIES ON CHILDREN'S EXPERIENCE

If personnel are successful in gaining and applying these competencies, children deprived of liberty should notice and experience concrete changes. Benefits are expected on several levels:

<p>COMPETENCY 1</p> <p><i>Being familiar with and applying national and international laws and standards relating to child deprivation of liberty</i></p>	<p>COMPETENCY 2</p> <p><i>Tailoring interventions to uphold the rights and reflect the trajectory of each child deprived of liberty</i></p>	<p>COMPETENCY 3</p> <p><i>Creating an environment that is conducive to effective communication and interactions with children</i></p>	<p>COMPETENCY 4</p> <p><i>Protecting and safeguarding children deprived of liberty and reducing the risk of harm</i></p>
<p>The child has improved knowledge of the law applicable to their case and can therefore be taken seriously</p>	<p>The child is able to access competent professionals as needed</p>	<p>The child has the sense that they have been heard, their views are taken into account and they can influence their situation</p>	<p>The child is able to file a complaint about real or potential abuse and feels supported in their decision to do so</p>
<p>COMPETENCY 5</p> <p><i>Adapting applicable tools, procedures and systems to the needs of each child deprived of liberty</i></p>	<p>COMPETENCY 6</p> <p><i>Promoting and facilitating child reintegration and rehabilitation in each intervention</i></p>	<p>COMPETENCY 7</p> <p><i>Collaborating with all formal and informal actors (institutional workers, family members and community representatives) to ensure that interventions are effectively coordinated</i></p>	<p>COMPETENCY 8</p> <p><i>Being familiar with and adhering to the code of conduct applicable to personnel working with children deprived of liberty</i></p>
<p>The child is able to access appropriate socio-educational services in preparation for their release</p>	<p>The child is able to maintain emotional ties with their family and a sense of belonging within their community</p>	<p>The child can access external resources and institutions throughout the period in which they are deprived of liberty and until they are released</p>	<p>The child is better able to anticipate next steps and ask for assistance as needed</p>

16. Available online: <https://cdn.penalreform.org/wp-content/uploads/2013/11/Childrens-rights-training-manual-Final%20ADHR1.pdf>

17. Available online : http://www.childrensrightsbehindbars.eu/images/EU-handbook_IS.pdf



« Establishing these core competencies will allow us to standardize the service provided to children deprived of liberty around the world. It's a first in our field. »

- **Issoufou ALKASSOUM**,
Director, Incarceration Alternatives and Social Rehabilitation, Niger



« The information and experiences shared at this workshop will be very helpful to me when I develop continental programmes and policies on the protection of children deprived of liberty. Strengthening the competencies of personnel working with children deprived of liberty is a priority for the African Union. We encourage member states to use this reference document to accelerate their efforts to professionalise this very important sector and develop applicable guidelines so that, ultimately, we can better protect the rights of children deprived of liberty. »

- **Mariama Mohamed Cissé**,
Director, Social Affairs, African Union Commission, Ethiopia



« It was a great honour for me to participate in this consultation and take part in the discussions. Our reflections have strengthened my professional capabilities and will enable me to provide children with better care. The experience allowed me to grow on both the personal and professional levels. »

- **Mbombe SENE**,
Director, Hann Juvenile Remand and Correctional Centre, Senegal

GLOSSARY OF TERMS

› Alternatives to Detention

“Alternatives to detention” refers to measures that may be imposed on children who are being formally processed through the criminal justice system, at both pre-trial and sentencing stages, that do not involve deprivation of liberty.

› Arrest

When someone is placed under the custody (they are not free to leave) of the police, military, intelligence or other security forces because of actual, perceived or alleged conflict with the law¹⁸. Definitions vary from country to country.

› Best interests of the child

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 consideration¹⁹.

› Child

Every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier²⁰.

› Child associated with an armed force or armed group

Any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities²¹.

› Child in conflict with the law

A child who is suspected, accused or found guilty of committing a crime. A child in conflict with the law shall be presumed innocent until found guilty by an independent and impartial court²².

