



VIOLENCE AGAINST CHILDREN IN JUVENILE JUSTICE SYSTEMS

International conference report

*Bishkek, Kyrgyzstan
21 September 2012*



Contents

Introduction.....	3
Objectives and format of the conference	4
Report of events.....	5
Opening Session	5
Session 1: Protecting children from torture and ill-treatment: challenges of transparency and accountability	6
Session 2: Preliminary findings from research on torture and ill-treatment: Protecting children torture and ill-treatment: challenges of transparency and accountability	9
Session 3: Turning research into action: good practice from the region and beyond	12
Session 4: Recommendations for action at national level	14
Closing session	16
Annex I: Conference agenda.....	17
Annex II: List of participants	19
Annex III: Press release	24
Annex IV: Media coverage (Russian).....	27

Introduction

In the context of detention, violence against children can take many forms including torture, beatings, isolation, use of restraints, rape, harassment, self-harm and humiliation. It may be perpetrated by adult detainees, detention staff, police and/or peers. It includes unreasonable disciplinary measures and violent and inhumane sentencing such as corporal punishment or the death penalty¹. In recent years, the issue of violence against children deprived of their liberty has come to the fore as a severe violation of child rights which is frequently invisible and under-researched. Attention has been brought to the issue through a number of international agencies and non-governmental organisations.

In 2002, a UN General Assembly Resolution² requested the Secretary General to conduct an in-depth study on the issue of violence against children following a recommendation from the Committee on the Rights of the Child. In 2006 the United Nations produced the first “World Report on Violence against Children”³, written by international expert Paulo Sergio Pinheiro, which detailed the nature, extent and causes of violence against children in the home and family, schools and educational settings, work settings, in the community, and in care and justice systems and called for urgent action to prevent and respond to all forms of violence and outlined a set of strategic recommendations to achieve this. The report identified that children in care and justice settings are at a higher risk of violence than virtually all other children.

Following the report, to ensure effective follow-up of the recommendations in the report, the position of UN Special Representative of the Secretary General on Violence against Children (SRSG) was established. The SRSG advocates internationally for the prevention and elimination of all forms of violence against children by mobilising support among political and other agencies to maintain momentum around the issue and push for action.⁴ Further, under Resolution 18/12 of 24 September 2011, the Human Rights Council invited the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC), and the SRSG to collaborate in the organisation of an expert consultation on the prevention of and responses to violence against children within the juvenile justice system and to submit a report thereon, which was presented to the Human Rights Council in September 2012.⁵ As an additional result to the Expert consultation, a tool for practitioners on strategies and practical measures on prevention of and responses to violence against children is currently being finalized. Also pursuant to resolution 18/12, the High Commissioner provided a report to the HRC on juveniles deprived of their liberty, which was submitted in August 2012, and reviews the implementation by States of their legal obligations in the administration of juvenile justice.

In 2011, Penal Reform International (PRI) identified violence against children as a key thematic area for its work on justice for children, responding to the findings and

¹ For more information on sentencing see “End Inhuman Sentencing of Children Now!” Child Rights Information Network, <http://www.crin.org/violence/campaigns/sentencing>

² Resolution A/RES/56/138 on ‘The rights of the child’ adopted by the General Assembly, 2002

³ <http://www.unicef.org/violencestudy/reports.html>

⁴ <http://srsg.violenceagainstchildren.org/>

⁵ Joint report of the Office of the High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system

recommendations made in the 2006 World Report on Violence against Children and experience of the issue through work in different countries. As part of its work supported by the UK Department for International Development, PRI has conducted research into violence against children which includes baseline information gathering on legislation and policy, initially in 8 countries around the world: Bangladesh, Georgia, Jordan, Kazakhstan, Pakistan, Russia, Tanzania and Uganda.

In this context, UNICEF is currently supporting research into the torture and ill-treatment of children in juvenile justice systems in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan and Ukraine. Research is being carried out by Ombudsman offices and NGOs in each of the eight countries, as a way to build their monitoring capacity. Findings will be used for awareness raising, policy advocacy and programming at both regional and national levels. This project, supported by the EU, is part of broader support to juvenile justice reform in the CEE/CIS region.

In an effort to enhance cohesion of these initiatives and to further develop knowledge and action on this important issue, PRI and UNICEF proposed an international conference to present and discuss the initial findings from the different strands of discussion and research that have taken place in 2011/12 and to plan concrete measures to address the issues of violence against children in detention and child justice systems more widely.

Objectives and format of the conference

The conference took place in Bishkek, Kyrgyzstan on 21 September 2012, under the auspices of the Government of the Kyrgyz Republic. The main objectives were to:

- Present and discuss the initial findings from both the UNICEF and PRI research on violence against children in juvenile justice systems in the following countries: Armenia, Azerbaijan, Bangladesh, Georgia, Jordan, Kazakhstan, Kyrgyzstan, Moldova, Pakistan, Russia, Tajikistan, Tanzania, Uganda and Ukraine.
- Produce a set of targeted recommendations for Governments and civil society at national level, and for relevant regional and international mechanisms, to turn research into action.
- Bring visibility to the issue of violence against children in justice systems in the regional media and beyond.

Representatives from at least 15 countries representing four different regions of the world were in attendance. In the days prior to the conference, the host agencies held working meetings with their respective researchers, Ombudsman offices, partners and NGOs to fine-tune their findings with experts, discuss bottlenecks in the research process and share ideas on the way forward.

Report of events

Opening Session

The event was opened by the conference Chair, Skripkina Galina Anatolievna, Deputy of the Kyrgyz Parliament and the first speaker, Asiya Saykbaeva, Vice Speaker of the Parliament. They both introduced the event and framed the issue of violence against children within the national context.



Whilst accepting that the system in Kyrgyzstan is still repressive for those children in conflict with the law and the need to make legislative changes within law enforcement, the penal system, the justice system and the education system; they also highlighted the on-going efforts to improve the system, such as the adoption of the Child Code and amendments to existing legislation to ensure services are delivered to children. The Vice-Speaker also mentioned the Inter-ministerial

Coordination Council for Human Rights which includes government bodies and organisations dealing with juvenile issues, and the working group of this issue which is currently developing a draft concept of juvenile justice.

A video message from SRSG on Violence against Children, Marta Santos Pais, was played. She highlighted the wide implementation gap between international standards relating to access to justice, legal aid and protection against violence and identified that children face risks of physical, psychological and sexual violence at arrest, during pre-trial detention and after conviction and that these incidents remain invisible, concealed and unreported and as such, are rarely investigated and punished. She offered three main recommendations for the conference: 1) Establish and promote a strong and cohesive national child protection system to prevent the involvement of children in the criminal justice system and to address the root causes of child poverty; 2) Minimise cases of children in contact with the criminal justice system including through decriminalising survival behaviour and abolishing status offences, setting the minimum age of criminal justice in line with international standards, and ensuring deprivation of liberty is truly used as a measure of last resort and for the shortest time, which requires investment in restorative justice and alternative sentencing; 3) Develop strong accountability mechanisms to investigate abuses and hold accountable those who may be responsible for incidents of violence. Legislation must clearly prohibit violence, essential to have unannounced monitoring by independent bodies and ensure counselling, reporting and complaints mechanisms are well-publicised, confidential and made accessible to all children.

“Resources will be needed but we need to recognise that investing in prevention is less costly than promoting punitive approaches”.

Jonathan Veitch, UNICEF Representative in Kyrgyzstan highlighted UNICEF’s work in the country, why the issue of violence is so pertinent and echoed members of the Parliament in identifying what Kyrgyzstan has been doing to rectify the problem and what still needs to be done to strengthen and improve reforms.

“By ratifying the CRC all countries represented here have accepted an obligation to respect, promote and fulfil the rights of all children including those in conflict with the law”.

David Daubney, PRI Chairperson provided background to PRI's work on justice for children generally, presenting its '10 point plan for fair and effective justice for children' and highlighted that addressing and reducing violence against children in juvenile justice settings was a key thematic area of this work before introducing PRI's specific research on violence against children in 8 countries.

“There is much that can and must be done to prevent and reduce the significant risk of children to violence when they come in contact with the criminal justice system – in police stations, custodial settings whether pre-trial or post-sentencing. It is our hope that this conference will provide effective and concrete actions for prevention of violence for children who come into conflict with the law.”

Representatives from the two present donor organisations, Thomas Massie from the EU Delegation to the Kyrgyz Republic, and Judith Farnworth, UK Ambassador from the British Embassy in Bishkek, both reaffirmed their organisations' commitment to human rights, access to justice and the specific issue of justice for children and prevention of violence and thanked the Kyrgyzstan authorities for hosting the event and providing an opportunity to share their problems and help find solutions to the important issue.

