

KINGDOM OF CAMBODIA

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Ministry of Social Affairs
Veterans and Youth Rehabilitation



Ministry of Justice



JUVENILE JUSTICE LAW STRATEGIC AND OPERATIONAL PLAN

2018 – 2020

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Ministry of Justice and Ministry of Social Affairs Veterans and Youth Rehabilitation

Foreword

Children are future resources of the country. Unfortunately, children are by nature the most vulnerable members of society. Therefore, protecting their rights and their best interest is one of other main obligations of the State.

Talking about child protection, each State shall take care of both child victims and children in conflict with the law.

In Cambodia, we acknowledge that the Royal Government of Cambodia (RGC) has developed legal provisions and mechanisms to defend and preserve the rights of children in conflict with the law.

The Law on Juvenile Justice was adopted by the National Assembly in July 2016 and came into force in early 2017. To ensure effective execution of this new legislation, a strategic and operational plan that provides clear guidance to concerned ministries and institutions is essential so those involved in this unique process are better equipped to carry out their respective duties and achieve the best outcomes for all children within the judicial system.

With this in mind, the Juvenile Justice Law Strategic and Operational Plan (JJLSOP) was initiated to help the development of a solid and sustainable modern juvenile justice system that focuses on diversion and restorative justice as the main course of action – rather than punishment. This modern juvenile justice system provides opportunity for children to correct themselves and to become good members of the society in the future.

It is internationally accepted that diversion of children away from criminal justice systems and detention is a primary mechanism to prevent children from reoffending.

Once JJLSOP is approved, stakeholders identified in this Plan will be more prepared to fulfil their individual duties and collaborate with development partners for efficient implementation.

MoJ and MoSVY believe this strategic and operational plan is a key foundation that sets out activities and a specific timeframe for concerned institutions to fulfil and monitor their respective activities in relation to child protection programmes.

The two ministries would like to express their collective gratitude and appreciation to institutions and development partners who have contributed to this process and who continue to support the protection and promotion of the rights of children, in accordance with the policies of RGC.

Phnom Penh, *26 March 2018*..



Vong SAUTH
Minister
Ministry of Social Affairs, Veteran and
Youth Rehabilitation

Phnom Penh, *26 March 2018*..



Ang VONG VATHANA
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ACRONYMS

CCWC	Commune Committee for Women and Children
CICL	Children In Conflict with the Law
CPC	Criminal Procedure Code
DR	Designated Representative
JJL	Juvenile Justice Law
JJLSOP	Juvenile Justice Law Strategic and Operational Plan (2018-2020)
JP	Judicial Police
JJLIWG	Juvenile Justice Law Inter-Ministerial Working Group
MoH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
MOSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MoWA	Ministry of Women's Affairs
NGO	Non-Governmental Organization
RGC	Royal Government of Cambodia
P	Prosecutor
PC	Penal Code
SPA	Strategic Programme Area
UNCRC	The United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
VAC	Violence Against Children
YRC	Youth Rehabilitation Centre

1. EXECUTIVE SUMMARY

The Royal Government of Cambodia's (RGC) initiative in passing the Juvenile Justice Law (JL) in 2016 to implement the resolutions contained in the United Nations Convention on the Rights of the Child (UNCRC) and other international standards and guidelines was highly significant for the children and young people of Cambodia. The law demonstrates a commitment to UNCRC and is truly comprehensive enough to support the development of a single, all-inclusive juvenile justice system for Cambodia.

The Juvenile Justice Law Strategic and Operation Plan (JJLSOP) 2018-2020 is intended to provide a practical plan for the important process of implementation and ongoing operations to improve the lives of children in conflict with the law. The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY) was appointed as the lead agency to prepare JJLSOP, in collaboration with other relevant ministries including the Ministry of the Interior (MoI) and the Ministry of Justice (MoJ). UNICEF helped the preparation of JJLSOP with support from Plan International, Children's Rights International (CRI), and Legal Aid of Cambodia (LAC).

JJLSOP is a three-year establishment plan with two over-arching objectives:

(A) Juvenile Justice System:

To build a solid and sustainable foundation for a modern juvenile justice system that can continually develop and improve in the future.

(B) Protect the rights of children:

To have an effective and positive impact on existing and future children in conflict with the law and to reduce the number of children in detention.

PRIORITIES: The strategic priorities for implementation are:

- **A child rights approach:** To implement a child rights approach and build a system in which the child is the central user and can actively participate.
- **Efficient and sustainable development:** To address fundamental challenges to implementation and to maintain momentum and maximize the use of resources to build capacity, consistency and expertise.
- **Single-system approach:** To balance a central system approach that facilitates effective co-ordination and local solutions with each individual institution's accountability, responsibility and expertise.
- **Rehabilitation and re-integration:** To address underlying causes of offending and connect children in conflict with the law with civil society and the existing child and family welfare sectors.

- **Continuous improvement and accountability:** To monitor and evaluate implementation to ensure progress towards achievement of goals and accountability for meeting JJL obligations.

ACTIVITIES: The Strategic Programme Areas (SPA) for implementation are:

1. Coordination, management and communication.
2. Education and training.
3. Social agents.
4. Diversion.
5. Reintegration.
6. Detention.
7. Crime prevention.
8. Operating system and policy framework.
9. Monitoring and evaluation.

The methodology for the development of JJLSOP comprised of the following:

- A dedicated project team.
- Analysis of the law utilizing an obligation approach and an assessment of the required changes.
- Extensive consultation.
- Application of international standards.
- Consideration of international best practices.

JJLSOP relied heavily upon consultations with stakeholders. These consisted of numerous talks with individuals and representative groups, two two-day strategic workshops, with approximately 80 stakeholders at each workshop and a stakeholder review of the draft plans. The consultations revealed that stakeholders had an understanding of the complexity and amount of change required by JJL. They also revealed goodwill and commitment, despite concern over the challenges. Many questions were raised which proved to be very helpful in developing JJLSOP.

The consultations identified the following challenges in the implementation process:

- Resourcing and the cost of implementation.
- Coordination between ministries.

- The media and civil society's understanding and acceptance of diversion.
- The lack of civil accommodation and services for CICL and children in diversion and after detention.
- The availability and funding of lawyers.
- Lack of social agents and experts.
- The lack of youth rehabilitation centres (YRC) to house the detained population.
- The high degree of change and training required.
- Conflict with other priorities for crime prevention, vulnerable children and infrastructure.

JJLSOP addresses these challenges by establishing, over three years, a foundation for successful implementation of the law in the future and efficient use of local resources to improve capacity. JJLSOP rightly stresses the absolute need for cooperation and co-ordination between departments and other stakeholders to a much greater degree than in the past.

This is a national plan that involves civil society, government and NGOs. The primary stakeholders with responsibilities include relevant ministries such as MOSVY, MoJ, MoI, the Ministry of Education, Youth and Sport (MoEYS), the Ministry of Health (MoH) and the Ministry of Women's Affairs (MoWA). Other primary stakeholders are national and sub-national local administrations, faith-based organizations, educational and training institutions, Bar Association of the Kingdom of Cambodia, non-government service providers and development partners.

JJLSOP applies to all children in conflict with the law, including those currently in detention, those at risk of conflict with the law, those coming into conflict with the law and children who become adults while detained. Each group needs to be addressed in the planning stage.

JJLSOP consists of:

- A Strategic plan.
- Analysis of JJL and its requirements (Appendix 1).
- An Operational Plan (Appendix 2).
- A Monitoring and Evaluation Framework (Appendix 3).
- A Research Report (Appendix 4).
- A Recommended Budget Estimate (Appendix 5).

The appendices are standalone documents that can be utilized as tools to support implementation. For example, the Research Report (Appendix 4) contains a detailed discussion of the meaning of various parts of the JJL and the manner in which it complies with international norms. It also comprises a detailed account of research into the mental and developmental stages of a child's development and how this differs from an adult.

The report also contains issues relating to proof of age and the important frontline role of police under JJL. It also contains a discussion of diversion, its importance and other relevant topics. All of this material should be of great value to those seeking an understanding of how JJL affects them and it deals with many of the questions raised in the consultations.

JJLSOP provides direction and guidance for the establishment phase of a single all-inclusive juvenile justice system for Cambodia that protects and promotes the rights of children. This system uses detention as a measure of last resort and for the shortest amount of time possible.

2. BACKGROUND

According to UNCRC, ratified by Cambodia in 1992, children in conflict with the law should be treated in accordance with their age and take into account their reintegration into society. UNCRC clearly states that the detention of juveniles should be a measure of last resort and for the shortest period of time (Article 37).

Subsequent international rules (discussed below), to which Cambodia is a signatory, have further developed and explained the provisions of this convention.

The situation in Cambodia in relation to juvenile justice prior to the passage of JJL was unsatisfactory, despite Cambodia's longstanding adherence to UNCRC. The reasons for this include Cambodia's difficult restructuring following the virtual destruction of the country's system of government by the Khmer Rouge, the aftermath of this action and limited funds to achieve reforms. RGC has recognized this formidable challenge through the passage of the new law.

Although the 2009 Penal Code sets the legal age of criminal liability at 18 years-old (Article 38), children can be considered responsible for infringing the Criminal Code from 14 years-old (Article 39 of the Criminal Code) by the court, based on particular circumstances.

In principle, a minor is not considered mature and/or responsible enough to be held accountable and judged for their acts in the same way as adults. However, due to the lack of a strong juvenile justice system and the long absence of a specific juvenile law, young offenders below the age of legal majority, including those who have committed minor offences such as theft or drug use, have been tried and penalized as adults. After the Criminal Code was amended in 2009, such young offenders were subject to maximum sentences that were reduced by half because they were minors. However, reduced sentences did not address the requirement that detention or imprisonment should be a last resort for minors. This principle has now been recognized in the new JJL, in Article 5.

A problem in Cambodia is an inadequate system of birth registration – a critical issue that still needs to be addressed. The importance of this cannot be overemphasized because in order to apply different principles to minors than adults, it is vital to determine whether they have attained the age of possible criminal responsibility of 14 years of age, or whether they were under or over 18 years of age when the crime was committed.

This problem has been in part addressed by Article 9 of the new code which provides that the relevant time for determining age is when the crime was committed and that proof is to be established by a birth certificate or a document certifying birth or, in its absence, by other

reliable means which are accepted by the court. The article requires competent authorities to seek evidence of the age of the minor as soon as possible and that any doubt as to the age of a minor shall be resolved in the minor's favour.

A difficulty is that there is no reliable method of proving age by medical or scientific means to the degree of accuracy required by these age requirements. By far the best long-term solution would be to make it a legal requirement for parents to register a birth, subject to a fine for failure to do so and to provide available registration facilities to all. Determination of age in criminal proceedings would be just one of many benefits that would flow from such a requirement.

A critical recent development has been the rapid rise in the number of children imprisoned in Cambodia. This number increased from 336 in 2014, to 907 in January 2017 and it continued to increase to 1,505 in April 2018, having previously fallen gradually from 772 in 2010, to 336 in 2014.

The fall from 2010 to 2015 may well have been in part the result of work done by MoJ in conjunction with CRI and UNICEF in promoting the concept of a more child-friendly justice system and consequent training of those involved in the desirability of this concept. In 2012, a high-level study team visited Australia to study juvenile court systems. The visit was organised by CRI and paid for by Australian government aid agency AusAID.

Following that visit, MoJ, in conjunction with CRI and Legal Aid of Cambodia (LAC), held a conference involving 300 people from all sectors of the justice system over two days in Siem Reap to introduce the child-friendly court concept. This was followed by a smaller seminar in Battambang to examine the concept in detail. Funding for these events was provided by UNICEF with assistance from the Australian government.

These activities received considerable enthusiasm from participants and there is little doubt they were effective. Unfortunately, the momentum was lost to some extent in 2013-14 for various reasons relating to funding, although some seminars were conducted in late 2015. These seminars were directed towards the development of JJL, as was a subsequent UNICEF-funded study visit to Australia in March 2016.

An increase in the number of children in prisons in 2015 was observed and this rise continued into 2018. This was a very sudden increase and is linked to certain factors significant to this two-year timeframe that is possibly ongoing. One main reason appears to be RGC's enforcement of strict measures against drug use. There has been a noted increase in the number of young adolescents involved in drug activities, not only drug use, but also in sales and trafficking.

The director-general of the General Department of Administration of MoI confirmed that RGC's anti-drug campaign has significantly increased the number of prison detainees, including children. There is no doubt there are other factors that will need to be carefully considered and it is obvious this represents a considerable challenge to the new juvenile justice system.

For historical reasons, the Cambodian justice system has mainly focused on punishment, which reduces the likelihood of successful rehabilitation into society and the community. Modern thinking, recognized by the new code, is that punishing a child through the criminal justice process can actually increase the likelihood that the child will sink into self-identification with criminality and re-offend, with the likelihood of even more serious crimes. This is why it is necessary to intervene as soon as possible in order to prevent, rehabilitate and reintegrate those young people into society before they become criminals.

The long-awaited JJL was approved by the National Assembly on 30 May 2016, signed by Royal Proclamation on 14 July 2016 and came into effect on 20 February 2017. This is an important step towards the protection of children in contact with, or in conflict with the law, and is a separate juvenile justice system that guarantees the respect of their rights. The new JJL is critical to ensure that the Cambodian juvenile justice system complies with the principles of UNCRC and the rules made within it.

In April 2016, UNICEF Representative Debora Comini wrote to His Excellency Vong SAUTH, Minister of MOSVY, offering the support of UNICEF and partner Plan International to develop a costed strategic and operational plan to guide implementation of the law.

The letter acknowledges the contribution of many organizations, including Legal Aid of Cambodia, Every Child Cambodia, Save the Children, World Vision, NGO Coalition for Child Rights (NGOCRC), other INGOs, Children's Rights International, the Office of Drugs and Crime and the Office of the High Commission of Human Rights. It was recommended that these agencies be invited to contribute to the planning process of the legislation.

The new law requires significant changes to be made with regard to how the child protection and justice sectors respond to child offending. The law mandates key government ministries develop new prakas and standard operating procedures on a complex range of issues including age determination, arrest, prosecution, court hearings, diversion and detention. These ministries include Mol, MoSVY, MoJ and the courts.

With support from MoSVY, MoJ and other key government ministries, UNICEF initiated the development of the three-year JJLSOP (2018-2020) to guide the implementation of the new JJL. Intended primarily for MoSVY, Mol and MoJ, JJLSOP is being prepared by Children's Rights International (CRI), an Australian organization that specializes in juvenile justice systems which has been involved with MoJ, UNICEF and LAC in the development of child-friendly justice systems in Cambodia since 2006.

CRI has been involved in discussions with MoSVY and MoJ since September 2016 and was engaged by UNICEF to assist in the preparation of this plan. Further consultations and discussions have taken place since February 2017 among all relevant stakeholders in order to support CRI and push forward the development of JJLSOP. The first draft was presented on 9 May 2017 and this has now been completed following further consultations.

Although this is a three-year plan, this does not suggest that full implementation will have occurred by the end of this 2020 timeframe. The process is an extremely complex operation that involves the introduction of concepts previously unknown to the area of law in Cambodia and interested parties. Further planning will be informed through careful monitoring and evaluation. Concepts such as a lenient approach to offences committed by children, diversion and rehabilitation and the acceptance of child offenders back into the community will not receive overnight acceptance and will need to be carefully explained and supported at the highest level – both financially and by public expressions of support.

JJLSOP will provide the foundation to ensure the Law is fully and systematically implemented. This is on condition that the level of support discussed above continues for many years into the future.

JJLSOP will also provide donors and development partners with clear guidance about where to invest in the new legislation. Without such a plan, it is unlikely that significant donor resources can be mobilized. The implementation of the new JJL provides an opportunity for Cambodia to demonstrate its commitment to UNCRC and other international standards.

3. METHODOLOGY

3.1. Overview

The methodology for the development of JJLSOP is comprised of five elements, underpinned by an agreed set of design principles.

Children in conflict with the law are considered to be protected by resolutions specified in UNCRC. Standards and guidelines that expand upon UNCRC rights have shaped the new Cambodian JJJL. Accordingly, the methodological framework comprised the application of international standards and guidelines and consideration of best practices with extensive consultation and the use of an expert project team.

In summary, the methodology for the development of the plan comprised:

- A dedicated project team.
- Analysis of the law utilizing an obligation approach and an assessment of required change.
- Extensive consultation.
- Application of international standards.
- Consideration of international best practices.

Design principles underpinning the development of the plan is the primary objective of ensuring efficient use of resources, both practically and realistically. Establishing a juvenile justice system is complex and involves extensive change to practices and policies. UNCRC has established children's rights as the central ethical principle and standard for all behaviour towards children, thus the implementation plan was designed with a child-rights approach.

A fundamental shift is required in social and political attitudes to children in conflict with the law, as well as changes to the widespread acceptance and belief in the social norms of punishment and detention as a solution to offending. This plan recognizes that establishing a juvenile justice system that conforms to international standards will not be completed in the three-year period; that it is a highly technical and expensive process; and that it requires intensive institutional reform, in addition to attitudinal change.

Therefore, key challenges to implementation have been identified through consultation and the plan was designed to tackle the fundamental challenges and maintain momentum for change, while still having an impact on the current and future population of children in conflict with the law. The plan prioritized activities that implement change that are essential to sustaining momentum and implementation of JJJL.

A strategic objective of JJLSOP is the development of a juvenile justice system that, from a user's perspective, is a single system. This will require common practices, policies, information exchange and cooperation between institutions and individuals with a role, or involvement in, juvenile justice. JJLSOP was designed to achieve a balance between the benefits of a single-system approach and to recognize that local or place-based solutions are essential on the front line. Solutions need to be effective in each community and consistent in principle, but quite different in application at the community level. JJLSOP was planned to achieve a balance between the efficiencies and consistency of centralizing implementation and the responsibility and expertise of individual institutions to best manage their own practices and people. This balance requires institutions that have responsibility for police, prison administrations, the courts, local community infrastructure and professionals dealing with children in conflict with the law to cooperate, contribute and support centralized systems and commit to implementation within their own areas of authority.

JJLSOP was also designed with recognition that there are national, government and non-government programmes, policies and planning to support positive outcomes for vulnerable, disadvantaged and exploited children and families. JJL provides for non-custodial, community-based responses which support the diversion of children from the justice system and the reintegration of children from detention into society. JJLSOP also recognizes that prevention, diversion and reintegration require existing programmes and professionals working in, or interacting with, the existing child and family welfare sector to develop competency in working with children at risk of, or in conflict with, the law. Specialist support and programmes will be required, but by its very nature diversion and reintegration requires connection to civil society institutions and existing efforts to support children to achieve positive futures.

In summary, the key design principles of JJLSOP are:

- Use a child-rights approach.
- Address fundamental challenges to sustainable change and implementation momentum while achieving outcomes for children in conflict with the law.
- Balance a central system approach with local solutions and individual institutions' responsibility and expertise.
- Connect children in conflict with the law with civil society and the existing child and family welfare sectors.
- Provide clear, accessible and user-friendly information and guidance for implementation.

Using this methodology, JJLSOP consists of five strategic areas of focus, nine comprehensive and integrated programme areas of activities, a schedule of common activities and a monitoring and evaluation framework. It contains a number of tools to support planning, including an obligation-based analysis of JJL, a desk review of international best practices, a glossary drawn from international resources and a number of scheduling and process documents.

3.2. Application of International Standards

According to resolutions in UNCRC, ratified by Cambodia in 1992, children in conflict with the law should be treated in accordance with their age. JJL comprehensively contains the critical objectives, principles and procedural rights aimed to protect the rights of children who are in conflict with the law.

The Report of the United Nations Secretary General's Study on Violence Against Children recommends: "Detention should be reserved for child offenders who are assessed as posing a real danger to others, and significant resources should be invested in alternative arrangements, as well as community-based rehabilitation and reintegration programmes..." (A/61/299, para. 112 [b])

Article 37 of UNCRC clearly states that the detention of juveniles should be a measure of last resort and for the shortest appropriate period. JJL places repeated emphasis in both general and procedural articles on diverting and releasing children from detention at all stages of a judicial and penal matter. JJLSOP accordingly includes emphasis and priority on activities aimed at implementing these articles. JJLSOP also prioritizes activities to raise awareness, acceptance and active support of the principle of detention as a last resort for children, as it challenges the social norm in Cambodia and elsewhere that the detention of children is the appropriate punishment for wrongdoing. This change in attitude is critical to the success of diversion and reintegration.

The international instruments listed below further develop and explain the provisions of UNCRC. The rules are intended to provide interpretative and practical guidance and standards for governments, NGOs, legal practitioners, decision-makers, prosecutors and the judiciary. These tools have been used to shape JJLSOP and they need to be utilized as a constant reference for decision-making.

International instruments

- United Nations Convention on the Rights of the Child (1989).
- Committee on the Rights of the Child – General Comment No. 10 (2007) – Children's rights in juvenile justice; General Comment No. 12 (2009) – Right of the child to be heard; General Comment No. 9 (2006) -The rights of children with disabilities; General Comment No. 11 (2009) – Indigenous children and their rights under the Convention.
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('Beijing Rules') (1985).
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty ('JDLs' or 'Havana Rules') (1990).
- United Nations Guidelines for the Prevention of Juvenile Delinquency ('Riyadh Guidelines') (1990).

- Guidelines for Action on Children in the Criminal Justice System (Annex to UN Resolution 1997/30 – Administration of Juvenile Justice ('Vienna Guidelines')) (1997).
- United Nations Common Approach to Justice for Children (2008).

The most relevant of these to guide the implementation of JJL are:

- United Nations Convention on the Rights of the Child.
- The Beijing Rules.
- The Havana Rules (1990).

Convention on the Rights of the Child

Article 37:

- No torture or other cruel, inhuman or degrading treatment or punishment.
- No capital punishment.
- No life imprisonment without possibility of release.
- The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.
- Separation of [a] child deprived of liberty from adults unless it is considered in the child's best interest not to do so.
- Right to maintain contact with his or her family through correspondence and visits.
- Right to prompt access to legal and other appropriate assistance.
- Right to challenge the legality of the deprivation of his or her liberty before a court.
- Independent and impartial authority.

Article 40

- Right to be treated in a manner consistent with the promotion of the child's sense of dignity.
- Takes into account the child's age and the desirability of promoting the child's reintegration and the child assuming a constructive role in society.
- Only infractions prohibited by national or international law at the time they were committed.
- Right to be presumed innocent until proven guilty, according to law.
- Right to be informed promptly and directly of the charges against him or her.
- Right not to be compelled to give testimony or to confess guilt. Right to the free assistance of a translator if needed.
- Establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law.

The Beijing Rules

- Consideration by the police or other community actors, whenever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority.
- Special instruction and training of the police officers dealing with juveniles. In large cities, establishment of special police units.
- Fair and just trial, principle of proportionality: consideration of gravity of offence and also of the needs of the juvenile.
- **Non-residential dispositions:** A large variety of disposition measures shall be made available to the competent authority, allowing for flexibility so as to avoid institutionalization to the greatest extent possible.
- **Professionalism and trainings:** professional education, in-service training, and other modes of instruction shall be utilized to establish and maintain the necessary professional competence of all personnel dealing with juvenile cases.
- **Evaluation:** The delivery of services in juvenile justice administration shall be systematically planned, implemented and evaluated as an integral part of national development efforts.

United Nations Rules for the Protection of Juveniles Deprived of their Liberty ('JDJs' or 'Havana Rules') (1990)

- Imprisonment or detention of juvenile only as a last resort. Rule 1.
- Rules are the minimum standard for detention of juveniles accepted by the UN. Rule 3.
- Rules should be incorporated into domestic legislation. Rule 6.
- Active steps must be taken to inform the public of the importance of juveniles' return to the community. Rule 8.
- Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society. Rule 12.
- Juveniles who are detained under arrest or awaiting trial are presumed innocent and shall be treated as such. Detention before trial shall be avoided to the extent possible and limited to exceptional circumstances. Therefore, all efforts shall be made to apply alternative measures. When preventive detention is nevertheless used, juvenile courts and investigative bodies shall give the highest priority to the most expeditious processing of such cases to ensure the shortest possible duration of detention. Untried detainees should be separated from convicted juveniles. Rule 17.
- Juveniles should have the right of legal counsel and be enabled to apply for free legal aid, where such aid is available and to communicate regularly with their legal

advisers. They should be provided, where possible, with opportunities to pursue work, with remuneration and continue education or training, but should not be required to do so. Work, education or training should not cause the continuation of the detention. They should receive and retain materials for their leisure and recreation as are compatible with the interests of the administration of justice. Rule 18.

- In all detention facilities, juveniles should be separated from adults, unless they are members of the same family. Rule 29.
- Open detention facilities for juveniles should be established. Open detention facilities are those with no or minimal security measures. The population in such detention facilities should be as small as possible. The number of juveniles detained in closed facilities should be small enough to enable individualized treatment. Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community. Rule 30.
- The design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities. Rule 32.
- Sleeping accommodation should normally consist of [a] small group dormitories or individual bedrooms, while bearing in mind local standards. Rule 33.
- Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner. Rule 34.
- Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for [their] return to society. Such education should be provided outside the detention facility in community schools, wherever possible and in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Rule 38.
- Every juvenile should have the right to receive vocational training in occupations likely to prepare him, or her for future employment. Rule 42.

3.3. Consideration of international best practices

The material below gives an indication of central themes of the international policies and processes that support JJL drawn from research literature. Under each heading, are the key connections between the new Cambodian JJL and relevant international legal instruments such as the Standard Minimum Rules for the Administration of Justice (the Beijing Rules) and UNCRC resolutions. Detailed material on practices are provided in JJLSOP. The full report is

available as a separate document that sets out practices and international norms drawn upon in JJLSOP to develop a Cambodian juvenile justice system. (See Appendix 4).

Difference between children and adults

Under international law, children are regarded as different from adults and must be treated as such. This is reflected in the Standard Minimum Rules for the Administration of Justice (the Beijing Rules) and the UNCRC resolutions. This is also reflected in Cambodian JJJ 2016, particularly Articles five and six and Chapters V, VI and VII. The Beijing Rules stress the importance of nations establishing a set of laws, rules and provisions specifically applicable to juvenile offenders and institutions and bodies entrusted with the function of the administration of juvenile justice and designed to meet the varying needs of juvenile offenders, while protecting their basic rights.

Community education and attitudinal change

Juvenile justice, a separate system of justice for children, was developed to ensure children are not subjected to the harmful effects of contamination and stigma (Cunneen and White: 2011). Separate justice for juveniles and a separate legal system reflects a humanitarian advance on prior practice and can lead to the removal of arbitrary or degrading punishment. A significant body of international research has confirmed that penal methods of reducing juvenile offending – including incarceration and labelling – do not work to reduce crime rates, this approach fails to deal with underlying behaviour, is costly and has a long-term detrimental consequence as it increases the likelihood that juveniles will become adult criminals.

Cautioning and diversions

In juvenile justice, cautioning is employed to punish juveniles without resorting to incarceration. Cautioning enables society to express its dissatisfaction with unlawful behaviour and record its censure for offending conduct, without invoking incarceration, which for the reasons outlined above, can have a deleterious effect on juvenile offenders. Cautioning is typically used for first-time offenders. Studies have shown that the majority of young offenders who are cautioned for their first offence are less likely to have a second contact with the criminal justice system (Dennison, Stewart and Hurren, 2006; Poteas et al: 1990; O'Connor: 1992).

Diversion programmes have a similar objective. Diverting juveniles from the criminal justice system when they are involved in low-grade offending, such as minor property offences, is most effectively met by the delivery of appropriate correctional services reflecting the following three approaches: (1) Delivery of service to higher-risk cases; (2) Targeting of criminogenic needs; (3) Use of styles and modes of treatment that are matched with client need and learning styles (Andrews et al, 1990). Diversion programmes emphasize the development of pro-social behaviour and more readily lead to successful reintegration into the community.

Community policing

'Community policing' denotes a variety of policing approaches that aim to engage proactively and productively with juveniles in order to develop a culture of trust and the advancement of pro-social behaviour. Information about the criminal law, road safety, the rules and regulations of vehicle use and the like, can be shared activities organized by the police and interrelated organizations for the benefit of the juvenile populace, the purpose of which is to develop a participatory model of police-citizen interaction (Cunneen and White: 2011).

Crime prevention programmes

In order to implement Cambodian JJL 2016, JJLSOP will develop recommendations for a crime prevention programme. This will emphasize developmental approaches and accommodating approaches, rather than coercive approaches, consistent with Cambodian law and international instruments. Developmental approaches entail enhancement opportunities for young people and the encouragement of pro-social activities, reflecting their interests and needs (Polk: 1997). Accommodating approaches attempt to use participatory methods as a means to reduce juvenile crime, anti-social behaviour and fear of crime, particularly in public places (White, Kosky and Kosky, 2001).

Community justice

Community justice principles aim to ensure that the community and its representatives are explicitly included in the juvenile justice context (Clear and Karp: 2000). Community justice principles can be reflected in crime prevention, policing, prosecutions, defence systems and courts. The aim of a community justice approach is to focus energy on short- and long-term problem solving, restoring victims and communities, strengthening normative standards and effectively reintegrating offenders into the community.

Children in detention

Detention before or after conviction should be a last resort for juveniles. This is reflected in the Cambodian law and is consistent with international best practices and international law. JJLSOP will develop details on policies, processes and procedures for the appropriate implementation of its provisions, consistent with this objective.

Proof of age

UNCRC requires that 18 years should be the age of criminal responsibility. Proof of age is necessary to ensure the effective operation of a juvenile justice system, both to ensure that children are not tried and treated as adults and also to ensure that adults do not fraudulently take advantage of special conditions applying to juveniles (Smith and Brownless: 2011).

To be processed as an adult puts the child at increased risk of abuse in a system that makes no consideration for the child's situation, age or maturity. For a child below the age of criminal responsibility, to be mistakenly identified as a juvenile means entry into the formal juvenile justice system, when he or she should have been entitled to special care and protection. Therefore, realistic determination of age is vital to ensuring that children and juveniles are identified and treated appropriately (UNICEF, 1995:20).

Specialist competencies and training for police, judges, prosecutors and for social support roles, including the court and judicial monitoring.

JJL refers to 'child-friendly procedures' to promote full participation of minors. Accordingly, specialist training will be necessary to assist key personnel to modify use of language, procedures and the court environment. As the Australian Law Reform Commission has observed (1997):

The UN Committee on the Rights of the Child has emphasized the need for systematic training activities for professional groups working with or for children in the area of the administration of juvenile justice. These groups include judges, lawyers, social workers, law enforcement officials and immigration officers. Prosecutors should receive specialized training in children's matters, particularly concerning the exercise of the discretion to withdraw charges in minor matters. The views of the apprehending officer should be persuasive but not binding in such instances.

The Beijing Rules provide that criminal proceedings should be conducive to the best interests of the child and conducted in an atmosphere of understanding which will allow the child to participate in the proceedings and express him or herself freely. Some magistrates and practitioners encourage a less formal atmosphere in children's courts than in adult courts. However, the use of legal language and jargon limits children's understanding of the proceedings and is likely to alienate children appearing in the court. This is particularly acute in serious indictable matters, such as murder and sexual assault, which are judged in higher courts.

One way of increasing children's comprehension of criminal proceedings and their ability to participate in them meaningfully is to ensure appropriate and early legal representation for them. Another way may be to give them an entitlement to a support person in court.

Admission of guilt by a child

JJL states that a court shall examine, evaluate and certify that a minor's admission of guilt is voluntary and made without threat or coercion. In evaluating the admission, it is important to note psychological research confirming that children are especially vulnerable to making false confessions due to developmental and dispositional reasons; they are highly suggestible and compliant to people in authority (Kassin, 2010).

Court and case management of children' matters and reintegration of children into communities

Juveniles need sustainable, stable, secure, individualized community support and transitional options that are specifically funded, staffed by independent, knowledgeable caseworkers that adopt systemic case and risk management approaches using non-punitive, therapeutic, least-restrictive practice frameworks that leverage support from families and other relevant social services (to like effect). (Keyzer and O'Donovan, 2014).

Appendix 4 contains the full report and provides a persuasive resource for JJLSOP to support the raising of awareness and professional training.

3.4. Consultation

The most critical element of the development process of JJLSOP was the consultation plan. There are a large number of resources and examples available providing guidance on the creation and improvement of juvenile justice systems. However, implementation of JJJ needed to be significantly crafted for Cambodia and its precise social and economic environment and resources, in order for it to be effective.

The consultation approach consisted of interviews with individuals, discussions with representative groups, larger strategic workshops and a review of draft plans across a broad range of stakeholders in order to achieve effective implementation of JJJ. The themes that emerged from the early discussions shaped the design principles for JJLSOP (Item 3.1). There was consistent agreement on the challenges to implementation and this influenced the structure and schedule of JJLSOP. The consultation yielded extensive material; ranging from small practical considerations around implementation, to high-level concerns about the challenge of resourcing, community acceptance, change management and the complexity of the cooperation required to create a juvenile justice system.

JJLSOP is a three-year plan that aims to balance its two overarching objectives: building a solid and sustainable foundation for a juvenile justice system that can continually develop and improve in the future, and an effective impact on the existing and ongoing population of children at risk of, and in conflict with, the law. The balance between these two objectives takes into serious account the findings of the consultation and the challenges and risks to effective implementation and maintaining momentum.

It is worthwhile to note that the following four significant challenges identified by the consultation are not unique to Cambodia and are issues faced by many nations:

- Resourcing.
- Community acceptance and support of a child-rights approach and diversion.
- Managing a high level of change nationally.
- Complexity and extensive nature of the required cooperation.

The other major finding of the consultation was the tension between the value of efficiencies and benefits of a central system and generic approaches and the number of individual ministries and stakeholders with expertise, responsibility, or a role in implementing JJL. Underpinning these contending approaches was the knowledge that effective diversion and reintegration needs local community solutions. Hence, the importance of the design principle of balancing a central system approach with local solutions and respecting each individual institution's responsibility and expertise to manage its own processes and people.

Two strategic workshops were held one month apart in Phnom Penh (March and April 2017). The emphasis of the first workshop was clarifying what implementation of JJL required and discussing the challenges, the nature of change and the ideas of the stakeholders. Analysis and the obligation matrix of JJL was distributed as a tool for all participants. Small group discussions on the first day of the workshop were held in stakeholder groups, followed with mixed group discussions on the second day. The discussion feedback, along with a series of meetings and interviews with stakeholders, informed the design of ten strategic programme areas of JJLSOP .

At the second two-day workshop, 10 SPAs and their main activities and practical outcomes were presented with reference to the findings from the initial consultation phase, international standards and best practices. Each SPA was discussed in small discussion groups and verbal feedback provided to the project team. This produced a considerable amount of feedback to consider.

Eighty per cent of the feedback on draft operational plan activities was positive and approving. The majority of negative comments were seen as a voice for alternative solutions, or they were an expression of doubt over the capacity to implement, referring often to the same challenges raised in the initial workshop. There were many excellent ideas, solutions and issues put forward that were taken into consideration in preparing the draft operational plan that was distributed for comment and endorsement in May 2017. A number of the concepts and concerns were followed up with individual meetings to obtain more detailed information, or for the team to provide greater explanation. All of the feedback on the draft operational plan has been considered, responded to in detail and used in this final document.