› Child in contact with the law

Any child who comes into contact with the juvenile justice system or the criminal justice system as a victim/survivor, witness or in conflict with the law, and/or any child who comes into contact with the civil and/or administrative justice systems. This term is broader than “child in conflict with the law.” Diversion and alternatives to detention apply specifically to children in conflict with the law, although it is recognised that many such children are also victims/survivors and/or witnesses as well²³.

› Child participation

The Convention on the Rights of the Child lays out children’s right to participation and freedom of expression, and urges ratifying countries to apply its provisions in order to build an equitable society and create a climate that is favourable to tolerance. Child participation involves encouraging and empowering minors to voice their opinions on issues that concern them. Practically, promoting child and youth participation involves providing them with age-appropriate information, listening to their views, including their views in the decision-making process and consulting with them on issues that affect them directly. Child participants must be willing and the process must be co-defined with the adults involved, whether it occurs at home, at school, in the neighbourhood or in the community²⁴.

› De-institutionalisation

De-institutionalising and transforming children’s services is a collection of activities: it is not just the removal of children from institutions. Rather it is a systematic, policy-driven change which results in considerably less reliance on residential care and an increase in services aimed at keeping children within their families and communities²⁵.

› Deprivation of liberty

The deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority²⁶.

› Diversion

Diversion means channelling children in conflict with the law away from judicial proceedings through the development and implementation of procedures or programmes that enable many—possibly most—to avoid the potential negative effects of formal judicial proceedings, provided that human rights and legal safeguards are fully respected²⁷.

› Gender-sensitive approach

Gender-neutral, gender-sensitive, and gender-transformative approach: The primary objective behind gender mainstreaming is to design and implement development projects, programmes and policies that do not reinforce existing gender inequalities (gender neutral), attempt to redress existing gender inequalities (gender sensitive), and attempt to re-define women and men’s gender roles and relations (gender positive/transformational)²⁸.

› Institutions

The term “institutions” means all public or private settings outside the justice system or the penitentiary administration, where children can be deprived of liberty. Such institutions may include, but are not limited to, orphanages, reform schools, closed remand rooms or other correctional institutions, institutions for children with disabilities, for children with health problems (e.g. facilities dealing with behavioural disorders, psychiatric facilities), for children with drug, alcohol or other addictions, for the protection of victims of abuse including trafficking, for children without parental care, from where the children are not permitted to leave at will²⁹.

› Mediation

A restorative justice tool through which victims and offenders meet face-to-face. These programmes are designed to address the needs of crime victims while insuring that offenders are held accountable for their offending. The processes involve a neutral third-party mediator who is



18. UNICEF, Toolkit on Diversion and Alternatives to Detention, “Full glossary of terms,” available online at: www.unicef.org/tdad/index_56037.html

19. Convention on the Rights of the Child, 1577 UNTS 3, Art. 3(b).

20. Convention on the Rights of the Child, 1577 UNTS 3, Art. 1

21. UNICEF, The Paris Principles. Principles and guidelines on children associated with armed forces or armed groups, 2007, p.7, available online at: <https://www.unicef.org/mali/media/1561/file/ParisPrinciples.pdf>.

22. Committee on the Rights of the Child, General Comment No. 10, April 25, 2017, (CRC/C/GC/10), Par. 1.

23. UNICEF, Toolkit on Diversion and Alternatives to Detention, “Full glossary of terms,” available online at: www.unicef.org/tdad/index_56037.html.

24. UNICEF, La participation des enfants et des jeunes, 2015, available online at: <https://www.unicef.fr/dossier/participation-des-enfants-et-des-jeunes#:~:text=La%20Convention%20internationale%20des%20droits,climat%20favorable%20au%20Vivre%20ensemble>

25. European Commission Daphne Programme, De-institutionalising and Transforming Children’s Services – A Guide to Good Practice, available online at: resourcecentre.savethechildren.net/node/5995/pdf/5995.pdf.

26. United Nations, Rules on the Treatment of Juveniles Deprived of their Liberty (The Havana Rules), Art. 11(b).

27. UNICEF, Toolkit on Diversion and Alternatives to Detention, “Full glossary of terms,” available online at: www.unicef.org/tdad/index_56037.html.