To end the opening session, 3 one-minute videos made by children were shown. These videos were prepared by children in conflict with the law with UNICEF's support in order to tell their story and share their experience in the justice system, including violence against them. The three children whose videos were shown were present in the meeting room. Their videos, and those of other children participating in this project, are being widely disseminated online and through other relevant channels. They can be found here: http://www.youtube.com/playlist?list=PLKj2-569eruntMkv7cdIV_vq0eXzMked

Session 1: Protecting children from torture and ill-treatment: challenges of transparency and accountability

Chair: Toktokan Borombaeva, Deputy Ombudsman of the Kyrgyz Republic

Dan O'Donnell, senior consultant for UNICEF on child rights and juvenile justice in the CEE/CIS region firstly identified that violence against children takes many forms but that we are focused on the issue of torture and ill-treatment. He highlighted the fact that the prohibition of torture is one of the most fundamental rules of international human rights law and is absolute, with no exceptions allowed to be made for any reason, in any circumstance and is binding on all States, independent of their treaty obligations. He noted three things differentiate torture from other forms of violence: it causes severe pain or suffering (including mental or psychological); it is committed by a person whose conduct the State is responsible for; and it is a deliberate act committed to force a person to make a confession, give evidence, punish them, or due to discrimination. This makes torture difficult to eliminate as severe pain or suffering is difficult to prove and sympathy for victims may be weak if they are in conflict with the law.

“Where torture is widespread, where it has been tolerated for generations, eliminating it requires a firm political and moral commitment at the highest level”.



As regards the definition of ‘ill-treatment’, conditions to which a person is exposed as well as specific acts could fall under this category. The use of torture and ill-treatment undermines the very purpose of juvenile justice; to help offenders and to prevent them from becoming persistent, serious offenders.

“How can we expect children to learn to respect the law and the rights of others, if their one experience of the justice system teaches them that those with power and influence can violate the rights of others with impunity?”

Dan O'Donnell then discussed the challenges of research and data collection on this issue. He identified that research was not the same as monitoring, which aims to gather information on a continuous basis and to ensure accountability for human rights violations, but that research has a specific timeframe and is focused on a specific problem in order to obtain information that will help to develop an appropriate solution. This research aimed to document the prevalence of torture in 8 countries, with three main objectives: to generate the political commitment necessary to take effective steps to eliminate it; by mapping incidence of torture it will help to develop more effective plans to reduce it (eg more prevalent during arrest, detention, among boys or girls etc); and to obtain a rough baseline against which to measure the effectiveness of measures taken to eliminate it. In addition, by measuring the prevalence of torture against the number of complaints made, cases investigated and outcome of such complaints, it is possible to document the effectiveness of monitoring and investigative mechanisms and identify the mechanisms of impunity.

The challenges of research identified included:

- Convincing children to share their experiences, underreporting is inevitable and there is a challenge of showing them that justice will be done.
- Manipulation of data was a deeply rooted practice in the former Soviet Union and while efforts to increase transparency and make data more reliable are being made, in many countries data produced by different State institutions are inconsistent and even contradictory (where it is available), and often do not differentiate between child and adult victims.
- The reluctance of governments and institutions to recognise that torture occurs but consequently countries can either deny reality and try to conceal torture, or they can recognise that this grave problem exists and make a firm public commitment to combating it. The policy of denial is doomed to fail – torture and ill-treatment cannot be hidden and simply damages the credibility for those who embrace it.

“When efforts to prevent torture and ill-treatment fail, the only effective way to protect the honour of an institution, or a nation, is to respond by rigorous and impartial investigations, by imposing serious sanctions on those responsible, and by providing prompt assistance to the victims”.

Next, judge and child rights expert Renate Winter spoke on the rights of the child and the duty and accountability of States to protect those rights for all children, including those in conflict with the law. She identified the States' responsibility for the actions of all law enforcement personnel, all personnel in institutions and those in institutions and highlighted the need for complete independence of personnel investigating and prosecuting torture. For example, if the prosecutor is dependent on the administration under the Ministry of Justice or the Prosecutor General appointed by the government, then there is no independence to prosecute other State officials for acts of torture. Staff in institutions, including doctors and psychologists, are unlikely to report or investigate torture in their institution if they are dependent on it for their livelihoods. The need for a duty to report suspicions of abuse or ill-treatment was noted and importantly, to have sanctions for those who do not. For the investigation of torture, accused personnel must immediately be suspended so they cannot hamper evidence and threaten those who have reported them. She identified the responsibility of judges to not accept any evidence that appears to have been obtained through illegal measures.

Legislation prohibits torture and ill-treatment and requires that all forms of committing these acts must be criminalised, whether on purpose, by negligence, by omission or by complicity. The difficulty in prosecuting even when this is the case was identified due to a problem of evidence not reaching a standard of admissibility and to counter this, it was recommended that medical experts must be trained on how to write evidence for court. Also important is the need to provide children in the courtroom with legal assistance and a person of trust. Finally, Renate Winter indicated the need for continued political and public will to eliminate torture; and related to this is the need to combat corruption as where corruption is high, so is impunity.



“Assistance has to be given to victims of torture – medical, psychological and financial assistance. But the most effective assistance is that the perpetrator is brought to justice.”

The next speaker, Taghreed Jaber, Regional Director of PRI's Middle East and North Africa office, began by showing a clip from a BBC Documentary where undercover reporters exposed ill-treatment in care institutions in Jordan and explained how this sparked reform in monitoring and inspecting places where children are held. An initial Committee that was established included members from a range of organisations (police, medical professionals, civil society and national institutions) and managed to immediately close down 2 centres due to massive violations and transferred 20 personnel to the office of the prosecutor who were investigated for crimes of neglect, abuse and ill-treatment. The Committee opened the door to the closed institutions and illustrated government interest in dealing with this issue, which led to 40 additional complaints from citizens who hadn't complained previously due to a belief that it would be ignored. A legislative review also found gaps in protecting children

including those who work with them, conditions of institutions and criminalising and appropriately sanctioning those who commit abuse. Taghreed Jaber highlighted that a restructure of the relevant Ministry increased the number of inspectors despite previous claims that there were not enough resources to do so, showing the importance of human resources and political will. It was indicated that while establishing the mechanism they found that civil society should be a main player due to the lack of proper independence of the judiciary and prosecution and their relation to the government. Also important from an NGO viewpoint was the importance of monitoring to provide recommendations and findings of key data, which can be used to create a strategy for advocacy and reform.

Discussion

During the discussion following the panel presentations, examples of good practice in ensuring the independence of medical specialists was requested. Renate Winter responded with the suggestion that some countries develop a list of independent medical experts held by the Supreme Court and Prosecutor General who are used when monitoring takes place. A further suggestion was that doctors in institutions have a person of trust either in the relevant Ministry or through expert unions (if they exist) so if asked to perform their duties in a way that violates the rights of a child, they can address it through these contacts. Finally, proper training must be given to those doctors in institutions as often it is those of a lower-quality who are employed there due to the low-pay of the position.

A second question initiated a response explaining the reasons and functioning of the new 3rd Optional Protocol to the Convention on the Rights of the Child: identifying that it works both as a final step once a child has exhausted all national mechanisms of complaint; and secondly, the emergency procedure where a complaint may go directly to the Committee, circumventing national measures.

A third question requested advice on the best procedure and immediate steps to take once a child has reported violence in an institution. Renate Winter responded that the first step is to remove the alleged offender to prevent evidence being tampered with and ensure the safety of the child. A system of good practice from Austria was noted where the judge who has sent a child to an institution is required to see the child once a month, goes to the institution unannounced, and follows this up with a report. Taghreed Jaber echoed the need to open institutions to inspectors and those in the community, including the media and to work with journalists to try and spread the right messages.

Session 2: Preliminary findings from research on torture and ill-treatment: Protecting children torture and ill-treatment: challenges of transparency and accountability

Chair: Clement Mashamba, member of the ACERWC

The session was begun by Tatevik Gharibyan, Lawyer at the NGO 'Civil Society Institute' in Armenia, reporting on the initial findings from the UNICEF research. Research in the eight countries is still on-going and will be finalised by the beginning of 2013, with the final results to be presented in a ministerial conference in Brussels in 2013. Firstly identified was that while the Criminal Codes of the countries contain article(s) on torture, gaps and limitations still occur including: definitions that do not comply with international standards; cases prosecuted under articles referring to 'abuse of power' rather than torture; relatively light sentences for perpetrators; lack of legal capacity for child victims to make a complaint

themselves; no legal obligation to report abuse to the investigative authorities; and no proper compensation for victims. She also highlighted that access to a legal representative often only applies to children once they are formally recognised as a suspect, which often leads to intensive questioning by police before the right to a lawyer is applied.