3.5. Analysis of the Juvenile Justice Law

3.5.1. Overview

Analysis of JJL was undertaken using an obligation identification approach. This method analyses each article of JJL and separates out each legal obligation contained in the article, who holds that obligation and who is impacted by the obligation. The majority of 'obligation holders' in JJL are the current 'actors' in the justice system: police, lawyers, prosecutors, judges and court administrators. New roles have been created by JJL including social agents, diversion managers and youth rehabilitation staff. MoJ and Mol have the challenge of managing a high degree of change in their current operations and they need to develop and appoint specialists in juvenile justice.

This method of analysis of the law and the creation of the matrix of procedural and practice obligations and standards was chosen as an effective mechanism to deconstruct the law for obligation holders to enable comprehensive implementation planning. It is an extremely useful tool (Appendix 1). This analysis and subsequent consultation with stakeholders has identified a number of gaps or ambiguities in the law. Greater clarity can be provided with the production of explanatory and regulatory documents, in addition to those required by JJL.

JJL includes the following requirements:

- [Article 10](#) : The procedure of appointment and accreditation of social agents to be governed by prakas of the Minister of Social Affairs.
- [Article 76](#) : The organization and functioning of youth rehabilitation centres (YRC) to be regulated by a sub-decree.
- [Articles 77, 78, 82, 83, 88](#) : Each of these articles with regard to formalities and procedures concerning YRCs are required to be regulated by an inter-ministerial prakas between the Minister of Social Affairs, the Minister of Interior and the Minister of Justice.

Mol and MoJ will also be drafting regulatory processes and procedures to provide explanatory material, processes and procedures and standards for the implementation of JJL in their areas of responsibility. All new laws require clarification and potential amendment in the future. Ministries can often provide clarification and resolve ambiguity through the application of regulatory processes.

Policies and programmes also need to take into account their impact on the number of children in detention and the implementation of JJL.

The consultation identified the following areas in need of attention:

- Article 88 YRCs.
- Lack of penalties and sentencing guidelines.
- Time frames for processes.
- Deterrents for breach of confidentiality.
- Proof of age.
- 'In need of care and attention' provisions.
- Police discretion to caution and divert.

These specified areas, that require greater analysis, are covered in more detail below.

3.5.2. Impact of Article 88

Article 88. YRCs – In case these facilities are not established, all provisions that currently apply to children in conflict with the law shall continue until they become operational. A serious problem does arise concerning the operation of Article 88 in relation to YRCs. A sub-decree has been drafted that provides MoSVY with the authority to establish and operate youth rehabilitation effectively, transferring the responsibility for children from Mol to MoSVY. At present, one YRC is planned and it is expected this will not be operational for two to three years.

The serious consequence of the operation of Article 88 is that until YRCs are available, the provisions of Articles 72 and 73 of the JJL relating to conditional release do not apply. This means that any release of an individual from this type from prison is governed by the far more restrictive requirements of the Criminal Code.

JJLSOP includes the introduction of temporary YRCs as a priority activity to deal with the problem created by Article 88 of JJL. This is being investigated by MOSVY which is considering using a number of unused orphanages for this purpose. JJLSOP provides for an additional range of activities to assess and improve current prisons and a process to deem designated areas as temporary YRCs.

It should be noted that the present proposal is to construct only one YRC. There is currently an overcrowding crisis in Cambodian prisons, including a substantial increase in youth offenders and if JJL is to have an effect, it is vital diversion provisions for release are applied as soon as possible.

Another complication in relation to the proposal to construct a YRC to effectively serve the first five targeted provinces is that this would appear to directly contravene Rule 30 of the Havana Rules which requires in part 'Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community'.

It may be that the temporary YRCs discussed above could be used on a more permanent basis in order to comply with this rule. They could also serve to decentralize the centres, make them smaller and assist reintegration into the community, which is one of the principle aims of JJL.

The operation of Article 88 does not mean that existing prisons should not improve conditions for children in detention. JJLSOP contains actions for existing prisons to continue to implement international standards to ensure that existing conditions for children in detention improve. It may be possible to mitigate the impact of Article 88 by sub-decree, allowing Articles 72 and 73 to operate if a child is in detention in an existing prison.

3.5.3. Lack of penalties and sentencing guidelines

The principles of penalties and sentencing continue to be controlled by the Criminal Procedure Code and Penal Code and other relevant laws, unless otherwise stipulated in JJL (Article 2).

Changes made by JJL include:

- The inferred requirement that sentences are to be served in a YRC. Although this does not appear to have been specifically set out, the whole intention of the Law suggests that this is intended (see also Article 4, Definition 10).
- The requirement that incarceration or detention “shall be a measure of last resort and in a shortest period of time when arresting, detention and sentencing of a minor” (Article 5). This article seems to mean that in the absence of an available YRC, minors will serve their sentence in a prison but Article 5 may possibly be interpreted as enabling sentences to be shorter than those provided in the Criminal Procedure Code.
- **This is strengthened by the first principle stated in Article 5:** “All persons performing any function concerning to minor shall ensure the observance of the following principles: Consider primarily on actions concerning to the best interests of the minor and particular to ensure that the minor’s right to life and maximum survival and development”. During the consultation, there were differing opinions regarding whether Article 5 of the JJL, though not specifically referring to penalties and sentencing guidelines, amounts to a ‘stipulation’ for the purposes of Article 2 – therefore allowing discretion to judges to set different penalties and sentences for minors.

3.5.4. Timeframes for processes

JJL has set limited timeframes for procedures utilizing a range of standards such as ‘as soon as possible’, ‘as early as possible’ and ‘promptly’. JJL puts trust in obligation-holders such as police, prosecutors, judges and social agents, as in many systems of juvenile justice, to exercise professional judgement with descriptive timeframe standards. There is also a risk that the lack of defined timeframes in a developing juvenile justice system may result in unnecessary delays in the legal process. A number of JJLSOP activities will minimize this risk, including the mapping and creation of a JJL Operating System that could include recommended timeframes and a case management system that includes a case review schedule.

3.5.5. Penalties for breach of confidentiality

Except for penalties set out in the Law of the Press (Article 15) which prohibits identification of a child in conflict with the law, as well as a ban on the publication of details that would lead to the identification of a child in conflict with the law, there are no penalties for breach

of confidentiality. Legal penalties can be considered with future amendment of JJL and in the short-term, disciplinary action for staff in various departments such as education, health, justice and local administration and MoSVY. It is envisaged that a range of services will be provided by NGOs and consideration should be given to binding non-government entities to a code of confidentiality, using the service agreement. A suggestion arose at the consultation that a mechanism is implemented to enforce staff – employed by the relevant government ministries, as well as private contractors – to protect the identity and situation of minors.

3.5.6. Proof of age and birth registration

JJL addresses dispute and judicial findings as to age at all stages of the proceedings. Article 9 is the overarching article that establishes that when a child in conflict with the law does not have a birth certificate, this is to be established by ‘other reliable means’, ‘by competent authorities’. If in doubt, then the question of age will be resolved in the child’s favour.

What is ‘reliable means’ and who are ‘competent authorities’ needs to be determined. If doubt is raised when the child is in the control of the judicial police, the matter of age will be referred to the prosecutor (Article 14). If the matter is still in doubt after a preliminary investigation by the prosecutor, the matter will be referred to the investigating judge (Article 25). A range of articles infer that the investigating judge will make the determination with regard to age (Articles 33, 39.). Article 49 implies the trial judges can also make a finding as to an age. Clarification was sought by stakeholders as to the interpretation of Article 9 and the question was debated as to whether it does not have an impact on the determination of age until the matter is decided by a judicial officer.

In 2015, the UN General Assembly adopted the Sustainable Development Goals (SDGs) as a primary global development framework and set of goals that UN Member States can use to guide their priorities from 2016-2030. Of relevance is the goal that all people will have a legal identity including birth registration (SDG16.9). The issue of proof of age in the criminal justice system needs to be considered as another important incentive to achieve birth registration for all Cambodians.

3.5.7. ‘In need of care and attention’ provisions

JJL provides at all stages that if a child is deemed to be in need of care and protection they are referred to the municipal, provincial, district department, or office in charge of social affairs to take action (Articles 13,14,27,39,41,42). This recognizes that it is often the difficult situation of the child that has brought them into conflict with the law.

UNCRC states that 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 time (Article 37). Detention as a last resort is equally applicable to children deprived of their liberty

because they are deemed in need of care and protection. The juvenile justice ‘actors’ need to be trained to recognize that referral needs to be used with care and is not to be used as an alternative to diversion.

MOSVY together with the child and family welfare sector has existing procedures, policies and programmes for children in need of care and protection and there are a number of major initiatives such as Family Care First working to improve the existing care system in Cambodia.

3.5.8. Police discretion to caution and divert

Article 13 contemplates that police will have discretion to divert children from the law. It also requires they write a report and refer the case file to a prosecutor for further proceeding. Discussion with stakeholders during the consultation suggested that a sensible approach is to interpret it as giving police the power to resolve petty offences without recourse to the courts therefore providing for the development of a ‘cautioning’ system considered an essential element of a modern juvenile justice system. The inclusion of the report and referral to the prosecutor can provide the opportunity for the prosecutor to review the decision of the police to ensure it is lawful. For example, the offence committed is a petty offence and not a more serious crime. According to best practices, Article 13 should in practice be seen as a procedural step for review rather than an opportunity for the prosecutor to overturn the decision of the police unless the police explicitly request the prosecutor to consider the matter.

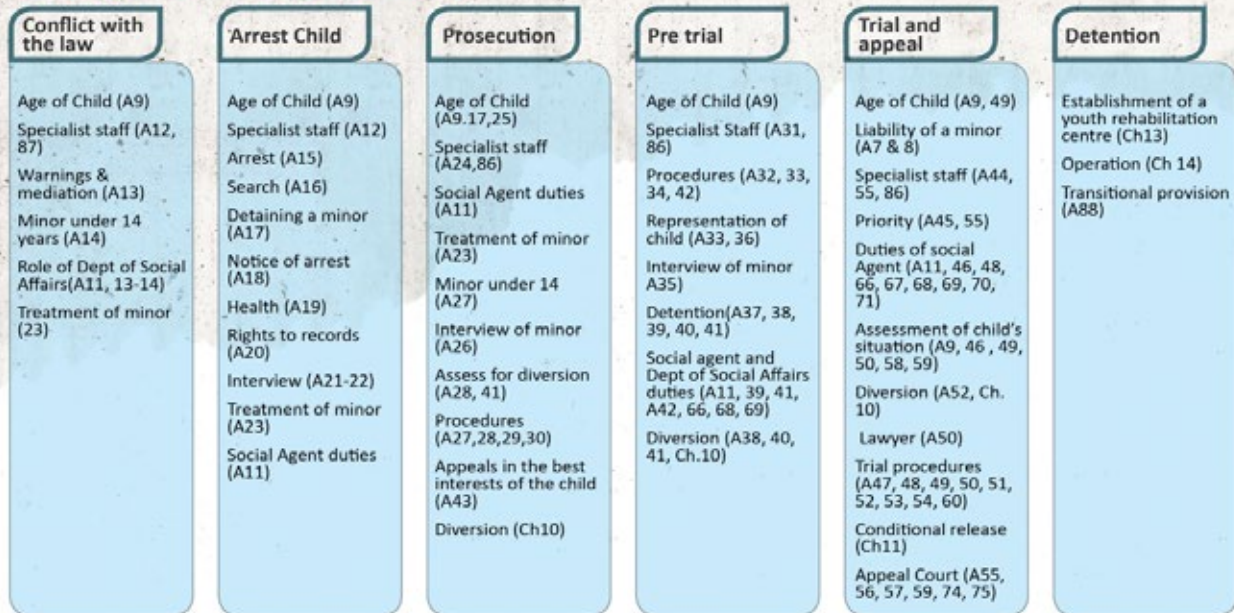
An aligned issue is the question of a criminal record. The report to the prosecutor and the police registration of cautions should not form any part of a criminal record. Cautioning records need to be maintained separately from other legal records.

3.6. Process maps

Appendix 1 contains a full obligation analysis of the Law. This document is designed to make JJL more accessible to the broad range of stakeholders with legal JJL obligations. In addition, articles have been sorted according to their relevancy to the practical process. This JJL obligation process map is included below.

Juvenile Justice Law Strategic Operating Plan (JJSOP)

Obligation Process Map



All stakeholders must understand and apply the goals, objectives and principles supporting this law (Articles 1,2, 4 & 5).
 Apply this law to all children that come in conflict with the law (Article 3).
 Protect and uphold the procedural rights of all children who come in conflict with the law (Article 6).
 The age of criminal liability is over 18 years of age except where the Court finds that a child from 14 years is criminally liable (Article 7).
 Civil liability of a child is outlined in Article 8. The Ministry of Social Affairs appoint and accredit Social Agents (Article 10)

4. STRATEGIC PLAN

4.1. Objectives and reasoning

The aim of JJLSOP is to create a Juvenile Justice System that operates by protecting child rights and planning for the future with a child as its focus. The challenge is to create a holistic and integrated system.

Objectives: This is a three-year establishment plan and has two overarching objectives:

Juvenile justice system

To build a solid and sustainable foundation for a modern juvenile justice system that can continually develop and improve into the future.

Protect the rights of children

To have an effective and positive impact on existing and future children in conflict with the law and reduce the number of children in detention.

JJLSOP comprises five strategic priorities to inform implementation decision-making and nine strategic programme areas of operational activity and change. All operational activities were designed to support the strategic priorities and to ensure achievement of JJLSOP objectives.

Priorities: The strategic priorities for implementation are:

1. A child rights approach:	To implement a child's rights approach and build a system where the child is the central user and can actively participate.
2. Efficient and sustainable development:	To address fundamental challenges to implementation and maintain momentum. Maximize the use of resources to build capacity, consistency and expertise.
3. Single-system approach:	To balance a central system approach that facilitates effective co-ordination and local solutions with each individual institution's accountability, responsibility and expertise.
4. Rehabilitation and reintegration:	To address underlying causes of offending and connect children in conflict with the law with civil society and the existing child and family welfare sector.

5. Continuous improvement and accountability:	To monitor and evaluate implementation to ensure progress towards achievement of goals and accountability for meeting JJJ obligations.
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Activities: SPAs for implementation are:

1. Coordination, management and communication.
2. Education and training.
3. Social agents.
4. Diversion.
5. Reintegration.
6. Detention.
7. Crime prevention.
8. Operating system and policy framework.
9. Monitoring and evaluation.

Each SPA has an objective, a set of outcomes and required outputs. The Operational Plan Activity Matrix tables a schedule of activities for each output and the governance arrangements (Appendix 2). Activities have been selected and designed using a framework of the five strategic priorities. Throughout the plan there are Common Activities that are repeated in two or more SPAs. These common activities are the building blocks for achieving the strategic priorities. The majority are scheduled in the first year to occur concurrently, along with a major communication strategy to build momentum and a strong foundation for the new Cambodian Juvenile Justice System enabling the implementation of JJJ.

A map of Common Activities is located at the start of the Operational Plan Activity Matrix. In addition, there is a mapping of the relationship between centralized activities and the resources of individual stakeholders.

Example: A Common Activity

The development of a local social services directory that provides a comprehensive listing of services, resources and programmes to support a child in risk of offending, diversion and reintegration planning. Created using a national template in both printed and electronic form to support the work of social agents and other JJJ workers. This activity is a common activity in SPAs 4, 5, 8. It is an essential activity for the effective achievement of outcomes in each of the programme areas.

4.2. Scope of plan

The plan is national and involves civil society and government and non-government organizations. During the consultation, it was acknowledged by all stakeholders that the scale of change required for the implementation of JJL is challenging and fundamental. The primary stakeholders with assigned responsibility in JJLSOP are:



- Relevant ministries and institutions.
- National and sub-national local administrations.
- Faith-based organizations.
- Educational and training Institutions.
- Bar Association of the Kingdom of Cambodia.
- Non-government service providers.
- Development partners.

JJLSOP applies to all children who are at risk of, or in conflict with, the law. Children in conflict with the law are not a single homogenous group – there are four distinct populations. Individuals within each of these four populations can be further distinguished by age, gender, health, education and family, social and cultural situations. In addition, there is the consideration of the nature of their offence and prior criminal record if any. Best practices in diversion and reintegration produces an individualized and local solution for each child as it is more likely to be successful in rehabilitating a child and reducing reoffending. Each of these distinct groups need to be addressed in planning.

4.3. Key challenges

As part of the consultation, stakeholders identified a number of challenges. Consideration of these challenges shaped the strategic priorities of the plan and the operational planning.

Common challenges include:

- Resourcing and the cost of implementation.
- Coordination between ministries.
- The media and civil society's understanding and acceptance of diversion.
- The lack of civil accommodation and services for CICL and children in diversion and after detention.
- The availability and funding of lawyers.



- Lack of social agents and experts.
- The lack of YRCs to house the detained population.
- The high degree of change and training required.
- The conflict with other priorities for crime prevention, protection of vulnerable children and infrastructure challenges.

JJLSOP aims to address these challenges by establishing, over three years, a foundation for sustained implementation of the law into the future and by efficient use of limited resources to build system capacity.

The balance between centralized activities and individual stakeholder responsibilities is specifically designed to address many of the challenges. The timing of activities is also important, as many activities are concurrent or purposefully scheduled to address challenges and minimize the risk to successful implementation.

Example of coordinated activities that efficiently achieve multiple aims

During the commencement of the plan, a critical early Common Activity of JJLSOP is the creation of baseline data against which to measure the progress of implementation. One data element of this activity is a comprehensive assessment of the current population in detention. A key activity in the first year is a work-integrated learning exercise that combines training with an intensive response to this assessment. This involves an evaluation of the detainee's potential for diversion and re-integration and the creation of individual action plans. This activity aims to have a significant impact on the number of children in detention within the first year. This concentrated activity will be used to effectively train a large number of people through experiential learning and on-the-job training. It will also fast track the piloting of resources and new procedures. This activity will also provide the practical training needed to respond to the new CICL.

4.4. Strategic overview

The following chart selects the key components to provide a strategic overview of JJLSOP.

The aim of the Juvenile Justice Law strategic and operation plan (JJLSOP) is to create A Juvenile Justice System that operates with protecting child rights and planning for the future of a child as its focus. The challenge is to create a holistic and integrated system.

Objectives

This is a three-year establishment plan and has two over-arching objectives:

- **Juvenile Justice System:** To build a solid and sustainable foundation for a modern juvenile justice system that can continually develop and improve into the future.

1. A child rights approach: To implement a child's rights approach and build a system where the child is the central user and can actively participate.

2. Efficient and sustainable development: To address fundamental challenges to implementation and maintain momentum. Maximize the use of resources to build capacity, consistency, and expertise.

- **Protect the rights of children:** To have an effective and positive impact on existing and future children in conflict with the law and reduce the number of children in detention.

3. Single system approach: To balance a central system approach that facilitates effective coordination and local solutions with each individual institution's accountability, responsibility and expertise.

4. Rehabilitation and re-integration: To address underlying causes of offending and connect children in conflict with the law with civil society and the existing child and family welfare sector.

5. Continuous improvement and accountability: To monitor and evaluate implementation to ensure progress towards achievement of goals and accountability for meeting JJJ obligations.

Activities

The Strategic Program Areas for implementation are:

1. Coordination, Management and Communication	2. Education and Training	3. Social Agents	4. Diversion	5. Reintegration
6. Detention	7. Crime Prevention	8. Operating System and Policy Framework		9. Monitoring and Evaluation

5. OPERATIONAL PLAN

5.1. Introduction

The Operational Plan Activity Matrix provides for a series of activities in each of the SPAs. It identifies the lead agent for each activity and schedules when activities need to take place in relation to each other. Taking into account the strategic priorities of the plan there is a balance between activities that are the responsibility of a central working group and those that are the responsibility of the relevant ministry or institution. This is to ensure the successful achievement of overall objectives of JJLSOP, efficiencies and national consistency given the complexity and degree of change required to implement JJJL.

5.2. Principles of approach

There are a series of 'common activities' that can be found repeated in a number of SPAs. Common activities will efficiently produce resources, national administrative and policy tools, ensure a systems approach and avoid duplication of effort and expenditure of resources. They target where coordinated national action will be the most effective in addressing challenges or managing change.

These activities are repeated in different programme areas because they are integral to achieving the objective and outcomes for the programme area. The majority of the common activities need to take place in the first 12 months of the plan and will support the activity of subsequent years. Many of the common activities result in resources and tools used as a basis for other activities. In particular, the development and distribution of base resources and the JJJL Operating System Pilot will provide momentum for implementation and build initial capacity for change. This pilot has been designed to reduce the number of children in detention within the first year. Activities are designed so individual ministries and institutions can concurrently commence implementation on separate aspects of the juvenile justice system according to their own capacity. This also allows for standalone funding to be sought for discrete activities.

5.3. Strategic programme areas

Programme areas for implementation over the next three years are:

1. Coordination, management and communication.
2. Education and training.
3. Social agents.

4. Diversion.
5. Reintegration.
6. Detention.
7. Crime prevention.
8. Operating system and policy framework.
9. Monitoring and evaluation

The detailed operational plan activity matrix is contained in Appendix 3

STRATEGIC PROGRAMME AREA 1: COORDINATION, MANAGEMENT AND COMMUNICATION (SPA1)

Overall objectives are Effective coordination and communication; sustained momentum of implementation; efficient use of resources; successful change of attitudes and increased support of all actors for the successful implementation of JJL; effective communication at all levels using a new inter-ministerial working group; new ministerial offices, as well as existing channels to ensure efficient use of resources; avoidance of duplication; and a coordinated implementation of JJLSOP.



Outcome 1: An inter-ministerial working group is set up and it is comprised of MoJ, MoSVY, Mol, National Authority to Combat against Drug, and other stakeholders. The roles of this inter-ministerial working group are to coordinate cooperation, collation and dissemination of information, monitoring and evaluation and programme design.

Outcome 2: A communication strategy is in place to support change in current community and media attitudes and practices to children at risk of, or in conflict with, the law to a child rights approach.

Outcome 3: Strengthened communication and dissemination of information to support the effective implementation of JJL and maintain momentum for change by creating a website and Facebook portal.

Outcome 4: Strengthened capacity of existing representative committees in the justice and child and family welfare sectors to manage responsibility for implementation and cooperation to support an efficient and child-centred systems approach to juvenile justice.

STRATEGIC PROGRAMME AREA 2: EDUCATION AND TRAINING (SPA2)

Overall Objective:



Effective JJL education and training programmes and resources are developed and implemented to support change in principles and work practices and future workforce capacity.

Outcome 5: Built capacity for workers in the juvenile justice system by providing access to generic and specialist explanatory information, training programmes and operational manuals.

Outcome 6: A system of education and training in JJL and practice that is sustainable and remains current and accessible.

STRATEGIC PROGRAMME AREA 3: SOCIAL AGENTS (SPA3)

Overall Objective:



The creation of a social agent workforce that meets the needs of the implementation of JJLSOP.

Outcome 7: An operating framework and comprehensive position descriptions created for three different social agent roles.

Outcome 8: An accreditation, appointment and supervision system for social agents implemented and promoted.

Outcome 9: The role of a social agent contributed positively to the child's experience of the juvenile justice system and the implementation of a child's rights approach.

STRATEGIC PROGRAMME AREA 4: DIVERSION (SPA4)

Overall Objective:



Diversion and other alternative measures are used effectively to ensure that detention is used only as a measure of last resort and for the shortest period of time.

Outcome 10: A community justice approach to diversion used to identify local solutions for children in conflict with the law, reducing recidivism without resorting to detention or judicial proceedings.

Outcome 11: A police cautioning/diversion system is in place to connect children in conflict with the law with services and support.

Outcome 12: The use of problem solving meetings to efficiently collect information and facilitate diversion and reintegration plans.

STRATEGIC PROGRAMME AREA 5: REINTEGRATION (SPA5)

Overall Objective:



Pre-release preparation programmes and reintegration planning used effectively to successfully reintegrate children in detention into civil society and reoffending rates decrease.

Outcome 13: Social agents and social services have the capacity to plan and manage reintegration.

Outcome 14: Activities and programmes available to children in detention prepare them for successful reintegration after release.

Outcome 15: Employers, religious and educational organizations commit to supporting reintegration of children into civil society.

STRATEGIC PROGRAMME AREA 6: Detention (SPA6)

Overall Objective:

The focus of detention is to rehabilitate children and to provide them with skills to reintegrate into the community upon release and not to reoffend.



Outcome 16: The current prison population is comprehensively assessed as a matter of urgency and appropriate children are diverted from detention.

Outcome 17: Existing prison facilities and programmes assessed and conditions improved for the current prison population.

Outcome 18: Temporary mechanisms identified for proclaiming buildings, or parts of existing prisons, as YRCs to allow provisions for rehabilitation and conditional release to operate and to prevent new children entering the existing prison system.

Outcome 19: A YRC built and operated in compliance with international standards for children with a custodial sentence for the purpose of rehabilitation and preparing children for reintegration into the community.

STRATEGIC PROGRAMME AREA 7: CRIME PREVENTION (SPA7)

Overall Objective:

To mobilize, educate and support communities to identify and build protective factors to support individuals and reduce crime.



Outcome 20: Increased capacity, in the child and welfare sector and the community generally, to identify children at risk of offending and to refer children and families to appropriate services.

Outcome 21: Strengthened existing programmes for vulnerable children and families to engage them in positive behaviour and relationships that will divert them from offending and develop specific extensions of programmes, or new programmes for children if required.

Outcome 22: Strengthened the relationship between the community and the police through adopting a community policing approach at the local level to lower juvenile crime and recidivism rates.

STRATEGIC PROGRAMME AREA 8: Operating System and policy framework (SPA8)

Overall Objective:

To create a single system approach to the implementation of JJL that will ensure efficient and effective management of each child.



Outcome 23: A juvenile justice system created that maximises the efficient and effective management of each child using a child's rights approach philosophy.

Outcome 24: A single case management system for children is efficient in terms of collecting and sharing information and it is not intrusive and avoids duplication of effort.

Outcome 25: Confidentiality of the identity, circumstances and records of a child maintained.

Outcome 26: A children's division of the Court of First Instance operated using child-friendly procedures and practices in accordance with international best practices.

STRATEGIC PROGRAMME AREA 9: Monitoring and evaluation (SPA9)

Overall Objective:

Develop a comprehensive system for data collection, monitoring, evaluation and reporting on the implementation of JJLSOP and the experiences of CICAL so that both lack of progress and success can be identified to inform future decision-making.



Outcome 27: Implementation of an M&E framework and comprehensive data collection to support successful implementation of JJLSOP by identifying challenges, strengths and weaknesses.

Outcome 28: Strengthened the capacity of juvenile justice system stakeholders to plan and manage change, monitor performance and use evidence-based approaches to decision-making.

6. MONITORING AND EVALUATION FRAMEWORK

M&E is a distinct SPA (SPA9) in the overall plan. It is a critical activity in the implementation of any new complex system that requires a high degree of change. Activities are scheduled to build the capacity to monitor and evaluate effectively, thus ensuring that the analysis of data has the ability to inform decision-making and assess genuine progress towards the plan's objectives. As a dedicated programme area, the M&E system can be individually assessed to determine implementation and effectiveness. Establishing the baseline against which progress of implementation will be measured is a critical early activity of the Operational Plan Activity Matrix. JJLSOP implementation M&E matrix is covered in Appendix 3.

This dedicated programme area recognizes that by developing a comprehensive system for data collection, monitoring, evaluation, and reporting on the implementation of JJLSOP and the experiences of CICL, both lack of progress and success can be identified to inform future decision-making. JJLIWG will be responsible for system development, implementation, coordination and reporting required by the framework.

A robust and progressive evaluation system will support intervention activities during the operation of this plan when lack of progress is reported. The implementation of JJJL requires a complex and inter-dependent level of change to present systems and work practices. Effective monitoring provides a mechanism to identify where progress in one area is stalled because conditional and interdependent activities are not aligned, or effectively coordinated. The monitoring and evaluation of JJLSOP will include six-monthly progress reports and a review after two years and three years respectively. It is anticipated that the two-year review will inform Stage Two of the plan. Effective evaluation will provide an evidence-based approach to commitment and distribution of resources and policy and programme decision-making by government at all levels, as well as NGOs.

The framework will comprise of three levels:

1. **Primary** : Individual programmes and pilots to evaluate their effectiveness and scalability. Findings will be presented as lessons learned and best practices to be shared and to inform future decision-making.
2. **Secondary** : Impact on the experiences of children using a set of scaled indicators with a set of targets for each indicator. Findings will be presented as provincial progress mapped against targets, with additional assessment of the state of implementation of each province.
3. **Tertiary** : Progress against a set of national indicators for all aspects of the juvenile justice system based on international standards. Findings will be presented as progress against targets, at both provincial and national levels, with additional assessment of the state of implementation of each province and nationally.

7. BUDGET ESTIMATION

JJLSOP will require a commitment of funds from ministries and institutions. A detailed budget estimate is provided in Appendix 5. The estimate cost of critical common activities relies upon the number of days of personnel effort required and associated expenses. The operation of central infrastructure is also costed using this methodology. Infrastructure such as buildings and renovations and the purchase of capital equipment is not included.

Individual ministries and institutions will need to cost activities as they determine the rate of change within their own operational responsibility. It is essential that their annual operating budgets include funding for the implementation of JJLSOP. Ministries and institutions are responsible for securing funding for implementation through support from the national budget or development partners, the private sector, civil society and other donors.

Annex 1

Juvenile Justice Law Analysis and Obligations Matrix

2018 - 2020

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1. ANALYSIS OF THE JUVENILE JUSTICE LAW

1.1. Overview

Analysis of JJL was undertaken using an obligation identification approach. This method analyses each article of JJL and separates out each legal obligation contained in the article, who holds that obligation and who is impacted by the obligation. The majority of 'obligation holders' in JJL are the current 'actors' in the justice system: police, lawyers, prosecutors, judges and court administrators. New roles have been created by JJL including social agents, diversion managers and youth rehabilitation staff. MoJ and Mol have the challenge of managing a high degree of change in their current operations and they need to develop and appoint specialists in juvenile justice.

This method of analysis of the law and the creation of the matrix of procedural and practice obligations and standards was chosen as an effective mechanism to deconstruct the law for obligation holders to enable comprehensive implementation planning. It is an extremely useful tool (Appendix 1). This analysis and subsequent consultation with stakeholders has identified a number of gaps or ambiguities in the law. Greater clarity can be provided with the production of explanatory and regulatory documents, in addition to those required by JJL.

JJL includes the following requirements:

- [Article 10](#) : The procedure of appointment and accreditation of social agents to be governed by prakas of the Minister of Social Affairs.
- [Article 76](#) : The organization and functioning of youth rehabilitation centres (YRC) to be regulated by a sub-decree.
- [Articles 77, 78, 82, 83, 88](#) : Each of these articles with regard to formalities and procedures concerning YRCs are required to be regulated by an inter-ministerial prakas between the Minister of Social Affairs, the Minister of Interior and the Minister of Justice.

Mol and MoJ will also be drafting regulatory processes and procedures to provide explanatory material, processes and procedures and standards for the implementation of JJL in their areas of responsibility. All new laws require clarification and potential amendment in the future. Ministries can often provide clarification and resolve ambiguity through the application of regulatory processes.

Policies and programmes also need to take into account their impact on the number of children in detention and the implementation of JJL.

The consultation identified the following areas in need of attention:

- Article 88 YRCs.
- Lack of penalties and sentencing guidelines.
- Time frames for processes.
- Deterrents for breach of confidentiality.
- Proof of age.
- 'In need of care and attention' provisions.
- Police discretion to caution and divert.

These specified areas, that require greater analysis, are covered in more detail below.

1.2. Impact of Article 88

Article 88. YRCs – In case these facilities are not established, all provisions that currently apply to children in conflict with the law shall continue until they become operational. A serious problem does arise concerning the operation of Article 88 in relation to YRCs. A sub-decree has been drafted that provides MoSVY with the authority to establish and operate youth rehabilitation effectively, transferring the responsibility for children from Mol to MoSVY. At present, one YRC is planned and it is expected this will not be operational for two to three years.

The serious consequence of the operation of Article 88 is that until YRCs are available, the provisions of Articles 72 and 73 of the JJL relating to conditional release do not apply. This means that any release of an individual from this type from prison is governed by the far more restrictive requirements of the Criminal Code.

JJLSOP includes the introduction of temporary YRCs as a priority activity to deal with the problem created by Article 88 of JJL. This is being investigated by MOSVY which is considering using a number of unused orphanages for this purpose. JJLSOP provides for an additional range of activities to assess and improve current prisons and a process to deem designated areas as temporary YRCs.

It should be noted that the present proposal is to construct only one YRC. There is currently an overcrowding crisis in Cambodian prisons, including a substantial increase in youth offenders and if JJL is to have an effect, it is vital diversion provisions for release are applied as soon as possible.

Another complication in relation to the proposal to construct a YRC to effectively serve the first five targeted provinces is that this would appear to directly contravene Rule 30 of the Havana Rules which requires in part 'Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community'.

It may be that the temporary YRCs discussed above could be used on a more permanent basis in order to comply with this rule. They could also serve to decentralize the centres, make them smaller and assist reintegration into the community, which is one of the principle aims of JJL.

The operation of Article 88 does not mean that existing prisons should not improve conditions for children in detention. JJLSOP contains actions for existing prisons to continue to implement international standards to ensure that existing conditions for children in detention improve. It may be possible to mitigate the impact of Article 88 by sub-decree, allowing Articles 72 and 73 to operate if a child is in detention in an existing prison.

1.3. Lack of penalties and sentencing guidelines

The principles of penalties and sentencing continue to be controlled by the Criminal Procedure Code and Penal Code and other relevant laws, unless otherwise stipulated in JJL (Article 2).

Changes made by JJL include:

- The inferred requirement that sentences are to be served in a YRC. Although this does not appear to have been specifically set out, the whole intention of the Law suggests that this is intended (see also Article 4, Definition 10).
- The requirement that incarceration or detention "shall be a measure of last resort and in a shortest period of time when arresting, detention and sentencing of a minor" (Article 5). This article seems to mean that in the absence of an available YRC, minors will serve their sentence in a prison but Article 5 may possibly be interpreted as enabling sentences to be shorter than those provided in the Criminal Procedure Code.
- **This is strengthened by the first principle stated in Article 5:** "All persons performing any function concerning to minor shall ensure the observance of the following principles: Consider primarily on actions concerning to the best interests of the minor and particular to ensure that the minor's right to life and maximum survival and development". During the consultation, there were differing opinions regarding whether Article 5 of the JJL, though not specifically referring to penalties and sentencing guidelines, amounts to a 'stipulation' for the purposes of Article 2 – therefore allowing discretion to judges to set different penalties and sentences for minors.