28. UN Women, Gender Equality Glossary. “Gender-neutral, gender-sensitive, and gender transformative approach,” 2020, available online at: trainingcentre.unwomen.org/mod/glossary/view.php.

29. Questionnaire for the Global Study on Children Deprived of Liberty, 2016. p. 5, available online at: <https://www.ohchr.org/EN/HRBodies/CRC/Study-ChildrenDeprivedLiberty/Pages/Questionnaire.aspx>

qualified to facilitate and lead the procedure. It is important to ensure that children, including child victims, are adequately protected, aware of what the process involves and that it is in their best interest to cooperate in the process³⁰.

› Minimum age of criminal responsibility (MACR)

Article 40 of Convention on the Rights of the Child (CRC) requires states to seek to promote the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law. Children who commit an offence at an age below

that minimum cannot be held responsible in a penal law procedure. The CRC does not specify a minimum age of criminal responsibility (MACR), but the Committee on the Rights of the Child, in its General Comment No. 10, considers that an MACR under the age of 12 to be internationally unacceptable³¹.

› Offence

A child commits an offence where he or she commits any act punishable by the law by virtue of the legal system in question³².

› Pre-trial assessment

The Beijing Rules highlight that a background assessment of a child's characteristics and circumstances are indispensable. Assessment can take place soon after arrest and/or before a child's appearance in court and can be used for: considering the child's suitability for diversion; identifying the risk of re-offending, vulnerability and risk of harm; considering bail; sentencing; deciding the content of programmes and interventions; evaluating changes in a child's needs and risks over time. The assessment, and the report that results from it, should be undertaken by a qualified social worker or probation officer, attached to, or linked with, the court. The assessment is aimed at obtaining information about the child, which will assist the probation officer or social worker's decision or recommendation to divert the case, whether the child can go home to parents or guardians, and what an appropriate temporary placement would be. Additionally, they are necessary to ensure that the competent authority is informed of relevant facts about the child, such as their social and family background, schooling and educational experiences, and their emotional and mental health. These assessment reports are sometimes also called social inquiry reports or social reports and they are usually concerned with three issues: vulnerability, risk of harm and likelihood of reconviction condemnation³³.

› Pre-trial or preventive detention

Remand prisoners are detained during criminal investigations and pending trial. Pre-trial detention is not a sanction, but a measure to safeguard a criminal procedure³⁴. Holding children in pre-trial detention goes against the principles inherent to children's rights.

› Positive sentencing

Determining a constructive measure whose components are considered most likely to respond effectively to the individual child's specific needs and circumstances with a view to avoiding his/her future recourse to behaviour resulting in conflict with the law³⁵.

› Prison management

In democratic countries, prison administrations are generally public authorities within the jurisdiction of a government ministry. In others, the Ministry of Interior may be responsible for the prison system or only for the administration of pre-trial detention facilities. The Council of Europe recommends a transfer of the prison service from the Ministry of Interior to the Ministry of Justice because it reflects the principle of separating the authority of agencies that have responsibility for investigating charges and those that are responsible for the management of prisons³⁶.

› Prison system

Prison systems are organised in vastly varying ways. Some countries have a number of prison systems in operation, independent from one another to varying degrees, e.g. federal system, state prison system, county and district prisons systems. Most, however, have a prison system that is organised nationally, with the central prison administration having full authority over the regional and local administrative departments³⁷.

› Reasons related to migration status

Measures taken by a state based on a person's migratory or residence status, or the lack thereof, whether relating to irregular entry or stay or not³⁸.

› Rehabilitation

Restoring of a person to good health or a constructive place in society, often through therapy and education³⁹.

› Reintegration

Reestablishing of roots and a place in society for children who have been in conflict with the law so that they feel part of, and accepted by, the community. This involves a process of social, economic and political reintegration, for example: through the restoring of family, peer and community relationships; and through participation in educational or livelihood activities, cultural and leisure activities, and decision-making processes. Reintegration assumes that the child was once a part of, and accepted by, the community in the past. However, in some cases the process might be more accurately described as 'integration' where the child is experiencing these things for the first time.