Interviews with children indicated that cases of torture are not isolated and includes cases of beatings, threats of physical violence, verbal abuse, deprivation of water, sleep and access to toilet facilities, rape, putting plastic bags over the child's head, electric shocks, inserting needles under the child's fingernails and psychological torture. Initial findings indicate that children are most at risk during the first stages of contact with the police, especially during informal questioning before being identified as suspects. The most common motive is extracting confessions or other information.

Initial findings showed few cases of torture of children are investigated, partly due to children's reluctance to report ill-treatment (mainly due to fear of reprisal or mistrust in the system) and this contributes to the false perception that it is not a serious problem. Mandatory medical inspections are not working effectively as those who perform the examinations lack independence and the specialised training to identify evidence of torture (especially psychological symptoms). The good practice in Armenia was highlighted where a separate, independent body has been established to investigate serious crimes by public officials, including torture (although in practice few allegations of torture have been investigated).

Challenges to assisting children include overcoming their fear and resistance to complaining and accepting help, gaining access to children in detention facilities where often authorities deny access, limited professional skills of professionals regarding identification of psychological consequences of torture, and where there are trained professionals they are normally few and located only in the main cities of the country.

Following this report, Natalia Utesheva, senior researcher from the Kyrgyz NGO 'Youth Human Rights Group' presented the findings from their research which covered 5 centres for children in conflict with the law in Kyrgyzstan under a range of Ministries. According to the official data from 2010-12 there were only 22 criminal cases initiated concerning the protection of children against ill-treatment, although this is at odds with the data provided by the Coalition of NGOs against Torture. The results of the research (in all institutions) included 21 cases of verbal threats; 3 cases of isolation in a punishment cell; 17 cases of beatings; 3 cases of torture by electric shock; and a case of sexual violence. In addition, insufficient medical, emotional, educational, rehabilitative and restorative needs of children were observed in 4 of the institutions. The placement of children in institutions without specifying the period of the child's stay was also noted in one institution and could be identified as ill-treatment. Concern was expressed that children with medical diagnosis of mental disorders continue to be kept deprived of their liberty. There was particular concern over the Belovodsky special school because children under 14 years were placed there and there were reports of serious violations including a trial in August where the former director confessed to exploiting child labour and to cruel treatment, although the criminal case was suspended due to reconciliation between the accused director and the current acting director.

“Impunity convinces most victims that the risks of punishment and reprisals involved in making a complaint far outweighs the small possibility that the perpetrator will be punished.”

Nikhil Roy, PRI Programme Development Director, then presented the findings of PRI’s research, which provided a broader, global view of the issue. He identified that PRI’s work was a desk review of legislation, policy and implementation challenges and did not include primary data gathering through, for example, interviews with children and personnel. Among the main findings were the lack of comprehensive law and policy for justice for children, including many countries having a low age of criminal responsibility (Bangladesh, Jordan, Pakistan and Tanzania). It was noted that having inadequate age determination procedures were also a huge problem in many of the 8 countries. Encouraging the establishment of proper diversion measures is required and importantly, providing training to police, prosecutors and judges and involving them in the development of the measures to ensure that they are implemented effectively. Independent inspections and monitoring of facilities was identified as a major gap, especially ensuring inspection bodies are independent and have full access to all facilities, at times unannounced, and the freedom to interview children and staff in private.



The lack of proper data collection was also identified in most of the countries. Many countries did not abide by the international standards for the maximum time a child could be held at police stations or in pre-trial detention and it was recommended that these should be set clearly in legislation and strictly enforced. Specialisation of staff in all roles that have contact with children in conflict with the law, especially police who are the

first point of contact, was absent. Many countries’ legislation, by-laws and regulations also did not expressly prohibit corporal punishment, solitary confinement and restriction of contact with family members as disciplinary measures in justice institutions. Finally, the concern was repeated that reporting, investigating and prosecution of cases of abuse was very low in the countries identified and that appropriate action must be taken against those perpetrating violence against children.

The chair, Clement Mashamba, rounded off the discussion by identifying the common threats throughout the research which was the prevalence of torture and ill-treatment in the criminal justice systems in all the countries; the lack of clear independent complaints mechanisms and children’s access to these mechanisms; the conditions in most institutions which could cause ill-treatment; the lack of specialisation of staff; and the lack of effective legislation to prohibit torture and ill-treatment, including a clear definition of the offence in legislation.

Discussion

A key issue raised during the discussion was the most effective method of addressing torture against children. Nikhil Roy responded by identifying three key steps which must be strengthened to reduce and eliminate torture: prevention measures (eg diversion of children

at the earliest possible stage, working with police to improve contact at the initial stage of investigation such as in Jordan where social workers work alongside police in juvenile police units and the use of mediation etc); investigation; and accountability (as there is no point investigating if there is no accountability and perpetrators aren't brought to justice).

The second comment highlighted children placed in the special school in Kyrgyzstan not through a Court order, which is in violation of national legislation, which provoked a discussion among the national participants of how the best way to tackle this issue. Participants representing the Parliament of Kyrgyzstan agreed to look into this issue and pass the concerns made on to those responsible. A UNICEF representative concluded the discussion by stating that childcare reform in the country needed a comprehensive approach and that while advances are being made in terms of legislation, implementation and actual conditions lag behind.

Session 3: Turning research into action: good practice from the region and beyond
Chair: Muhammad Imman Ali, Judge of the Appellate Division of the Supreme Court of Bangladesh

“Children are liable to react to any action against them. A positive action will result in a positive reaction. Negative action always results in a negative reaction”.



Child rights expert, Nevena Vuckovic Sahovic, presented the current situation and good practices from the Balkans, where historical ties between the countries means that the justice system is set up similarly and suffers from similar challenges (such as a lack of data and research). Firstly, while all constitutions clearly prohibit torture, there are gaps in the definition of ill-treatment, especially corporal punishment. It was indicated that where it is not expressly

prohibited then there is confusion over whether or not it is allowed. It was identified that there has been a lot of investment in training and education in the region over the last two decades with almost all judges, prosecutors, police and institution personnel having gone through some sort of training and there is an obligation to have specialised training in law. However, the problem is that the training is short – 3 days in a 3 year course, which is not enough; it was emphasised that training should be thorough and regular. It was identified that in the Balkans ill-treatment is more prevalent than torture, and this occurs most as peer-to-peer violence. Some good practice identified was to encourage eliminating violence in the community in order to impact preventing violence against children (such as the Serbia UNICEF project to reduce school-violence).

Next, Jaap Doek, former Chair of the CRC stated that while there was no country in Western Europe with a perfect record for preventing violence against children, there are good practices to be found. Starting with reducing the use of deprivation of liberty, the Netherlands was mentioned as only 20 per cent of all children registered by the police are taken to court, the rest are diverted. Jaap Doek stated that the police are the most important actors in the

juvenile justice system because before any measures are taken, a child will be interrogated by the police; therefore this stage needs to be controlled. While many countries in Western Europe have a rule that guardians must be informed of their child's contact with the police, only Germany has a specific rule to require the presence of parents/guardians at the first hearing of court, even though implementation of this is difficult. The rules for provision of free legal assistance is an issue as it only requires assistance after a child has been charged, which is after the first interrogation by the police. The Netherlands High Court gave children the right not just to consult a lawyer before interrogation (as required by the European Court of Human Rights) but also to have a lawyer present, and where this has not occurred, the evidence is not permissible in Court. The maximum time for pre-trial detention varies across countries and one issue is that this does not differ for adults or children (except in France where pre-trial detention is determined by the seriousness of the offence and the age of the child). In addition, there is no international standard for the maximum amount of time for deprivation of liberty as a sentence – in the Netherlands it is a maximum of 1 year for a child under 16 years and 2 years for a child aged 16-18; in France a child can have half the maximum punishment an adult would receive.

Jaap Doek then focused attention on violence inside institutions and peer violence, which must be addressed by staff working there who should be trained to do this. Rules regarding use of force and restraint need to be detailed and specific and provide a clear basis for accountability.

"The overall core issue for institutions that house juveniles sentenced to detention is to create a climate of respect for children's rights and have regulations that cover children's rights and particularly respect the human dignity of children. The right to be addressed in an institution by your name".