1.4. Timeframes for processes

JJL has set limited timeframes for procedures utilizing a range of standards such as 'as soon as possible', 'as early as possible' and 'promptly'. JJL puts trust in obligation-holders such as police, prosecutors, judges and social agents, as in many systems of juvenile justice, to exercise professional judgement with descriptive timeframe standards. There is also a risk that the lack of defined timeframes in a developing juvenile justice system may result in unnecessary delays in the legal process. A number of JJLSOP activities will minimize this risk, including the mapping and creation of a JJL Operating System that could include recommended timeframes and a case management system that includes a case review schedule.

1.5. Penalties for breach of confidentiality

Except for penalties set out in the Law of the Press (Article 15) which prohibits identification of a child in conflict with the law, as well as a ban on the publication of details that would lead to the identification of a child in conflict with the law, there are no penalties for breach of confidentiality. Legal penalties can be considered with future amendment of JJL and in the short-term, disciplinary action for staff in various departments such as education, health, justice and local administration and MoSVY. It is envisaged that a range of services will be provided by NGOs and consideration should be given to binding non-government entities to a code of confidentiality, using the service agreement. A suggestion arose at the consultation that a mechanism is implemented to enforce staff – employed by the relevant government ministries, as well as private contractors – to protect the identity and situation of minors.

1.6. Proof of age and birth registration

JJL addresses dispute and judicial findings as to age at all stages of the proceedings. Article 9 is the overarching article that establishes that when a child in conflict with the law does not have a birth certificate, this is to be established by 'other reliable means', 'by competent authorities'. If in doubt, then the question of age will be resolved in the child's favour.

What is 'reliable means' and who are 'competent authorities' needs to be determined. If doubt is raised when the child is in the control of the judicial police, the matter of age will be referred to the prosecutor (Article 14). If the matter is still in doubt after a preliminary investigation by the prosecutor, the matter will be referred to the investigating judge (Article 25). A range of articles infer that the investigating judge will make the determination with regard to age (Articles 33, 39.). Article 49 implies the trial judges can also make a finding as to an age. Clarification was sought by stakeholders as to the interpretation of Article 9 and the question was debated as to whether it does not have an impact on the determination of age until the matter is decided by a judicial officer.

In 2015, the UN General Assembly adopted the Sustainable Development Goals (SDGs) as a primary global development framework and set of goals that UN Member States can use to guide their priorities from 2016-2030. Of relevance is the goal that all people will have a legal identity including birth registration (SDG16.9). The issue of proof of age in the criminal justice system needs to be considered as another important incentive to achieve birth registration for all Cambodians.

1.7. 'In need of care and attention' provisions

JJL provides at all stages that if a child is deemed to be in need of care and protection they are referred to the municipal, provincial, district department, or office in charge of social affairs to take action (Articles 13,14,27,39,41,42). This recognizes that it is often the difficult situation of the child that has brought them into conflict with the law.

UNCRC states that 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 time (Article 37). Detention as a last resort is equally applicable to children deprived of their liberty because they are deemed in need of care and protection. The juvenile justice 'actors' need to be trained to recognize that referral needs to be used with care and is not to be used as an alternative to diversion.

MOSVY together with the child and family welfare sector has existing procedures, policies and programmes for children in need of care and protection and there are a number of major initiatives such as Family Care First working to improve the existing care system in Cambodia.

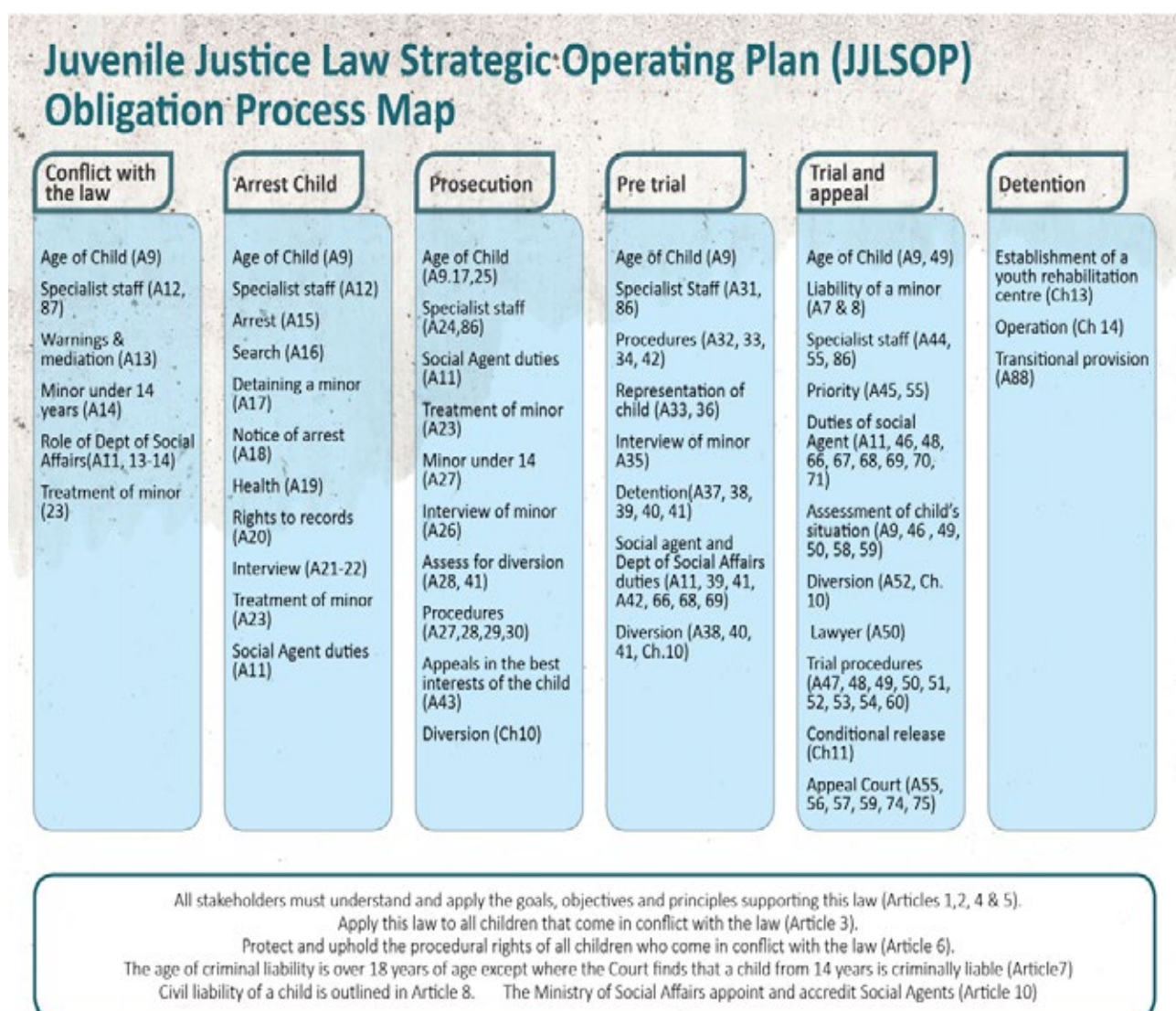
1.8. Police discretion to caution and divert

Article 13 contemplates that police will have discretion to divert children from the law. It also requires they write a report and refer the case file to a prosecutor for further proceeding. Discussion with stakeholders during the consultation suggested that a sensible approach is to interpret it as giving police the power to resolve petty offences without recourse to the courts therefore providing for the development of a 'cautioning' system considered an essential element of a modern juvenile justice system. The inclusion of the report and referral to the prosecutor can provide the opportunity for the prosecutor to review the decision of the police to ensure it is lawful. For example, the offence committed is a petty offence and not a more serious crime. According to best practices, Article 13 should in practice be seen as a procedural step for review rather than an opportunity for the prosecutor to overturn the decision of the police unless the police explicitly request the prosecutor to consider the matter.

An aligned issue is the question of a criminal record. The report to the prosecutor and the police registration of cautions should not form any part of a criminal record. Cautioning records need to be maintained separately from other legal records.

1.9. Process maps

Appendix 1 contains a full obligation analysis of the Law. This document is designed to make JIL more accessible to the broad range of stakeholders with legal JIL obligations. In addition, articles have been sorted according to their relevancy to the practical process. This JIL obligation process map is included below.



Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
1	The objective of the law	1	All persons who have a role or responsibility with child offenders must protect the rights and best interests of the child.	All	Community & CICL			
		2	All persons' actions must support the rehabilitation and integration of a Child In Conflict with the Law (CICL) into the community.	All	Community & CICL			
		3	This law protects the interests of society.	All	Community & CICL			
2	Goals	1	The Juvenile Justice Law (JJL) is strictly applied when the offender is a minor.	All	CICL	Strictly applied		Criminal Procedure Code , Penal Code, Civil Code
		2	The Criminal Procedure Code (CPC), the Penal Code (PC) and other related laws will still apply unless this law states it does not.	All	All	CPC, PC will be applied when there is a gap in JJL		
3	Scope	1	This law applies to child offenders.	All	All	All child offenders		
4	Definitions	1	These definitions provide meaning to words and phrases in the law.	All	All			
5	Basic principles	1	The principles set out in this article apply in all circumstances.	All	All			
6	Procedural rights	1	The procedural rights set out in this article apply in all circumstances.	All	All			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
7	Criminal liability of a minor	1	The age of criminal responsibility is 18 years old, but the court can determine a minor has criminal responsibility from the age of 14.	Court, JP	CICL	If the circumstance of offence and personality is required.	Definition of the circumstances of the offence and personality that the court will use to determine if a minor has criminal responsibility.	Penal code vs UNCRC
8	Civil liability of a minor	1	The law provides for a compensation remedy for the victim in certain circumstances.	Court	CICL		If a minor has no DR, who is responsible for compensation reparation? Additionally, if the minor's family is poor, how is the compensation process dealt with?	Civil Code and PC.
9	Age determination	1	The age of a minor's criminal responsibility is determined by the date the offence occurred.	Police, Court	CICL			
		2	The age of a minor will be proved by their birth certificate.	All	DR, CICL.	Valid birth certificate.		
		3	If there is no birth certificate or the authenticity of the birth certificate is in doubt, proof of age can be determined by other reliable means.	All	All	Reliable means as accepted by the court.	What papers, other than a birth certificate, are accepted by the court as reliable documentation?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		4	If the minor's age is in doubt, competent authorities will seek evidence as soon as possible.	Competent authority	CICL, social agent, JP, P, court, DR	Competent authorities must seek proof as soon as possible.	Who are the competent authorities? What is 'as soon as possible'?	Cambodian Constitution (article 38), UNCRC.
		5	If there is doubt as to the age of a minor, this issue will be resolved in the child's favour.	Court, Police	CICL	Doubt.	Who determines that the age is in doubt at different stages of the legal process?	
10	Appointment and accreditation of social agents	1	The Ministry of Social Affairs will appoint, accredit and supervise social agents.	MoSVY	Social agents	Restricted to appoint, accredit and supervise.	What will be the necessary competencies for appointment? What will be the extent of the supervision?	
11	Social agent	1	A social agent will meet with the minor at all stages of procedure, from police custody to prison and provide support.	Social agent.	ALL		Will the service be available for 24 hours?	MoSVY's Strategic Plan 2015-2018 and MoSVY's Minimum Standard.
		2	A social agent will conduct a social inquiry report and submit it to the prosecutor and judge.	Social agent.	ALL	Conduct social inquiry report and submit it to the prosecutor and judge.	Is there a reporting format developed for the social agent and are there qualified social agents?	MoSVY's Strategic Plan and MoSVY's Minimum Standards.

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
12	Competency of judicial police to examine felonies and misdemeanors.	3	A social agent will provide psycho-social support to a minor at all stages of the proceedings.	Social agent	ALL	Provide psycho-social support to a minor at all stages of the proceedings.	Each stage requires a different set of skills for the social agent.	Same as above
		4	A social agent will prepare and recommend a diversion plan for the authority in charge of diversion for their review and approval.	Social agent	ALL	Social agent proposes a diversion plan.	A realistic diversion plan requires a specific set of competencies.	Same as above
		5	A social agent will provide rehabilitation and reintegration services for minors.	Social agent	ALL		This obligation requires a specific set of competencies.	
		1	Specialist judicial police have the power to examine offences arrest minors and collect evidence.	JP	JP, P, CICL.	Specialized JP is mandated.	What are the required competencies to be accepted as a specialist?	CPC and UNCRC.
		2	All police that arrest and apprehend a minor must refer the minor to the specialist judicial police (JP).	JP	JP, P, CICL.	Specialized JP is mandated.		CPC and UNCRC.
		3	All police that arrest and apprehend a minor must submit an arrest report and record in it when they refer the minor to specialist JP.	All police	CICL, JP	Must write an arrest report.	What details are required in the report?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
13	Authority of judicial police to examine and resolve petty offences.	1	JP shall provide guidance and issue either a verbal or written warning to a minor who has committed a petty offence and promptly refer the minor to his/her DR.	JP	JP, CICL, DR.	Must provide warning and guidance. Must promptly refer minor to their DR.	What is guidance? What is a warning?	UNCRC.
		2	JP may mediate between the parties to resolve a petty offence dispute if the minor has admitted an offence.	JP			In what circumstances do the JP assess mediation that is appropriate?	CPC and UNCRC.
		3	JP must write a report and submit to the P for consideration.	JP	JP, P, CICL, DR, diversion authorities.			CPC and UNCRC.
		4	The P will consider if a matter will proceed.	P	CICL & DR			
		5	JP shall refer the minor to the Department/Office of Social Affairs if the minor needs care and protection.	JP	JP, P, CICL, DR.		What factors need to be taken into account to assess if a minor is in need of care and attention?	CPC and UNCRC.
		6	The Department/Office of Social Affairs must take relevant action if a child in need of care and attention is referred to them.	Department/ Office of Social Affairs	CICL,			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		7	The Department/Office of Social Affairs must assess any minor referred to them and determine if the minor is in need of care and attention and submit a report to the P.	Department/ Office of Social Affairs	CICL, P		Is an assessment format and report template in place?	
		8	If the minor is deemed to be in need of care and attention, the Department of Social Affairs shall request the court to suspend or withdraw the DR's parental authority or guardianship.	Department/ Office of Social Affairs, court	P, CICL, DR.			
		9	If the minor has no DR, the Department of Social Affairs will make a request to the court to decide the minor's guardianship.	Department/ Office of Social Affairs ,court	JP, P, CICL			CPC and UNCRC.
14	Procedure concerning a minor under 14 years-old.	1	A minor below 14 years old who is suspected of committing an offence shall not be apprehended and will be referred to their DR.	JP	CICL, DR		What if the DR cannot be located or is not known?	CPC and UNCRC.
		2	JP must open a case file if a minor aged less than 14 has committed an offence. They must write a record and submit it to the P.	JP	P, CICL, DR		What details need to be recorded and is this record able to be accessed?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		3	In case the minor needs care and protection, JP shall refer the minor to the Department/Office of Social Affairs in order to take measures according to the social welfare status of the minor. The Department/Office of Social Affairs shall prepare a report of receiving the minor from JP and send it to the prosecutor.	JP, D/OSVY	CICL, P	When the minor needs care and protection	What factors need to be taken into account to assess if a minor is in need of care and attention?	CPC and UNCRC.
		4	The Department/Office of Social Affairs must assess and determine if the minor is in need of care and attention and submit a report to the P.	D/OSVY	CICL, P		Is the assessment format and report template in place?	
		5	If the minor is deemed to be in need of care and attention the Department/Office of Social Affairs shall request the court to suspend or withdraw the DRs parental authority or guardianship.	D/OSVY	CICL,DR, court	Request the court to suspend or withdraw parental power.	When the minor needs the care and protection?	CPC and UNCRC.
		6	If the minor has no DR, the Department/Office of Social Affairs shall request the court to decide the minor's guardianship.	DOSA	JP, CICL, DR	Request the court to decide the minor's guardianship		CPC and UNCRC.
		7	If an offence is committed by a minor aged under 14, the JP officer must refer the case file to the P.	JP	CICL,P		How is the record of a minor under 14 going to be used in the future?	CPC and UNCRC.

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		8	If there is a dispute as to the age of the minor, the judicial police must send the case file to P.	JP	P	Immediately forward the case to the prosecutor.		CPC
15	Arrest	1	Judicial police can arrest a minor aged between 14 and below 18 years old if the minor commits a misdemeanor or felony in flagrante delicto (caught in the act of committing an offence).	JP	CICL	JP must report immediately to prosecutor.		CPC
		2	Judicial police can only arrest a minor aged 14 to below 16 years old if the minor commits a misdemeanor offence intentionally.	JP	CICL	JP must report immediately to prosecutor.	How do you determine intention in a child?	CPC, PC, and UNCRC.
		3	When arresting a minor the JP must avoid any act that causes minor humiliation or indignity.	JP	CICL			CPC and UNCRC.
		4	When a minor is arrested he/she must be taken to the nearest specialized police section or unit in charge of minor.	JP	CICL		Is there a specialized police section/unit in charge of juveniles?	CPC and UNCRC.

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
16	The search of a minor	1	JP may conduct a search of a minor. The search of the minor should be conducted by a judicial police officer of the same sex, who is not involved in the offence, who is not in dispute with the minor, who is not a relative, and who does not have a close relationship with the minor, unless this cannot be avoided.	JP	CICL, social agency, parents or guardians.	The police officer must be of the same sex, not involved in the offence, not in dispute with the minor or have a close association, except in a case of an insurmountable circumstance.	What amounts to an insurmountable circumstance?	CPC and UNCRC.
		2	The insurmountable circumstances that are the reason for not complying with the search guidelines must be included in the case file.	JP	JP, CICL, social agency, parents or guardians.	The insurmountable circumstances to be included in the record.		CPC and UNCRC.
17	Apprehension of a minor	1	JP officer may detain a minor aged between 14 and below 18 years old as a last resort and only in the case that a judicial police officer believed that the minor is likely to abscond or endanger a witness or victim, or evidence, or pose a danger to public safety or in the protection of a minor's security.	JP	CICL, social agency, parents or guardians.	Detention is the last resort.	What factors must be taken into account in determining whether detention is the last resort?	CPC and UNCRC.

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
18	Notice following police apprehension or arrest of a minor	2	Judicial police can detain a minor aged between 14 and below 16 years old only when they commit an intentional misdemeanor and in certain circumstances.	JP	CICL, social agency, parents or guardians, witnesses, Victims			
		3	The detention of a minor must be brought to the immediate attention of a P.	JP	P			
		4	JP officer must complete their investigation procedure as a priority if the minor is in detention.	JP	CICL, social agent, parents or guardians.	As soon as possible		CPC and UNCRC.
		1	Judicial police must inform the minor's DR for the reason for arrest or detention of a minor, their whereabouts and the rights of DR to attend.	JP	CICL, social agent, parents or guardians.	Immediately inform the minor's DR		CPC and UNCRC.
		2	If the DR is not contactable then the judicial police must try his/her best to contact a support person chosen by the minor, or chosen by the JP with the agreement of the minor.	JP	CICL	Effort to contact support person	What efforts would be reasonable to make to contact the support person chosen by the minor? What if the minor does not cooperate with a choice or agreement?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		3	JP must inform a social agent after the minor is taken into a police station to provide psycho-social support.	JP	Social Agents	Immediately	Is the psycho-social support of social agent responsive?	CPC and UNCRC.
		4	JP must notify the minor's lawyer, and if not, the minor must receive the pro-bono lawyer provided by judicial police.	JP	Bar Association of Cambodia	Notify the minor's Lawyer	Availability of pro-bono Lawyers.	Code of Conduct of Attorney of Law, CPC and UNCRC.
		5	JP must provide a minor with a list of pro-bono lawyers and contact the minor's choice of lawyer.	JP	Bar Association of Cambodia	Provide the minor with a list of pro-bono lawyers for selection.	Is there a list of pro-bono lawyers available and what information is given to the minor to support his/her selection?	Bar Association Statute, CPC and UNCRC.
		6	If the minor requires an interpreter and does not have their own, JP must provide a list of pro-bono interpreters to the minor and contact the minor's choice of interpreter.	JP	JP, CICL, social agent, parents or guardians.		Availability of pro-bono interpreters. If there is no pro-bono interpreter, who pays for the fee of the interpreter?	CPC and UNCRC.
		7	The judicial police must document all efforts to contact persons required under this article.	JP				

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
19	Physical or mental health examination	1	JP must take any child with health or injury concerns to the nearest health centre or hospital.	JP	Health centres and hospitals	Immediately to the nearest	Do service and quality of treatment of health centres or nearby hospitals respond to the actual demand?	CPC and UNCRC.
		2	The payment for treatment is the responsibility of the State if parents cannot afford to pay.	Gov't	DR, MoSVY, medical providers	The State is responsible for payment if parents cannot afford to pay.	How is eligibility for State payment to be assessed?	CPC and UNCRC.
		3	The medical examination report or record must be included in the minor's case file.	JP	Medical provider		Limitations on medical information going on public record need to be defined.	CPC and UNCRC.
20	The record of apprehension, or arrest of a minor	1	If a lawyer requests the copy of a arrest report and a complete record of apprehension, it must be provided.	JP	CICL, lawyer.			CPC and UNCRC.
		2	Every police unit must have a separate record-keeping system for minors.	JP	JP, and P	Separate record-keeping system for minors is required.		CPC and UNCRC.

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
21	Procedure prior to the interview	1	If requested, judicial police must allow the minor to meet with their DR, support person, social agent and lawyer at least 30 minutes prior to the interview.	JP	Designated representative, support person, social agent, lawyer and CICL.	Needs to be requested. Meeting must be allowed to be private and confidential. If any person is associated with the offence they cannot attend the meeting.		CPC (article 98)
22	Interview of a minor	1	Prior to interview, JP must inform the minor of their fundamental rights (refer to article 6), especially the rights not to answer with or without the presence of lawyer.	JP	CICL, Social agent, DR, support person, lawyer	In particular the right to not answer without or with the presence of a lawyer.	How to ensure the child understands these rights?	CPC and UNCRC.
		2	JP must allow the presence of the minor's lawyer, DR, support person and social agents to attend the interview and provide support.	JP	CICL, social agent, DR, support person, lawyer	The interview is private, confidential and child-friendly.		UNCRC.

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		3	JP can exclude the DR from the interview if their presence is not in the best interests of the minor.	JP	CICL, Social agent, DR, support person, lawyer	Exclusion must be in consultation with the minor's lawyer, social agent and minor.		
		4	If the DR cannot attend, then the support person for the minor can attend the interview on their behalf.			(See A18) chosen by the minor or chosen by the judicial police with the agreement of the minor.		
		5	JP must note the reasons for the absence of a lawyer, social agent, DR, or support person who do not attend the interview.	JP	Lawyer, social agent, DR or support person.	Note the reasons for the absence of a lawyer, social agent, DR or support person.		CPC
		6	JP must allow the minor to read the interview record after the interview is completed.	JP	CICL	Read immediately after the interview.		CPC

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		7	If the minor cannot read the interview record, a JP officer or translator must read the interview record to the minor.	JP	Translator and CICL			CPC
		8	After the minor has read the interview record, the JP officer must allow the lawyer, DR, support person or social agent to read the interview record.	JP	CICL, social agent, DR, support person, lawyer.	Allow the lawyer, DR, support person or social agent to read the interview record.		CPC and UNCRC
		9	The minor can correct and add any statement to the interview record.	JP	CICL, Social agent, DR, support person, lawyer.	Correct and add any statement to the interview record before signing and finger printing the record.		CPC and UNCRC
		10	DR, or social agent, or support person must sign or give a fingerprint on the record of the interview.	JP	CICL, social agent, DR, support person, lawyer.	Sign or give a fingerprint on the record of the interview.		UNCRC
		11	If the DR, social agent, support person, or minor refuse to sign or fingerprint the record, the JP officer must note this refusal in the record.	JP	CICL, Social agent, DR, support person, Lawyer	Note this refusal in the record		UNCRC

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		12	Obligations from one to 11 are strictly complied with, otherwise the record of the interview is null and void.	JP	CICL, Social agent, DR, support person, lawyer	Strictly comply, otherwise the record of the interview is null and void.	What happens if the interview is null and void?	
23	Treatment of minor who is apprehended	1	JP cannot provide information about the minor to the media.	JP	CICL, social agent, DR, support person, lawyer	Cannot provide information about the minor to the media.	What happens if they do?	UNCRC
		2	A minor cannot participate in an identification parade without consultation and formal consent.	JP	CICL, social agent, DR, support person, lawyer.	Consent can only be obtained after consultation. Consent must be in writing and fingerprinted.	What are the consequences if a child chooses to consent? What are the potential incentives to consent?	
		3	An apprehended minor must be separated from adults and separated from minors of the opposite sex.	JP	CICL	Separated from adults and separated from minors of the opposite sex.	What if this is not possible due to the nature of the police station?	UNCRC
		4	Treatment of a minor must not cause harm or impact on their dignity.	JP	CICL	No harm		UNCRC and CPC

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		5	Obligations one to four are strictly complied with; otherwise it shall be null and void.	JP	CICL, social agent, DR, support person, lawyer.	Strictly comply, otherwise it shall be null and void.		
24	Competency of the prosecution department	1	The P's decision to bring criminal charges against a minor must consider the general interest in making this decision.	Prosecutor	CICL, community, victim.		What is the general interest?	CPC
		2	The P in charge of the minor must be specialized and trained in children rights, law and other provisions related to juvenile justice.	Prosecutor	CICL	Specialist prosecutors.	What are the required competencies to be accept as a specialist?	UNCRC
25	Verification of age of a minor	1	The P must verify the age of the minor upon receiving the case file from judicial police.	Prosecutor	CICL	Verify the age of the minor.		PC
		2	If the age of the minor is in doubt, the P must conduct a preliminary investigation as quickly as possible.	Prosecutor	CICL	Conduct preliminary investigation as quickly as possible		CPC
		3	If after the preliminary investigation the age of the child is still in doubt, the matter will be referred to the investigating judge.	Prosecutor	CICL, Judge	Refer to the investigating judge.	If after further investigation there is still doubt does Article 9 apply?	CPC and Cambodian Constitutional Law

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
26	Interview	1	The P must inform the minor and their support persons of the rights of the child in Article 6 prior to the interview by using child-friendly techniques.	Prosecutor.	CICL, Social agent, DR, support person, lawyer.	Application of child-friendly techniques is required.	How many prosecutors are specialized in child-friendly techniques?	UNCRC
		2	If the minor cannot afford a lawyer, the P will arrange a pro-bono lawyer to represent the minor.	Prosecutor.	Bar Association of Cambodia	Arrange a pro-bono lawyer.	Availability of pro-bono lawyers.	
		3	The interview of a minor must be conducted confidentially using child-friendly techniques with the presence of a lawyer, social agent and DR, or a support person.	Prosecutor.	CICL, Social agent, DR, support person, lawyer.	Confidentially and using child-friendly techniques	Is there a judicial guideline on child-friendly techniques for the court to implement?	UNCRC
		4	The P may exclude the DR from the interview if their participation is not in the best interests of the minor, after consultation with the lawyer, or social agent and the minor.	Prosecutor.	CICL, social agent, DR, support person, lawyer.	Exclude DR from the interview in the best interests of the child, but consultation is required.		UNCRC and CPC
		5	The P must record the reason for the absence in the interview of a lawyer, DR, support person or social agent.	Prosecutor.	CICL, social agent, DR, support person, lawyer.			
		6	The minor has the right to read the interview record.	Prosecutor.	CICL.	Immediately after the interview is completed.		CPC

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		7	The court clerk or translator must read the interview record to the minor if the minor is unable to read.	Prosecutor.	CICL, Court clerk, translator.	Immediately after the interview is completed.		CPC
		8	The minor may correct and add to the statement before signing or fingerprinting.	Prosecutor.	CICL.	Before signing and fingerprinting the record.		CPC
		10	The P shall allow the lawyer, DR and social agent to read the interview record.	Prosecutor.	CICL, Social agent, DR, support person, lawyer			
		11	The lawyer, DR, and social agent must sign or fingerprint the interview record.	Prosecutor.	CICL, Social agent, DR, support person, lawyer.			
		12	If the lawyer, DR and social agent refuse to sign or fingerprint the interview record, the P must make a note in the record.	Prosecutor.	CICL, Social agent, DR, support person, lawyer.			CPC
		13	Obligations one to 12 are strictly complied with, otherwise it shall be null and void.	Prosecutor.	CICL, social agent, DR, support person, lawyer.	Strictly comply with, or it shall be null and void.	What to do if the interview is null?	CPC

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
27	Filing case without processing for a minor below 14 years-old	1	If the child is younger than 14, the P must file the case without processing and refer the minor to their DR.	Prosecutor.	CICL, social agent, DR, support person, lawyer.	If the child is younger than 14 the P must file the case without processing.		CPC and PC
		2	The P must refer the minor to the Department of Social Affairs if the minor needs care and protection.	Prosecutor.	MoSVY and CICL.	In need of care and protection.		MoSVY's Strategic Plan and MoSVY's Minimum Standard.
		3	If the minor is deemed to be in need of care and attention the Department of Social Affairs shall request the court to suspend or withdraw the DR's parental authority or guardianship.	DOSA.	Court, CICL, social agent, DR, lawyer.	Shall request the court to suspend parental power if in need of protection and care.		MoSVY's Strategic Plan and MoSVY's Minimum Standard.
		4	If the minor has no DR, the Department of Social Affairs shall request the court to decide the minor's guardianship.	DOSA.	Court, CICL.	Shall request the court to decide the minor's guardianship.	Where will the child be referred to while waiting the court's decision?	
		5	Victim(s) or their DR may still file a complaint for compensation.	Victim(s), victim's DR.	CICL			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
28	Authority of the prosecutor in diversion	1	The P must consider diversion (Chapter 10) for minors aged between 14 to below 18 years-old who have committed a petty crime or misdemeanor.	Prosecutor.	CICL	Diversion must be the first consideration.		Chapter 10 of this law, UNCRC and other human rights instruments related to children.
		2	The P must suspend the case from proceeding if they decide to divert the minor.	Prosecutor.	Court , CICL, victim.	The case hearing shall be suspended if diversion is decided.		Chapter 10 of this law, UNCRC and other human rights instruments related to children.
		3	If the diversion plan requires time to be finalized, the P must suspend the case from proceeding and refer the minor to the DR or Department of Social Affairs for proper care and supervision until completion of the diversion plan.	Prosecutor.	CICL DR, Lawyer, and DOSA.	If the diversion plan requires time to be finalized, the P must suspend the case from proceeding.	What is the minimum standard of proper care and supervision?	Chapter 10 of this law, UNCRC, and other human rights instruments related to children.
		4	The P must inform the victim, or if the victim is a juvenile, the victim's DR or victim's lawyer if the case hearing is suspended.	Prosecutor.	Victim, victim's lawyer.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		5	The victim or their lawyer may file a compliant for civil compensation.	Victim or DR, victim's lawyer.	CICL or DR, lawyer.	File a compliant for civil compensation.		
		6	If the diversion plan is successful, the P must file the case without the processing.	Prosecutor.	Victim, victim's lawyer,	A successful diversion plan certified jointly by the social agent and the person in charge of the diversion.	How is success determined? Who is the person in charge of diversion?	Chapter 10 of this law, UNCRC and other human rights instruments related to children.
		7	If the diversion plan is not complied with by the minor, the P must consider a new plan taking into consideration advice and evidence from a range of specified persons, or take legal action.	Prosecutor.	CICL, DR, lawyer, and social agent.	Non-compliance with diversion plan.	What conditions would lead to no further diversion and proceeding with legal action?	Chapter 10 of this law, UNCRC and other human rights instruments related to children.
29	Notification on initial charge	1	If the P decides to file the case, they must notify the minor directly and in writing and if appropriate the notification shall be made through DR or a support person and lawyer.	Prosecutor.	CICL DR, Lawyer, and social agent.	Prompt and direct notification.		UNCRC
30	The separation of case file	1	The P must separate case files when there are co-perpetrators, instigators, or accomplices who are adult and minor.	Prosecutor.	CICL and adult perpetrator.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
31	Competency of investigation	1	The minor case investigation must be investigated by a judged specialized in children's matters.	Judge.	CICL.	Specialized judge.	What are the required competencies to be accepted as a specialist?	UNCRC
32	Commencement of investigation	1	The investigating judge must conduct an investigation after receiving an introductory requisition from P.	Judge.	CICL.	Promptly investigate.		CPC
		2	The minor shall be assisted by a lawyer when interviewed by the investigating judge.	Judge.	CICL and lawyer.			CPC
		3	In case there is no lawyer for a minor, the investigating judge shall appoint a lawyer as stipulated in the Law on the Status of Lawyers.	Judge.	CICL, lawyer, Bar Association of Cambodia.			CPC
33	Notification on court supervision	1	The investigating judge must check the minor's identity, inform them of the charge, the name of the offence and the procedural rights of the minor.	Judge.	CICL, DR, and lawyer.	Check minor's identity, inform them of the charge, name of offence and the procedural rights of the minor.		CPC
		2	The investigating judge must notify in writing the court supervision during the judicial investigation to DR or support person and social agent.	Judge.	CICL, DR, social agent, lawyer.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		3	Obligations one and two must be strictly complied with by the investigating judge.	Judge.	CICL, DR, social agent and lawyer.	If one-two do not strictly apply, the procedure is null and void.		CPC
34	Prioritization of minor case	1	The investigating judge must prioritize the processing of cases involving minors.	Judge.	CICL, DR, and lawyer.	The level of priority must be high if the minor is in pre-trial detention.		UNCRC
35	Interview of minor	1	The interview must be conducted in the presence of a lawyer, DR, or support person and social agent.	Judge.	CICL, DR or support person, social agent, lawyer.	The interview must be conducted confidentially and in a child-friendly manner.		UNCRC
		2	The investigating judge can exclude the DR after consultation with the minor and lawyer or social agent.	Judge.	CICL, social agent and lawyer.	If their presence is contrary to the best interests of the minor.		
		3	The investigating judge must include in the record of the interview the reasons for the absence of the minor's DR or support person and the social agent.	Judge.	CICL, DR and lawyer.	In case the absence of minor's DR or support person and social affairs.	Regarding the absence of a lawyer, should this be noted in the record of the interview as well?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		4	The investigating judge must allow the minor to read the record after the interview is completed. If the minor cannot read the interview record, the court clerk must read it for them.	Judge.	CICL, DR, court clerk and lawyer.	Immediately after the interview is completed.		CPC
		5	The minor can request to correct or add any statement in the record of interview before signing or fingerprinting.	Judge and CICL.	Court clerk, DR, and lawyer.			
		6	When the lawyer or DR or social agent requests to read the interview record, the investigating judge must allow them to do so.	Judge.	CICL, DR, social agent and lawyer.			
		7	The investigating judge must note in the record if the minor or any participant refused to sign or fingerprint.	Judge.	CICL, DR, social agent and lawyer.			
		8	Obligations one-to-seven, above, must be strictly complied with.			If one-to-seven do not strictly apply, the procedure is null and void.		