The term 'reintegration' is generally preferred to 'rehabilitation' as the latter is thought to divert attention away from external factors and responsibilities bringing a child into conflict with the law. Art. 40 CRC specifies that every child in conflict with the law has the right to be treated in a way which takes into account the desirability of promoting his/her reintegration and assuming a constructive role in society⁴⁰.

› Restorative Justice

Restorative justice is an approach in which the victim/survivor and offender, and in some cases other persons affected by a crime, "participate actively together in the resolution of matters arising from the crime, generally with the help of a facilitator."⁴¹



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30. UNODC, Handbook on Restorative Justice Programmes, New York, 2006, p. 17, available online at: https://www.unodc.org/pdf/criminal_justice/Handbook_on_Restorative_Justice_Programmes.pdf and Penal Reform International and UK Aid, Protecting Children's Rights in Criminal Justice Systems: A Training Manual and Reference Point for Professional and Policy Makers, 2013, p. 52.

31. Committee on the Rights of the Child, General Comment No. 10 (CRC/C/GC/10): Children's Rights in Juvenile Justice, April 25, 2007.

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35. UNICEF, Toolkit on Diversion and Alternatives to Detention, "Full glossary of terms," available online at: www.unicef.org/tdad/index_56037.html

36. UNODC, Criminal Justice Assessment Toolkit, Custodial and Non-Custodial Measures, The Prison System, New York, 2006.

37. UNODC, Criminal Justice Assessment Toolkit, Custodial and Non-Custodial Measures, The Prison System, New York, 2006, p. 33, available online at: https://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/1_Prison_%20System.pdf.

38. CMW/C/GC/4-CRC/C/GC/23, Joint General Comment No. 4/23 (supra).

39. UNICEF, Toolkit on Diversion and Alternatives to Detention, « Full glossary of terms », available online: www.unicef.org/tdad/index_56037.html.

40. Ibid.

41. UNICEF, Toolkit on Diversion and Alternatives to Detention, "Definition" available online at: https://www.unicef.org/tdad/index_56040.html

ABOUT THE IBCR

Founded in 1994, the International Bureau for Children's Rights (IBCR) is a Montreal-based international non-governmental organisation. Its mission is to protect and promote children's rights in a manner consistent with the Convention on the Rights of the Child and its optional protocols. The IBCR and its team of specialists have developed technical expertise on juvenile justice, child exploitation, violence against children and children in emergency situations. The organisation has also implemented numerous international, regional and national projects addressing these issues in some 40 countries. To date, the IBCR has carried out projects in six different languages and obtained lasting results by working with public policymakers.

Through these projects, the IBCR offers support on child-friendly techniques and gender issues to specialised training institutions (judiciary schools, police and military academies, social work schools, etc.). Through its advocacy work, the IBCR strives to promote the inclusion of permanent, mandatory and evaluated training on children's rights in national training programmes. It also

promotes applied research to produce mapping reports on child protection systems. The IBCR also seeks to strengthen collaboration between the various sectors involved in protecting children's rights and in fighting sexual or gender-based violence by creating multisectoral working groups and developing, through a participatory process, standard operating procedures to govern interactions between these sectors.

The IBCR advocates for an inclusive and systemic child protection system. It champions the cause by equipping stakeholders with the competencies and tools they need in order to fulfil their roles in promoting and protecting the rights of children. In addition, the IBCR considers child participation as key to the success of its programmes. Children are considered valued contributors to its programme, providing input at all stages of the planning and implementation processes. The IBCR's approach is based on the Convention on the Rights of the Child's four guiding principles, including child participation. The IBCR values the right of girls and boys to express their views freely and to be actors in their own development, while taking into account their developmental capabilities, well-being and best interest.

Since 2015, the IBCR has implemented various multisectoral and multi-year projects, with the opening of satellite offices and the deployment of field staff in the Democratic Republic of the Congo, Burkina Faso, Costa Rica and Honduras. In each of these four countries, projects spanning three to five years have been implemented to provide in-depth capacity building to security forces, social services professionals and justice system professionals. These projects are being led in partnership with local governments and with financial support from Global Affairs Canada and UNICEF.

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