With reference to complaints it was highlighted that having a simple procedure, such as simply a complaints box is not effective. For example in the Netherlands there are elaborate rules for complaints including a Committee that considers the rules, an officer that a child can speak to, in confidence, who will attempt to mediate between the child and the member of staff the complaint was about, and then higher measures where a complaint can be filed with the Director or the independent committee.

Following from this Dainius Puras, an expert on child mental health discussed the issue from a public health approach and the necessity to address the root causes of violence. It was highlighted that children in conflict with the law are a high risk group for health and development concerns; physical injuries, bruises, severe dental needs, reproductive health problems are present in higher numbers than in the general child population. Issues of mental health are very much expressed in children in conflict with the law, especially in the CEE/CIS region which is known for having high rates of poor mental health and suicide, often cited as relating to the historical political situation and people lacking effective skills to cope with social stress which leads to regression into damaging or destructive behaviour. It was also indicated that the many modern developments that are being made in mental health care must be adhered to in order to best prevent violence against children. Dainius

Puras explained the need to create a therapeutic environment in any setting where children are staying, which includes a good quality and quantity of staff, a level of psychosocial interventions and even through the design of buildings. He highlighted a debate on where therapeutic measures/educational measures end and repressive measures or violent measures start and explained that a positive measure applied in the wrong way or with the wrong skills may become damaging to the child. The application of disciplinary measures was discussed and the necessity to explain to the public, who often believe the CRC is too liberal, that it does allow for the disciplining of children as long as it does not violate the dignity of the child.



The assistance to child victims must follow human rights and public health principles, and avoid stigma. It must be emphasised that modern psychosocial interventions aim not to be too paternalistic but to empower patients and invest in their participation so they become responsible and independent citizens, which is the ultimate goal of mental health services. Finally, it was explained that where there are good practices in the region these

are currently not sustainable as they are funded by national foundations and run by NGOs, so this must be strengthened.

Discussion

The discussion raised the issue of how to speak to children regarding violence to which Dainius Puras responded that it is important as professionals to find the balance between too formal relations and too intimate relations, which requires training and thought must be given to how the consequences of contact affect the child. Next there was a discussion on how to learn best practice from each other; Nevena Sahovic noted that when encouraging exposure visits it can sometimes become demoralising for policymakers or staff to be taken to a country showing very good practice because it can feel unachievable and that one tactic is to take them to a country with a similar context but where there are a number of promising or good practices, which can be implemented in their own country. A question on suicide prevention was posed to which Dainius Puras responded that it is a large-scale problem that society as a whole must tackle from the root causes.

Session 4: Recommendations for action at national level

Chair: Alison Hannah, PRI Executive Director

Assiya Urazbayeva, Senior Expert at the Kazakhstan National Human Rights Centre, spoke first to discuss the main recommendations from the UNICEF research, which focus on prevention, accountability and assistance to victims. These recommendations are only preliminary at this stage. They are based on initial findings of research in the eight participating countries and will be refined, prioritised and made more specific (for example, in terms of responsibilities and timeframe) when the research is completed.

In terms of prevention, issues highlighted included:

- The importance of training for all professionals and to carry this out continuously and to have specialised in-service training.
- To have screening and certification of professionals working with children.

- Raise awareness on the facts of torture with children, parents and professionals (including presence of child rights in school curricula).
- Establish child-friendly interview rooms, where all interviews with children in conflict with the law should take place.

With regard to accountability important recommendations were:

- Develop clear and accessible complaints mechanisms.
- Advocate for the ratification of the Optional Protocol to the Convention against Torture (OPCAT) and to strengthen, develop and establish a national preventive mechanism.
- Amend legislation to make appropriate sentences for those convicted of torture.
- Define torture in line with the international standards.
- Develop a behaviour and ethical code for professionals working with children.
- Ensure there is a duty to report violence, torture or ill-treatment to appropriate authorities.
- Policy should be amended so that the detention rate does not act as a performance indicator for police giving them an incentive to detain children.
- Legislate to provide children with the right to select a legal representative.
- Strengthen the Prosecutor's oversight of investigations that involve children.
- Ensure those alleged of torture are suspended from the time of investigation.
- Ensure that those who have been sentenced for torture do not work with children again.
- Strengthen the capacity and knowledge of defence lawyers.
- Make data and information on completed cases of torture of children public, while ensuring confidentiality.
- Ensure independence of medical experts carrying out examinations.

For providing assistance to victims the recommendations were:

- Identify and inform victims of violence that it is a violation of their rights.
- Establish clear report mechanisms.
- Improve referral mechanisms so victims are referred to appropriate healthcare facilities as well as legal services.
- Build capacity of professionals involved in cases of torture or ill-treatment to prevent secondary victimization.
- Ensure confidentiality of victims.
- Prepare a needs and assessment plan for victims and update it regularly, and ensure the services available should be as broad as possible and accessible to all.
- Establish provisions for the State to outsource services to NGOs and private providers and develop standards that all services must meet.

Nikhil Roy then provided the recommendations for action from PRI's research, which were similar across the regions.

- Implement the principle of detention for the shortest time possible, including properly legislating and implementing a maximum time limit to be held at police stations of 24 hours and for 6 months for pre-trial detention.
- Implement diversion and non-custodial sanctions, especially in countries where these are in legislation but not utilised.

- Improving conditions where children are detained including focusing on rehabilitation and reintegration services, especially in countries where the lack of facilities for children make contact with home communities and families difficult.
- Implement effective complaints mechanisms and ensure proper procedures are developed, strengthened and implemented for properly responding to complaints, making them accessible to children and encouraging children to use them.
- Ensure that independent monitoring visits occur which are unannounced and recommendations are properly followed up and encourage civil society monitoring.
- In CEE/CIS countries ensuring that children are not deprived of their liberty in so-called 'special schools' or 'educational establishments' by bodies other than the Court and ensure guidelines for referral to these facilities are clear and properly followed.
- Develop child protection guidelines for all institutions and incorporate these into the rules guiding the running of institutions.
- Training and adequate remuneration for staff of institutions, including building training into the curriculum of institutions.
- Advocating for increasing the age of criminal responsibility, which is commonly set low in a number of areas of the world; this includes working to increase the number of birth registrations.

Following this, Teona Aslanishvili from UNICEF Georgia spoke briefly about the situation in Georgia and how the justice system and welfare system have developed separately with regard to children and that it is necessary to strengthen the links between the two systems, especially with regard to prevention. With regard to the recent reports of torture coming from Georgia and the public's response through demonstrations and protests, she emphasised the need to take advantage of the public demand to open up the system to ensure more civil society organisation monitoring, more accountability and more child participation.

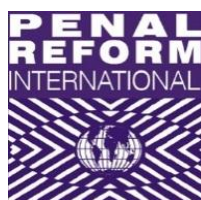
Jaap Doek spoke of the need to set concrete actions that should be pursued among all the countries and to set a date for completion, rather like the system of Millennium Development Goals as while these have only been partially achieved, the timeline and concrete aims have allowed for consistent international pressure for progress toward their completion. An example could be to have a specific rule requiring no child must be interrogated by the police without a legal expert attending otherwise the evidence provided may not be used in court.

Closing session

The conference was closed by Skripkina Galina Anatolievna who thanked the participants, donors and organisers of the event.

Full minutes of the conference can be obtained from brandel@penalreform.org and recording of the conference can be viewed online here: <http://www.ustream.tv/channel/pri-ca>

Annex I: Conference agenda



Violence against children in juvenile justice systems International conference

**Bishkek, Kyrgyz Republic, Hotel Hyatt, 21 September 2012
Agenda**

8.30 – 9.00	Registration of participants
9.00 – 10.00	<p>Opening session Chair: Skripkina Galina Anatolievna, Deputy of Jogorku Kenesh (Parliament) of the Kyrgyz Republic</p> <ul style="list-style-type: none">• Asiya Sasykbaeva, Vice Speaker of Jogorku Kenesh (Parliament) of the Kyrgyz Republic• Video message from Marta Santos Pais, Special Representative of the Secretary General on Violence against Children• Jonathan Veitch, Representative of the UNICEF Country Office in the Kyrgyz Republic• David Daubney, Chairperson, Penal Reform International• Tom Massie, Head of Operations Section of the European Union Delegation to the Kyrgyz Republic• Judith Farnworth, Her Majesty's Ambassador to the Kyrgyz Republic, British Embassy Bishkek• Video messages from children (OneMinute Junior videos)
10.00 – 10.30	Coffee break
10.30 – 12.00	<p>Session 1: Protecting children from torture and ill-treatment: the challenges of transparency & accountability Chair: Toktokan Borombaeva, Deputy Ombudsman of the Kyrgyz Republic</p>