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
36	The adjournment of an interview	1	Unless there is an urgency causing death or loss of evidence, the investigating judge must delay the interview until the minor's lawyer can be present. This urgency shall be recorded.	Judge.	CICL and lawyer.	Delay the interview until the presence of a minor's lawyer, except urgency causing death, or loss of evidence and this urgency shall be recorded.		
		2	If an interview proceeds without a lawyer, the reasons for proceeding must be noted in the record of the interview.	Judge.	CICL.			
		3	The presence or absence of a lawyer is not a reason to defer the decision to detain, or not detain a minor.	Judge	CICL, DR, and Lawyer		Is this point three contradictory to point one?	
37	Suspension from school and employment of minor	1	If the accused is released, the investigating judge can order education establishments or employers not to suspend the minor's schooling or employment.	Judge.	CICL, school principal, and employer.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		2	If the accused is detained or undertaking a diversion plan activity, the investigating judge can order an education establishment or employer to suspend the minor's schooling or employment until final judgement.	Judge.	CICL, school principal and employer.			
		3	If the minor is acquitted the principal or employer must allow the minor to resume schooling or employment.	Judge	CICL, school principal, and employer			
38	The authority of investigating judge in diversion	1	The investigating judge consider diversion first if a minor is accused of misdemeanor and serious misdemeanor.	Judge.	CICL, DR.	Consider suitability for diversion as the first step.		
		2	If diversion is ordered, the proceedings will be stayed (suspended) and the minor released if in pre-trial detention.	Judge.	CICL, DR,	Proceedings will be stayed if diversion is made.		Chapter 10 of J.J.L.
		3	The minor will be placed in the care of the DR or referred to the Department of Social Affairs for proper care and supervision while the diversion plan is prepared.		CICL, DR,DOSA.	Proper care and supervision.		
		4	The investigating judge must notify the victim or victim's DR, or minor's lawyer of the stay proceeding (suspended proceeding).	Judge.	CICL, victim,victim's DR, lawyer.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		5	The victim or victim's DR can file a civil complaint for compensation.	Victim, victim's DR.	CICL, Victim, Victim's DR, Lawyer			
		6	If the diversion plan is successfully completed, the judge must issue a non-suit order based on the report jointly certified by a social agent and the authority in charge of diversion.	Judge.	CICL, DR.	Report jointly certified by social agent and the authority in charge of diversion.		
		7	In case the diversion plan fails, the judge may issue a re-diversion plan order by considering the reasons for failure of the plan in consultation with the minor, DR and social agent, or the judge may choose to continue proceedings.	Judge.	CICL, DR, social agent and lawyer.	Issue the rediversion plan order by considering the reasons for the failure of the plan, in consultation with concerned parties.		
39	Pre-trial detention	1	In addition to the laws that apply to pre-trial detention in the Criminal Procedure Code, the investigating judge must consider a report on the social condition and welfare of the minor before making a decision on pre-trial detention.	Judge.	CICL, DR, social agent and lawyer.	Assessment of social condition and welfare of the minor must be undertaken.	The initial assessment must be submitted on time.	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
39	Pre-trial Detention	2	A minor younger than 14 years-old cannot be put in pre-trial detention.	Judge.	CICL, DR, social agent and lawyer.	Strict liability.		
		3	The judge must make a closing order to acquit and release the minor to their DR immediately a minor is determined to be under 14 years of age, even if the P lodges an appeal.	Judge.	CICL, DR, social agent.	Immediate release even if the P lodges an appeal.		
		4	If the minor is in need of care and protection, the Judge must refer the minor to the Department of Social Affairs.	Judge.	CICL, DR and DOSA.	In need of care and protection.		
		5	If the minor is deemed to be in need of care and attention the Department of Social Affairs shall request the court to suspend or withdraw the DRs parental authority or guardianship.	DOSA.	CICL, DR, court.	In need of care and protection.		
		6	If the minor has no DR, the Department of Social Affairs shall request the court to decide the minor's guardianship.	DOSA.	CICL, DR, court.	No DR. In need of care and protection.		
		7	The victim or victim's DR may file a complaint for compensation to the civil court.	Victim, victim's DR.	CICL, victim, victim's DR, lawyer.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
40	Court supervision	1	The investigating judge can place an accused minor who could be sentenced to imprisonment under court supervision as an alternative to the order of pre-trial detention.	Judge.	CICL, DR, lawyer.			
		2	In addition to the Criminal Procedure Code (Article 226) requirements, an order for a minor under court supervision must include one or more of the conditions listed in article 40.	Judge.	CICL, DR, lawyer.			CPC
41	Pre-trial release	1	At any time, the investigating judge on their own initiative can order the pre-trial release of a minor to the DR.	Judge.	CICL, DR.	At any time.		
		2	The investigating judge must inform P of the decision to release a minor and provide reasons.	Judge.	CICL, P.	With reasons.		
		3	The P, when informed of the judicial decision to release a minor must respond as soon as possible.	Prosecutor.	Judge.	As soon as possible.		
		4	In urgent cases, the investigating judge can order to release the minor immediately without consent from P or if the P makes an appeal against the order.	Judge	CICL, P,		What is considered urgent?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		5	If the minor is in need of care and protection, the Judge must refer the minor to the Department of Social Affairs.	Judge.	DOSA.			
		6	The Department of Social Affairs must take relevant action if a child is referred to them is in need of care and attention.	DOSA.	CICL.			
		7	If the minor is deemed to be in need of care and attention, the Department of Social Affairs should request the court to suspend or withdraw the DRs parental authority or guardianship.	DOSA.	CICL, DR, court.	Needs care and protection.		
		8	If the minor has no DR, the Department of Social Affairs should request the court to decide the minor's guardianship.	DOSA.	CICL, DR, court.	Needs care and protection.		
		9	The P, minor, DR and support person can request a pre-trial release of the minor at any time. A lawyer may request, with the consent of the minor.	Prosecutor, DR, support person and lawyer.	Judge.	Can request at any time.		
		10	If a judge receives a request for the pre-trial release of a minor, they must provide a decision within five working days.	Judge.	CICL.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
42	The closing order by the investigating judge	1	The investigating judge must examine and consider a report that assesses the minor's situation before issuing the closing order. In case the assessment report does not have enough information, the investigating judge must order the social agent to provide more information as soon as possible and within 10 working days.	Judge, social agent.	CICL.	As soon as possible and not exceeding 10 working days.		
		2	If a judge issues an order to acquit, the minor will be released from pre-trial detention even though the P has the right to appeal.	Judge.	CICL, P, DR, social agent.			
		3	If the minor is in need of care and protection, the judge must refer the minor to the Department of Social Affairs.	Judge.	DOSA.			
		4	The Department of Social Affairs must take relevant action if a child referred to them is in need of care and attention.	DOSA.	CICL.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		5	If the minor is deemed to be in need of care and attention, the Department of Social Affairs shall request the court to suspend or withdraw the DRs parental authority or guardianship.	DOSA.	CICL, DR, court.	Request the court to suspend or withdraw parental power if deemed to be in need of care and protection.		
		6	If the minor has no DR, the Department of Social Affairs shall request the court to decide the minor's guardianship.	DOSA.	CICL, DR, court.	Request the court to decide on the minor's guardianship if no DR.		
43	An appeal to the investigating chamber of the Appeals Court	1	The P must consider the best interests of the child before making an appeal to the investigating chamber of the Appeal Court.	Prosecutor.	CICL, DR, judge.			
44	The competence to trial	1	Only a Court of First Instance that specializes in minors will have competence to determine criminal offences allegedly committed by a minor.	Court of First Instance.	P, Judges, CICL.		Is a specialist court one that is staffed by specialists?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		2	Three judges will determine matters when the minor is alleged to have committed a felony or misdemeanor. Any associated petty offences connected to the felony and misdemeanor will be also be determined at the same hearing.	Court of First Instance.	P, Judges, CICL.		Number of judges per First Instance Court is still low while the number of cases is numerous.	
		3	A single judge can determine matters where only petty offences are alleged to have been committed by a minor.	Court of First Instance.	P, Judge, CICL			
45	Prioritization of a minor's case	1	The court must prioritize cases of minors, especially those where the minor is in pre-trial detention.	Court.	P, Judge, CICL	Prioritize all cases especially when the minor is in pre-trial detention.	What is a minimum standard to judge priority?	
		2	The judge must consider the release of any detained minor in pre-trial detention.	Judge.	CICL	For the best interests of children.		
		3	If a trial is adjourned or postponed the judge must each time consider releasing the child from pre-trial detention.	Judge.	CICL	At every instance of delay.	How does the passage of time impact on the reconsideration?	
46	Pre-trial procedure	1	Prior to the trial, judge shall examine the social inquiry report submitted by a social agent.	Social agent and judge.	CICL	Examine the social inquiry report submitted by a social agent.	What will the report contain?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		2	In case that the social inquiry report is not complete and the judge needs additional information, the judge shall ask a social agent to provide a completed social inquiry report accordingly.	Social agent and judge.	CICL	Provide completed social inquiry report accordingly.		
47	Closed hearing	1	In a minor's case, the cross-examination and judgement pronouncement must be conducted in a closed hearing.	Court.	Social agent, CICL, judge, prosecutor, lawyer.	Closed hearing.		
		2	Only persons who have rights, obligations, or an interest in the case can be allowed into the hearing.	Judge.	Victim, victim's lawyer and support persons, witnesses, court.		What criteria will determine who can attend?	
		3	The minor's DR and support person must participate in the hearing, except if their participation is not in the best interests of the minor.	Judge.	Court.		Who will determine the best interests of the child?	
48	Trial	1	The hearing must be conducted in a child-friendly manner.	Judge and court.	CICL, social agent, lawyer, prosecutor, DR.		What are the minimum standards for child-friendly?	
		2	The minor's lawyer, social agent, P, can make a request to the judge for the use of a curtain or other alternative means when providing testimony.	Judge.	Lawyers, DR, CICL, victims, witnesses, court, P.	In particular circumstances.	What does 'particular circumstance' mean?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
49	Acquittal	1	If a judge determines a minor was younger than 14 years old when they committed the offence, the judge must acquit the minor of the charge and release the minor immediately to their DR.	Judge.	Lawyers, DR, CICL, P.	Immediate release even if appeal is lodged by the prosecutor.		
		2	If a judge determines that a minor younger than 14 years of age convincingly committed the offence they can hear any civil compensation action.	Victim, victim's DR, lawyer.	Lawyers, DR, CICL	File civil complaint.		CPC and Civil Code (Article 746).
		3	If a judge determines a minor aged between 14 and below 18 years of age is innocent, or the offence has not been committed they will acquit the minor and release them to their DR.	Judge.	Lawyers, DR, CICL, victims, witnesses, court, P	Immediate release even if appeal is lodged by the prosecutor.		
		4	If the minor is in need of care and protection, the judge must refer the minor to the Department/Office of Social Affairs so that the latter can take measures according to the social welfare status of the minor.	Judge.	DOSA.	Take measures according to the social welfare status of the minor.		
		5	If the minor is deemed to be in need of care and attention, the Department of Social Affairs shall request the court to suspend or withdraw the DRs parental authority or guardianship.	DOSA	CICL, DR, court.	Suspend or withdraw the DRs parental authority or guardianship.		

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		6	If the minor has no DR, the Department of Social Affairs shall request the court to decide the minor's guardianship.	DOSA.	CICL, DR, court.	Decide the minor's guardianship.		
50	Assistance of a lawyer	1	The minor must have the representation of a lawyer during a trial.	Judge.	CICL, lawyer, Bar Association of Cambodia.	Legal representation mandatory.		CPC (article 300,301) and UNCRC.
		2	In case there is no lawyer to represent a minor, the appointment of a pro-bono lawyer shall be initiated by the president of the court, as stipulated in the Law on the Status of Lawyers.	Judge.	CICL, Lawyer, Bar Association of Cambodia.	Legal representation mandatory.		CPC.
		3	The court must provide a time and copy case file to a lawyer for preparation of the minor's defence.	Judge, Court	CICL, Lawyer,			
		4	The State shall pay for the copy of the case files for appointed pro-bono lawyers.	Court.	Lawyer.			
		5	The lawyer for the minor shall pay for the copying of the case files.	Lawyer.	Court.			
51	The provision of information on the minor's rights	1	At the commencement of the hearing, the judge, using simple language which the minor can understand, explains their rights under Article 6 and other procedural rights specific to the conduct of the trial.	Judge.	CICL, lawyer.	Child-friendly techniques must be applied.		

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
52	The authority of the court in diversion	1	At the trial, the judge must firstly consider the suitability of diversion.	Judge.	All	Primary consideration.		
		2	In case that the minimum conditions are met, the court shall issue an order to delay the case and then the court shall: 1) consult with the minor, designated representative, supporter, lawyer, social agent, victim, civil party and other concerned parties; 2) prepare a diversion plan; and 3) get a signature or a fingerprint of the minor on the diversion plan.	Judge.	All	Minimum conditions for diversion are met and a consultation is required.		
		3	If diversion is ordered, Chapter 10 will apply.	Judge.	All	The minor must agree to the plan and Chapter 10 applies.		
		4	The Judge can decide on civil compensation if there is a complaint.	Judge.	CICL, DR, civil complainant.			
		5	If the minor is in detention, the court should issue an order to release the minor immediately, though if the P lodges an appeal, the minor will be referred to DR.	Judge.	CICL, DR.	Immediately released. Chapter 10 of this law.		

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		6	If the minor is in need of care and protection, the judge must refer the minor to the Department of Social Affairs and this department should take appropriate measures according to the welfare and social status of the minor.	Judge and DoSVY.	CICL, family.			
		7	If the minor is deemed to be in need of care and attention, the Department of Social Affairs should request the court to suspend or withdraw the DRs parental authority or guardianship.	DOSA, OSVY, court.	CICL, DR.	Request the court to suspend or withdraw parental power if the minor is in need of care and protection.		
		8	If the minor has no DR, the Department of Social Affairs should request the court to decide on the minor's guardianship.	DOSA, OSVY, court.	CICL, DR.	Request the court to decide on the minor's guardianship.		
		9	If the diversion plan is successful, the court will acquit the minor.	Judge.	Victim, victim's lawyer.	A successful diversion plan, certified jointly by the social agent and the person in charge of diversion.	How is success determined?	Chapter 10 of this law, UNCRC and other human rights instruments related to children.

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		10	If the diversion plan is not complied with by the minor, the judge must consider a new plan taking into consideration advice and evidence from a range of specified persons, or take further legal action.	Judge.	CICL DR, lawyer and social agent.	Non-compliance with diversion plan.	What conditions would lead to no further diversion and proceeding with legal action?	Chapter 10 of this law, UNCRC and other human rights instruments related to children.
53	Admission of guilt at trial	1	If a minor makes an admission of guilt, the judge must investigate that this admission is voluntary and that the minor understands the consequences of their admission.	Judge.	CICL, DR, lawyer, social agent, P.		What procedures would be used to protect a child who has not made a voluntary admission?	
		2	If the admission is not voluntary or the minor did not understand the consequences, the admission is not admissible.	Judge.	CICL, DR, lawyer, social agent, P.			
		3	An admission of guilt for the purpose of being eligible for diversion is not admissible in any further criminal proceedings for the same offence.	Judge.	CICL, DR, lawyer, social agent, P.			
		4	If an admission of guilt is obtained, it must be verified as consistent with the evidence of the offence.	Judge,	CICL, DR, lawyer, social agent, P.			
54	Pronouncement of judgement	1	The pronouncement of judgement must be pronounced after the cross-examination, or at the next hearing.	Judge.	CICL.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		2	Judgement, in principle, can only be pronounced in a closed court in the presence of the parties, their representatives and interested persons.	Judge.	CICL, DR, social agent, support person and interested persons.		How does this interact with Article 47? Who are interested persons? What impact do the words 'in principle' have on the operation of the article?	
		3	Judgement can be pronounced without the presence of a minor.	Judge.	CICL.	If it is not in the best interests of the minor to be present?	When would it not be in the best interests of the minor to attend?	
55	Competency of the High Court	1	The Trial Council of the Appeal Court and Supreme Court must include at least one child specialist judge.	Appeal Court and Supreme Court.	CICL.	Specialist judge.	What are the required competencies to be accepted as a specialist?	
56	Referring case files to the Appeals Court and Supreme Court.	1	If there is an appeal, the Court of First Instance must prepare and send the dossier to the Appeal Court within 10 days except in insurmountable circumstances which should be recorded in the dossier.	First Instance Court.	Appeal Courts.	Within 10 days unless insurmountable circumstances.	What amounts to an insurmountable circumstance?	CPC (is not stated on exact duration to send the dossier from court to another).

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
57	Priority of a case involving a minor	1	The Appeal Court and the Supreme Court must prioritize cases of minors, especially those in which the minor is in pre-trial detention.	Appeal Court and Supreme Court.	CICL.	Prioritize all cases especially when a minor is in pre-trial detention.		CPC (is not stated on exact duration for minor's hearing).
		2	An appeal shall be heard within three months of it being lodged unless there are external obstacles outside the court's control.	Appeal Court and Supreme Court	CICL.	Within three months unless there is an external obstacle outside of the courts control.	What would amount to an acceptable obstacle?	
		3	The appellant court must consider releasing a minor in detention prior to the appeal, or if there are any further delays.	Appeal Court and Supreme Court.	CICL.	In the best interests of the minor.		
58	The authority of the Appeal Court in diversion	1	The Appeal Court has authority to divert minor pursuant to Article 52.	Appeal Courts.	CICL.			
59	The expansion of rules to a higher court	1	The rules that apply to the Court of First Instance apply to the higher courts unless there is a conflict with a rule of the Appeal Court.	Appeal Courts.	CICL, Court of First Instance.	Unless conflict with existing rules of Appeal Court.	What are the rules that would lead to conflict?	
60	Diversion	1	Diversion is a measure that can be applicable to the minor who admitted to committing an offence and the admission is reasonable.	Court.	CICL.		What amounts to reasonably believed?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
61	Authority in charge of diversion	1	The authority in charge of diversion includes a P, investigating judge, trial judge of the Court of First Instance and the Trial Council of the Appeal Court.	Prosecutor, Judge.	CICL.			
62	The purpose of diversion	1	The purpose of diversion is to: 1) encourage the minor to accept fault and the harm caused by the minor; 2) promote reconciliation between the minor and the victim(s); 3) encourage restitution or compensation to the victim(s); 4) educate and correct the minor's behaviour; 5) meet the individual needs of the minor in order to reintegrate the minor into his/her family, community, or society; 6) prevent stigmatization and avoid the minor being influenced by criminals during detention and to avoid re-offending; 7) prevent discrimination of the minor and prevent the minor from acquiring a criminal record.	Prosecutor, judge.	ALL			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
63	Minimum conditions for diversion	1	Diversion is applicable if the following minimum conditions are met: 1) there is enough evidence to charge/show of guilt; 2) the minor has made a voluntary admission of guilt and apologized to the victim(s); 3) the offence is a petty offence or misdemeanor; 4) the minor consents to diversion after consultation with a lawyer, social agent on their rights and has considered the effect and impact of diversion.	Prosecutor, judge.	CICL, social agent, lawyer, others.	Four minimum conditions for diversion to be applicable.		
64	Diversion criteria	1	If a minor is eligible for diversion a number of factors need to be considered before deciding to divert : 1) the circumstance of the offence; 2) the severity of the offence; 3) the minor's personality; 4) the circumstance of the minor's family and living environment; 5) the harm suffered by the victim; 6) the safety of the minor, community, and society.	Prosecutor, judge.	ALL	If the minor's case meets with the minimum conditions for diversion.	What considerations would determine if the minor is unsuitable for diversion?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
65	Diversion measure	1	The diversion plan will include one or more measures listed as follows: 1) one or more measures as stipulated in the Criminal Procedure Code for Court supervision; 2) attending school regularly for a period not exceeding six months; 3) spending a specific time with family (not exceeding six months); 4) attending vocational training for a period (not exceeding six months); 5) Undertaking community service (not exceeding 100 hours). The community service can only be ordered for a minor aged at least 16 years; 6) participating in a rehabilitation programme; 7) staying at a specific place for a specified time; 8) compensating for harm caused to the victim(s); 9) other measures that contribute to the purpose of diversion.	Judge, prosecutor.	All			CPC (article 223)
		2	All diversion plans that include labour by the minor must comply with the labour laws and international conventions on labour ratified by Cambodia.	Judge, prosecutor.	CICL, lawyer, DR.	Compliance with existing labour law and ratified international conventions.		

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
66	Formulation of diversion plan	1	A social agent has one month, once a diversion order is made to prepare a diversion plan unless there are insurmountable circumstances.	Social agent.	CICL	One month unless insurmountable circumstances.	What amounts to insurmountable circumstance?	
		2	In preparing a diversion plan, a social agent needs to consider the following factors: 1) the views of the minor, their DR and any person affected by the offence; 2) the minor's background; 3) the minor's educational background, cognitive ability, circumstance and situation; 4) the proportionality of the plan to the offence, the situation of the minor, the nature of the offence and social interest; 5) the age and developmental needs of the minor.	Social agent.	All			
		3	The diversion plan of the minor must: 1) advantage the minor; 2) provide the minor with an understanding of the impact of their offending on the victim and others; 3) redress the wrong of the offence, including compensation and restitution; 4) be sited at accessible locations to the minor; 5) not be exploitive, harmful or hazardous to the minor's physical or mental health; 6) not negatively impact on their education; and 7) not involve deprivation of liberty.	Social agent.	Judge and others.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
67	Notes in the diversion plan	1	The diversion plan has to note the following: 1) diverting measures as per article 65, periods of diversion; 2) specify services and assistance to be provided to the minor; 3) specify any person or organization who will provide services or assistance; 4) specify the responsibility of the minor and their DR; 5) set out the personal goals of the minor and their DR; 6) include details of all programmes included in the plan; 7) specify the authority in charge of implementing the plan; 8) certification of the social agent in charge of implementing and monitoring the diversion plan; 9) the minor's consent.	Social agent.	CICL, DR, judge and other relevant persons.		Can different persons be authorized to be in charge of different parts of the plan?	
		2	The diversion plan is formalized by including the: 1) identity and signature of the social agent; 2) identity and fingerprint of the minor; 3) identity, signature, or fingerprint of relevant persons with responsibility under the plan.	Social agent.	CICL, DR, judge and other relevant persons.			
		3	The plan must be kept confidential and a copy kept at the office of the relevant social agent.	Social agent	All		All relevant persons will need to understand the confidential nature of the plan.	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
68	Decision on diversion plan by diverting authority	1	The social agent submits the diversion plan to the diverting authority for review and acceptance.	Social agent.	Judge, P.			
		2	The diverting authority will order implementation of the plan if it is satisfactory.	Diverted authority.	CICL, social agent, court and all relevant persons.			
		3	The diverted authority can order the social agent to amend or prepare a new diversion plan, within one month of receiving the order from the diverted authority, under the proviso that the plan is not satisfactory, except in insurmountable circumstances.	Diverted authority.	CICL, social agent	One month unless insurmountable circumstances.	What amounts to insurmountable circumstance?	
69	The implementation of the diversion plan	1	The social agent and person in charge of implementing the diversion plan have to guarantee to implement the diversion plan as ordered.	Social agent and diversion manager.	CICL.			
		2	The appointed diversion manager must submit reports on progress including obstacles to implementation to the appointed social agent.	Diversion manager.	Social agent.		How often? Will reporting be included in the diversion plan?	
		3	The social agent must submit the report and their recommendations to the diverting authority and DOSA.	Social agent.	Court, P, DOSA.		How often? Will reporting be included in the diversion plan?	

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
70	The adjustment of the diversion measure	1	The diverted authority can adjust the diverted measure by their own initiative, or if the social agent makes a request.	Diversion authority.	CICL, social agent.	If a change is in the best interests of the minor.		
		2	The diverted authority must decide and respond to a request from a social agent for a change to a diversion plan within five working days.	Diversion authority.	CICL, social agent and relevant persons.			
		3	If the diversion authority does not decide within five working days, the requested change will be deemed approved.	Diversion authority.	CICL, Social agent and relevant persons.	Changes to the diversion plan will not constitute a failure to implement the plan.		
71	Failure to implement the diversion plan	1	The social agent has to submit a report on any failure of the minor to comply with the diversion plan and their recommendations to the diverting authority and DOSA.	Social agent.	CICL, diversion authority, DOSA.			
		2	The diversion authority must review the report and in writing order the minor, DR, lawyer, support person and diversion manager to appear within 15 days.	Diversion authority.	CICL, DR, Lawyer, support person, diversion manager.	In writing.		

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		3	At the appearance, the diversion authority must investigate the reasons for any failure to comply with the diversion plan.	Diversion authority.	CICL, DR, Lawyer, support person, diversion manager.			
		4	After consultation with the relevant persons, the diversion authority can issue a new diversion order or recommence criminal proceedings.	Diversion authority.	CICL, DR, lawyer, support person, diversion manager.	Consultation must occur.	What would constitute reasons to not continue with diversion?	
		5	If the minor fails to appear without appropriate reason, the diversion authority may reinstate criminal proceedings.	Diversion authority.	CICL, DR, Lawyer, support person, diversion manager.	Appropriate reason.		

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
72	Conditional release (parole)	1	Conditional release can be granted to a minor serving a sentence in a youth rehabilitation centre (YRC) who meets certain conditions.	Court.	CICL, YRC.	In case: 1) One-third of sentence served where the sentence is less or equal to one year is less than or equal to 1 year; 2) One half of sentence is served if the sentence is greater than one year.	What if in another prison?	Articles 513&514 (CPC).
73	The person who has the right to request the parole	1	The following persons can request the conditional release of a minor in custody for minor convictions such as: 1) minor prisoner or their lawyer; 2) DR; 3) chief of rehabilitation centre; 4) social agent involved in the case; 5) embassy or consular official (if the minor is a foreigner).	CICL, DR, lawyer, social agent, embassy or consular official, chief of YRC.	Judge, prison chief.		What if another prison?	
74	Condition of duration related to the application of rehabilitation through judiciary	1	The application for restoration of qualifications can be submitted to the Criminal Chamber of Appeal Court after the lapse of defined periods of time as follows: 1) two years for a felony; 2) six months for a misdemeanor; 3) one month for a petty offence.	Criminal chamber of Appeal Court	CICL, DR, lawyer.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		2	This period of time commences from the start date of the sentence, or the expiration of the statute of limitations of a penalty.	Criminal chamber of Appeal Court.	CICL, DR.			
		3	An application for restoration can be made by: 1) adult prisoner who has committed an offence when he/she was a minor; 2) DR of minor prisoner.	Criminal chamber of Appeal Court.	CICL, DR.			
75	The lawful restoration of qualifications	1	The lawful restoration of qualifications will be occur after the lapse of defined periods of time: 1) three years for felony; 2) one year for a misdemeanor; 3) three months for a petty offence.	CICL.	MoJ.		This starts from when the sentence was served, or the expiration of statute of limitations of a penalty.	
76	The establishment of a youth rehabilitation centre	1	AYRC must be established for administration of minors under supervision of the Ministry of Social Affairs.	MoSVY.	CICL.		Has to be regulated by a sub-decree.	
77	The division of a minor's administration in a youth rehabilitation centre	1	AYRC will be divided into three separate sections : 1) pre trial detention; 2) detention for rehabilitation; 3) pre-release from detention.	MoSVY.	CICL.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		2	The formalities of the administration of minors detained in a YRC must be regulated by inter-ministerial prakas between the Social Affairs, Interior and Justice ministries.	MoSVY, MoI, MoJ.	YRC.	Administration of minors is regulated by inter-ministerial prakas between the Social Affairs, Interior and Justice ministries.		
78	Register of Minors	1	A YRC for each division must have separate procedures and a register of the minors and their information.	MoSVY, MoJ.	YRC.	Regulated by Inter-ministerial prakas between the Social Affairs and Justice ministries.		
79	The purpose of detention	1	The purpose of detention of a minor is rehabilitation including education, treatment, care, protection, education, and vocational training.	MoSVY.	YRC.	Objective is to assist the minor to become an honest and productive citizen of society.		
		2	YRC officers in charge of supervising minors will receive training in psychology, welfare, national and international standards on children, and the protective measures for a minor deprived of their liberty.	MoSVY.	YRC.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
80	Basic rights of a detained minor	1	All detained minors have the following basic rights: 1) Right to education; 2) Right to be free from torture, cruelty, inhumanity, degrading treatment, physical and mental punishment or other forms of torture including isolation, restriction or denial of contact with family, reduction of diet and forced labour; 3) Right to have fair disciplinary hearings which are consistent with protecting the dignity of the minor; 4) Right to be advised of the internal rules regarding rights and obligations; 5) Right to be informed to DR, support person and lawyer on detention, transfer, release; 6) Right to receive protection, health care and treatment or injury and to be notified to DR, support person and lawyer; 7) Right to access family and friends privately; 8) Right to access to a confidential and effective complaints mechanism related to conditions and treatment of a minor in detention; 9) Other rights accepted by legal instruments.	YRC.	CICL.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
81	Services for a minor in a youth rehabilitation centre	1	Competent authority who is in charge of a rehabilitation centre has to provide the following services to a detained minor: 1) to protect, care and provide all necessary needs according to beliefs, religion, sex, age of minor; 2) stay in a group or individual room; 3) participation in education, vocational training, art, sport, leisure and relaxation from work; 4) mental and physical health services; 5) medical check-ups and care for injuries, mental problems, physical disabilities, plus relevant information recorded and included in a case file; 6) other services to promote health and satisfaction, foster a sense of responsibility and encourage attitude and skills to assist the minor in developing his/her potential to be a good member of society and reintegration into society after release.	MoSVY.	CICL, DR, lawyer, Judge, P.			
82	The placement of a detained minor	1	The minor has to be kept in a YRC as specified: 1) separately from adult; 2) separate building based on sex, nature and circumstance of offence, age, character, mental and physical health; 3) Female minors only under the care of female staff.	MoSVY.	CICL.			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
		2	In the case of a convicted minor reaching 18 years-old while serving a sentence in a YRC, they have to remain in the YRC until they reach 24 years of age.	MoSVY.	CICL.	The formalities of procedure, transfer, handover, admission of a minor has to be regulated by prakas of Social Affairs, Justice and Interior ministries.		
		3	When the minor detainee reaches 24 years old, he/she has to transfer to an adult rehabilitation centre.	MoSVY.	CICL/ Mol.	The formalities of procedure of transfer, handover, admission of a minor has to be regulated by prakas of Social Affairs, Justice and Interior ministries.		
83	Security of classification in youth rehabilitation centres	1	Security classification of a minor in a YRC has to be classified at the lowest security risk category.	MoSVY, Mol, MoJ.	YRC	To be regulated by prakas of Social Affairs, Justice and Interior ministries.		

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
84	Agents in youth rehabilitation centres	1	All agents who work with minors in YRCs must have proper training in child psychology, welfare and international instruments on child rights and the treatment of minors deprived of their liberty.	MoSVY.	YRC.		What is the minimum level of training required and how often?	
85	Inspection of youth rehabilitation centres	1	The general P of Appeal Court, P of Court of First instance, president of the Investigating Chamber and the investigating judge have to conduct regular inspections of YRCs located in their jurisdiction and ensure that conditions and the treatment of minors in detention is according to the Criminal Procedure Code and relevant laws.	General P of Appeal Court, P of Court of First Instance, President Investigating Chamber, investigating judge.	YRC.	Regular inspections.	What is regular?	
		2	Competent persons working nationally with regard to prevention are entitled to visit YRCs.	YRC.	YRC, CICL.	Competent persons. At any time.		
86	Provisions concerning judges and prosecutors	1	P and judges who are appointed to take charge of minor cases as stipulated in the Criminal Procedure Code have to carry out their duties until specialists are available.	Prosecutor, judge.	ALL			
87	Specialized judicial police in charge of minors	1	JP in charge of minor cases, as stipulated in the Criminal Procedure Code, have to carry out their duties until specialists are available.	Judicial police.	ALL			

Article #	Article Title	#	Obligations	Obligation Holder	Concerned Parties	Standards & Measures	Issues	Interactions with other laws
88	Youth rehabilitation centre	1	Until a YRC is available all measures currently applying to minors shall apply?	MoSVY.	ALL	The formality and procedure of transfer, handover, and admission of a minor has to be regulated by prakas of Social Affairs, Justice and Interior ministries.	Does this mean that all articles do not apply or only those that are applicable to YRC?	
89	Final Provision	1	After the law comes into force, it must be disseminated within six months prior to implementation.	ALL	ALL	After the law comes into force throughout the country.		

Annex 2

Operational Plan Activity Matrix

2018 – 2020

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OPERATIONAL PLAN

Introduction

The Operational Plan Activity Matrix provides for a series of activities in each of the strategic programme areas. It identifies the lead agent for each activity and schedules when activities need to take place in relation to each other. Taking into account the strategic priorities of the plan, there exists a balance between activities that are the responsibility of a central committee and those that are the responsibility of a relevant ministry, or institution. This is to ensure the successful achievement of overall objectives of the Juvenile Justice Law Strategic and Operational Plan, 2018-2020 (JJLSOP) and efficiencies and national consistency given the complexity and degree of change required to implement the Juvenile Justice Law (J JL).

Principles of approach

There are a series of 'common activities' that can be found repeated in a number of programme areas. The common activities will efficiently produce resources; national administrative and policy tools; ensure a systems approach; and avoid duplication of effort and expenditure of resources. The activities target where coordinated national action will be most effective in addressing challenges or managing change.

Activities are repeated in different programme areas because they are integral to achieving the objective and outcomes for the respective programme area. The majority of the common activities need to take place in the first 12 months of the plan and will support the activity of the second two years. Many of the common activities result in resources and tools that can be used as a basis for other activities. In particular, the development and distribution of base resources and the J JL Operating System Pilot will provide momentum for implementation and build initial capacity for change. This component has been designed to reduce the number of children in detention within the first year of implementation.

Activities have been devised so individual ministries and Institutions can concurrently commence implementation on separate aspects of the juvenile justice system according to their own capacity. This also allows for standalone funding to be sought for discrete activities.

Strategic programme areas (SPA)

The programme areas for implementation over the next three years are:

1. Coordination, management and communication.
2. Education and training.
3. Social agents.
4. Diversion.
5. Reintegration.
6. Detention.
7. Crime prevention.
8. Operating system and policy framework.
9. Monitoring and evaluation.

STRATEGIC PROGRAMME AREA 1: COORDINATION, MANAGEMENT AND COMMUNICATION (SPA1).

Overall Objective:



Effective coordination and communication; sustained momentum of implementation; efficient use of resources; successful change of attitude; and increased support of all actors for the successful implementation of JJL. Additionally, effective communication at all levels using a new inter-ministerial working group; new ministerial offices; as well as existing channels to ensure efficient use of resources; avoidance of duplication; and a coordinated implementation of JJLSOP.

Outcome 1: An inter-ministerial working group is set up and it is comprised of MoJ, MoSVY, MoI, National Authority to Combat against Drug, and other stakeholders. The roles of this inter-ministerial working group are to coordinate cooperation, collation and dissemination of information, monitoring and evaluation and programme design.

Outcome 2: A communication strategy is in place to support change in current community and media attitudes and practices for children, at risk of, or in conflict with the law, to a child rights approach.

Outcome 3: Strengthened communication and dissemination of information to support the effective implementation of JJL and maintain momentum for change by creating a website and Facebook portal.

Outcome 4: Strengthened capacity of existing representative committees in the justice and child and family welfare sector to manage responsibility for implementation and cooperation to support an efficient and child-centred systems approach to juvenile justice.