	<p><u>Panel discussion</u></p> <ul style="list-style-type: none"> • Renate Winter, child rights expert, member of the Special Court for Sierra Leone (child rights & accountability) • Dan O'Donnell, child rights and juvenile justice expert (research & data) • Taghreed Jaber, Regional Director, Middle East and North Africa, PRI (monitoring of detention) • Questions, answers and discussion
12.00 – 13.00	<p>Session 2: Preliminary findings from research on torture and ill-treatment against children in juvenile justice systems Chair: Clement Mashamba, member of the African Committee on the Rights and Welfare of the Child</p> <p><u>Panel discussion</u></p> <ul style="list-style-type: none"> • Tatevik Gharibyan, Lawyer of PF Civil Society Institute, Consolidated findings from the research on torture and ill-treatment of children in juvenile justice in the CEECIS region • Natalia Utesheva, Coordinator of PF Youth Human Rights Group”, Highlights from the research in the Kyrgyz Republic • Nikhil Roy, PRI Programme Director, Initial findings from PRI study • Questions, answers and discussion
13.00—14.00	Lunch
14.00 – 15.30	<p>Session 3: Turning Research into Action: Good practices from the region and beyond Chair: Justice Imman Ali, Judge of the Appellate Division, Supreme Court of Bangladesh, PRI Board Member</p> <p><u>Panel discussion</u></p> <ul style="list-style-type: none"> • Nevena Vuckovic Sahovic, Child Rights Expert (examples from the Balkans) • Jaap Doek, Child Rights Expert (examples from Western Europe) • Dainius Puras, Child Rights And Child Mental Health Expert (impact on children and victims assistance) • Questions, answers and discussion
15.30 – 16.00	Coffee break
16.00 –17.30	<p>Session 4: Recommendations for action at national level Chair: Alison Hannah, PRI Executive Director</p> <ul style="list-style-type: none"> • Assiya Urazbayeva, Chief Expert on Child Protection of Ombudsman Office in Republic of Kazakhstan, Recommendations from the group involved in UNICEF supported research • Nikhil Roy, PRI Programme Director, Recommendations from the group involved in PRI supported research • Questions, answers and discussion
17.30 – 17.45	<p>Closing Skripkina Galina Anatolievna, Deputy of Jogorku Kenesh (Parliament) of the Kyrgyz Republic</p>
18.00	Reception

Annex II: List of participants

INTERNATIONAL EXPERTS AND GUESTS

1.	Ms. Renate Winter	Expert in children's rights and juvenile justice, Former Member of the Special Court for Sierra Leone
2.	Mr. Jaap Doek	Expert in children's rights and juvenile justice, Former CRC member
3.	Ms. Nevena Vuckovic Sahovic	Expert in children's rights and juvenile justice, Former CRC member
4.	Mr. Dainius Puras	Expert in children's rights and juvenile justice, Former CRC member
5.	Mr. Dan O'Donnell	Expert in children's rights and juvenile justice
6.	Ms. Ani Nersisyan	Head of the Torture and Violence Prevention Division of the Human Rights Defender's Office, Armenia
7.	Mr. Tatevik Gharibyan	Lawyer at the Civil Society Institute NGO, Armenia
8.	Mr. Eduard Israyelyan	Child Protection Officer, UNICEF Armenia
9.	Mr. Nazir Guliyev	Head of the Board of Azerbaijani NGO "Alliance on Children's Rights", Azerbaijan
10.	Ms. Nigar Shabiyeva	Specialized Advisor on Children's Rights to the Ombudsman of the Republic of Azerbaijan
11.	Mr. Zaur Naghiyev	Child Protection Officer, UNICEF Azerbaijan
12.	Ms. Anna Arganashvili	Office of the Republic Defender (Ombudsman) of Georgia
13.	Ms. Nato Antia	Office of the Republic Defender (Ombudsman) of Georgia
14.	Ms. Teona Aslanishvili	Juvenile Justice Project Officer, UNICEF Georgia
15.	Ms. Aislu Akhmediyarova	Child Protection Officer, UNICEF Republic of Kazakhstan
16.	Ms. Assiya Urazbayeva	Senior Expert at the National Human Rights Centre, Republic of Kazakhstan
17.	Mr. Dumitru Roman	Counselor of the Centre for Human Rights in Moldova
18.	Ms. Svetlana Visanu	Psychotherapist at the Rehabilitation Centre for Torture Victims "Memoria", Moldova
19.	Ms. Gulchehra Rahmanova	Legal Project Manager, Centre for Children's Rights, Tajikistan
20.	Ms. Guljahon Umarova	Head of Children's Rights Protection from the Ombudsman office, Tajikistan
21.	Mr. Jovid Ibodov	Legal Reform Project, Open Society Institute, Tajikistan
22.	Mr. Gennady Tokarev	Kharkiv Human Rights Protection Group, Ukraine
23.	Mr. Illia Pievniev	Office of Ukrainian Parliament Commissioner for Human Rights, Ukraine
24.	Ms. Marianna Narhi	Head of Child Protection, UNICEF Ukraine
25.	Ms. Ruslana Sirman	Child Protection Officer, UNICEF Ukraine
26.	David Daubney	PRI Chairperson, based in Canada
27.	Vera Tkachenko	PRI Deputy Chairperson, based in Kyrgyzstan
28.	Juliet Lyon	PRI Secretary General, based in the UK
29.	Anton van Kalmthout	PRI Deputy Treasurer, based in the Netherlands
30.	Taghreed Jaber	PRI Regional Director (MENA)
31.	Tsira Chanturia	PRI Regional Director (South Caucasus)
32.	Vika Sergeyeva	PRI Regional Director (Russia, Ukraine, Belarus)
33.	Saule Mektepbayeva	PRI Regional Director (Central Asia)
34.	Alison Hannah	PRI Executive Director
35.	Nikhil Roy	PRI Programme Development Director

36.	Frances Sheahan	PRI Associate
37.	Justice Muhammad Imman Ali	Judge of the Appellate Division, Supreme Court of Bangladesh; PRI Board Member
38.	Dr Parveen Azam Khan	Director, DOST Welfare Foundation
39.	Clement Mashamba	Member of the African Committee on the Rights and Welfare of the Child
40.	Josephine Kankunda	Senior Researcher, Foundation for Human Rights Initiative (Uganda)
41.	Abdullah Khoso	Child Rights Governance Coordinator, Save the Children International in Pakistan
42.	Alla Pokras	PRI Programme Manager (Russia)
43.	Hayk Khemchyan	PRI Juvenile Justice Project Coordinator (Armenia)
44.	Ardak Zhanabilova	Chair of the Public Monitoring Commission of Almaty city and the Almaty region
45.	Bharti Ali	Director of the HAQ Centre for Children's Rights, India

GOVERNMENT OF THE KYRGYZ REPUBLIC

46.	Mr. Asiya Sasykbaeva	Vice-Speaker of Jogorku Kenesh (Parliament)
47.	Ms. Galina Skripkina	Member of Parliament, Member of the Committee on International Affairs

JOGORKU KENESH (PARLIAMENT) OF THE KYRGYZ REPUBLIC

PRIME MINISTER'S OFFICE

48.	Ms. Kamila Talieva	Vice-Prime Minister of the Kyrgyz Republic on Social Issues
-----	--------------------	---

OFFICE OF THE OMBUDSMAN

49.	Ms. Toktokan Borombaeva	Deputy Ombudsman
50.	Mr. Niyazbek Duishenov	Head of Children's Rights Department

OFFICE OF GENERAL PROSECUTOR

51.	Ms. Nina Ustinova	Head of Children's Rights Department
52.	Ms. Aleksandra Uvarova	Prosecutor of Children's Rights Department

SUPREME COURT

53.	Ms. Gulbara Kalieva	Head of Apparatus of the Supreme Court
-----	---------------------	--

MINISTRY OF EDUCATION AND SCIENCE

54.	Mr. Kanat Sadykov	Minister of Education and Science
-----	-------------------	-----------------------------------

MINISTRY OF SOCIAL DEVELOPMENT

55.	Ms. Marina Djaparkulova	Head of the Department for the Development of Social Services
56.	Mr. Iliyas Kolopov	Chief Specialist of the Child Protection Department

MINISTRY OF HEALTH

57.	Ms. Elnura Borombaeva	Chief Specialist of the Department of Treatment and Prevention
-----	-----------------------	--

MINISTRY OF FOREIGN AFFAIRS

58.	Ms. Asel Kenjetaeva	Attaché of the Department for International Organizations and Security
-----	---------------------	--

MINISTRY OF INTERNAL AFFAIRS

59.	Mr. Jekshen Kulmanbetov	Vice Head of the General Directorate of Public Security
-----	-------------------------	---

MINISTRY OF JUSTICE

60.	Ms. Diana Mambetova	Specialist of the Department for International affairs
-----	---------------------	--

STATE AGENCY ON EXECUTION OF PUNISHMENT

61.	Mr. Alik Mamyrkulov	Chair of the State Agency on the Execution of Punishment
62.	Mr. Kiyalbek Beishekeev	Head of Juvenile Colony # 14

MINISTRY OF YOUTH, LABOUR AND EMPLOYMENT

63.	Mr. Aliyasbek Alymkulov	Minister of Youth, Labour and Employment
-----	-------------------------	--

STATE AGENCY FOR CONSTRUCTION AND REGIONAL DEVELOPMENT

64.	Ms. Cholpon Achikeeva	Chief of the Department for the Analysis and Monitoring of the Delegation of Authority
-----	-----------------------	--

INTERNATIONAL ORGANIZATIONS**WORLD BANK**

65.	Mr. Alexander Kremer	Country Manager
-----	----------------------	-----------------

ASIAN DEVELOPMENT BANK

66.	Mr. Mamatkalil Razaev	Project Officer
-----	-----------------------	-----------------

SWISS COOPERATION OFFICE

67.	Mr. Laurent Guye	Country Director, Consular
-----	------------------	----------------------------

EUROPEAN UNION (EU)

68.	Mr. Tom Massie	Head of Operations Unit, EU
69.	Ms. Taru Kernisalo	Attache, Project Manager

DEPARTMENT FOR INTERNATIONAL DEVELOPMENT (DFID)

70.	Ms. Anara Ashiralieva	Project Officer
-----	-----------------------	-----------------

GERMAN DEVELOPMENT COOPERATION (GIZ)

71.	Ms. Elizabeth Baehr	Regional Representative
-----	---------------------	-------------------------

OSCE Centre in Bishkek

72.	Mr. Anders Troedsson	Acting Head of OSCE
-----	----------------------	---------------------

SOROS FOUNDATION KYRGYZSTAN

73.	Mr. Shamil Ibraghimov	Executive Director
-----	-----------------------	--------------------

JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)

74.	Mr. Takayuki Oyama	Resident Representative
-----	--------------------	-------------------------

INTERNATIONAL COMMITTEE RED CROSS (ICRC)

75.	Mr. Mauro Morabito	Protection Delegate
-----	--------------------	---------------------

US AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID)

76.	Mr. Carey Gordon	Representative
-----	------------------	----------------

EURASIA FOUNDATION FOR CENTRAL ASIA (EFCA)

77.	Mr. Elmurat Abduraimov	Project Manager
-----	------------------------	-----------------

UNITED NATIONS**UNDP**

78.	Mr. Alexander Avanesov	UN Resident Coordinator/UNDP Resident Representative
-----	------------------------	--

WHO

79.	Mr. Oskon Moldokulov	Head of Organization
-----	----------------------	----------------------

UN Women

80.	Ms. Sabine Machl	Representative
-----	------------------	----------------

OHCHR

81.	Mr. Armen Harutyunyan	Regional Representative
-----	-----------------------	-------------------------

UNHCR

82.	Mr. Kiyalbek Temishev	Community Services Associate
-----	-----------------------	------------------------------

UNFPA

83.	Mr. Meder Omurzakov	Assistant Representative
-----	---------------------	--------------------------

UNAIDS

84.	Ms. Larisa Bashmakova	Country Officer
-----	-----------------------	-----------------

ILO

85.	Ms. Amina Kurbanova	Coordinator
-----	---------------------	-------------

UNODC

86.	Mr. Alexander Fedulov	Head
-----	-----------------------	------

EMBASSY OF UNITED KINGDOM AND NORTHERN IRELAND

87.	H.E. Ms. Judith Farnworth	Ambassador
88.	Mr. Kubanychbek Akmatov	Policy and Public Diplomacy Officer

CIVIL SOCIETY ORGANIZATIONS

89.	Ms. Gulnara Sheishekeeva	Director of PF's "Legal Centre"
90.	Mr. Bakai Albanov	Lawyer of PF's "Legal Centre"
91.	Ms. Natalia Utesheva	Member of Research Group, Programme Coordinator for PF's "Youth Human Rights Group"
92.	Ms. Nadira Eshmatova	Director of "Youth Human Rights Group"
93.	Ms. Asylgul Balybaeva	Member of Research Group, PF's "Legal Clinic Adilet"
94.	Mr. Aleksei Petrushevskiy	Director of Rehabilitation Centre for Homeless Children
95.	Mr. Zeinep Eshmuratova	Director of PF's "Family for Every Child"
96.	Ms. Nazgul Turdubekova	Director of PF's "Children's Right Defenders League"
97.	Ms. Natalya Vorobyeva	Director of the Association of NGOs for the promotion of children's rights
98.	Mr. Mirlan Medetov	Lawyer of Association of NGOs for promotion of Children's Rights
99.	Ms. Guljan Bekembaeva	Member of Research Group, Director of PF's "Pokolenie Insan"
100.	Ms. Nadezhda Kolbina	Social Worker, PF's "Golos Svodoby"

UNICEF STAFF

101.	Jean Claude Legrand	Child Protection Regional Adviser, Regional Office in Geneva
102.	Anne Grandjean	Child Protection Specialist, Regional Office in Geneva
103.	Mr. Jonathan Veitch	Representative in the KR
104.	Ms. Elena Zaichenko	Child Protection Officer, UNICEF CO in the KR
105.	Ms. Venera Urbaeva	Child Protection Officer, UNICEF CO in the KR
106.	Ms. Jyldyz Apytaeva	Child Protection Assistant, UNICEF CO in the KR
107.	Ms. Galina Solodudunova	Communications Officer, UNICEF CO in the KR
108.	Ms. Nazgul Cholponbaeva	Child Protection Officer, UNICEF Zone Office in Osh

PRI STAFF

109.	Jenny Clarkin	PRI Programme Officer
110.	Becky Randel	PRI Research Assistant
111.	Arslan Penjiyev	PRI Research Intern
112.	Meruert Kasanova	PRI Central Asia
113.	Zhanna Malayeva	PRI Central Asia
114.	Azamat Shambilov	PRI Central Asia

CHILDREN-AUTHORS OF ONE MINUTE JUNIOR FILMS and YOUNG REPORTERS

115.	Rahmanali uulu Damir	Jalalabad province, Kyrgyzstan
116.	Nasipa Akhmedova	Chaperon
117.	Mihail Julev	Karakol, Issyk-Kul province, Kyrgyzstan
118.	Olga Tishakova	Chaperon
119.	Einer Saparbekov	Bishkek, Kyrgyzstan
120.	Alexei Guliaev	Young reporter
121.	Evgenia Ivanova	Young reporter
122.	Temirlan Kadyrov	Young reporter
123.	Ekaterina Peregodova	Chaperon of young reporters
124.	Evgeny Chichurko	Cameraman for a local TV company



Turning research into action to eliminate torture and ill-treatment of children in detention

BISHKEK, Kyrgyzstan, 21 September 2012 —The Kyrgyz Parliament and Government are hosting an international conference today to reduce violence against children in conflict with the law with the support of The United Nations Children's Fund (UNICEF)⁶ and Penal Reform International (PRI)⁷.

Globally, the vast majority of children are detained for non-violent crimes including running away from home, truancy and alcohol use. Some kids are imprisoned for stealing mobile phones or bread or vagrancy which many poor children are forced to do simply to survive. Many countries have laws to detain children only as last resort but lack support to put this into practice. There are also countries that do not ensure children are fully reintegrated into the society upon release.

Alternatives to detention, like community-based responses, are cheaper and better for children's well-being and development. They will be better reintegrated into society when leaving detention. They reoffend fewer times. They have greater chances of breaking out of the cycle of poverty and endure fewer violations of other rights.

Recommendations include:

- increased attention to developing and implementing measures for diverting children out of the formal justice system;

⁶ UNICEF works in 190 countries and territories to help children survive and thrive, from early childhood through adolescence. UNICEF supports child health and nutrition, good water and sanitation, quality basic education for all boys and girls, and the protection of children from violence and exploitation and AIDS. UNICEF is funded entirely by the voluntary contributions of individuals, businesses, foundations and governments. For more information about UNICEF in this region and its work visit: www.unicef.org/ceecis

⁷ Penal Reform International is an international non-governmental organisation working on penal and criminal justice reform worldwide. Its Justice for Children programme focuses on diverting children from the adult justice system, promoting alternative sanctions to imprisonment and, where imprisonment is used, improving conditions of detention. As part of a programme of work supported by the UK Department for International Development, PRI is currently developing a body of research into violence against children in the criminal justice system around the world, including a set of baseline studies on legislation and policy in Bangladesh, Georgia, Jordan, Kazakhstan, Pakistan, Russia, Tanzania and Georgia. Together with an overview report (in English and Russian), these country reports are available to download from Penal Reform International's website: www.penalreform.org.