STRATEGIC PROGRAMME AREA 2: EDUCATION AND TRAINING (SPA2).

Overall Objective:



Effective JJL education and training programmes and resources are developed and implemented to support change in principles and work practices and future workforce capacity.

Outcome 5: Built capacity for workers in the juvenile justice system by providing access to generic and specialist explanatory information, training programmes and operational manuals.

A system of education and training in JJL and practice that is sustainable and remains current and accessible.

Outcome 6: A system of education and training in JJL and practice that is sustainable and remains current and accessible.

STRATEGIC PROGRAMME AREA 3: SOCIAL AGENTS (SPA3).

Overall Objective:



The creation of a social agent workforce that meets the needs of the implementation of JJLSOP.

Outcome 7: An operating framework and comprehensive position descriptions created for three different social agent roles.

Outcome 8: An accreditation, appointment and supervision system for social agents implemented and promoted.

Outcome 9: The role of the social agent contributed positively to the child's experience of the juvenile justice system and implementation of a child's rights approach.

STRATEGIC PROGRAMME AREA 4: DIVERSION (SPA4)

Overall Objective:



Diversion and other alternative measures used effectively to ensure that detention used only as a measure of last resort and for the shortest period.

Outcome 10: A community justice approach to diversion used to identify local solutions for children in conflict with the law – reducing recidivism without resorting to detention or judicial proceedings.

Outcome 11: A police cautioning/diversion system is in place to connect children in conflict with the law with appropriate services and support.

Outcome 12: The use of problem solving meetings to efficiently collect information and facilitate diversion and reintegration plans.

STRATEGIC PROGRAMME AREA 5: REINTEGRATION (SPA5)

Overall Objective:



Pre-release preparation programmes and reintegration planning used effectively to successfully reintegrate children in detention into civil society and reoffending rates decrease.

Outcome 13: Social agents and social services have the capacity to plan and manage reintegration.

Outcome 14: Activities and programmes available to children in detention prepare them for successful reintegration after release.

Outcome 15: Employers, religious and educational organizations commit to reintegration of children into civil society.

STRATEGIC PROGRAMME AREA 6: Detention (SPA6)

Overall Objective:



The focus of detention is to rehabilitate children and provide them with skills to reintegrate into the community upon release and not to reoffend.

Outcome 16: Current prison population comprehensively assessed as a matter of urgency and appropriate children diverted from detention.

Outcome 17: Existing prison facilities and programmes assessed and conditions improved for existing population.

Outcome 18: Temporary mechanisms identified for proclaiming buildings, or parts of existing prisons, as Youth Rehabilitation Centres (YRC) to facilitate rehabilitation and conditional release and to accommodate new children charged with offences so they do not enter the existing prison system.

Outcome 19: YRC built and operated in compliance with international standards for children with custodial sentences for the purpose of rehabilitation and preparing children for reintegration into the community.

STRATEGIC PROGRAMME AREA 7: CRIME PREVENTION (SPA7)

Overall Objective: To mobilize, educate and support communities to identify and build protective factors to support individuals and reduce crime.



Outcome 20: Increased capacity in the child and welfare sector and community generally to identify children at risk of offending and refer children and families to appropriate services.

Outcome 21: Strengthened existing programmes for vulnerable children and families to engage them in positive behaviour and relationships that will divert them from offending and develop specific extensions of programmes, or new programmes for children, if required.

Outcome 22: Strengthened the relationship between the community and the police through a community policing approach at the local level to lower juvenile crime and recidivism rates.

STRATEGIC PROGRAMME AREA 8: Operating System and policy framework (SPA8).

Overall Objective: To create a single system approach to the implementation of JJL that will ensure efficient and effective management of each child.



Outcome 23: Juvenile justice system created that maximizes the efficient and effective management of each child using a child's rights approach philosophy.

Outcome 24: A single case management system for children is efficient in terms of collecting and sharing information; it is not intrusive; and avoids duplication of effort.

Outcome 25: Confidentiality of the identity, circumstances and records of a child maintained.

Outcome 26: A children's division of the Court of First Instance operated using child-friendly procedures and practices in accordance with international best practices.

STRATEGIC PROGRAMME AREA 9: Monitoring and evaluation (SPA9).

Overall Objective:



Develop a comprehensive system for data collection, monitoring, evaluation and reporting on the implementation of JJLSOP and experiences of a Child in Conflict with the Law (CICL) so lack of progress identified to inform future decision-making.

Outcome 27: Implementation of an M&E framework and comprehensive data collection to support successful implementation of JJLSOP by identifying challenges, strengths and weaknesses.

Outcome 28: Strengthened the capacity of juvenile justice system stakeholders to plan and manage change, monitor performance and use evidence-based approaches to decision-making.

STRATEGIC PROGRAMME AREA 1: COORDINATION, MANAGEMENT AND COMMUNICATION (SPA1).

Overall Objective:



Effective coordination and communication; sustained momentum of implementation; efficient use of resources; successful change of attitudes; and increased support of all actors for the successful implementation of JJL. Additionally, effective communication at all levels using a new inter-ministerial working group; new ministerial offices; as well as existing channels to ensure efficient use of resources; avoidance of duplication; and a coordinated implementation of JJLSOP.

This programme area recognizes that successful implementation of JJL requires a systems approach.

Outcome 1: An inter-ministerial working group is set up and it is comprised of MoJ, MoSVY, Mol, National Authority to Combat against Drug, and other stakeholders. The roles of this inter-ministerial working group are to coordinate cooperation, collation and dissemination of information, monitoring and evaluation and programme design.

Outcome 2: A communication strategy is in place to support a change in current community and media attitudes and practices to children, at risk of, or in conflict with the law to a child rights approach.

Outcome 3: Strengthened communication and dissemination of information to support the effective implementation of JJL and maintain momentum for change by creating a website and Facebook portal.

Outcome 4: Strengthened the capacity of existing representative committees in the justice and the child and family welfare sectors to manage responsibility for implementation and cooperation to support an efficient and child-centred systems approach to juvenile justice.

Outcome 1:

An inter-ministerial working group is set up and it is comprised of MoJ, MoSVY, Mol, National Authority to Combat against Drug, and other stakeholders. The roles of this inter-ministerial working group are to coordinate cooperation, collation and dissemination of information, monitoring and evaluation and programme design.

Outcome Indicator 1.a. % of positive JJLSOP evaluation indicators

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
1.1. New JJI Inter-Ministerial Working Group (JJLIWG) facilitates increased cooperation across government, efficiencies, effective communication and implementation of JJI and JJLSOP.	1.1.a. Inter-ministerial working group established.	1.1.1. Formalize an inter-ministerial working group comprising of representatives from relevant ministries.	MoSVY MoJ	X						Mol National Authority to Combat against Drug
	1.1.b. Approved terms of reference.	1.1.2. Establishing agreement on terms of reference for the JJI Inter-Ministerial Working Group (Joint prakas).	MoSVY MoJ	X						Mol
	1.1.c. JJLIWG members appointed, assigned responsibilities and commence work.	1.1.3. Appointment and/or secondment of staff to JJLIWG and it assumes responsibilities and commences work.	MoSVY MoJ		X					Mol
	1.1.d. Percentage of JJI Inter-Ministerial Working Group members trained.	1.1.4. Strengthen capacity of JJLIWG to effectively implement and facilitate cooperation.	MoSVY MoJ		X					Mol

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
1.1. New JJLIWG facilitates increased cooperation across government, efficiencies, effective communication and implementation of JJJL and JJLSOP.	1.1.e. Percentage of ministries that have incorporated activities from JJLSOP into Annual Operational and Five Year Strategic Plans.	1.1.5. Each Ministry incorporates JJLSOP activities into their own operational planning and shares plans to support cooperation.	MoSVY MoJ MoI		X	X		X		
	1.1.f. All current systems are mapped, processes documented and costs analysed.	1.1.6. This is a common activity. All current systems mapped to identify points of duplication, obsolescence, authority, legal obligations and information needs and these are subsequently costed. (See SPA8).	MoJ	X	X					
1.2. JJLIWG utilizes existing committee and channels to centrally disseminate and collect information efficiently and selectively.	1.2.a. Visual map and database of administrative and civil channels for communication created.	1.2.1. Mapping of existing committees, organizations and channels for development of a database and communication map, with a particular focus on the justice, legal, local administration and child and family welfare sectors.	JJLIWG MoSVY							CCWC
	1.2.b. Percentage of recipients who respond monitored for evaluation and the effectiveness of the database channel.	1.2.2. Utilize administration channels database to conduct surveys and collect and disseminate information.	JJLIWG			X	x	x	x	

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
1.3. JJLIWG effectively coordinates the monitoring and evaluation framework system.	1.3.a. Development of indicators for each level of evaluation, collection tools and a system to collect, collate and validate data.	1.3.1. This is a common activity Develop indicators for each level of evaluation, collection tools and a system to collect, collate and validate data. (See SPA9).	JJLIWG		x	x	x	x		
	1.3.b. Valid commencement data for monitoring and evaluation of JJLSOP.	1.3.1. This is a common activity Establish benchmark data for the commencement of JJLSOP, including a cost analysis of the current system. (See SPA9).	JJLIWG	x	x					
	1.3.c. Publication of compliant implementation progress reports. (See SPA 9).	1.3.3. Coordinate collection, collation validation, analysis, reporting and publication of data.	JJLIWG		X	X	X	X	X	

Outcome 2:

A communication strategy is in place to support change in current community and media attitudes and practices to children, at risk of, or in conflict with the law to a child rights approach.

Outcome Indicator 2.a. Increased awareness and acceptance in the community of a child rights approach to children in conflict with the law and the principles, benefits and operation of JJL.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
2.1. Community and the media provided with key messages and information to explain a child rights approach to juvenile justice and the benefits to the community of this implementation.	2.1.a. Research report accepted.	2.1.1. Sampling research study to identify and confirm current media approaches and community attitudes as a baseline.	JJLIWG MoSVY	X						CWCC
	2.1.b. A suite of resources is developed to communicate the benefits, principles and operation of JJL.	2.1.2. Develop a strategy communication plan for the media and a civil society audience and appoint a consultant to develop resources. The communications plan contains a set of key messages to be included in all relevant materials to ensure consistent communication of principles and approaches.	JJLIWG		x					
	2.1.c. Collate data on negative and positive media messages and breaches of JJL.	2.1.3. Media kit and conference launch to include training in JJL and child rights approaches.	JJLIWG			x				NGO

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
2.1. Community members and the media provided with key messages and information to explain a child rights approach to juvenile justice and the benefits to the community of this implementation.	2.1.d. Percentage of community that utilizes materials using sampling methodology. (See SPA 9).	2.1.4. Distribution of community education materials using the communication database community list.	JJLIWG Mol			X		X		
	2.1.e. Percentage of press releases reported in media.	2.1.5. Strengthen capacity of JJLIWG to communicate with media, provide regular media briefings and press releases to coordinate with website updates.	JJLIWG			X				
	2.1.f. Number of users and satisfaction ratings. (See SPA 9).	2.1.6. Strengthen capacity of JJLIWG to coordinate website material and communications material and administer website and Facebook as a professional communication resource.	JJLIWG			X				

Outcome 3:

Strengthened communication and dissemination of information to support the effective implementation of JJL and support momentum for change by creating a website and Facebook portal.

Outcome Indicator 3.a. Online information and resources are accessed and/or downloaded and users evaluate as 'accessible' and 'useful'.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
3.1. A website linked to a JJL Facebook page provides current information and resources to support good practices and momentum for change.	3.1.a. Website launched.	3.1.1. Develop website project plan and appoint designer.	JJLIWG		X	X				UNICEF NGO
	3.1.b. Website accessed by stakeholders and evaluated as 'useful'.	3.1.2. Launch website using communication database to workforce and service sector list.	JJLIWG			X				UNICEF NGO
	3.1.c. Percentage of monthly website is updated with new content in each site section and percentage of stakeholders that contribute material.	3.1.3. This is a common activity. Ongoing collection of case studies, training and practice materials, case studies, evaluation results and information to update on monthly basis.	JJLIWG			X	X	X	X	NGO
3.2. Strengthened capacity of website to communicate and disseminate information.	3.2.a. Number of completions of online courses by sector and organization.	3.2.1. Develop and encourage development and sharing of online training and audio-visual materials to support ongoing professional development of workers.	JJLIWG						X	

Outcome 4:

Strengthened capacity of existing representative committees in the justice and child and family welfare sector to manage responsibility for implementation cooperation to support an efficient and child-centred systems approach to juvenile justice.

Outcome Indicator 4.a. Number of committees that develop action plans to support implementation of JJL

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
4.1. Senior law officers take responsibility for the implementation of JJL, communicating and managing change and implementation at the local level.	4.1.a. Number of provinces that have trained senior law officers and have appointed child specialists.	4.1.1. Increase the capacity of the senior law officers to implement change to processes and practices required by JJL.	MoJ		X	X	X			
4.2. Strengthened the capacity for CCWC to support the implementation of JJL.	4.2.a. Percentage of CCWC members that are trained.	4.2.1. Provide training and resources to CCWC members to take a lead role in the community for the implementation of diversion, reintegration and crime prevention programmes.	Mol	X	X	X	X			
	4.2.b. Percentage of CCWCs that include social agents and child specialists in their membership.	4.2.2. Include appointed social agent and child specialist representative to the CCWC.	Mol		X	X				

STRATEGIC PROGRAMME AREA 2: EDUCATION AND TRAINING (SPA2)

Overall Objective:



Effective JJL education and training programmes and resources are developed and implemented to support change in principles and work practices and future workforce capacity.

This programme area recognizes that successful implementation of JJL requires considerable change. Critical to this is an effective education and training programme that will influence a transformation in principles and practices. Potential changes are in direct conflict with a number of previous, widely held beliefs and practices and if they are to be accepted by the public, it is necessary they are understood and accepted by the justice system. JJL creates specialist infrastructure, positions and practices. Therefore, a system of determining what is required for specialization will be created. To maximize efficiency and ensure consistency, generic resources will be produced as the core materials for all education and specialist programmes. As large-scale general training in raising awareness of JJL and a scope of significant change within the justice system is required, a necessary step after creating materials is the development of experts and trainers in each stakeholder group. A key objective is ensuring workers have ongoing access to training and materials to support professional development and effective change in practices. Advanced specialist resources will be created for each specialist role and it will be from the appointed specialists that trainers can be identified. A number of coordination and communication activities have been designed to provide ongoing access to current materials and to support ongoing professional development. Community education (SPA1) is also essential for acceptance of and involvement in diversion and reintegration. Community education, a part of the Communication and Coordination Strategic Programme Area (SPA1), requires a different set of resources and dissemination.

Outcome 5: Built capacity for workers in the juvenile justice system by providing access to generic and specialist explanatory information, training programmes and operational manuals.

Outcome 6: A system of education and training in JJL and practice that is sustainable and remains current and accessible.

Outcome 5:

Built capacity for workers in the juvenile justice system by providing access to generic and specialist explanatory information, training programmes and operational manuals.

Outcome Indicator 5.a. Explanatory, training and operational manuals for all workers that interact with children provide effective instruction on a child in conflict with the law and the juvenile justice system.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
5.1. Generic and specialist information, training programmes and operational manuals aligned to the Child Interaction Capability Framework for all aspects of the JJJL Operating System.	5.1.a. Child Interaction Capability Framework is endorsed by JJJLIWG.	5.1.1. This is a Common Activity A capability and work standards framework for workers interacting with children that identifies and describes required knowledge, skills and attitudes at a basic, competent and advanced level for use in creating position descriptions, appointment and accreditation procedures, training objectives and evaluating performance.	JJJLIWG MoSVY	X						
	5.1.b. A pilot of the JJJL Operating Framework is endorsed by JJJLIWG and implemented.	5.1.2. This is a Common Activity Develop JJJL Operating System using a systems approach, including the roles and responsibilities under the JJJL of each actor, processes, practice standards and a case management system and a comprehensive pilot implemented.	MoJ	X	X					

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
	5.1.c. Percentage of organizations that incorporated generic education modules into existing worker resources and training programmes.	5.1.3. This is a common activity Development of generic basic education modules for the Interaction of the Child Interaction Capability Framework as a standalone training, or to be incorporated into existing worker resources/training programmes.	JJLIWG		X					NGO
	5.1.d. Percentage of organizations that incorporate advanced education modules into existing worker resources and training programmes.	5.1.4. Development of generic advanced education modules for the Interaction of Child Interaction Capability Framework as a standalone training, or to be incorporated into existing worker resources/training programmes.	JJLIWG	X						
	5.1.e. Percentage of organizations that incorporated specialist education modules into existing training programme.	5.1.5. Specialist modules to be developed to support managers, supervisors, trainers and the accreditation and appointment of a specialist as required by JJJL. Specialist education modules utilize interaction of the Child Interaction Capability Framework and though designed for specialist appointments, this can be used for standalone training, or to be incorporated into existing worker resources and training programmes.	JJLIWG		X	X				

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
	5.1.f. Annual JJLSOP report on evaluation of educational resources, including usage.	5.1.6. Annual evaluation and review of all education resources to determine usage, identify knowledge gaps and areas for improvement, including user, supervisor and organizational evaluation.	JJLIWG				X		X	
5.2. Capacity to maintain currency and inform ongoing development of information, training materials and programmes. Support communication, dissemination of new and revised materials and monitor and evaluate implementation.	5.2.a. Developed Education and Professional Development Database of resources and programmes by institution and by resources and training needs.	5.2.1. A survey to be completed by all relevant institutions to map existing worker resources, and training programmes to be revised and updated with instruction on CICL and the juvenile justice system.	JJLIWG MoSVY	X						
	5.2.b. Education and Professional Development Database is functional for selective dissemination.	5.2.2. Analysis of data to assess training and resource needs, establish user categories and create a database to disseminate information about resources, training and support.	JJLIWG	X	X					
	5.2.c. Reviewed Education and Professional Development Database of incorporation of new materials and response to requests.	5.2.3. Test effectiveness of Education and Professional Development Database with evaluation of the incorporation of materials and response to requests for copies of updated materials.	JJLIWG				X			

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
5.3. Capacity of workers interacting with children in conflict with the law to use child rights approach and practices in meeting their obligations under JJJL.	5.3.a. Percentage of organizations that release staff to generic training workshops, with a participant satisfaction rating of seven on a 10-point scale.	5.3.1. This is a common activity Scheduling workshops of generic training available to all stakeholders.	JJJLWG		X	X	X	X	X	MoI MoJ MoWA CCWC MoLA MoE MoH
	5.3.b. Specialist standards developed and implemented in appointment system for specialists.	5.3.2. Develop aligned specialization standards and appointment, monitoring and reappointment processes for police, prosecutors, judges and detention workers. This includes standards for management and supervision of specialists. Standards will be defined using the Child interaction Capability Framework.	JJJLWG							MoI MoJ MoSVY
	5.3.c. Training teams developed for each stakeholder group.	5.3.3. Identify experts and trainers in each practice area and provide with additional professional development in training and assessment.	MoI MoJ MoSVY							
5.3. Capacity of workers interacting with children in conflict with the law to use child rights approach and practices in meeting their obligations under JJJL.	5.3.d. Percentage of workers trained in each stakeholder group.	5.3.4. Each stakeholder organization develops and schedules training programmes for workers.	MoI MoJ MoSVY	X	X	X	X			
	5.3.e. The percentage of the website updated in each site section monthly and the percentage of stakeholders that contribute materials.	5.3.5. This is a common activity. Ongoing collection of case studies, training and practice materials, case studies, evaluation results and information to update on monthly basis.	JJJLWG			X	X	X	X	

Outcome 6:

A system of education and training in Juvenile Justice Law and practice that is sustainable and remains current and accessible.

Outcome Indicator 6.a. Current JJL curriculum is integrated into relevant courses and professional development programmes.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
6.1. The workforce's capacity strengthened through entry-level workers receiving training as part of their qualification.	6.1.a. A database of all relevant courses and institutions created.	6.1.1. Identify all relevant training qualifications where interaction with children and/or knowledge of JJL is required.	JJLIWG	X						
	6.1.b. Percentage of course curriculum that incorporates study and practice on JJL.	6.1.2. Design and deliver a conference for educators and course administrators on JJL and the availability of resources for use, including operation manuals, standards of practice and system design.	JJLIWG	X	X	X				All educational institutions.
	6.1.c. Programmes and resources developed through partnership with specialized institutions.	6.1.3. Support institutional partnerships with overseas institutions and professional bodies to develop resources, train trainers and potentially train students intensively to build the workforce's capacity.	JJLIWG		X	X	X	X	X	

STRATEGIC PROGRAMME AREA 3: SOCIAL AGENTS (SPA3).

Overall Objective:



The creation of a social agent workforce that meets the needs of the implementation of JJLSOP.

This programme area recognizes the role of social agents is critical to a systems approach to juvenile justice and the implementation of JJL and a child rights approach. The skill set and specialist knowledge for the different roles and responsibilities set out in the legislation requires the creation of different types of social agents. The central focus of each role is quite different and this is explained as follows:

- Youth counsellor – primary focus of providing support to the child and providing the child with one constant supportive relationship and advocate.
- Justice worker – primary focus of managing the child through the justice system and facilitating a flow of information between community, child and justice officials
- Community worker – an individual who works within the community to change attitudes, negotiate with victims and help the child rehabilitate and reintegrate back into community life.

Positions already exist in both the child and family welfare sector, as well as in building community capacity. These positions require similar skills and knowledge that could be redeveloped for accreditation as JJL social agents. This work will draw upon common activity that creates a Child Interaction Capability Framework (SPA2). The appointment and employment of social agents needs to be managed in the context of Cambodia being in the very early stages of the development of a social workforce and the broader issue of limited resources – both economic and social. There are a range of existing projects aimed at the development of a social workforce that need to be connected to and work in partnership with JJLSOP, for example, Family Care First and Violence against Children. Of specific note is the need to provide clinical/practice supervision in addition to work supervision. The social agent role and responsibilities are fundamental elements of the JJL Operating System. (SPA8).

Programmes

Outcome 7: An operating framework and comprehensive position descriptions created for three different social agent roles.

Outcome 8: An accreditation, appointment and supervision system for social agents implemented and promoted.

Outcome 9: The role of a social agent contributes positively to the child's experience of the juvenile justice system and implementation of a child's rights approach.

Outcome 7:

An operating framework and comprehensive position descriptions created for three different social agent roles.

Outcome Indicator 7.a. a framework of social agent position descriptions created.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
7.1. Social agent roles and responsibilities developed that meet the requirements of the JJJL Operating System according to international standards.	7.1.a. A pilot of the JJJL Operating System is endorsed by JJJLIWG and implemented.	7.1.1. A Common Activity Develop the JJJL Operating System using a systems approach, including the roles and responsibilities under the JJJL of each actor, processes, practice standards and a case management system and a comprehensive pilot is implemented.	MoJ	X						MoSVY
	7.1.b. Child Interaction Capability Framework is endorsed by JJJLIWG.	7.1.2. A Common Activity A capability and work standards framework for workers interacting with children that identifies and describes required knowledge, skills and attitudes at a basic, competent and advanced level for use in creating position descriptions, appointment and accreditation procedures, training objectives and evaluating performance.	JJJLIWG	X						

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
7.2. Social agent position descriptions are developed and implemented.	7.1.c. Social agent position descriptions endorsed.	7.1.3. Develop social agent position descriptions utilizing concurrent work such as social work force capabilities and the Child Interaction Capability Framework. Each position description includes sets of competencies that can be potentially utilized in other position descriptions. (See SPA2).	MoSVY MoJ		X					

Outcome 8:

An accreditation, appointment and supervision system for social agents implemented and promoted.

Outcome Indicator 8.a. Social agent accreditation, appointment and supervision implemented.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
8.1. An accreditation system implemented for social agents that includes the accreditation of existing workers and NGO staff to perform the social agent role in the JJL and as clinical/practice supervisors.	8.1.a. Social agents and clinical/practice supervisors are appointed for the JJL Operating Framework pilot, along with existing workers.	8.1.1. Design an accreditation system and use it to appoint social agents and clinical/practice supervisors for a period of two years that includes reaccreditation processes: 8.1.1.1. JJL Operating framework pilot. 8.1.1.2. Existing workers. 8.1.1.3. Sites where funding is available for positions. 8.1.1.4. Clinical/practice supervisors.	JJLIWG MoSVY		X	X	X			
	8.1.b. JJLIWG receives compliant reports every three months.	8.1.2. The accreditation system collates data and reports every three months on applicants and results. This report includes in JJLSOP monitoring and evaluation reports.	MoSVY		X	X	X			
	8.1.c. JJL receives a compliant accreditation system evaluation report.	8.1.3. Test accreditation system by implementing the reaccreditation system and evaluating the result, including performance evaluations.	MoSVY							

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
8.2. A social agent's capacity to perform at a high standard is strengthened by clinical supervision and mentoring.	8.2.a. Percentage of social agents that evaluate their clinical supervision/mentoring as five or above on a seven-point scale.	8.2.1. Identify suitable clinical supervisors, or clinical supervision competency is required for managers of social agents to provide mentoring and clinical support.	MoSVY		X	X	X	X	X	
	8.2.b. Percentage of social agents who seek support from a central clinical supervisor to evaluate their supervision/mentoring as four or above on a seven-point scale.	8.2.2. Appoint a central social clinical supervisor to provide timely and expert support.	MoSVY							

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
8.3. MoSVY's supervision of social agents strengthened their capacity and ongoing professional development.	8.3.a. Supervision by MoSVY of social agents provides both clinical and work direction.	8.3.1. Develop a clinical/practice supervision model for accredited social agents and the delineation of clinical/practice supervision and work supervision is included as part of the accreditation approval process.	MoSVY		X					
	8.3.b. Feedback and performance system developed and utilized. Number of feedback/complaints received through this system. Number of social agents under MoSVY's supervision.	8.3.2. Develop a feedback/complaints system and common performance evaluation tool to support MoSVY's supervision of social agents, including those not employed by MoSVY.	MoSVY		X					
	8.3.c. Percentage of social agents who attend network events, or access network resources.	8.3.3. Establish a network for all social agents that is managed by the central clinical supervisor, in conjunction with the work of the JJLIWG ongoing professional development and communication activities.	MOSVY		X					

Outcome 9:

The role of a social agent contributes positively to a child's experience of the juvenile justice system and the implementation of a child's rights approach.

Outcome Indicator 9.a. Social agent's role evaluated as impacting positively on CICL's experience of the juvenile justice system.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
9.1. An evaluation of the role of the social agent and the impact on the child's experience supports a continuous improvement process.	9.1.a. A pilot of the JJJL Operating Framework is endorsed by JJLIWG and implemented.	9.1.1. A Common Activity Develop JJJL Operating System using a systems approach, including the roles and responsibilities under the JJJL of each actor, processes, practice standards, a case management system and a comprehensive pilot is implemented.	MoJ	X	X	X	X	X	X	UNICEF JJLIWG
	9.1.b. JJLIWG receives a compliant report on the impact and implementation of the social agent's role in order to inform ongoing development.	9.1.2. The impact of the role, responsibilities and practices of social agents evaluated as part of the JJLSOP M&E framework. Data collected on all accredited social agents and children in the system that have interacted with social agents. Indicators will include experience satisfaction, recidivism rates and implementation of standards for diversion and reintegration.	JJLIWG							

STRATEGIC PROGRAMME AREA 4: DIVERSION (SPA4)

Overall Objective:



Diversion and other alternative measures used effectively to ensure that detention is a measure of last resort and for the shortest time.

This programme area recognizes diversion of children from the criminal justice system and detention as the primary mechanism to deter children from offending or reoffending. Evidence tells us that when a child is detained, even for a short period of time, they are more likely to continue to offend and more likely to become adult criminals. JJL provides for diversion to be available at all stages of the process. In the first instance, when children come in conflict with the law, police have an opportunity to caution them. Diversion of children needs to be understood as a very effective crime prevention mechanism. A diversion plan needs to be individualized to each child and the approach needs to be appropriate to the circumstances of the child and others in the community. Different communities will accept different types of solutions and acceptance of the principles of diversion by a community needs to be through active engagement as to what are the local solutions. Diversion planning can be a complex process and involve multiple meetings and stakeholders. Problem solving meetings provide a means of efficiently sharing ideas, gaining agreement and importantly, the active participation of the child and other stakeholders.

Programmes

Outcome 10: A community justice approach to diversion used to identify local solutions for children in conflict with the law, thereby reducing recidivism without resorting to detention or judicial proceedings.

Outcome 11: A police cautioning/diversion system is in place to connects children in conflict with the law with services and support.

Outcome 12: The use of problem solving meetings to efficiently collect information and facilitate diversion and reintegration plans.

Outcome 10:

A community justice approach to diversion used to identify local solutions for children in conflict with the law, reducing recidivism without resorting to detention or judicial proceedings.

Outcome Indicator 10.a. Reoffending rates decrease with the use of diversion plans involving the support of local civil society.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
10.1. The J JL sector developed capacity-implementing diversion, using a common approach to diversion assessment, planning and monitoring progress of a child.	10.1.a. Diversion policies, processes and guidelines designed.	<p>10.1.1. The J JL Operating System includes diversion policies and processes that encourage child participation and a place-based approach. It includes the following:</p> <p>10.1.1.1. Tools and templates for all aspects of diversion including assessing children's suitability, documenting plans and agreements, reporting to prosecutors and judges, progress monitoring and assessment.</p> <p>10.1.1.2. A process map of diversion for J JL, in order to assist understanding diversion is considered continuously throughout a life cycle.</p> <p>10.1.1.3. Guidelines and case studies jointly developed by prosecutors, lawyers, judges and social agents to create a shared knowledge of risk assessment and decision-making applicable to diversion.</p>	MoJ	X	X	X				JJLIWG MoSVY

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
	10.1.b. A pilot of the JJL Operating System endorsed and implemented by JJLIWG.	10.1.2. A Common Activity Develop JJL Operating System using a systems approach, including the roles and responsibilities under JJL of each actor, processes, practice standards and a case management system and a comprehensive pilot is implemented. (See SPA 8).	JJLIWG	X	X	X	X	X	X	MoJ Mol CCWC
	10.1.c. Good practice materials developed using a lesson learned approach and shared.	10.1.3. Monitor and evaluate diversion plans using a lesson learned approach and case studies developed and shared to build a body of good practice and a celebration of success.	JJLIWG		X	X	X	X	X	
	10.1.d. Percentage of children who volunteer to share their experiences and/or act as mentors to diverted children.	10.1.4. Select children who complete successful diversion plans to voluntarily share their experiences and/or act as mentors to strengthen the support for children under a diversion plan.					X	X	X	

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)					Secondary supporting institutions
				1	2	3	4	5	
10.2. A local services directory of services, organizations, programmes and resources for children in conflict with the law effectively supports local place-based diversion planning.	10.2.a. Percentage of communes that complete a review of existing services and gaps.	10.2.1. Part of a Common Activity A review of existing services and programmes that support children and their families, specifically appropriate for a child in risk of offending, or a CICL that has an approved diversion plan, or is reintegrating that identifies appropriate programmes for referral and any need for development of specific programmes to support the development of a local social services directory. (See SPA 5 & 8).	MoSVY		X	X	X	X	JJLIWG CCWC MoLA
	10.2.b. Percentage of communes that have created a local social services directory.	10.2.2. This is a Common Activity The development of a local social services directory that provides a comprehensive listing of services, resources and programmes to support a child in risk of offending, diversion and reintegration planning. (See SPA 5 & 8).	MoSVY			X	X	X	JJLIWG CCWC MoLA
	10.2.c. Number of organizations that commit to supporting diversion and reintegration plans and the number of plans that receive support.	10.2.3. This is a common activity Conduct a recruitment campaign on a local level to secure support for providing accommodation, resources, education, training, social programmes and employment for children post-detention and those children in conflict with the law, with the active involvement of local social agent(s), police, local businesses, community and religious leaders. (See SPA5).	MoSVY		X	X	X	X	

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
10.3. An effective diversion system is developed and implemented.	10.3.a. Percentage of diversion plans that commence with a short-term plan and the number of short-term plans used to divert from pre-trial detention and police custody.	10.3.1. Develop short-term plan templates and processes. The amount of time for a diversion plan to be finalized cannot be used as a reason for ordering detention, thus short-term plans are critical while more detailed and long-term plans are completed. Short-term plans are predominantly used at the time of arrest and may contain multiple conditions to reduce the risk of non-appearance.	MoJ			X	X	X	X	
	10.3.b. Percentage of communes that hold diversion planning workshops.	10.3.2. Link diversion planning to the community that accepts the child behaviour. Workshops on diversion planning at the commune level help to identify preferred solutions and challenges.	MoI		X	X				JJLIWG
	10.3.c. Percentage of diversion plans successfully changed and completed with civil society involvement.	10.3.3. The ability to adjust a diversion plan is essential to the success of diversion processes. It must be proactive and the system must not equate change with failure. Ability to bring a matter back before the diversion authority must be accessible and flexible.	MoJ		X					
	10.3.d. Number of children who reoffend is analysed in the context of their diversion planning.	10.3.4. Longitudinal study of children diverted is undertaken to monitor effectiveness of diversion plans and recidivism rates and to inform improvement.	MoJ							

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
10.4. Restorative justice programmes implemented to support successful diversion and reintegration and reduce reoffending of CICL.	10.4.a. Evaluation of restorative justice practices pilots produces evidence-based recommendations for the implementation of programmes.	10.4.1. This is a common activity. The opportunities for the use of restorative justice practices such as victim-led mediation, community and family group conferencing, peace-making circles and offender reparation, or restoration of damage agreements explored and piloted in diversion and reintegration plans. (See SPA 5 & 8)	MoJ							JJLIWG
10.5. Increased civil society acceptance of diversion and a child's rights approach to children in conflict with the law.	10.5.a. Case studies of successful partnerships between MoJ and other organizations developed and published.	10.5.1. Case studies of successful partnerships in supporting children under diversion plans to be collected and published to celebrate successful outcomes and to encourage the participation of new organizations/services	MoJ							JJLIWG MoSVY
	10.5.b. Number of successful diversion and reintegration plans.	10.5.2. This is a common activity. Undertake longitudinal study of the success of diversion and reintegration to monitor implementation of JJLSOP, with detailed analysis of relevant factors such as civil society or family involvement.	MoJ			X	X	X	X	

Outcome 11:

A police cautioning/diversion system that connects children in conflict with the law with services and support.

Outcome Indicator 11.a. A policing cautioning/diversion system is developed and implemented.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)					Secondary supporting institutions
				1	2	3	4	5	
11.1. A police cautioning system successfully used by police officers in a child-friendly manner to divert children.	11.1.a. Number of children who are diverted through a police caution and analysis of the nature of their behaviour.	11.1.1. Develop police cautioning system that provides for a graduated set of police responses appropriate to the circumstances, including if there have been previous cautions. A caution may involve: 11.1.1.1. Oral and written guidance and warnings. 11.1.1.2. Attendance with family at a police interview. 11.1.1.3. Referral to services and programmes. 11.1.1.4. A final caution stage of no further cautions.	Mol		X	X	X	X	MoJ
	11.1.b. Number of police trained in cautioning system.	11.1.2. All police trained in identifying occasions for the issue of a caution and how to implement and report cautions.	Mol			X	X	X	MoJ

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
11.2. The cautioning records system separated from criminal records to protect the rights of the child.	11.2.a. A standalone cautioning record system created with access restricted to police and prosecutors.	11.2.1. A child-rights approach to cautioning does not include cautioning as part of a child's criminal record.	Mol		X	X	X	X		MoJ
	11.2.b. Percentage of police stations that report cautions on their systems.	11.2.2. An efficient registration of cautions and circumstances also meets the requirement of JJL to report all cautions to the prosecutor.	Mol		X	X	X	X		MoJ

Outcome 12:

The use of problem solving meetings to efficiently collect information and facilitate diversion and reintegration plans.

Outcome Indicator 12.a. Problem solving meetings are effectively implemented in diversion and reintegration planning.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)				Secondary supporting institutions
				1	2	3	4	
12.1. Capacity of social agents to facilitate problem-solving meetings to gain the active participation of stakeholders and efficiencies in diversion planning.	12.1.a. Number of agents using problem-solving meetings to plan and reach an agreement on diversion and reintegration plans.	12.1.1. This is a common activity. Develop guidelines for facilitating different sorts of problem-solving meetings including: 12.1.1.1. Short-term plans. 12.1.1.2. Diversion plans. 12.1.1.3. Changes to diversion plans. 12.1.1.4. Reintegration plans.	MoJ		X	X		MoSVY, Mol, NGOs, Religious groups, CWCC.
	12.1.b. Percentage of participants at problem-solving meetings that complete an experience evaluation.	12.1.2. Monitor the problem-solving experience of participants to inform improvement in facilitation, with a focus on anonymity of the participant's response.	JJLIWG		X	X	X	

STRATEGIC PROGRAMME AREA 5: REINTEGRATION (SPA5)

Overall Objective:



Pre-release preparation programmes and reintegration planning are used effectively to successfully reintegrate children in detention into civil society and reoffending rates decrease.

This programme area recognizes that once a child has been in detention, pre-release planning and preparation is essential to assist a child to return to society, family life, education or employment. Children who not well prepared for release and not supported after release are vulnerable to reoffending. Successful reintegration requires the participation of the child and their family/guardians. This process also requires careful communication with the community setting the child is due to return to after release. The length of detention, the nature of the offence, the family circumstances and the attitude of the community are factors that impact on the time required and the complexity of the planning and preparation. Ideally, children need to leave prison with a realistic and agreed plan and adequate resources to maintain themselves upon release. Critical to the success of reintegration is follow up with the child to monitor progress and address issues and challenges that have arisen after release. Social agents and social services are critical in ensuring successful reintegration. The skills, knowledge and attitudes required of personnel managing reintegration and community organizations overlaps with diversion. It is anticipated that in the first three years of JJLSOP, given the limited size of the juvenile justice sector social workforce, many social agent positions will include responsibility for both diversion and reintegration. However, for dedicated positions for reintegration, social agents need to remain as an objective of longer-term planning for a social workforce in the juvenile justice sector. In many cases, a child does not necessarily have family and community connections to support reintegration and starting afresh in a new location is desirable. Transitional accommodation and additional comprehensive support are required to resettle children into a new community. Partnerships with NGOs, training organizations and employers are essential to provide support for the implementation of reintegration plans for children. Ideally, children will have been orientated to, or commenced training, or education while in detention prior to their release. As part of preparation for release, a child's basic life, education and work skills need to be assessed and where possible, day release should be implemented prior to final release to allow a child to engage with key people and designated places included in their post-release plan. Successful reintegration of children into civil society after release from detention is an effective crime prevention mechanism.

Programmes

Outcome 13: Social agents and social services have the capacity to plan and manage reintegration.

Outcome 14: Activities and programmes available to children in detention prepare them for successful reintegration after release.

Outcome 15: Employers, religious and educational organizations commit to supporting reintegration of children into civil society.

NOTE – Regarding responsibility for children in detention during the shared period, MoSVY is responsible for children in detention in a YRC and Mol is responsible for children in prisons.

Outcome 13:

Social agents and social services have the capacity to plan and manage reintegration.

Outcome Indicator 13.a. The number of reintegration plans successfully planned and implemented by social agents.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
13.1. Policies and processes to support reintegration planning and preparation encourage child, family and civil society participation.	13.1.a. Reintegration policy and processes developed and implemented.	<p>13.1.1. The JJI Operating System include reintegration policies and processes that encourage child participation and include the following components:</p> <p>13.1.1.1. The initial assessment of a child upon commencement of detention as to future aspirations and potential challenges to reintegration.</p> <p>13.1.1.2. A connection between the initial assessment and the activities, education and training a child is offered while in detention.</p> <p>13.1.1.3. Six months prior to release, an assessment of a child's own plans for post-release and the challenges to re-direction during a child's time in detention. Additionally, to ensure communication to relevant stakeholders in reintegration planning and preparation.</p>	MoI MoSVY	X	X	X				JJLIWG MoJ

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
		13.1.1.4. Three months prior to the release date, the preparation of a reintegration plan with the participation of all stakeholders and implementation of the preparation components of the plan. 13.1.1.5. The management of release and transition of a child, including follow up support and monitoring of progress.								
	13.1.b. Good practice materials developed using a lesson-learned approach shared.	13.1.2. Monitor and evaluate reintegration plans using a lesson-learned approach and case studies developed and shared to build a body of good practice and a celebration of success.	MoSVY		X	X	X	X	X	
	13.1.c. Number of children who volunteer to share their experiences and/or act as mentors to detained children pre- and post-release.	13.1.3. Select post-release children to voluntarily share their experiences and/or act as mentors to strengthen the support for detained children prior to and post-release.	JJLIWG				X	X	X	
13.1. Policies and processes is in place to support reintegration planning and preparation encourage child, family and civil society participation.	13.1.d. A pilot of the JJJL Operating System endorsed by JJLIWG and implemented.	13.1.4. A Common Activity Develop JJJL Operating System using a systems approach, including the roles and responsibilities under JJJL of each actor, processes, practice standards and a case management system and a comprehensive pilot implemented. (See SPA 8).	MoJ	X	X	X	X	X	X	

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
13.2. Recidivism rates of children with an implemented reintegration plan reduced.	13.2.a. The number of children who re-offend is analysed in the context of their reintegration planning.	13.2.1. Undertake longitudinal study of children released from detention in order to monitor effectiveness of pre- and post-reintegration plans and recidivism rates.	JJLIWG						X	
13.3. Restorative justice programmes implemented to support successful diversion and reintegration and reduce reoffending of CICL.	13.3.a. Evaluation of the restorative justice practices pilots produces evidence-based recommendations for implementation of programmes.	13.3.1. This is a common activity. The opportunities for the use of restorative justice practices such as victim-led mediation, community and family group conferencing, peace-making circles and offender reparation or restoration of damage agreements explored and piloted in diversion and reintegration plans.	MoJ			X	X	X	X	

Outcome 14:

Activities and programmes available to children in detention prepare them for successful reintegration after release.

Outcome Indicator 14.a. Effective reintegration programmes are implemented for children in detention.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
14.1. Children in detention successfully prepared for reintegration into civil society upon release.	14.1.a. Number of prisons that implement preparation programmes for reintegration.	14.1.1. Conduct a study of potential jobs/training available upon release in each province to guide the growth of prison programmes, with an emphasis on sectors that have a demand for a future skilled workforce such as IT and hospitality.	MoI MoE		X	X	X	X		DoE
	14.1.b. Number of children of compulsory school age in detention receiving education.	14.1.2. Children of compulsory school age continue their education in detention according to their needs and abilities and children post-compulsory school age allowed to continue their education.	JJLIWG MoI		X	X	X			DoE
	14.1.c. Percentage of children on release that have completed a life and work skills programme.	14.1.3. Design and implement life/work skills programme which focuses on skills/knowledge and promotes healthy living, resilience, good practices, safety, money management, meeting work and training expectations and advice on seeking support when required.	MoI MoSVY							

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
	14.1.d. Number of prisons implementing guidelines for visitation and access to private spaces implemented in prisons.	14.1.4. Guidelines for access of family, lawyers, social workforce and other services to a child while in detention to be flexible and reduce barriers to engagement between the child and civil society.	Mol MoSVY	X	X	X	X	X	X	
	14.1.e. Number of reintegration plans that include day release of a child to engage with aspects of their reintegration plan.	14.1.5. Day release for children prior to their release to engage actively with their reintegration plan including: 14.1.5.1. Site visits to employers, schools, future accommodation. 14.1.5.2. Family visits. 14.1.5.3. Social agents, police and other support staff or mentors they will engage with after release. 14.1.5.4. Simple life skill activities including health visits, shopping, travel and social activities.	Mol MoSVY		X	X	X	X	X	

Outcome 15:

Employers, religious and educational organizations commit to supporting reintegration of children into civil society.

Outcome Indicator 15.a. Children in detention reintegrated into civil society upon release and reoffending rates reduced.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)				Secondary supporting institutions
				1	2	3	4	
15.1. Local place-based private and civil society organizations support reintegration plans of children pre- and post-release.	15.1.a. Number of organizations that commit to supporting diversion and reintegration plans and the number of plans that receive support.	15.1.1. This is a common activity Conduct a recruitment campaign on a local level to secure support for providing accommodation, resources, education, training, social programmes and employment for children post-detention and those children in conflict with the law, with the active involvement of local social agent(s), police, local businesses, community and religious leaders. (See SPA4).	MoSVY		X	X		MOI NGOs Religious groups, CWCC.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
	15.1.b. Percentage of provinces that have produced a JJL social services directory.	15.1.2. This is a common activity Create a support service directory for each province using a national template, in both printed and electronic form, to support the work of social agents and other JJS workers. (See SPA 4 & 8)	MoSVY	X	X	X	X			CCWC
	15.1.c. Number of reintegration plans that contain services and placement.	15.1.3. Encourage and support organizations, both private and civil, to participate in reintegration planning and provide services or placement for children post-release. This will include: 15.1.3.1. Guidelines for engagement, supervision and management of a child reintegrating into civil society. 15.1.3.2. Social agent support. 15.1.3.3. Public recognition of participation in JJL implementation and protection of child rights programmes.	MoSVY				X	X	X	
	15.1.d. Case studies of successful partnerships between MOSVY and other organizations developed and published.	15.1.4. Collect and publish case studies of successful partnerships supporting children post-release to celebrate success and encourage participation of new organizations and services.	JJLIWG				X	X	X	
15.2. Increased civil society acceptance of a rehabilitation and child’s right approach to children in conflict with the law.	15.2.a. Number of successful diversion and reintegration plans.	15.2.1. This is a common activity. Undertake longitudinal study of the success of diversion and reintegration to monitor implementation of JJLSOP, with detailed analysis of relevant factors such as civil society or family involvement.	MoJ							

STRATEGIC PROGRAMME AREA 6: Detention (SPA6)

Overall Objective:



The focus of detention is to rehabilitate children and to provide them with skills to reintegrate into the community upon release and to avoid reoffending.

This programme area recognizes that detention is the last course of action for children. Pursuant to JJL, if a child is ordered to be detained, this will be in a YRC. Serving a sentence in this type of facility is a form of detention designed to support and rehabilitate the child – the objective is not punishment. The important focus of a YRC is to rehabilitate children and provide them with skills to reintegrate into a community upon release and not to reoffend.

In understanding that children are different to adults, the operation of a YRC needs to ensure that juvenile inmates are treated as what they are – children. JJL sets out clearly the standards for the operation of a YRC. Rule 30 of the Havana Rules requires in part: “Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.” This standard must underpin the capital work planning for new and existing facilities.

The key issue for the implementation of JJL is that many provisions of JJL only come into operation for children serving a custodial sentence if the child is in a YRC. This impacts on the existing population of children in prison and any new offenders. At present, one YRC is planned and it is expected this will not be ready for a minimum of two years. The first proposed YRC will house approximately 40 children. Therefore, there is a need to identify temporary mechanisms, as well as planning for the building and operation of a number of small YRCs located nationwide. The current population of children in prison needs to be comprehensively assessed as a priority programme activity to determine how the provisions of JJL can be utilized to have an immediate impact on reducing the number of children in detention by the use of diversion for children on remand and those eligible under the existing criminal code for early release. This priority programme activity provides the ideal opportunity to train workers in a work integrated learning programme. In addition, existing prison facilities and programmes can be concurrently assessed to see how conditions can be improved in the short-term to achieve international minimum standards, where possible. The lack of YRC facilities dictates that a priority of the implementation plan is the use of diversion, wherever possible. (See SPA5).

Programmes

Outcome 16: Current prison population comprehensively assessed as a matter of urgency and appropriate children diverted from detention.

Outcome 17: Existing prison facilities and programmes assessed and conditions improved for existing population.

Outcome 18: Temporary mechanisms identified for proclaiming buildings or parts of existing prisons as YRCs to enable rehabilitation and conditional release to operate and to prevent new children entering the existing prison system.

Outcome 19: YRC built and operated in compliance with international standards for children with a custodial sentence for the purpose of rehabilitation and preparing children for reintegration into the community.

Outcome 16:

Current prison population comprehensively assessed as a matter of urgency and appropriate children diverted from detention.

Outcome Indicator 16.a. Percentage of current detainees assessed as appropriate for diversion have a diversion plan implemented.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
16.1. A comprehensive data of existing children in prison used to make successful applications for diversion and early release, pending the existence of YRC and other JJJ provisions are able to operate.	16.1.a. Valid commencement data for monitoring and evaluation of JJLSOP.	16.1.1. This is a common activity Establish benchmark data for the commencement of JJLSOP including cost analysis of the current system. (see SPA1).	JJLIWG	X						
	16.1.b. Number of release action plans for children currently in prison suitable for applications for conditional or early release completed.	16.1.2. Analyse data of children currently in prison to identify candidates for pre-trial diversion and early release.	JJLIWG	X	X					Bar Association of the Kingdom of Cambodia
	16.1.c. A pilot of the JJL Operating System endorsed by JJLIWG and implemented.	16.1.3. A Common Activity Develop JJL Operating System using a systems approach, including the roles and responsibilities under the JJL of each actor, processes, practice standards and a case management system and a comprehensive pilot is implemented.	MoJ	X	X	X				

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)					Secondary supporting institutions
				1	2	3			
	16.1.d. Number of released action plans for children in the JJL Operating System Pilot implemented.	16.1.4. Released action plans for children currently in prison, suitable for applications for conditional or early release in the five provinces of the JJL Operating System Pilot, is integrated into the pilot and used as a work integrated learning approach for training and a means of accelerating the intensity of the pilot programme.	MoI MoSVY		X	X			
	16.1.e. Number of released action plans for children implemented in non-JJL operating system pilot provinces.	16.1.5. Criminal Justice units in non JJL Operating System pilot provinces, in association with the Bar Association and local social services, appraise the released action plans and implement them.	MoJ		X	X	X	X	X
	16.1.f. Percentage of courts implementing a juvenile case review meeting schedule.	16.1.6. This is a common activity Case management system has a juvenile case review schedule that ensures issues are monitored to avoid breaches of the JJL; to investigate the progress of each concern; and prioritize and actively manage issues. The social agent (justice worker) has a significant role in identifying any areas of concern and providing current information. (See SPA6).	MoJ		X	X	X	X	X
	16.1.g. Percentage of the juvenile case review schedule, including a review of children currently in prison.	16.1.7. The data of all children currently in prison updated and released action plans incorporated into the juvenile case review schedule.	MoJ		X	X			

Outcome 17:

Existing prison facilities and programmes assessed and conditions improved for existing population.

Outcome Indicator 17.a. Action plans to improve existing detention facilities, programmes and conditions implemented.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)					Secondary supporting institutions
				1	2	3			
17.1. Improve staff treatment of children in prison.	17.1.a. Percentage of prisons that appoint child specialist custody managers and staff.	17.1.1. In the absence of YRC, a child specialist custody manager(s) is appointed and staff are appointed as child specialist prison workers.	Mol		X	X	X	X	
	17.1.b. Percentage of prison staff trained in both basic and specialist programmes.	17.1.2. Train all staff on child-friendly procedures and practices, with advanced training for those appointed as dedicated staff to work with juvenile detainees.	JJLIWG/ Mol		X	X	X		

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
17.2. Improve the conditions for children in prison with a more child-sensitive environment and protection of rights according to international standards.	17.2.a. Percentage of prisons that have implemented physical and procedural changes to promote a child-friendly environment and respect the rights of the child.	<p>17.2.1. Review prisons in each province to identify facilities, procedures and programmes that could assist authorities in implementing a child-friendly and child-sensitive environment. This review will assess the potential of conversion of building/building(s) into YRCs. This approach may include:</p> <p>17.2.1.1. Separation of children from adults, pre-trial detention children from those under a custodial sentence, by gender and by offence.</p> <p>17.2.1.2. Identification of rooms that could be used for activity and educational programmes.</p> <p>17.2.1.3. Implementing routine health checks with local health providers.</p> <p>17.2.1.4. Inter-agency agreements with educational and social service programmes implemented with flexibility in access to children and providing programmes.</p> <p>17.2.1.5. Visiting procedures for families, lawyers, prosecutors and others instituted to allow for frequent and meaningful contact.</p> <p>17.2.1.6. Day release and transition programmes, to release programmes.</p>	Mol	X	X	X	X	X	X	

Outcome 18:

Temporary mechanisms identified for proclaiming buildings, or parts of existing prisons as YRCs to facilitate provision for rehabilitation and conditional release, as well as processes to prevent new children entering the existing prison system.

Outcome Indicator 18.a. Temporary YRCs identified to support implementation of JJL and to meet international standards.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
18.1. Sites and facilities for small regional YRCs identified and assessed.	18.1.a. Number of prisons reviewed for potential as YRCs.	18.1.1. Review all prisons to assess the potential to include a YRC.	MoI MoSVY	X	X	X				
	18.1.b. List of potential sites completed by province.	18.1.2. Review of government sites that have potential for use as a YRC division facility, with a focus on orphanages and other accommodation sites.	MoSVY	X	X	X				
	18.1.c. Number of potential YRC feasibility plans completed.	18.1.3. Develop a feasibility plan for all sites that have the potential to accommodate or be developed as a YRC.	MoSVY				X	X		
	18.1.d. Number of proposals completed and submitted.	18.1.4. Develop and submit for approval the development and funding proposals for sites with highest feasibility grading.	MoSVY				X	X	X	
18.2. Regional YRC facilities developed and proclaimed.	18.2.a. Number of sites development plans proclaimed as a YRC.	18.2.1. Complete site development plans.	MoSVY					X	X	

Outcome 19:

YRC(s) built and operated in compliance with international standards for children with custodial sentences, for the purpose of rehabilitation and preparing children's reintegration into the community.

Outcome Indicator 19.a. YRC(s) built and operated in compliance with international standards.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
19.1. Site for a YRC acquired and the building, facilities and site designed and built according to international standards.	19.1.a. Site for a YRC is acquired.	19.1.1. Site for a YRC acquired and it is located conveniently for the local community.	MoSVY		X	X				
	19.1.b. Building plans compliant with international standards for the YRC are completed and approved.	19.1.2. The designated population for the YRC is determined in terms of type of offence, risk, age and gender. Building plans developed for a YRC that are compliant with international standards. Officials assigned can draw upon the experience of other facilities in the ASEAN region and the expertise of international organizations.	MoSVY			X	X			
	19.1.c. Plans compliant with international standards for security, grounds and YRC buildings are completed and approved.	19.1.3. The security, grounds and layout planned in compliance with international standards, taking into account the health, social and educational needs of children in custody, as well as needs of staff and service providers.	MoSVY				X			

	19.1.d. Appointment of builders/contractors. Construction schedule approved. Completion date agreed.	19.1.4. Undertake appropriate processes to select and appoint builders/contractors. Develop comprehensive schedule to ensure timeline for completion. Commencement of operations met by all relevant parties. Building process commences.	MoSVY				X	X	X	
19.2. Operational policies and procedures, trained staff and support services for YRC developed and operations commence in accordance with international standards.	19.2.a. Operational policies and procedures developed in accordance with international standards and approved.	19.2.1. Develop operational procedures and policies in accordance with international standards for the designated population, including a workforce and support services plan.	MoSVY					X	X	
	19.2.b. YRC staff training designed, scheduled and implemented.	19.2.2. Design staff training to ensure that international standards are understood and a rights-based approach for treatment and conditions for children are implemented. Schedule and implement basic and specialist training for all positions for appointed staff and service providers.	MoSVY						X	
	19.2.c. Support services to provide specialist and ancillary services for YRC negotiated and agreements completed.	19.1.3. Negotiate support services as required under the operating policies and procedures, including education, training, health, social and reintegration services.	MoSVY					X	X	

STRATEGIC PROGRAMM AREA 7: CRIME PREVENTION (SPA7).

Overall Objective:



To mobilize, educate and support communities to identify and build protective factors to support individuals and reduce crime.

This programme area recognizes that strong communities assist children to engage and connect with their community. Strong communities identify and respond to risks factors that will bring children into conflict with the law. Strong communities also identify and build protective factors to support individuals and reduce crime. There are a range of both government and NGO programmes in the child and family welfare sector that support vulnerable children and the objective is to strengthen the capacity of these programmes to support children at risk of offending, where appropriate. The Royal Government of Cambodia (RGC) has put into place an 'Action Plan to Prevent and Respond to Violence Against Children 2017-2021' (VAC). There is clear synergy with the planned activities of VAC, types of intervention that will support children at risk of offending, those diverted and those due for reintegration back into their communities. In support of a place-based model of community justice, a community policing approach will positively strengthen the relationship between the justice sector, police and the community to prevent crime and increase public safety. Using a child rights approach, allied with the best practice principles of diversion and reintegration, wherever possible, CICL and those at risk of offending should not be segregated or identified as criminals and they and their families should be able to access the same services and programmes as other children. Arrest and detention are not valid outcomes of juvenile crime prevention. Implementing a child and family welfare sector education programme, the creation of a commune level social services directory and a local social services and programme review are common activities.

Programmes

Outcome 20: Increased capacity in the child and welfare sector and the community generally to identify children at risk of offending and refer children and families to appropriate services.

Outcome 22: Strengthened existing programmes for vulnerable children and families to engage them in positive behaviour and relationships that will divert them from offending and develop specific extensions of programmes or new programmes for children if required.

Outcome 22: Strengthened the relationship between the community and the police through adopting a community policing approach at the local level to lower juvenile crime and recidivism rates.

Outcome 20:

Increased capacity in the child and welfare sector and the community generally to identify children at risk of offending and refer children and families to appropriate services.

Outcome Indicator 20.a. Risk assessment and referral tools are used effectively at the local level to identify children at risk of offending and to connect children and/or their families to appropriate services.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
20.1. Civil organizations, religious centres, service providers and police at the local level use a common set of risk assessment guidelines to identify children at risk of offending or reoffending and respond appropriately.	20.1.a. A method of inclusion of risk assessment guidelines in existing materials agreed.	20.1.1. A review of existing materials available for assessment of children and families in need of support and services to identify the most appropriate method to embed material(s) that specifically addresses children at risk of offending, or reoffending.	MoSVY Mol	X						JJLIWG
	20.1.b. Risk assessment guidelines produced and/or embedded in existing risk assessment tools.	20.1.2. Drawing upon international best practices, develop a set of risk assessment guidelines aligned to, or embedded in existing assessment tools for vulnerable children and families to specifically address the risk of offending, or reoffending.	JJLIWG	X						

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
20.2. Build the capacity of civil organizations, religious centres and service providers at the local level to identify and respond to children at risk of offending or reoffending as a crime prevention strategy.	20.2.a. Percentage of communes that complete a review of existing services/gaps.	20.2.1. Part of a Common Activity A review of existing services and programmes that support children and their families, specifically appropriate for a child at risk of offending, or a CICL that has an approved diversion plan or is reintegrating, that identifies appropriate programmes for referral and any need for development of specific programmes to support development of a local social services directory.	JJLIWG MoSVY	X						
	20.2.b. Percentage of communes that have created a local social services directory.	20.2.2. Part of a Common Activity The development of a local social services directory that provides a comprehensive listing of services, resources and programmes to support a child at risk of offending, diversion and reintegration planning. This is created using a national template, in both printed and electronic form, to support the work of social agents and other JJL workers.	MoSVY		X					
	20.2.c. Percentage of communes that have implemented the child and family welfare sector JJL education programme.	20.2.3. Part of a Common Activity Implement the child and family welfare sector JJL education programme at the commune level by the CCWC.	Mol			X				MoSVY

Outcome 21:

Strengthened existing programmes for vulnerable children and families to engage them in positive behaviour and relationships that will divert them from offending and develop specific extensions of programmes, or new programmes for children, if required.

Outcome Indicator 21.a. Resources that address the choices and pressures that lead to offending and provide guidelines, support and information developed and integrated into existing materials and programmes.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)			Secondary supporting institutions
				1	2	3	
21.1. Increased capacity for police, educators and programme providers in the education and child and family welfare sector to support children and their families at risk of offending to prevent offending and reoffending.	21.1.a. Materials that address offending for children, families and guidelines developed.	21.1.1. Development of materials for children/families that specifically address the choices and pressures that lead to offending for different audiences and include material(s) for children, family members and guidelines for their use. 21.1.1.1. Primary 8-12 years. 21.1.1.2. Secondary 13-18 years. 21.1.1.3. CICL. 21.1.1.4. Family members. 21.1.1.5. Guidelines for range of users. 21.1.1.6. Teacher guidelines.	MoSVY		X		Mol JJLIWG
	21.1.b. Number of schools that implement the crime prevention programme.	21.1.2. A kit of materials for use with children that specifically addresses the choices and pressures that lead to offending; the guidelines for use of materials; and the common risk assessment tool is disseminated to schools for implementation.	JJLIWG MoE			X	All education providers

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
	21.1.c. Police Cautioning Kit includes materials to use with CICL and their families or caregivers.	21.1.3. Materials for use with children and families that specifically address the choices and pressures that lead to offending are incorporated into the Police Cautioning Kit.	Mol		X					
	21.1.d. Child and family welfare sector education programme includes guidelines and materials for use with children at risk of offending or reoffending.	21.1.4. Materials for use with children and families that specifically address the choices and pressures that lead to offending and guidelines are incorporated into the Child And Family Welfare Sector Education Programme and other relevant education and training programmes. (SPA2.)	JJLIWG MoSVY		X					

Outcome 22:

Strengthened the relationship between the community and the police through a community policing approach at the local level to lower juvenile crime and recidivism rates.

Outcome Indicator 22.a. A community policing programme piloted in the five JIL Operating System Pilot provinces

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
22.1. A community-policing programme developed to build a partnership between police and the community to use a problem-solving approach to crime prevention and related issues at the local level.	22.1.a. Community policing training programme completed and evaluated.	22.1.1. Organise a community-policing workshop to educate police and other relevant stakeholders in the principles, practices and different models of community policing.	Mol		X					Religious groups
	22.1.b. Community policing pilot project plan completed and endorsed.	22.1.2. A working group of police and relevant stakeholders with the support of a consultant develops a local model of principles and practices and a comprehensive project plan for a pilot programme with a comprehensive monitoring and evaluation framework that monitors juvenile crime and recidivism rates.	JJLIWG DoE			X	X			Private education providers
	22.1.c. Progress reports compliant with project evaluation framework and final report produced.	22.1.3. Implement and evaluate community policing pilot project.	Mol					X	X	

STRATEGIC PROGRAMME AREA 8: OPERATING SYSTEM AND POLICY FRAMEWORK (SPA8)

Overall Objective:



To create a single system approach to the implementation of JJL that will ensure efficient and effective management of each child.

This programme area recognizes that a single systems approach to the implementation of JJL will ensure efficient and effective management of each child. Design principles will be underpinned by a child rights approach philosophy and user-centred methodology. The primary user being the child and the design objectives will include achieving the best possible experience for each child and minimizing harm. This foundation will inform the design and evaluation processes. It will encourage a child's participation in the system, while respecting the rights of the victim and the community. The international standard is that there should be the shortest time possible between offending and the final resolution of the matter and that court systems should minimize delay. Processes need to be efficient but not by neglecting the experience of the child. The system needs to implement effective privacy controls on information. A case management system will be developed that will be efficient in terms of collecting and sharing information; that is not intrusive; and avoids duplication of effort. This system will not include children cautioned without a charge laid. A cautioning system needs to be separate to ensure a child does not acquire a criminal record that will negatively affect future life. JJJLWG will facilitate the design collaboration between stakeholders. As with all programme areas, all issues and actions involving children within the judiciary need separation from the system involving adults. Article 44 includes the establishment of a separate Court of First Instance for children. Programme intervention is needed to create a separate child-friendly administration, routine practices and a physical Children's Court Division that is more conducive to child-friendly and appropriate family judicial processes.

Programmes

Outcome 23: A juvenile justice system created that maximizes the efficient and effective management of each child using a child's rights approach philosophy.

Outcome 24: A single case management system for children is efficient in terms of collecting and sharing information; is not intrusive; and avoids duplication of effort.

Outcome 25: Confidentiality of the identity, circumstances and records of a child maintained.

Outcome 26: A children's division of the Court of First Instance operates using child-friendly procedures and practices in accordance with international best practices.

Outcome 23:

A juvenile justice system operating system created that maximizes the efficient and effective management of each child using a child's rights approach philosophy.

Outcome Indicator 23.a. A juvenile justice operating system is designed and documented.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
23.1. A juvenile justice operating system achieves currency, consistency and efficiencies by maximizing generic and common use resources.	23.1.a. Percentage of workforce using the handbook and percentage of organizations integrating generic resources.	23.1.1. A systems handbook containing a glossary of terms, a systems map, directory of support services, common forms, process guidelines and other generic information and resources operational in an electronic format and hosted on the Juvenile Justice website.	JJLIWG		X	X	X	X	X	
	23.1.b. Percentage of organizations using all, or part of the risk assessment tool.	23.1.2. Create a common risk assessment tool for children for use by the entire juvenile justice system and stakeholders. This should be used in situations where a child needs assessment. This will cover health, education, mental stability, home situation, relationships and behaviour attitudes and how the child considers their future. It will also ask questions to determine if there is a risk to the community. It would constitute part of the risk assessment tool for offending or reoffending. (See SPA7.X)	JJLIWG							

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
	23.1.c. Percentage of monthly website updated in each site section and percentage of stakeholders that contribute material.	23.1.3. This is a common activity. Ongoing collection of training and practice materials, case studies, evaluation results and information to update on monthly basis.	JJLIWG		X	X	X	X	X	
	23.1.d. Percentage of organizations using all, or part of the common guidelines for practice.	23.1.4. Develop common guidelines for practices such as interviewing children, assessing children and giving children directions and a process of identifying practices suitable for developing common guidelines.	JJLIWG		X		X			
	23.1.e. Percentage of organizations that incorporated generic education modules into existing worker resources and training programmes.	23.1.5. This is a common activity Development of generic education modules for the Child Interaction Capability Framework as standalone training, or to be incorporated into existing worker resources and training programmes. (See SPA2).	JJLIWG							
	23.1.f. Number of organizations that release staff to generic training workshops that achieve a participation satisfaction of seven on a 10-point scale.	23.1.6. This is a common activity Scheduling workshops of generic training available to all stakeholders. (See SPA2).	JJLIWG							

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
	23.1.g. Number of completions of online courses by sector and organizations.	23.1.7. Use website to provide open access to online training courses and self-directed learning materials.	JJLIWG					X	X	
23.2. A systems map supports capacity for collaboration and the effective management of matters in the juvenile justice system.	23.2.a. All current systems are mapped, processes documented and costs analysed.	23.2.1. This is a common activity. Map all current systems to identify points of duplication, obsolescence, authority, legal obligations and information needs and analyse its cost. (See SPA1).	MoJ	X						
	23.2.b. JJL new system map designed.	23.2.2. Use the current system map to design a new system map and identify new elements required, such as processes, policies, practices and documentation for a new system. Determine the lead agent and priority of development.	JJLIWG MoJ	X	X					
	23.2.c. Percentage of new elements implemented.	23.2.3. Develop new elements of new system map according to determined priorities using a common language and methodology.	MoJ	X	X					
	23.2.d. Percentage assessment of responses to progress and review report findings/ recommendations.	23.2.4. Progress reports and reviews from the monitoring and evaluation of the operating system present findings with practical recommendations for action to be considered by relevant stakeholders.	JJLIWG		X	X	X	X	X	

Outcome 24:

A single case management system for children is efficient in terms of collecting and sharing information; is not intrusive; and it avoids duplication of effort.

Outcome Indicator 24.a. A juvenile case management system is developed and implemented.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
24.1. Case management system designed in the best interests of the child to manage the life cycle of a legal juvenile case effectively and to protect the rights of the child.	24.1.a. All current systems mapped, processes documented and costs analysed.	24.1.1. This is a common activity. Map all current systems to identify points of duplication, obsolescence, authority, legal obligations and information needs/exchanges and analyse its cost. (See SPA1).	MoJ		X	X	X	X	X	All
	24.1.b. Case management system implemented and evaluated.	24.1.2. Design the new system map of the life cycle of a juvenile case to give a juvenile case priority and flexible access to decision-making to meet JJL obligations and international standards.	MoJ							
	24.1.c. Percentage of courts producing a juvenile law hearing calendar.	24.1.3. This is a common activity. Develop an annual calendar for the hearing of juvenile matters based on case numbers to support availability of specialists, social agents, lawyers and service providers.	MoJ							

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1		2		3		
	24.1.d. Percentage of courts implementing a juvenile case review meeting schedule.	24.1.4. The case management system has a juvenile case review schedule that ensures issues are monitored to avoid breaches of the JJL; to investigate the progress of each matter; to prioritize matters and actively manage issues. The social agent (justice worker) has a significant role in identifying any areas of concern and providing relevant current information.	MoJ							

Outcome 25:

Confidentiality of the identity, circumstances and records of a child maintained.

Outcome Indicator 25.a. Policies and procedures to protect the privacy of children implemented.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
25.1. The Juvenile Justice Operating System maintains the confidentiality of identity, details of personal circumstances, offending behaviour and records in the best interests of the child.	25.1.a. Code of practice for exchange of information produced and integrated into training, processes, case management system and practice guidelines.	25.1.1. The system review identifies processes that require information sharing and exchanges. There are other JJJ activities such as diversion and reintegration that involve exchanges of information. Develop a code of practice that limits information sharing to what is in the best interests of the child.	JJLIWG		X	X	X	X	X	All
	25.1.b. Collated data on negative and positive media messages and breaches of JJJ.	25.1.2. This is a common activity Media kit and conference for launch to include training in JJJ and child rights.	JJLIWG		X			X		
	25.1.c. Percentage of workers who self-assess who are confident in managing the exchange of information in the best interests of the child.	25.1.3. Training associated with CIDL includes guidelines on information exchanges and confidentiality. Develop case studies for all points of information exchanges to develop skills and confidence in protecting a child's confidentiality.	JJLIWG					X		

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
	25.1.d. Annual percentage decrease in the number of persons and organizations that breach the confidentiality of a child.	25.1.4. Develop a protocol for managing breaches of information, including a mandatory training requirement for the first occurrence and for courts to exercise their power to prosecute subsequent breaches. Also, review current provisions of JJL and other legislation to determine the legal consequences for the media and other parties such as teachers and doctors that breach the confidentiality of children's records.	JJLIWG		X	X	X			
25.2. Hearings are closed for juvenile justice matters and judicial permission required for attendance.	25.2.a. Percentage of JJL matters that are held in a closed court increases.	25.2.1. Schedule hearings to allow, where possible (when a child in attendance) that the matter is closed.	MoJ							

Outcome 26:

A children's division of the Court of First Instance operated using child-friendly procedures and practices in accordance with international best practices.