- ensuring that independent inspections and monitoring of detention facilities by qualified bodies takes place on a regular basis, at times unannounced, with full access to the facilities and freedom to interview children and staff in private; and
- law enforcement personnel and all those who work in facilities where children are detained should be specialised and properly trained in child protection and child rights.

Sasykbaeva Asiya, the Vice Speaker of the Kyrgyz Parliament noted, "We acknowledge the need for an efficient government policy on child protection. The cruel repressive system in regards to children in conflict with the law is widespread and undermines trust of the population to the government structures. The state institutes called to protect human rights often discredit the Government. But, today, we are promoting comprehensive reforms in all the areas including child protection. By enlarging the practice of public hearings and promoting open discussions of urgent issues, we are seeking for new approaches to solve problems of our young people."

"This work is central to UNICEF's focus on promoting equity. Children who are detained - but particularly poor children or those from minority families - risk facing ill treatment and even torture from those who should be extending a supporting hand," said Jean Claude Legrand, UNICEF Senior Child Protection Advisor for the Central and Eastern Europe and the Commonwealth of Independent States. "Children who are locked up in police cells, juvenile detention centres and prisons are easy prey. They are far from the eyes and ears of their family, community and from Governments' and civil society's oversight. Their chances of reintegration into society are also greatly jeopardized so they remain on the fringes of society. We hope that the conference, and the work before and after, will contribute to ending this exclusion and restore them as full-fledged citizens," he said.

PRI Executive Director, Alison Hannah, said: "Violence against children who are deprived of their liberty is a severe violation of children's rights, which is frequently invisible, under-researched and underreported. PRI's current campaign aims to increase the understanding of the specific legal and policy measures that can work to prevent and remedy violence against children in detention in eight countries around the world. We are pleased that this high-level conference, organised jointly with UNICEF, is able to highlight key recommendations and important next steps for action to reduce and ultimately eliminate violence against children within juvenile justice settings."

The conference is supported by the European Union and the UK Department for International Development (DFID) and the British Embassy in Bishkek, and will bring together experts from around the world, together with participants from approximately 14 countries including Armenia, Azerbaijan, Bangladesh, Georgia, Jordan, Kazakhstan, Kyrgyzstan, Moldova, Pakistan, Russia, Tajikistan, Tanzania, and Ukraine.

Both UNICEF, as part of a project co-funded by the European Union, and PRI, as part of a project supported by DFID, have conducted research examining violence against children in juvenile justice settings. This is the second conference in a three-year project to end ill treatment and torture of children in conflict with the law. The first conference in October 2011 was held in Ukraine to agree on common research plans and monitoring tools. The final conference to present the recommendations to the government will be in Brussels in 2013. The conference will provide a platform on discussion of the findings of research and an opportunity to develop action plans to put the recommendations into practice. Children's voices are embedded in the project through a series of video workshops which was held to include their views. Representatives of children reporters were also present at the meeting.

The conference will be streamed live from here: <http://www.ustream.tv/channel/pri-ca>

For further information, please contact:

UNICEF in Bishkek: Galina Solodunova gsolodunova@unicef.org + 996 775 58 02 61

UNICEF in Geneva: Lely Djuhari mediaceecis@unicef.org +41 22 9095433

PRI in Central Asia: Saule Mektepbayeva smektepbayeva@penalreform.org +7 7778132247

PRI in London: Harriet Lowe hlowe@penalreform.org +44 20 7247 6515

Annex IV: Media coverage (Russian)

№	Дата	Ссылка/Источник	Краткая информация
1	20.09.2012	http://ca-news.org/news:1042394/ CA News.org Центрально-азиатская новостная служба	В Бишкеке пройдет международная конференция по искоренению насилия в отношении детей, находящихся в заключении
2	22.09.2012	http://vof.kg/?p=6642 Голос свободы в Центральной Азии- региональный правозащитный портал	Аналитика, Борьба с пытками Дэвид Даубни: Я удивлен готовностью Кыргызстана решать имеющиеся проблемы В пятницу, 21 сентября 2012 года в Бишкеке прошла международная конференция, посвященная вопросам насилия в отношении детей в системе ювенальной юстиции. Накануне мы задали несколько вопросов господину Дэвиду Даубни, председателю Попечительского совета неправительственной организации «Международная тюремная реформа» (Penal Reform International, PRI), которая является одним из организаторов встречи в Бишкеке. В беседе также участвовала и переводила Сауле Мектепбаева, региональный директор PRI в Центральной Азии (Алматы, Казахстан).
3	20.09.2012	http://www.myshared.ru/slide/94477/#	Национальные институты по правам человека в странах ОБСЕ и Факультативный Протокол к Конвенции против пыток г-жа Мери Мерфи и г-жа Сауле Мектепбаева, PRI.
4	20.09.2012	http://www.for.kg/news-187030-ru.html	В Бишкеке пройдет международная конференция по искоренению насилия в отношении детей, находящихся в заключении
5	21.09.2012	http://kant.kg/2012-09-21/vice-spiker-sasykbaeva-prinyala-uchastie/	Заместитель Торага Жогорку Кенеша Кыргызской Республики Асия Сасыкбаева 21 сентября приняла участие в международной конференции «Насилие в отношении детей в системе ювенальной юстиции».
6	20.09.2012	http://www1.kg.akipress.org/news:560819	В Бишкеке пройдет международная конференция по искоренению насилия в отношении детей, находящихся в заключении
7	21.09.2012	http://91.213.233.84/news/meropriyatiya/2203-eksperty-yunisef-razrabotali-rekomendatsii-po-iskoreneniyu-pytok	Эксперты ЮНИСЕФ разработали рекомендации по искоренению пыток
8	21.09.2012	http://www.vb.kg/news/society/2012/09/21/200222-asiia-sasykbaeva-v-kyrgyzstane-eshe-ne-izjila-sebia-repressivnaia-sistema.html	Асия Сасыкбаева: В Кыргызстане еще не изжила себя репрессивная система
9	20.09.2012	http://www.kabar.kg/rus/society/full/40741	Бишкеке обсудят вопросы по искоренению насилия в отношении детей, пребывающими в заключении
10	21.09.2012	http://www.old.inkg.info/news/meropriyatiya/2202-kyrgyzstanu-neobkhodima-effektivnaya-gosudarstvennaya-politika-v-otnoshenii-detej	Кыргызстану необходима эффективная государственная политика в отношении детей
11	21.09.2012	http://ann.kg/news/16041/%D0%B2-%D0%B1%D0%B8%D1%88%D0%BA12%D0%B5%D0%BA%D0%B5-%D0%BE%D0%B1%D1%81%D1%83%D0%B6%D0%B4%D0%B0%D1%8E%D1%82-%D0%B2%D0%BE%D0%BF%D1%80%D0	<u>В Бишкеке обсуждают вопросы по искоренению пыток и жестокого обращения с детьми, пребывающими в заключении</u>