Outcome Indicator 26.a. A Children's Court division of the Court of First Instance operated according to international standards.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)					Secondary supporting institutions
				1	2	3	4	5	
26.1. Specialised Division for Children Cases established at Court of First Instance (Art. 44) with separate administration division in charge of children cases.	26.1.a. Percentage of courts of first instance that established specialised division for children with courtroom designed for children.	26.1.1. Establish specialised division for children at Court of First Instance by using child-friendly procedures.	MoJ		X	X	X	X	All
	26.1.b. All staff in Specialised Division for Children Cases are trained.	26.1.2. Train all staff including court administration staff on child-friendly procedures and practices.	MoJ		X	X	X	X	

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
26.2. JJL matters heard in a courtroom that is child-friendly and promotes communication and a child-sensitive environment.	26.2.a. Percentage of courts renovated in a child-friendly environment.	<p>26.2.1. Review the court facilities in each province to identify facilities and procedures to ensure child-friendly environment. The environment needs to promote communication and participation of the child. This may include:</p> <p>26.2.1.1. Altering furniture/fittings so they can be removed/replaced on a children's court division day for a multi-use courtroom arrangement.</p> <p>26.2.1.2. Waiting rooms and interview rooms renovated to be quiet/less intimidating.</p> <p>26.2.1.3. Designated single use court rooms to have seating and the environment renovated to be on one level and to promote communication.</p> <p>26.2.1.4. Identify if there are alternatives to the standard custody cell. If no alternative, a custody cell designated for the use of children is to be renovated in child-friendly manner and easily accessed by the child's supporters.</p> <p>26.2.1.5. In a large court with several courtrooms, the provision of a separate entrance and waiting areas for children.</p>	MoJ	X	X	X	X			

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
26.3. Renovations to courts, or new court buildings included a designated and separate children's courtroom, a child-friendly interview room and waiting rooms and other child-friendly facilities and fittings.	26.3.a. Percentage of capital expenditure allocations on court sites that include child-friendly objectives.	26.3.1. All renovations of new courts and court buildings include the development of fittings and facilities that are child-friendly as part of the renovation.	MoJ		X	X	X	X	X	
	26.3.b. Developed a ten-year plan for the development of children's court facilities at current or new sites.	26.3.2. Conduct feasibility study into the provision of separate courts, or separate court buildings, or separate entrance and facilities within the existing building for all court sites, including an assessment of priority for resource expenditure.	MoJ					X	X	

STRATEGIC PROGRAMME AREA 9: MONITORING AND EVALUATION (SPA9)

Overall Objective:



Develop a comprehensive system for data collection, monitoring, evaluation and reporting on the implementation of JJLSOP and the experience of CICL, so lack of progress and success identified to inform future decision-making.

This programme area recognizes that by developing a comprehensive system for data collection, monitoring, evaluation and reporting on the implementation of JJLSOP and the experiences of CICL, both lack of progress and success is identified to inform future decision-making. The Juvenile Justice Law Committee will be responsible for system development, implementation, coordination and reporting, as required by the framework. A robust and progressive evaluation system will support intervention activities during the operation of this plan when lack of progress is identified. The implementation of JJL requires a complex and inter-dependent level of change to present systems and work practices. Effective monitoring provides a mechanism to identify where progress in one area is stalled because conditional and interdependent activities are not aligned, or effectively coordinated. The monitoring and evaluation of JJLSOP will include six monthly progress reports and a review after two years and three years respectively. It is anticipated that the review after two years will inform Stage 2 of the plan. The aim is that the collection will not be over-whelming for stakeholders. Effective evaluation will provide an evidence-based approach to commitment and distribution of resources and policy and programme decision-making by the government at all levels and NGOs.

The framework comprises of three levels:

- 1 Primary: individual programmes and pilots to evaluate their effectiveness and scalability. Findings will be presented as lessons learned and best practices to be shared and to inform future decision-making.
- 2 Secondary: impact on the experiences of children using a set of scaled indicators with a set of targets for each indicator. Findings will be presented as provincial progress mapped against targets, with additional assessment of the state of implementation of each province.
- 3 Tertiary : progress against a set of national indicators for all aspects of the juvenile justice system based on international standards. Findings will be presented as progress against targets at both provincial and national levels with additional assessment of the state of implementation of each province and nationally.

The monitoring and evaluation framework is attached as Appendix 3

Programmes

Outcome 27: Implementation of an M&E framework and comprehensive data collection to support successful implementation of JJLSOP by identifying challenges, strengths and weaknesses.

Outcome 28: Strengthened the capacity of juvenile justice system stakeholders to plan and manage change, monitor performance and use evidence-based approaches to decision-making.

Outcome 27:

Implementation of an M&E framework and comprehensive data collection to support successful implementation of JJLSOP by identifying challenges, strengths and weaknesses.

Outcome Indicator 27.a. JJLSOP M&E framework implemented.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
27.1. A comprehensive system operated to implement the M&E framework of JJLSOP and report against three levels of indicators.	27.1.a. Developed indicators for each level of evaluation, collection tools and a system to collect, collate and validate data.	27.1.1. This is a common activity Develop indicators for each level of evaluation, collection tools and a system to collect, collate and validate data. (See SPA1).	UNICEF JJLIWG	X						
	27.1.b. Valid commencement data for monitoring and evaluation of JJLSOP.	27.1.2. This is a common activity Establish benchmark data for the commencement of JJLSOP, including cost analysis of the current system. (see SPA1)	UNICEF JJLIWG	X						
	27.1.c. Reports are compliant with requirements.	27.1.3. Develop a reporting format, process and publication schedule for the JJLSOP Monitoring and Evaluation Framework and System.	UNICEF JJLIWG	X	X					

Outcome 28:

Strengthened the capacity of juvenile justice system stakeholders to plan and manage change, monitor performance and use evidence-based approaches to decision-making.

Outcome Indicator 28.a. M&E data used to implement continuous improvement.

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
28.1. Increased capacity to manage and monitor change required to implement JJL.	28.1.a. Percentage of responses to progress report findings and recommendations.	28.1.1. Reports and reviews present findings with practical recommendations for action by identified obligation holders, under JJL and other stakeholders.	UNICEF JLIWG	X	X	X	X	X	X	
	28.1.b. Percentage assessment of resistance to change of workforce and a tool developed to monitor both levels of resistance and support.	28.1.2. M&E benchmark data assesses resistance to change of workforce and develop tool to monitor levels of resistance and support.	JLIWG	X	X	X	x	X	X	
28.2. Strengthened capacity for inter-ministerial collaboration at all levels of government to inform decision-making and manage implementation of a systems approach to juvenile justice.	28.2.a. Percentage assessment on areas for improvement of collaboration.	28.2.1. Reports and reviews present data and findings at all three levels, that identify input and the level of collaboration and areas for improvement of collaboration.	JLIWG	X	X	X	X	X	X	
	28.2.b. Percentage of collaborative response to progress and review report findings and recommendations.	28.2.2. Responses to progress and review report findings require collaborative responses where appropriate.	UNICEF JLIWG		X	X	X	X	X	

Output	Indicator(s)	Activities	Lead institution (s)	Timeframe (year)						Secondary supporting institutions
				1	2	3	4	5	6	
28.3. Key stakeholders have increased awareness of lessons learned and best practices in juvenile justice systems.	28.3.a. Percentage of stakeholders that use evaluation findings in their decision-making, planning and programme design.	28.3.1. Reports and reviews present findings with lessons learned, case study and best practices to be shared approach.	UNICEF JJLIWG		X	X	X	X	X	
	28.3.b. Percentage of users that access findings on websites and result of website and communication framework evaluation.	28.3.2. Publish the findings in an accessible style on website, in press releases and other communication channels.	UNICEF JJLIWG		X	X	X	X	X	

Annex 4

Best Practice Report

Dr. Suzie O'Toole, Lecturer

2018 – 2020

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1. EXECUTIVE SUMMARY

This document outlines policies and processes that will support the implementation of the Cambodian Juvenile Justice Law (JJL). This report should be read together with the Juvenile Justice Law Strategic and Operational Plan 2017-2020: Operational Plan Activity Matrix. References to the provisions of the JJL are made to an English translation of that law, and in the case of any discrepancy between the English version used and the Khmer text, the exact meaning is to be interpreted in accordance with the Khmer text.

The Constitution of Cambodia, international treaties which Cambodia has signed and the provisions of the JJL clearly indicate an intention that Cambodia shall protect the human rights of children who come into contact with the criminal justice system. Children are different to adults, and this should be reflected with different laws, procedures and practices for children. The rights of the child require that decisions must be made in the best interests of the child throughout the entire process: from arrest, during police interviewing, via the provision of guidance and counselling by police to divert children from the criminal justice system, in pre-trial detention where counselling fails, within and throughout court processes, in detention and during reintegration to the community.

A vital component of the JJL is the recognition of the right to legal counsel throughout its provisions and the role of social agents to support the rehabilitation of children, and their reintegration into the community.

2. INTRODUCTION

The Constitution of Cambodia explicitly refers to the United Nations Convention on the Rights of the Child (UNCRC) and guarantees that Cambodia shall protect the rights of children (Teeuwen, 2006). Cambodia has ratified the UNCRC, the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The principal aim of the UNCRC is to ensure that youth justice should be implemented in “the best interests of the child”, and to ensure that justice system policies and processes support young people and their effective reintegration into society (Dunkel and Pruin, 2012).

After a chapter that sets out the Objectives, Goals, Scope and Definitions used in the law, Chapter II of the JJL contains a general statement of principles that is consistent with these conventions (Article 5), and articulates the procedural rights of juveniles (Article 6). The provisions of the remaining chapters of the JJL have plainly been drafted to be consistent with the international principles referred to above. Where any provision of the JJL is capable of different interpretations, the preferable approach would be to read the relevant provision in the light of the Principles under Chapters I and II of the JJL. Referring to Cambodian law, it has been observed that “in civil cases, when a law is not explicit, or when there is a gap in the law (for example where there are no provisions of law governing the circumstances in the case), the adjudicating court can proceed with the hearing and determine the case based on customs, traditions, conscience and equity” (Phallack, 2012; Law on Court Organization, Article 4 (1993)). Of course, “customs, traditions, conscience and equity” are displaced to the extent they are inconsistent with Chapters I and II of the JJL.

While the JJL does not create criminal liabilities for children, its provisions condition the criminal liability that can be attached to children. Article 7 states that the age of criminal liability is “more than 18 years old”. This rule is subject to the exception that a “court may announce that a minor from the age of 14 up (may) have criminal liability if the circumstances of the offence or personality” requires it. As Vanrath explains (2012), in Cambodia, “[i]n principle, minors are not liable for any criminal acts”. Article 38 of the Criminal Code states that “the legal age of criminal liability is set at 18 (eighteen) years old”.

The JJL makes it clear that children who commit offences shall be beneficiaries of supervision, education, protection and assistance. Measures include “returning the minor to his/her parents, guardian, custodian or to another person, who is trustworthy; returning the minor to a social service agency which is in charge of minors; returning the minor to a private organization who is qualified to receive them; returning the minor to a specialized hospital or institution; or placing the minor under judicial protection”.

For children over the age of 14 years, the Criminal Code contemplates that penalties for felonies shall be halved (articles 39 and 40 of the Criminal Code). For petty crimes and

misdemeanours, it is clear that the JJL prevails to the extent of any inconsistency. Specific provisions of Chapter VIII of the JJL indicate that cases involving minors should be given priority (Article 45), judicial orders requiring social welfare reports (Article 46), closed courts (Article 47), trials to be conducted using child-friendly procedures (Article 47), a requirement of acquittal for children less than 14 (Article 49), care and protection provisions (again, Article 49), legal assistance (Article 50) and procedural rights (Article 51), and a presumption of diversion for children accused of petty crime or misdemeanours from ages 14 to 18 (Article 52).

These provisions of the JJL are consistent with best practice.

3. THE DIFFERENCES BETWEEN CHILDREN AND ADULTS

Under international law, children are regarded to be different from adults, and must be treated as such. This is reflected in the United Nations Standard Minimum Rules for the Administration of Justice (the Beijing Rules) and the United Nations Convention on the Rights of the Child (UNCRC). This is also reflected in the JJL, particularly Articles 5 and 6, and Chapters V, VI and VII. The Beijing Rules stress the importance of nations establishing:

A set of laws, rules and provisions specifically applicable to juvenile offenders and institutions and bodies entrusted with the functions of the administration of juvenile justice and designed to meet the varying needs of juvenile offenders, while protecting their basic rights.

There are compelling reasons why children are different to adults and need to be treated differently from adults.

3.1. Neurological development

A considerable and growing amount of neuropsychological and neurophysiological research indicates that psychosocial attributes of adolescence are linked to neurological development. It is now accepted that the human brain continues to develop into early adulthood. Accordingly, holding young people criminally responsible as if they were adults when they have not fully developed their ability to think through decisions or to control their emotions can be seen as unjust. The literature highlighting the differences between children and adults has far reaching implications for those working in the field of juvenile justice. As the Royal Society notes (2011):

Neuroscience is providing new insights into brain development, revealing that changes in important neural circuits underpinning behaviour continue until at least 20 years of age. The curves for brain development are associated with comparable changes in mental functioning (such as IQ, but also suggestibility, impulsivity, memory or decision making), and are quite different in different regions of the brain. The prefrontal cortex (which is especially important in relation to judgement, decision making and impulse control) is the slowest to mature. By contrast, the amygdala, an area of the brain responsible for reward and emotional processing, develops during early adolescence. It is thought that an imbalance between the late development of the prefrontal cortex responsible for guiding behaviour, compared to the early developments of the amygdala and

associated structures may account for heightened emotional responses and the risky behaviour characteristic of adolescence.

The developmental immaturity of young people is routinely taken into account to mitigate (lessen the severity of) sentence. But in recent years, the relevance of developmental immaturity on children's participation in offending and on the way children participate in the criminal justice system has gained greater attention. The late development of the pre-frontal cortex, with its significance in terms of judgement, decision-making and impulse control, is relevant when considering reasons giving rise to youth crime.

The developmental immaturity of young people is recognised in international law. The Declaration of the Rights of the Child explicitly states that "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." This statement is quoted in the Preamble of the UNCRC, to which Cambodia is a signatory.

3.2. Participation in offending

Young people are driven by a desire to conform to their peers. This factor, which is unique to adolescents, is likely to play an important role in delinquent (meaning minor crime) conduct (Berndt, 1979; Costanzo & Shaw, 1966; Gardner & Steinberg, 2005). Heightened peer influence is evident in the fact that, unlike adult offenders, most juvenile crime occurs in groups (Reiss & Farrington, 1991).

There is some research which suggests that adolescents are more impulsive than adults, that they tend to be subject to more rapid and extreme mood changes, and that they may be more reactive to environmental cues and temptations (Reyna and Farley, 2006; Steinberg and Cauffman, 1996). Children engage in risky behaviours more often than adults. Young people also calculate and weigh up the risks and benefits of activities differently to adults. Importantly, children tend to focus more on benefits and less on the risks (Reyna and Farley, 2006; Steinberg, 2004). This can be explained by the later development of the pre-frontal cortex relative to the amygdala. Laboratory studies have found that adolescents' capacities for risk perception are almost as good as adults but these abilities are diminished in real life contexts where emotion, experience, willingness, and opportunity for risk behaviour interact (Reyna and Farley, 2006; Steinberg, 2004).

It is important that those responsible for diversion and rehabilitation of young offenders are aware of the psychological literature and teach cognitive behavioural strategies to assist young people to recognise factors such as peer influence, and risk-taking behaviour given the role these factors have in contributing to offending (Scott, Repucci and Woolard, 1995).

3.3. Participation in the criminal justice system

The developmental immaturity of children, confirmed by the research set out above, requires special attention in the way children are treated by police, prosecutors, defence lawyers, judges, court staff and Social Agents (JJL: Articles 4, 9, 10-11, Chapters V-XV).

3.4. Participation in police interviews

There is strong evidence indicating that children are at greater risk of making involuntary and false confessions while being questioned by police (Redlich and Drizin, 2007). Juveniles are over-represented in the identified false confession cases: one study (Drizin and Lea, 2004) found that 35% of proven false confessors in the sample were younger than 18 years of age, and within that sample of juveniles, 55% were aged 15 years or under. Developmental factors such as heightened suggestibility, heightened obedience to authority and immature decision-making abilities combine to explain this over-representation. Of particular relevance to immature decision-making abilities is the “foreshortened temporal perspective” of young people (Nurmi, 1991 ; Greene, 1986), meaning the tendency to identify and focus on short-term consequences, such as bringing a police interview to an end and getting to go home, rather than long-term consequences that flow from a confession.

A study looked at the rate of entering guilty pleas and compared juveniles to young adults. The controlled study found that when participants were asked to assume guilt, the difference in decisions to plead guilty remained non-significant between juveniles and young adults. When asked to assume innocence, however, juveniles were 2.47 times more likely to plead guilty than adults (Redlich and Shteynberg, 2016).

These issues have important implications for police officers interviewing children pursuant to Chapter V of the JJL, and highlight the need for special care to be taken, including the use of appropriate interview techniques, limits to question time, and ensuring access to lawyers and support people during interviews (see Article 21 of the JJL). These matters are addressed further under Chapter V of the JJL, but are also referred to in ‘specialist competencies and training for police’. Article 2 of the JJL notes that “[t]his law aims to establish norms and procedures which shall be complied with and strictly applied, to deal with minors who committed criminal offences”; and the JJL goes on to refer to basic principles (Article 5) and procedural rights (Article 6) that inform the entire law, including specific provisions relating to police practices under Chapter V.

The developmental immaturity of children also has important implications for lawyers (the right to counsel is set out in Articles 6, 18, 20, 21, 22, 23, and a number of other provisions of the JJL). In addition, prosecutors “shall receive specialized training on child rights, law and other provisions relevant to juvenile justice” (Article 24).

3.5. Adjudicative competence (“fitness to stand trial”)

Research has demonstrated that young people are disadvantaged in their ability to effectively participate in criminal trials due to their developmental immaturity. Researchers into the adjudicative competence of young people (also known as fitness to stand trial) have examined how aspects of cognitive and psychosocial development impact on a young person’s ability to understand and meaningfully participate in criminal proceedings brought against them (Grisso, 1997, p 17). The MacArthur Study investigated differences in adjudicative competence ability between 566 young adults and 927 youths aged between 11 and 17 years of age—half of the sample being detained youths and adults with the remainder from the community (Grisso et al., 2003). Children and adolescents below 16 years of age were found to be significantly more likely to be evaluated as impaired in competence-related abilities compared to older adolescents and young adults (for a summary see Watt, O’Leary and O’Toole, 2017).

Capacities for reasoning and understanding improve significantly from late childhood into adolescence, and by mid-adolescence, most teens are close to adults in their ability to reason and to process information, at least in the abstract (Keating, 2004). However adolescents are likely less capable than adults at using these cognitive capacities in making real-world choices partly because of lack of experience and partly because teens do not tend to learn from experience as effectively as adults (Reyna and Farley, 2006; Ward and Overton, 1990).

Research at La Trobe University relating to the oral language competence (listening and talking skills) of young offenders from Australia and overseas demonstrated that high proportions (some 50% in Australian studies) of young offenders have a clinically significant, but previously undetected, oral language disorder (Snow & Powell, 2012). This has implications not just for a child’s ability to understand and participate in the court process, but also for the way young people engage in police interviews, and for the delivery of interventions that require significant oral language competence, such as counselling and group conferencing.

Together with the Principles set out in the relevant international and national instruments, this research has implications for the practice of lawyers and for courts applying the JJL, and also reinforce the importance of child-friendly procedures and practices that seek to overcome barriers faced by children in understanding and meaningfully participating in criminal proceedings brought against them. It may be noted that the JJL specifically refers to “child friendly procedures” (Article 4(7)), that the JJL mandates that it should be “complied with” in a “child friendly manner” (Article 5, Basic Principles), and the procedural rights of children (Article 6) and the machinery provisions of the JJL (Chapters V-XV) must be interpreted in a “child friendly” way.

The unique status of childhood and the process of maturation inform every aspect of sound juvenile justice policy. The good news is that the personalities of children are not static: they are still forming and can be reformed. The evidence indicates that many young people engage in some form of delinquency during adolescence, but desist as adulthood approaches (Piquero et al., 2003; Farrington, 1986). In fact most teenage males participate in some

delinquent behaviour as part of the experimentation that contributes to identity formation (Moffitt, 1993). Viewed in this light, delinquent behaviour is a normal part of adolescent life. Fortunately research on developmental trajectories demonstrates that most adolescent criminal conduct is 'adolescent-limited' behaviour and only a relatively small percentage of young offenders are at high risk of becoming 'career criminals' (D'Unger, Land, McCall and Nagin, 1998; Moffitt, 1993). This knowledge reinforces the juvenile justice system's emphasis on diversion and rehabilitation. It also reinforces that responses that draw young people further into the criminal justice system, such as incarcerating children with more experienced older offenders, are damaging and counter-productive.

The insights to be drawn from the research set out above can inform the objectives of the JJL (safeguarding the rights and best interests of juveniles), the child friendly procedures referred to in Articles 4(7), 5 and 6, and the provision of services (e.g. Article 11). This research also informs the provisions of the JJL relating to interviews (Arts 21, 22, 26 and 35) and diversions (Article 52 and Chapter X).

4. COMMUNITY EDUCATION AND ATTITUDINAL CHANGE

The rehabilitative and reintegrative philosophy of juvenile justice reflected in the Juvenile Justice Law (JJL) may challenge existing beliefs among sections of the community who feel that punitive or retributive approaches are the only appropriate response to crime. All stakeholders need to play a role in educating the community about the benefits of diversion and the disadvantages of punitive responses to youth offending. The advantages of an approach that emphasises diversion from the criminal justice system, and focuses on rehabilitation and reintegration, are clear.

A significant body of international research demonstrates that punitive approaches to juvenile justice, including detention, do not work to reduce crime rates, fail to deal with underlying behaviour, are expensive, and have long-term costs as they increase the likelihood that juvenile offenders will become adult criminals. In short, a punitive approach to juvenile justice does not reduce recidivism and can be deeply damaging to children, inflicting stigma and contaminating them. Internationally, juvenile justice principles have developed to ensure that children are not subjected to the harmful effects of punishment (Cunneen and White, 2011).

As noted above, the Constitution of Cambodia explicitly refers to the rights of children. Article 31 of the Constitution stipulates that:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights.

Article 48 of the Constitution provides that:

- The State shall protect the rights of the children as stipulated in the United Nations Convention on the Rights of the Child, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation.
- The State shall protect children from acts that are injurious to their education opportunities, health and welfare.

Article 1 of the JJL, consistent with these provisions and the relevant international human rights instruments, states that:

The objectives of this law are to:

- Safeguard the rights and interests of the minor
- Support rehabilitation and reintegration into society and the community
- Protect the interests of society and the community.

The final statement in Article 1 of the JJL, which contemplates the protection of society and the community, must itself be interpreted in accordance with the Constitution and the international instruments referred to above. The JJL reflect this enlightened philosophy, which is consistent with the Declaration on the Rights of the Child and the UNCRC. Under international law, children are regarded to be different from adults, and must be treated as such. This is reflected in the Standard Minimum Rules for the Administration of Justice (the Beijing Rules) and the United Nations Convention on the Rights of the Child (UNCRC). This is also reflected in the JJL, particularly Articles 5 and 6, and Chapters V, VI and VII.

The challenge is to ensure that these statements of high principle are implemented in practice (Travers, 2011). Specialist personnel, facilities, courts and approaches are required (Egger, 2005). Children must not be held in pre-trial detention for long periods, dealt with in the ordinary criminal courts alongside adults, given disproportionate sentences for petty crimes, incarcerated with adults or abused by prison staff (Souad Al-Henshi, 2009; LICADHO, 2013; TLBB, 2014).

5. CRIME PREVENTION, COMMUNITY JUSTICE AND COMMUNITY POLICING

5.1. Crime Prevention

The introduction to the United Nations Guidelines for the Prevention of Crime indicates that:

There is clear evidence that well-planned crime prevention strategies not only prevent crime and victimization, but also promote community safety and contribute to sustainable development of countries. Effective, responsible crime prevention enhances the quality of life of all citizens. It has long-term benefits in terms of reducing the costs associated with the formal criminal justice system, as well as other social costs that result from crime (Economic and Social Council resolution 2002/13, annex).

The Special Representative of the Secretary-General on Violence Against Children, considering the topic of crime prevention and reintegration of children who come into contact with the law, has made a number of recommendations that are worth setting out in full:

1. Crime prevention policies and laws need to be firmly grounded on a children rights-based approach, including the paramount consideration of the best interests of the child.
2. Crime prevention policies and laws need to reduce violence against children (when they are offenders and when they are victims or witnesses of crime), with specific strategies for them.
3. Crime prevention policies and programs need to be designed with a focus on the needs, rights and characteristics of children. That implies that these interventions should consider young offenders as children first and offenders second.
4. A comprehensive approach to crime prevention looks at the different levels of intervention:
 - i. primary: universal rights
 - ii. secondary: focus on children and families at risk; tertiary: programs and interventions that guarantee effective reintegration.
5. A comprehensive approach implies a wider framework of action than a “police-based” model of social crime prevention which on its own can produce insufficient and ineffective results. Police detention should be always considered as measure of last resort and for the shortest period of time.

6. Policies and laws in crime prevention need to be data and evidence-based and constantly subject to objective monitoring and evaluation.
7. It is fundamental to operate with an inter-sectoral vision (education, health, labour training, police, justice), including a responsible organisation or authority with the legal competence to require cooperation from other agencies.
8. Successful policies of crime prevention need to involve children's families and communities, including schools and cities.
9. Positive crime prevention policies and programs include children's participation (and their communities) through strategies and mechanisms where children, their families and communities can shape a culture of self-care and dignity.
10. Early assessment and intervention may be playing a positive role within crime prevention programs and policies. Nonetheless, it is important to pay attention to the eventual negative impacts of risk-based approaches (such as social stigmatization and labelling by social services).
11. While specific crime prevention policies and programs are essential, these need to be firmly grounded within comprehensive child protection systems, allowing a permanent interaction between primary and secondary prevention.

On an operational level, crime prevention strategies can be considered on three levels (ALRC, 2003):

1. **Primary crime prevention strategies** are directed at stopping crime before it happens. These measures target social factors that influence an individual's likelihood of committing a crime. These may include measures to tackle poverty, unemployment, low educational achievement and ill-health. Primary prevention can also focus on situational factors, which address the environment (for example, the design of buildings, lighting and landscapes).
2. **Secondary crime prevention strategies target** those considered to be at high risk of embarking on a criminal career. The focus can be on early intervention strategies (for example, youth programs) and additional services in high-risk neighbourhoods (for example, neighbourhood dispute centres).
3. **Tertiary crime prevention strategies** focus on intervention with known offenders in an attempt to prevent them re-offending. Some examples of strategies include youth conferencing, community-based or custodial-based rehabilitation measures and deterrence through sanctions.

While each level of crime prevention is essential for a comprehensive and effective model, the personnel working within the juvenile justice system are specially tasked with responsibility for tertiary crime prevention aimed at preventing recidivism of young offenders. The key aspects of tertiary crime prevention established under the JVL are the police cautioning scheme, the diversion scheme, and reintegration measures.

The effectiveness of these crime prevention measures are examined later in this report. In summary, police cautioning (whether verbal or written) is an effective crime prevention strategy as it enables society to express its dissatisfaction with unlawful behaviour without invoking incarceration, which can have very harmful effects on children. Studies have shown that the majority of young offenders who are cautioned for their first offence are less likely to have a second contact with the criminal justice system (Dennison, Stewart and Hurren, 2006; Poteas et al: 1990; O'Connor: 1992).

Diversion is a very effective crime prevention mechanism and is the primary mechanism to support children from re-offending. Like cautioning, it aims to minimise the harmful effects of formal criminal prosecution and conviction, instead favouring less intrusive intervention measures that are appropriate to the offender and to the offence. Both cautioning and diversion recognise that when a child is detained, even for a short period of time, they are more likely to continue to offend and are more likely to become adult criminals. Adopting diversionary measures instead of incarcerating children therefore reduces the likelihood that a young person will continue to offend into adulthood, saving the community, the justice system and the children themselves, the costs of repeat offending.

Finally, carefully managed reintegration is a tertiary crime prevention strategy incorporated into the JJL. The Youth Rehabilitation Centre's (YRC's) focus on rehabilitation rather than punishment aims to ensure that children will be released with skills and attitudes necessary for them to become good members of society with the skills necessary to adopt non-offending lifestyles on release. The JJL gives every indication that the programs that are to be delivered in the YRCs are to be designed in such a way as to achieve the goal of rehabilitation.

These schemes are detailed later in this report. See respectively, Cautioning "warning"; Diversion from the criminal justice system; and Reintegration.

5.2. Community Justice

The JJL contemplates that justice can be done in the community—not only in the criminal justice system. Several key aspects of the JJL rely upon the adoption of community justice approaches drawn from local solutions. Police cautioning, which includes the power to mediate disputes, is one such example. In their role as mediator, the police need to engage effectively with the minor but they also need to have the trust and support of the victim and the community.

Diversion is another key aspect of the JJL. The success of diversion will require the development of a range of community based diversionary measures incorporating local solutions. Diversion plans that draw from restorative justice practices such as victim-led mediation, community and family group conferencing, peace-making circles and offender reparation or restoration of damage agreements can all be effective. Young people can also be required to serve a set number of hours in community service. Diversion can be a complex process and there can be many community stakeholders.

5.3. Community Policing

“Community policing” denotes a variety of policing approaches that aim to engage proactively and productively with juveniles so as to develop a culture of trust and the advancement of pro-social behaviour. For example, the provision of information about the criminal law, safety matters and the like can be shared activities that can be organised by the police and interrelated organisations for the benefit of the juvenile populace. The purpose is to develop a participatory model of police-citizen interaction (Cunneen and White, 2011).

Community policing is based on a community justice model and on the principle that effective policing is more likely when it is practised cooperatively with the community. This approach to policing does not eliminate or replace traditional models of policing—incident-based approaches will continue to be essential responses to various forms of criminal activity—instead, community policing complements traditional responses, as it requires officers to engage with interested stakeholders and work together to mediate conflict and prevent crime.

Successful community policing requires cooperation and communication between police and the community. This cooperation and communication, in turn, serves to strengthen the public’s trust in the police service, while at the same time leading the way toward the development of long-term solutions to community problems. The UN High Commission for Human Rights has identified the key requirements for community policing which include to:

- Establish a partnership between police and law-abiding members of the community
- Adopt a community relations policy and plan of action
- Recruit from all sectors of the community
- Train officers to deal with diversity
- Establish community outreach and public information programmes
- Liaise regularly with all groups in the community
- Build contacts with the community through non-enforcement activities
- Assign officers to a permanent neighbourhood beat
- Increase community participation in policing activities and community-based public safety programmes
- Involve the community in identifying problems and concerns
- Use a creative problem-solving approach to develop responses to specific community problems, including non-traditional tactics and strategies
- Coordinate policies, strategies and activities with other government agencies, and with non-governmental organizations.

(UN High Commission for Human Rights, Human Rights Standards and Practice for the Police, Expanded Pocket Book on Human Rights for the Police (2004), p 58).

In the context of juvenile justice, community policing should aim to engage proactively and productively with juveniles so as to develop a culture of trust and the advancement of pro-social

behaviour. For example, the provision of information about the criminal law and public safety can be shared in activities that can be organised by the police and interrelated organisations for the benefit of the juvenile populace. The purpose is to develop a participatory model of police-citizen interaction (Cunneen and White: 2011).

Training is necessary to educate police officers and community stakeholders on the benefits of community policing. Training should aim to equip police with detailed but also routine responses and strategies for engaging in community policing. The model requires investment on the part of front line police and the community as existing models of problem solving are expanded and new models of problem solving are established. Problem-solving approaches that require a community-policing model are incorporated into the JJL in the form of the police cautioning provisions (Article 13, in particular) and the diversion scheme (Chapter X). The JJL points to a new approach to community justice and policing that directs children away from the criminal justice system.

6. CAUTIONING (“WARNING”)

Police play a crucial role in the juvenile justice system, as they are the first point of contact between the justice system and a child in conflict with the law. The police exercise considerable discretion regarding the action to take in relation to a minor. Given the negative consequences that flow from criminal conviction and punishment, the decisions that police make will often have a large impact on the life of the child.

The importance of positive interactions between a child in conflict with the law and the local police is reflected in international law. Beijing Rule 10.3 states that contacts “between the law enforcement agencies and a juvenile offender shall be managed in such a way as to respect the legal status of the juvenile, promote the well-being of the juvenile and avoid harm to her or him, with due regard to the circumstances of the case”. The rule highlights the importance of promoting the well-being of the child and the need for law enforcement agencies to avoid doing harm to the minor. It acknowledges that involvement in the juvenile justice process itself can be harmful to juveniles. The Commentary on the Rule highlights the importance of the initial contact between the minor and the law enforcement agencies, and the profound influence on the juvenile's attitude towards the State and society that that initial contact can have. The Commentary also highlights that the success of further intervention is largely dependent on initial contact with law enforcement agencies, stating “Compassion and kind firmness are important in these situations”.

Discretion by police in their dealings with children in conflict with the law is an essential component of the juvenile justice system’s ability to offer a variety of responses that ensures the response is proportionate to the circumstances of the child and the circumstances of the offence. Beijing Rule 11.2 states “The police, the prosecution or other agencies dealing with juvenile cases shall be empowered to dispose of such cases, at their discretion, without recourse to formal hearings, in accordance with the criteria laid down for that purpose in the respective legal system and also in accordance with the principles contained in these Rules”. The Commentary to this Rules highlights that directing the child away from the criminal justice process and instead redirecting them to community support services, is a common response, performed on a formal or informal basis, in many legal systems.

Police cautions are the earliest form of diversion. Cautions serve to avoid the negative effects of formal proceedings in the juvenile justice system, avoiding the stigma of conviction and sentence. The Commentary to the Rule goes even further, stating that “In many cases, non-intervention would be the best response. Thus, diversion at the outset and without referral to alternative (social) services may be the optimal response. This is especially the case where the offence is of a non-serious nature and where the family, the school or other informal social control institutions have already reacted, or are likely to react, in an appropriate and constructive manner”.

The adoption of measures that direct a child away from criminal prosecution rather than drawing a child further into the criminal justice system embrace the natural developmental trajectories of young offenders as most children in conflict with the law grow out of offending. Research demonstrates that most adolescent criminal conduct is 'adolescent-limited' behaviour with only a relatively small percentage of young offenders at high risk of becoming 'career criminals' (D'Unger, Land, McCall and Nagin, 1998; Moffitt, 1993).

A focus on less severe responses such as the issuing of a police caution over more severe responses such as formal prosecution through the court and the traumatic experience of detention, reflects the principle of minimum intervention. This principle is reflected in the UNCRC Article 40.4 and Beijing Rule 5.1, both of which require that reactions to offending shall be proportionate to the circumstances of the offender and the offence. Adoption of alternative measures such as cautions, rather than more severe responses, reduces the costs, financial and emotional, to the community, reduces re-offending rates, and reduces the resources required for court administration and prisons.

The issuing of a caution (verbal or written) rather than the commencement of a formal court prosecution is a highly effective policing response and should not be viewed as letting the juvenile "get away with offending". Cautioning enables society to express its dissatisfaction with unlawful behaviour and record its censure for offending conduct, without invoking incarceration, which can have a deleterious effect on juvenile offenders. Studies have shown that the majority of young offenders who are cautioned for their first offence are less likely to have a second contact with the criminal justice system, (Dennison, Stewart and Hurren, 2006; Poteas et al: 1990; O'Connor: 1992).

Article 13 of the JJL provides the legal basis for the issuing of cautions by the judicial police. Article 13 requires the judicial police officer, when dealing with a minor, aged 14 up to 18 years of age, who has committed a petty offence, to provide guidance, issue a verbal or written warning and refer the minor to his or her designated representative. If the minor has admitted that he or she committed the petty offence, the judicial police may mediate between the parties to resolve the dispute. A minor aged below 14 years of age, who is suspected of committing an offence, shall not be apprehended but shall be referred to his/her designated representative by judicial police officer (Article 14).

The police cautioning principles in the JJL aim to successfully divert children from offending or reoffending in a child friendly manner and, in line with international law, provide for a graduated set of police responses appropriate to the circumstances. A caution may involve:

- Oral and written guidance and warnings
- Attendance with the family at an interview with the police
- Referral to services and programs
- A final caution stage of no further cautions.

The reference to the power of police to provide guidance and warnings in Article 13 can be read broadly to include a variety of child-friendly responses. While the JJJ (Article 13) contemplates that the police who issue a warning will also write a report and refer the case file to prosecutor for further proceeding, the short title of Article 13 refers to the "Authority of Judicial police officer to examine and resolve (a) petty offence." Accordingly, a sensible approach to the provision is to interpret it as giving the police the power to resolve petty offences without recourse to the courts.

The inclusion of the report and referral to the prosecutor can provide the opportunity for the prosecutor to review the decision of the police to ensure it is lawful. For example: that the offence committed is a petty offence and not a more serious offence. According to best practice, the word "shall" in Article 13 should in practice be seen as a procedural step for review rather than an opportunity for the prosecutor to overturn the decision of the police unless the police explicitly request the prosecutor to consider the matter because it cannot be resolved by mediation or after guidance or the issuing of a verbal or written warning (See JJLSOP 3.4 Analysis of the Law).

Record keeping of cautions and mediations should not form part of a child's criminal record. Ideally, a cautioning system should be administered by the police. The receipt of records by the prosecutor of caution records needs to be carefully managed to ensure it does not create a criminal record for a child.

7. DIVERSION FROM THE CRIMINAL JUSTICE SYSTEM

According to UNICEF's Toolkit on Diversion and Alternatives to Detention, diversion means:

the conditional channelling of children in conflict with the law away from judicial proceedings through the development and implementation of procedures, structures and programmes that enable any child to be dealt with by non-judicial bodies, thereby avoiding the negative effects of formal proceedings and a criminal record.

While any measures that seek to avoid or minimise a young person's contact with formal justice proceedings, including a police officer's decision to offer guidance or to issue a caution (under Article 13), is a form of diversion, 'diversion' in this Report refers to diversion ordered by an 'authority in charge of diversion' (including the prosecutor, investigating judge and trial judge of a court of first instance and a trial council of appeals court) under Chapter 10 of the Juvenile Justice Legislation. Cautioning by police is addressed separately in this report (See Cautioning "warning").

Diversion is a very effective crime prevention mechanism and is the primary mechanism to support children from re-offending. It aims to minimise the harmful effects of formal criminal prosecution and conviction, instead favouring less intrusive intervention measures that are still appropriate to the offender and to the offence. Diversion recognises that when a child is detained, even for a short period of time, they are more likely to continue to offend and are more likely to become adult criminals. Adopting diversionary measures instead of incarcerating children therefore reduces the likelihood that a young person will continue to offend into their adult years, saving the community the financial and emotional costs of repeat offending. While diversion can, in theory, apply to any offence and any offender, in practice it is unavailable for serious crimes and persistent offenders.

The continuing brain development of young people through to early adulthood reinforces the juvenile justice system's emphasis on diversion and rehabilitation rather than punitive responses that draw a young person further into the criminal justice system. Diversionary measures are also seen to mesh with the natural developmental trajectories of young offenders as research demonstrates that most adolescent criminal conduct is 'adolescent-limited' behaviour with only a relatively small percentage of young offenders at high risk of becoming 'career criminals' (D'Unger, Land, McCall and Nagin, 1998; Moffitt, 1993).

International legal support for diversionary measures are found in the Beijing Rules Rule 11.1 which states:

Consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority.

Support is also found in Article 40.3 of The United Nations Convention on the Rights of the Child, which requires:

States Parties to seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children ... and, in particular, whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

When a child is dealt with for an offence, responses (sometimes referred to as dispositions) need to be proportionate to the circumstances of the child and the circumstances of the offence. This principle of proportionality is enshrined in Article 40.4 of the UNCRC which states that:

A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Further support is found in the jurisprudence relating to Article 9 of the International Covenant on Civil and Political Rights (Keyzer, 2010) and in Rule 5.1 of the Beijing Rules which states:

The juvenile justice system shall emphasize the wellbeing of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.

In practice, proportionality requires that a range of responses, and perhaps even multi-layered responses, should be available, as all children and all offences are different.

As stated in the report "Addressing Juvenile Justice Priorities in the Asia-Pacific Region" (p 28), the key objectives of diversionary or alternatives measures are:

- Favouring reconciliation between perpetrator and victim
- Avoiding state deprivation of children's liberty
- Encouraging community participation
- Fostering a sense of responsibility in children.

The development of a range of diversionary measures requires a community justice approach based on local solutions. Diversion plans that draw from restorative justice practices such as victim-led mediation, community and family group conferencing, peace-making circles and offender reparation or restoration of damage agreements can all be effective.

Diversion can be a complex process and there can be many stakeholders. Problem solving meetings provide a means of efficiently sharing ideas, gaining agreement and promoting the active participation of the child and other stakeholders. The active participation of the child and stakeholders is essential for the success of diversionary measures. Beijing Rule 11.3 stresses the important requirement of securing the consent of the young offender (or the parent or guardian) to the recommended diversionary measure. The commentary to Rule states that “care should be taken to minimize the potential for coercion and intimidation at all levels in the diversion process. Juveniles should not feel pressured (for example in order to avoid court appearance) or be pressured into consenting to diversion programmes.”

According to the Committee on the Rights of the Child, General Comment Number 10 on Children’s Rights in Juvenile Justice, the child must be allowed to seek legal or other appropriate assistance for assessing the appropriateness and desirability of the diversion offered. General Comment Number 10 also requires that upon successful completion of the diversion, the case should be closed and the confidential records of the diversion should not be considered “criminal records”. This is important because having a criminal record can inflict a stigma on a person and can prevent them from having life opportunities as an adult that they are entitled, as human beings with rights, to have.

The development of diversionary initiatives may be met with some resistance, as it may be necessary to challenge existing beliefs among sections of the community who feel that punitive or retributive approaches are the only appropriate response to crime. All stakeholders need to play a role in educating the community about the benefits of diversion and the disadvantages of punitive responses to youth offending.

The diversion measures under Chapter X of the JJL align with international norms. Under the JJL, in the case of a minor aged 14 to below 18 years suspected of having committed a petty crime or a misdemeanour, diversion is to be considered initially by the prosecutor. Diversion can also be considered at other stages of the proceedings by the investigating judge, the trial judge of the court of first instance, and the trial council of the appeals court. Article 62 of the JJL makes clear that the aim of diversion is to hold the minor accountable for their actions whilst also promoting reconciliation with the victim. The diversion measures are tailored to suit the circumstances of the case. For example, the diversion authority may choose measures that aim to educate and correct the minor’s behaviour and promote reintegration of the minor with his/her family or community or society. Article 62 also makes clear that the aim of diversion is to reduce re-offending by preventing the minor from acquiring further criminal experience during serving sentencing. Stigmatisation is also avoided by preventing the minor from acquiring a criminal record.

The JJL recognises the importance of active participation by the child and stakeholders to ensure the success of diversionary measures. Article 63 requires that the minor consent to the diversion after consulting with their lawyer, and that the minor freely and voluntarily admit guilt and apologise to the victim. The diversionary measures contained in the JJL incorporate restorative justice practices and reflect a community justice approach based on local solutions. This can be seen in diversion plans that will often require the minor to make restitution for the damage caused to victim and/or serve a set number of hours in community service.

Diversion plans can take into account a person's background, culture, education, cognitive ability, personal and family circumstances, age and developmental needs (Article 66). Diversion plans are intended to advantage the minor, ensure they understand the impact of their behaviour on the victim and others, and avoid deprivation of liberty (again, Article 66).

Where a minor successfully completes the diversion plan, Article 52 requires that the court shall decide to acquit the minor. Given the general thrust of the legislation, this should be read as a mandatory requirement. So understood, this outcome achieves one of the main goals of diversion: the avoidance of stigmatisation that can flow from acquiring a criminal record.

A decision to adopt diversion rather than initiating a formal court prosecution is a highly effective response and should not be viewed as the minor "getting away with offending".

There are ordinarily serious consequences when a minor fails to comply with their diversion plan (compliance is dealt within Articles 67 and 69). Failure to comply with the obligations in the diversion measures are reported back to the diverting authority. The diverting authority is then required to conduct an interview and inquire as to the reasons for the minor's failure to comply with the diversion measures. The diverting authority may then decide to issue a new diversion order or send the case forward for prosecution through formal criminal proceeding.

8. CASE AND COURT MANAGEMENT (CONFIDENTIALITY, PROOF OF AGE, AND ADMISSIONS OF GUILT)

8.1. Case management

Key people are involved throughout the juvenile justice process and their role and duties are enshrined in the JJL. Consistent with international best practice, the JJL requires case management by specialist judges (Article 12).

Article 18 identifies the key people who are involved throughout the arrest and apprehension phase, including the police, the designated representatives, Social Agents and legal counsel. Police play a crucial role as they are the first point of contact between the justice system and a child in conflict with the law. Children under the age of 14 shall not be apprehended by the police and shall instead be referred to their designated representatives (Article 14). When exercising the power of arrest, the police must “avoid any humiliation or indignity” of the minor (Article 15) and investigations must be conducted “as soon as possible” (Article 17).

Article 23 stipulates a number of key procedural rights which “must be strictly complied with or otherwise (the arrest and investigation) shall be deemed as procedurally null and void.” These rights include that a child cannot be required to participate in an identification parade without their consent and consultation with their lawyer, designated representative or support person. The consent must be provided in writing and consent must be evidenced by fingerprint. In addition, Article 23 stipulates that a minor who has been apprehended must be segregated from adults and from children of different sex. Minors shall not be subjected to torture, force, threats, intimidation, or any act regarded to be inhuman or that adversely affect their dignity.

In addition to the procedural rights set out elsewhere in this Report, Prosecutors are required to verify the age of the child (Article 25), inform the minor of their rights under Article 6, arrange the assistance of a pro-bono defence lawyer if the minor cannot afford one, conduct interviews in the presence of a child’s advocate (Article 26), and they are also required to ensure that the child understands the record of interview. As with Article 23, failure to comply with Article 26 can render a prosecution procedurally null and void.

The Prosecutor also has the power to divert the child (Article 27), consistently with Chapter X (Diversion). The JJL contemplates that this significant discretion shall be exercised by people who have received specialist training in children’s rights (Article 24).

The JJL also establishes the very important position of 'Social Agent'. Article 11 describes the duties of 'Social Agents' who will serve a central case management role in the juvenile justice system. Relevantly, the Social Agent is required to:

- Meet with the minor at all stages of procedure, particularly at the earliest judicial police procedure and in prison to make an initial assessment; and provide immediate services to the minor
- To seek information on the minor's family situation, character, educational history; education level, conditions in which the minor has lived, developed and other relevant information with respect to the minor's cognitive, emotional, psychological and social development for preparing, reporting and making recommendations on the minor's social welfare and conditions to the judge, prosecutor and the court
- Provide psycho-social support to the minors throughout all stages of proceeding
- Prepare and provide diversion plan to diversion authority to exam and decide
- Provide rehabilitation and reintegration services for minors
- Do other duties as set out by Prakas of the minister in charge of social affairs.

8.2. Court management

Again, consistent with international best practice, the JJL contemplates specialist juvenile courts (Article 44). The JJL contemplates prioritization of cases involving children in pre-trial detention (Article 45), and speedy bail in the best interests of the child (again, Article 45). The JJL contemplates that the trial judge will take an active role to ensure that a social condition report has been prepared by a social agent (Article 46). The court is required to advise the child of his or her rights (Article 51). Article 48 requires the court to use child-friendly procedures. Child-friendly procedures for courts are considered later in this report (see Specialist Training in Child-friendly practice for Police, Prosecutors and Courts).

8.3. Proof of age

Proof of age is necessary to ensure the effective operation of a juvenile justice system, both to ensure that children are not tried and treated as adults, and also to ensure that adults do not fraudulently take advantage of special conditions applying to juveniles (Smith and Brownlees: 2011).

If a child is processed as an adult it puts the child at an increased risk of abuse in a system that makes no allowance for the child's situation, age or maturity. For a child below the age of criminal responsibility to be mistakenly identified as a juvenile means entry into the formal juvenile justice system when he or she should have been entitled to special care and protection. Accordingly, the determination of the age of a person who comes into contact with the criminal justice system is vital to ensuring that children and juveniles are identified and treated appropriately (UNICEF, 1995:20).

Article 9 deals with proof of age, which shall be determined by reference to a birth certificate or “other reliable means”; with age determination being made “as soon as possible” and, in the event of any doubt about the age of the minor, the matter being “resolved in the minor’s favour”. In practice, and in the absence of a birth certificate, the task of assessing age falls to the Prosecutors, who are required to undertake a preliminary investigation to ascertain the real age of the child (Article 25). Age assessment is a very complex issue and there is no scientific or medical method that can accurately determine age. As stated by Smith and Brownlees:

Evidence shows that where assessments of age are carried out, there is too great a focus on attempts to determine a child’s exact age even though age assessment is not an exact science and most involved commentators would acknowledge that whatever the method employed a significant margin of error must always be allowed ... In practice, physical determinations based on sight, often carried out by ill-qualified officials, have formed the majority of age-assessment practices. Where a more involved procedure is applied it is clear that, to date, medical assessments have been given undue weight in making final decisions about a child’s age and are perceived as the most reliable and accurate way of assessing age. Yet evidence ... supports the conclusion reached by Eizenberger (2003:44) that ‘neither a medical doctor nor other professionals, can accurately determine ... age’, and that ‘taking into account the various internal and external factors, age can only be assessed but never determined (Eizenberger, 2003:44)’ (Smith and Brownlees: 2011:41).

The difficulties associated with accurate age assessment reinforce the pressing need for an effective birth registration system that is compulsory, free and accessible to communities. Parents and communities also need to be educated about the importance of birth registration. For a comprehensive examination of age-assessment practices, see ‘Age assessment practices: a literature review & annotated bibliography’, Smith and Brownlees, UNICEF, 2011 at https://www.unicef.org/protection/Age_Assessment_Practices_2010.pdf

8.4. Admission of guilt by a child

The JJL states that a court shall examine, evaluate and certify that a minor’s admission of guilt is voluntary and made without threat or coercion. In evaluating the admission, it is important to note psychological research confirming that children are especially vulnerable to making false confessions due to developmental and dispositional reasons. They are highly suggestible and compliant to people in authority (Kassin, 2010). This underscores the importance of the right to legal counsel referred to in Articles 6, 18, 20, 21, 22 and 23 of the JJL. The fact that children will sometimes admit to offences that they did not commit is implicitly acknowledged in Article 53 as it incorporates an additional safeguard that requires that any admission of guilt at trial be supported with additional evidence of the offence. The issue of evaluating admission of guilt is considered further below (see: Specialist Training in Child-friendly practice for Police, Prosecutors and Courts).

As noted above, the court is required to advise the child of his or her rights (Article 51), and also must evaluate and certify that admission of guilt is voluntary (Article 53), and pronounce judgment in closed court. Admission of guilt for the purposes of a diversion is not to constitute evidence at a subsequent trial (Article 53).

8.5. Confidentiality

One of the fundamentals of juvenile justice is ensuring that children are not stigmatised as convicted criminals. When it is made public that a child has committed a crime, especially a serious crime, the stigma associated with this crime can impact them heavily and for a very long time. Indeed, the stigma is worse for young people, who have to live for the longest time with the stigma, unlike the older convicted offender.

For these reasons, the JJL preserves the confidentiality of the child and their contact with the criminal justice system in a number of ways. While police may keep relevant records (Article 12), the court will ordinarily be closed (Article 47), and the identity of the child may be protected through the provision of a screen or the use of alternative means of providing testimony (Article 48). Judgments shall be pronounced in closed court (Article 54). Article 59 indicates that the same approach (requiring closed courts, subject to Article 47), is to be taken at any appeals court or in the Supreme Court (see Article 59).

Diversion plans, when arranged or ordered as the case may be, are to be kept confidential at the office of the relevant social agent responsible for managing it (Article 67).

9. CHILD-FRIENDLY PRACTICES AND PROFESSIONAL DEVELOPMENT

A comprehensive meta-analysis of the effect of interventions for young offenders clearly demonstrates the superiority of therapeutic approaches to control approaches (Lipsey et al., 2010). A therapeutic approach is characterised by the facilitation of personal development through the improvement of relationships, personal skills, insight and understanding (BAAF, 2015, p 6):

This therapeutic philosophy included restorative measures (such as restitution, victim-offender mediation), skill building (for example, cognitive-behavioural techniques, social skills, academic and vocational skill building), counselling (individual, group and/or family counselling; mentoring) and multiple coordinated services (such as case management and service brokering).

The JJL refers to “child friendly” practices and procedures, designed to promote the full participation and human rights of minors. Accordingly, specialist training will be necessary to assist key personnel to modify use of language, procedure and the court environment. Specialist competencies and training will be required for police, judges, prosecutors, and also for people in social support roles.

The JJL refers to ‘child-friendly procedure’ to promote full participation of minors. Accordingly, specialist training in child-friendly practices will be necessary to assist key personnel to modify use of language, procedure and the court environment. As the Australian Law Reform Commission has observed (1997):

The UN Committee on the Rights of the Child has emphasised the need for systematic training activities for professional groups working with or for children in the area of the administration of juvenile justice. These groups include judges, lawyers, social workers, law enforcement officials and immigration officers. Prosecutors should receive specialised training in children's matters, particularly concerning the exercise of the discretion to withdraw charges in minor matters. The views of the apprehending officer should be persuasive but not binding in such instances.

The Beijing Rules provide that criminal proceedings should be conducive to the best interests of the child and conducted in an atmosphere of understanding which will allow the child to participate in the proceedings and express him or herself freely.[Some magistrates and practitioners encourage a less formal atmosphere in children's courts than in adult courts. However, the use of legal language and jargon limits children's understanding of the proceedings

and is likely to alienate children appearing in the court. This is particularly acute in serious indictable matters, such as murder and sexual assault, which are heard in superior courts.

One way of increasing children's comprehension of criminal proceedings and their ability to participate in them meaningfully is to ensure appropriate and early legal representation for them. Another way may be to give them an entitlement to a support person in court.

The need to adapt the criminal justice system to ensure child-friendly practice and procedure is enshrined in the JJL. Article 4 of the JJL defines 'child friendly procedure' as 'processes that encourage the full participation of minors via the use of appropriate language and attitude appropriate to the level of minors understands and in the environment that provide the minor safety, security, rights and basic needs'.

Highlighting the need for officials dealing with juveniles to be specially trained and personally suited for their work, the UN High Commission for Human Rights, Human Rights Standards and Practice for the Police, sets out rules that should form the basis for the training of all personnel working in the juvenile justice system. The Human Rights Standards and Practice for the Police states as follows:

Children are to benefit from all the human rights guarantees available to adults. In addition, the following rules shall be applied to children:

- Children shall be treated in a manner which promotes their sense of dignity and worth; which facilitates their reintegration into society; which reflects the best interests of the child; and which takes into account the needs of a person of that age
- Children shall not be subjected to torture; to cruel, inhuman or degrading treatment or punishment; to corporal punishment; or to life imprisonment without chance of release
- Detention or imprisonment of children shall be an extreme measure of last resort, and detention shall be for the shortest possible time
- Children shall be separated from adult detainees
- Detained children shall receive visits and correspondence from family members
- Non-judicial proceedings and alternatives to institutional care shall be provided
- The child's privacy shall be respected, and complete and secure records are to be maintained and kept confidential
- The use of physical restraints and force on children shall be exceptional, employed only when all other control measures have been exhausted and failed, and shall be employed for the shortest possible time
- Weapons shall not be carried in juvenile institutions
- Discipline shall respect the child's dignity, and shall instil a sense of justice, self-respect and respect for human rights in the child

- Officials dealing with juveniles shall be specially trained and personally suited for that purpose
- Periodic as well as unannounced visits of inspectors to juvenile facilities shall be provided for
- Parents are to be notified of any arrest, detention, transfer, sickness, injury or death.

(UN High Commission for Human Rights, Human Rights Standards and Practice for the Police, Expanded Pocket Book on Human Rights for the Police (2004), p38).

In addition to training covering the factors detailed above, all personnel should be educated on the key developmental and psychological differences between children and adults and the various ways that this impacts their behaviour, particularly the types of behaviour that bring them into conflict with the law. This information is relevant not only to police, lawyers and judges, but also to personnel working as Social Agents and in other social support roles.

Furthermore, an awareness of the developmental and psychological differences between children and adults is also very important as it informs the need to modify use of language and procedure, to promote understanding by the child and to improve their participation with the juvenile justice system.

In addition to general training for all personnel on child-friendly practices, more in-depth and tailored training is necessary for the various groups of personnel as each require a different skill set. The following section of this report considers the tailored training needs of the police, prosecutors, defence lawyers, judges and YRC staff.

9.1. Specialist Training in Child-friendly Practices for Police, Prosecutors and Courts

The Police

The police are the first point of contact between the justice system and a child in conflict with the law and they play a crucial role in influencing the child's future behaviour. Police need a unique set of skills to work effectively with children in conflict with the law. As highlighted in an earlier section of this report (see Chapter 6: Cautioning), police exercise discretion regarding the action to take in relation to a minor and the decisions the police make will often have a large impact on the life of the child given the negative consequences that follow from criminal conviction and punishment.

As previously mentioned, Beijing Rule 10.3 states "Contacts between the law enforcement agencies and a juvenile offender shall be managed in such a way as to respect the legal status of the juvenile, promote the well-being of the juvenile and avoid harm to her or him, with due regard to the circumstances of the case". The Commentary to the Rule highlights the

importance of the initial contact between the minor and the law enforcement agencies, and the profound influence on the juvenile's attitude towards the State and society that that initial contact can have. The Commentary also highlights that the success of further intervention is largely dependent on initial contact with law enforcement agencies, stating "Compassion and kind firmness are important in these situations".

Given the crucial role the police play in positively influencing the child in conflict with the law, it is essential that the police are supported via specialist training to promote child-friendly practices.

Mediation is one such area where specialist training for police is required. Where a minor has admitted that he or she has committed a petty offence, a judicial police officer has the power to mediate between the parties to resolve the dispute (Article 13). In their role as mediator, the police need to be able to engage effectively with the minor as well as the victim. The UNODC Training Manual on Policing Urban Space (2013), recognises the value of mediation as an important skill for police officers, when they write:

An important skill for police officers involved in community policing is mediation. Mediation is a process by which a police officer acts as an impartial third party to assist in resolving an issue. The police usually lead and facilitate the process. The aim is to enhance community participation in safety issues by empowering the individuals or groups involved in making recommendations and taking action.

For more information on mediation skills, see: United Nations Office on Drugs and Crime (UNODC), Training Manual on Alternative Dispute Resolution and Restorative Justice, (2007) and UNODC, Handbook on Restorative Justice Programmes, (2006).

Another important area of specialist training for police is the impact of developmental immaturity of minors and the need for special care when interviewing minors. Given their developmental stage and the fact that a child's brain is still growing and developing, children are more vulnerable than adults at all stages of contact with the criminal justice system. Of relevance to police contact with children in conflict with the law, special care must be taken when interviewing minors and when accepting admissions of involvement in offending. This is because research has established that children are at greater risk of admitting to offences that they did not commit, compared to adults.

As highlighted in an earlier section of this report (see Chapter 3: The differences between children and adults), there is strong evidence indicating that children are at greater risk of making involuntary and false confessions while being questioned by police (Redlich and Drizin, 2007). Juveniles are significantly over-represented in the identified false confession cases (Drizin and Lea, 2004). Developmental factors such as heightened suggestibility, heightened obedience to authority and immature decision making abilities combine to explain this over-representation. It is crucial that police be aware of the tendency of children to focus on short-term consequences, such as bringing a police interview to an end and getting to go home, rather than long-term consequences that flow from a confession.

For these reasons, it is essential that police officers interviewing children receive specialised training and take special care in adopting appropriate interview techniques. It should also form a central part of the training provided to judicial police specialised in minors, and, as required by Article 22, interviewing of the minor shall be conducted in private, in a confidential and child-friendly manner. Given that children are especially vulnerable during interview, it is essential that interviewing time be limited and that frequent breaks be afforded. Given that children are particularly vulnerable when they are isolated from loved ones, it is essential that police are trained on procedural rights such as children's access to lawyers and support people during interviews, and that special care be taken to respect these rights.

Prosecutors

Many of the same considerations outlined above also apply to prosecutors. The need for specialised training for prosecutors is recognised in Article 24 of the JJL which states that the prosecutor in charge of a minor shall receive specialized training on child rights, law and other provisions relevant to juvenile justice.

Article 26 requires prosecutors to inform the minor of their procedural rights in a language and manner that is appropriate to minor's cognitive development. It also requires that the interview of the minor be conducted in a confidential and child-friendly manner. The literature on the increased risk of false confessions mentioned above and detailed further in an earlier section of the report (see Chapter 3: The differences between children and adults) is also highly relevant to prosecutors.

Prosecutors have a very important role to play in deciding whether to recommend diversion as Article 28 of the JJL requires the Prosecutor to initially consider diversion in the case of a minor aged 14 to below 18 years old who has committed a petty crime or a misdemeanour. Prosecutors should be educated on the benefits of diversion as an effective strategy for juvenile crime prevention as rates of rates of recidivism have been found to be consistently lower for children who were subject to diversion, as compared to those processed through the formal court system.

Defence lawyers

Defence lawyers need to be aware of the psychological literature on developmental immaturity of children as this material is often relevant as mitigation in sentencing. Specifically, the late development of the pre-frontal cortex of the brain, with its significance in terms of judgement, decision-making, risk taking and impulse control, is relevant when seeking to explain to the court the reasons that may have given rise to a child's participation in an offence. Also, a child's heightened peer influence can be a relevant factor to highlight when a child is charge with an offence committed with other children.

Defence lawyers also need to be aware of the particular vulnerability of children being interviewed by police, the importance of strict compliance of procedural rights regarding interviews, and the need for careful scrutiny of circumstances surrounding admissions made by children, especially where unsupported by other evidence.

In relation to children's participation in court proceedings, it is important to be aware of the literature highlighting that young people are disadvantaged in their ability to effectively participate in criminal trials due to their developmental immaturity. Defence lawyers have a very important role to play in monitoring whether the child appears to understand proceedings and in assisting the child to participate effectively.

The Courts

Article 31 of the JJL contemplates that investigations shall be the responsibility of an investigating judge specialized in minor. The specialist training for judges would need to cover some of the same topics as those described above in relation to the effects of developmental immaturity on children in the criminal justice system. Article 53 requires that the court shall examine and evaluate that a minor's admission of guilt at trial is voluntary, made without threat or coercion, and the minor understands the consequences of an admission of guilt. Furthermore, any admission of guilt obtained by threat, coercion or without knowledge on the consequences of an admission of guilt shall be inadmissible evidence. In evaluating the admission, it is important for judges to be aware of the psychological research described elsewhere in this report confirming that children are especially vulnerable to making false confessions due for developmental and dispositional reasons. They are highly suggestible and compliant to people in authority (Kassin, 2010).

The fact that children will sometimes admit to offences that they did not commit is implicitly acknowledged in Article 53 as it requires that any admission of guilt at trial be supported with additional evidence of the offence. This is a very important safeguard.

More generally, judges play an essential role in ensuring that personnel in the court are adopting child-friendly practices and child-friendly language. The literature highlighting that young people are disadvantaged in their ability to effectively participate in criminal trials is important. As detailed earlier in this report (see Chapter 3: The differences between children and adults) several researchers have examined how cognitive and psychosocial development impacts on a young person's ability to understand and meaningfully participate in criminal proceedings brought against them.

Research into deficits in oral language skills (the listening and talking skills) of young offenders is also important to keep in mind. These issues have implications for court personnel and reinforce the importance of child-friendly court practices that seek to overcome barriers faced by children in understanding and meaningfully participating in criminal proceedings brought against them. An awareness of oral language deficits is also highly relevant

when selecting diversion measures or sentencing outcomes with a large emphasis on oral language competence, such as counselling and group conferencing. A child may not have the skills to participate and may need extra support to succeed in interventions requiring verbal participation.

Personnel working in social support roles

It is important that those responsible for the support and rehabilitation of young offenders are aware of the relevant psychological literature (see Chapter 3: The differences between children and adults), and teach cognitive behavioural strategies to assist young people to recognise factors such as peer influence, and risk-taking behaviour given the role these factors have in contributing to offending. Also, an awareness of the impact of oral language deficits is highly relevant for those working to rehabilitate young offenders, as well as those involved in diversion measures, as a child's inability to effectively participate in counselling, mediation, group conferences and the like, can easily be mistaken for deliberate failure to comply.

10. DETENTION

There is “irrefutable” evidence that custody and detention of young people can be “profoundly dehumanising”; a breach of international human rights, and can lead to a failure to address developmental needs and block life chances (BAAF, 2015, p 2).

Detention in custody before or after conviction should be a last resort for juveniles.

This principle is reflected in the JJL and is consistent with international best practice and international law. Article 5 states that juvenile detention should be a last resort and for the shortest period.

Article 79 of the JJL states that “the purpose of detention of minors is to provide rehabilitation, including training, treatment, care, protection, education and vocational training, with a view to assisting them to become a good citizen and productive member of society”. These objectives are to be buttressed via the provision of appropriate services (Article 81), separate and particularised treatment of children away from adults (Article 82), nuanced security classifications (Article 83) and in facilities which shall be regularly inspected (Article 85). While detained in a YRC, Article 81 states that children have the right to participate in educational programs and vocational training and other programs that will assist them to develop their potential to be a good member of society and to assist their integration back into society upon release.

The focus on rehabilitation rather than punishment is also a central focus of the references in the JJL to the personnel working in the YRCs. Article 84 of the JJL states that all agents who work with children in a YRC including “officer at Youth Rehabilitation Centre, Social Agent, education and vocational training expert, counsellor and life-skill expert, and psychologist or psychiatrist shall have a proper training on child psychology, child welfare, and international instrument on child rights and treatment of juveniles deprived of their liberty”.

11. REINTEGRATION

Provisions relating to conditional release (parole) are set out in Chapter XI of the J JL. An application for parole can be made after one-third of a sentence is served, if the sentence is less than or equal to one year (Article 72). An application for parole can be made after one-half of a sentence is served, if the sentence is longer than one year (again, Article 72). An application for conditional release can be made by the child, their designated representative, their lawyer, a Social Agent involved in the case, the chief of the detention facility, or the embassy or a consular officer if the child is a foreign child (Article 73). Qualifications may be restored upon application (Article 74), or automatically (Article 75) after a set period.

The role of Social Agents and designated representatives is notable throughout the J JL. Throughout the J JL reference is made to the role of these people in managing children away from the criminal justice system and toward the Article 1 objectives of the law to safeguard the rights and best interests of the child and support their reintegration into the society and community.

According to Article 11, Social Agents are responsible for a variety of tasks including the provision of rehabilitation and reintegration services. In all likelihood, the designated representative will also have a very important role to play in ensuring successful reintegration. Their ability to ensure effective reintegration of children exiting detention will be largely shaped by the child's experience of detention, as well as the social circumstances, including the availability of suitable housing, education or employment that they will be released into. The YRC's focus on rehabilitation rather than punishment aims to ensure that children will be released with skills and attitudes necessary for them to become good members of society. The programs that are to be delivered in the YRCs are also to be designed in such a way as to promote successful reintegration (Article 81). The Social Agent will play a crucial role in preparing the child for release, in organising the necessary community-based services and supports, and in transitioning the child out of detention and back into society.

12. CONCLUDING SUMMARY

The JJL signals the way for the establishment of a juvenile justice system based on best practice that accords with Cambodia's international human rights obligations. The principal aim of the United Nations Convention on the Rights of the Child (UNCRC), which Cambodia has ratified, is to ensure that youth justice should be implemented in "the best interests of the child", and to ensure that justice system policies and processes support young people and their effective reintegration into society (Dunkel and Pruin, 2012).

The provisions of the JJL have plainly been drafted to be consistent with "the best interests of the child" along with other international principles detailed in this report. Under international law, children are regarded as different from adults, and must be treated as such. As detailed above, there are compelling reasons why children are different to adults, and need to be treated as such, given that it is now accepted that the human brain continues to develop into early adulthood. Accordingly, holding young people criminally responsible as if they were adults when they have not fully developed their ability to think through decisions or to control their emotions is unjust. The provisions of the JJL make clear Cambodia's commitment to the adoption by all personnel employed in the juvenile justice system of "child-friendly procedures" which will promote community justice, fairness and effective participation by children.

The rehabilitative and reintegrative philosophy of juvenile justice reflected in the JJL may challenge existing beliefs among sections of the community who feel that punitive or retributive approaches are the only appropriate response to crime. However, international research demonstrates that punitive approaches to juvenile justice, including detention, do not work to reduce crime rates, fail to deal with underlying behaviour, are expensive, and have long-term costs as they increase the likelihood that juvenile offenders will become adult criminals.

The advantages of approaches that emphasise diversion from the criminal justice system and rehabilitation, are clear. Approaches that favour police guidance and cautioning, along with diversion are highly effective tertiary crime prevention strategies and need to be recognised and promoted as such. Likewise, rehabilitation and reintegration also need to be recognised and promoted as effective crime prevention strategies, given their ability to reduce recidivism.

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