		<u>%BE%D1%81%D1%8B-%D0%BF%D0%BE-%D0%B8%D1%81%D0%BA%D0%BE%D1%80%D0%B5%D0%BD%D0%B5%D0%BD%D0%B8%D1%8E-%D0%BF%D1%8B%D1%82%D0%BE%D0%BA-%D0%B8-%D0%B6%D0%B5%D1%81%D1%82%D0%BE%D0%BA%D0%BE%D0%B3%D0%BE-%D0%BE%D0%B1%D1%80%D0%B0%D1%89%D0%B5%D0%BD%D0%B8%D1%8F-%D1%81-%D0%B4%D0%B5%D1%82%D1%8C%D0%BC%D0%B8</u>	
12	21.09.2012	<u>http://www.ca-news.org/news:1042544</u>	Еще не изжила себя репрессивная система в отношении детей, находящихся в конфликте с законом, что подрывает доверие к властным структурам, - вице-спикер ЖК
13	21.09.2012	<u>http://ktrk.kg/rus/index.php?newsid=7825</u>	Искоренить пытки в исправительных учреждениях поможет закон
14	21.09.2012	<u>http://www.baldar.kg/index.php?option=com_content&task=view&id=2046&Itemid=140</u>	От исследований к действиям по искоренению пыток и жестокого обращения с детьми, пребывающими в заключении
15	21.09.2012	<u>http://www.knews.kg/ru/society/21849/</u>	77 % детей, находящихся в детских домах и интернатах, имеют обоих родителей
16	24.09.2012	<u>http://ukinkz.fco.gov.uk/ru/news/?view=News&id=814471882</u>	Посол Великобритании приветствует обязательства Кыргызского Правительства, нацеленных на борьбу против насилия в отношении детей.
17	21.09.2012	<u>http://www.eng.24.kg/community/137479-asiya-sasykbaeva-kyrgyzstanu-neobxodima.html</u>	Асия Сасыкбаева: Кыргызстану необходима эффективная государственная политика в отношении детей
18	21.09.2012	<u>http://www.vb.kg/news/society/2012/09/21/200224_v_kyrgyzstane_vnedriaut_principy_uve_nalnoy_usticii.html</u>	В Кыргызстане внедряют принципы ювенальной юстиции
19	24.09.2012	<u>http://www.atameken.kg/index.php?option=com_content&view=article&id=1151%3A--l-----r&catid=7%3Aknovosti&Itemid=11&lang=ru</u>	Асия САСЫКБАЕВА: «Проблемы детей являются одним из приоритетных направлений деятельности парламента КР»
20	21.09.2012	<u>http://news.namba.kg/read.php?id=801441</u>	Еще не изжила себя репрессивная система в отношении детей, находящихся в конфликте с законом, что подрывает доверие к властным структурам, - вице-спикер ЖК
21	21.09.2012	<u>http://www.hrmi.lt/en/new/787/</u>	Dainius Pūras Presents a Report in International Conference on Juvenile Justice
22	21.09.2012	<u>http://kabar.kg/rus/society/full/40801</u>	Асия Сасыкбаева: «Высокий уровень коррупции в Кыргызстане и нестабильность привели к тому, что государство работает не в интересах детей»
23	21.09.2012	<u>http://www.ipjj.org/news/events/?tx_browser_pi1[showUid]=199&cHash=e76de4613c</u>	International Conference on Violence against children in juvenile justice systems
24	21.09.2012	<u>http://kenesh.kg/RU/Pages/ViewNews.aspx?id</u>	Вице-спикер А. Сасыкбаева приняла участие в

		=8&NewsID=9670	международной конференции «Насилие в отношении детей в системе ювенальной юстиции»
25	21.09.2012	http://www.unicef.org/kyrgyzstan/ru/media_20639.html	От исследований к действиям по искоренению пыток и жестокого обращения с детьми, пребывающими в заключении
26	25.09.2012	http://www.liter.kz/index.php?option=com_content&task=view&id=11182&Itemid=3	На международной конференции в Бишкеке обсуждались вопросы отношения общества к детям
27	21.09.2012	http://kabarlar.kg/index.php?newsid=2743	Эксперты ЮНИСЕФ разработали рекомендации по искоренению пыток
28	21.09.2012	http://www.newsfiber.com/p/s/h?v=Ev0Po%2BCm7O5I%3D+wM1m%2FDqCDrU%3D&q=%D0%BC%D0%B5%D0%B6%D0%B4%D1%83%D0%BD%D0%B0%D1%80%D0%BE%D0%B4%D0%BD%D0%B0%D1%8F+%D1%82%D1%8E%D1%80%D0%B5%D0%BC%D0%BD%D0%B0%D1%8F+%D1%80%D0%B5%D1%84%D0%BE%D1%80%D0%BC%D0%B0&n=&y=	В Бишкеке обсуждают вопросы по искоренению пыток и жестокого обращения с детьми, пребывающими в заключении
29	21.09.2012	http://www.unmultimedia.org/radio/russian/archives/121703/	В Бишкеке обсуждают, как защитить от насилия малолетних правонарушителей
30	21.09.2012	http://www.unicef.org/videoaudio/video_65912.html	Youth affected by juvenile justice share their voices through videos
31	21.09.2012	http://www.topix.com/wire/world/kyrgyzstan	Youth affected by juvenile justice share their voices through videos Now 18, Arama is participated in a recent One Minutes Jr. workshop, where he produced a video, 'Under pressure', that portrays a young boy screaming under water. His video, and others like it, will take centre stage at the international conference Violence Against Children in Juvenile Justice Systems, convened in Bishkek, Kyrgyzstan, on 21 September.
32	21.09.2012	http://barometer.kg/index.php/v-kyrgyzstane-kazhdyy-pyatyy-otdan-v-detskij-dom-iz-za-bednosti-semi.html	В Кыргызстане каждый пятый отдан в детский дом из-за бедности семьи
33	21.09.2012	http://www.bish.kg/%D0%9F%D1%80%D0%BE%D0%B8%D1%81%D1%88%D0%B5%D1%81%D1%82%D0%B2%D0%B8%D1%8F%D0%B8%D0%B1%D0%B5%D0%B7%D0%BE%D0%BF%D0%B0%D1%81%D0%BD%D0%BE%D1%81%D1%82%D1%8C6.html	Еще не изжила себя репрессивная система в отношении детей
34	21.09.2012	http://mirror24.24.kg/community/137483-asiya-sasykbaeva-v-kyrgyzstane-zakon-o.html	Асия Сасыкбаева: В Кыргызстане закон о Национальном центре превентивных механизмов поможет искоренить пытки в исправительных учреждениях
35	25.09.2012	Литер (Алматы), № 179 (2093), 25.09.2012	Ювенальная оправа /Альбина Ахметова/ На международной конференции в Бишкеке обсуждались вопросы отношения общества к детям. В работе онлайн-конференции «Насилие в отношении детей в ювенальной юстиции» приняли участие эксперты из 14 стран, в том числе Казахстана, Армении, Азербайджана, Бангладеш, Грузии, Иордании, Кыргызстана, Молдовы, Пакистана, России, Таджикистана, Танзании и Украины. Конференция прошла при поддержке Европейского союза,

			Департамента международного развития Соединенного Королевства Великобритании и Северной Ирландии (DFID) и посольства Великобритании в Бишкеке.
36	02.10.2012	http://ug.zan-media.kz/index.php?option=com_content&view=article&id=7586:2012-10-01-12-33-34&catid=1:1&Itemid=3	Эксперты ЮНИСЕФ разработали рекомендации по искоренению пыток и жестокого обращения с малолетними правонарушителями, которые были презентованы на Международной конференции по искоренению насилия в отношении детей в системе ювенальной юстиции, прошедшей в Бишкеке (Кыргызстан). По словам Дэвида Даубни, председателя Попечительского совета неправительственной организации «Международная тюремная реформа» (Penal Reform International, PRI), кроме участия в международной конференции PRI провела встречу сотрудников ГСИН (Государственная служба исполнения наказания Кыргызстана) непосредственно с руководством детской колонии, обсудив проблемы ювенальной юстиции. «Я был достаточно удивлен их уровнем готовности и заинтересованности решать имеющиеся проблемы. Радует и то, что за последние пять лет идет тенденция к снижению количества детей, содержащихся в колониях.
37	21.09.2012	http://www.unicef.ru/events/news/1114/	Кыргызстан: от исследований к действиям по искоренению пыток и жестокого обращения с детьми в заключении
38	21.09.2012	http://inkg.info/news/meropriyatiya/2203-eksperty-yunisef-razrabotali-rekomendatsii-po-iskoreneniyu-pytok	Эксперты ЮНИСЕФ разработали рекомендации по искоренению пыток и жестокого обращения с малолетними правонарушителями. Свои разработки исследователи презентовали сегодня, 21 сентября, на Международной конференции по искоренению насилия в отношении детей в системе ювенальной юстиции.
39	21.09.2012	http://www.vb.kg/news/society/2012/09/21/200220_eksperty_unisef_razrabotali_rekomendatsii_po_iskoreneniyu_pytok.html	Эксперты ЮНИСЕФ разработали рекомендации по искоренению пыток и жестокого обращения с малолетними правонарушителями. Свои разработки исследователи презентовали сегодня, 21 сентября, на Международной конференции по искоренению насилия в отношении детей в системе ювенальной юстиции.
40	21.09.2012	http://news.rambler.ru/15613440/	Эксперты ЮНИСЕФ разработали рекомендации по искоренению пыток и жестокого обращения с малолетними правонарушителями. Свои разработки исследователи презентовали сегодня, 21 сентября, на Международной конференции по искоренению насилия в отношении детей в системе ювенальной юстиции.