

RTP CP UNPOL Module 2



How to Support Child-Friendly Prevention and Diversion

Aim



UNPOL plays a critical role in mainstreaming and integrating child protection as a core activity in relation to early warning, prevention and diversion

UNPOL personnel must be familiar with their responsibilities regarding prevention and diversion measures for children, and planning and supporting those measures

Learning Objectives



At the end of the module, learners will be able to demonstrate how to:

- Act when conducting early warning on child protection
- Act when contributing to the prevention of violations and other practices affecting children
- Promote effective and appropriate diversion measures in child protection

Module Overview



How to act when conducting early warning on matters related to child protection

Learning Activity 2.1 – Flipchart exercise

How to act when contributing to the prevention of violations and other practices affecting children

Learning Activity 2.2 – Case studies

How to promote effective diversion measures in child protection

Learning Activity 2.3 – Case study and role-play exercise

Definition of Planning



“A structured process, through which a UN Field Mission develops a plan to achieve its mandate(s), and in a way that is responsive to the environment. Planning includes elements, such as agreeing on objectives, priorities, strategies and activities, and guides the acquisition and allocation of resources to achieve the objectives.”

Definition of Early Warning



“A process that:

- (a) Alerts decision makers to the potential outbreak, escalation and resurgence of violent conflict; and*
- (b) Promotes an understanding among decision makers of the nature and impacts of violent conflict.*

Early warning systems involve regular and organized collection and analysis of information on violent conflict situations.” Early warning systems are designed to gather, share and respond to information on any “serious and credible threat from non-state armed groups... and/or State authorities” that may “put at risk the physical integrity of civilians”, including children.



Learning Activity 2.1

Instructions

- Question: “What possible actions can UNPOL officers undertake at the early warning phase (group 1) or planning phase (group 2) to address child protection issues in a UN peace operation?”
- Individual preparation (5 minutes)
- Share ideas in the group and write them down on a flipchart (15 minutes)
- Exchange the lists and try to connect ideas from the early warning and planning phases (15 minutes)

Examples of possible planning and early warning actions at the policy level



- Integrate child protection in national policies, doctrine and strategic guidelines
- Prioritize the prevention of child protection issues in national planning
- Integrate gender perspectives into national planning efforts
- Develop a child-centred evacuation plan for children deprived of liberty

Examples of possible planning and early warning actions at the information and analysis level



- Collect and report information
- Map services from the justice and social welfare systems
- List risk factors related to child protection in the justice system
- Collect information associated with early warning indicators
- Ensure safe and meaningful participation of children
- Strengthen coordination with other mission components

Examples of possible planning and early warning actions in the advisory role



- Support the development of UN Police Commissioners' directives on child protection
- Work with host-State services to create practical alternatives to the deprivation of liberty of children
- Promote a gender-balanced workforce
- Support reporting mechanisms for children
- Support child-sensitive, non-discriminatory systems for child victims and child witnesses of crimes

Examples of planning and early warning actions to support access to justice and legal reform



Support and advocate for:

- Implementation and awareness of existing child protection laws
- Linkages between customary and national legal systems and international law
- Development of new laws that protect children
- Child-friendly courts
- Mandatory reporting of violence against children

Examples of planning and early warning actions in building the capacity of the host-State police



Provide training to the host-State police on:

- The rights and best interests of the child
- Appropriate ways of communicating with children based on their age and level of development
- Appropriate handling of children's cases
- Child-friendly procedures and processes

Examples of possible planning and early warning actions in supporting awareness-raising



Promote and support:

- Community-level reporting mechanisms
- Community-level alternatives to detention
- Restorative justice processes



Key messages for Learning Activity 2.1

- The early phases of a crisis may present entry points for UNPOL to strengthen systems that may otherwise resist change.
- UNPOL can collaborate with a full range of actors to:
 - (a) Assess the ways in which legal and justice systems at all levels provide protection and present risks
 - (b) Develop interventions to reinforce protection and overcome risks

Key messages for Learning Activity 2.1 (cont.)



- Advocacy should focus on:
 - (a) Enforcing laws that protect children
 - (b) Stopping ongoing violations
 - (c) Preventing future violations

- UNPOL should implement its non-executive mandate (i.e., mentoring and advising) in the early stages to:
 - (a) Help to integrate child protection in all relevant policies, strategies and plans
 - (b) Collect data to inform decision-making
 - (c) Support children's access to justice and legal reform

Definition of crime prevention



“Strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes.”



Learning Activity 2.2

Instructions

- Discuss the four case studies in groups
- Each group will develop a prevention strategy (40 minutes)
- Use the response template to complete the task
- Each group will present one key element of the exercise to the plenary

UNPOL's non-executive mandate



- UNPOL should not develop prevention strategies on its own, nor should it implement such strategies directly
- Coordination with the UNPOL Child Protection Focal Point and Child Protection Advisers is essential
- UNPOL should concentrate its efforts on further collaborating with the host-State police to provide advice and guidance on prevention

Coordination



- Prevention strategies require coordination among several actors
- Coordination is compulsory



Key messages for Learning Activity 2.2

- Prevention can target the general population regarding social norms, values and practices that affect all children
- Prevention can target specific segments of the population, such as children at risk of entering in conflict with the law or victims of violence
- Prevention can target children who are already in contact with the law, to prevent recidivism by those already in conflict with the law, or discrimination and abuse against those in rehabilitation

Key messages for Learning Activity 2.2 (cont.)



- A prevention strategy includes problem analysis, target groups, specific activities, resources, a time frame for implementation, engaged actors, risks and evaluation
- UNPOL officers play a critical role in supporting the development and implementation of prevention strategies by the host-State police
- Connect prevention strategies with international norms and standards which offer good practices

Definition of diversion



“The process by which children in conflict with the law are guided away from formal judicial proceedings towards a different way of resolving the issue that enables many – possibly most – of those children to be dealt with by non-judicial bodies, thereby avoiding the negative effects of formal judicial proceedings and a criminal record.”

What are the possible diversion measures?



- Verbal or written warning
- Apology by the offender
- Restitution
- Community work
- Mediation between the child and the victim
- Counselling programmes with a social worker for psychosocial support aimed at changing behaviours
- Probation programmes to monitor and support the child in the case of reinsertion into the community



Learning Activity 2.3

Instructions

- Each group will discuss the scenario (15 minutes)
- Each group will complete the following tasks:
 - List the possible actions the host-State police could undertake
 - For each possible action, determine what are the pros and cons for Pierre
 - Determine what your group would recommend and why



Case study: Situation

Pierre is 14 years old and lives with his family. Yesterday, Pierre went to the market and stole some fruit from a stall. The merchant saw him, chased after him and stopped him.

He then called out to two host-State police officers who were patrolling near the market.

The merchant told the police officers that this was not the first time that children from nearby villages had stolen from his stall. The last few times, the children had only taken an apple or an orange, so the merchant had let them go, but this time, Pierre took five oranges and some bananas.

The merchant knows Pierre's family. He said they are very poor, so he thinks Pierre and the other children are stealing because they are hungry. The merchant wants the children to stop stealing.

Case study: Is diversion an appropriate option?



- Pierre committed a minor offence – so yes, diversion should be considered within the legal parameters of the host-State
- The merchant wants children to stop stealing his fruits
- We must ensure that Pierre learns from this mistake, but Pierre should not be forced into complex judicial proceedings
- Children steal food when they are hungry
- Alternatives to access food and resources must be envisaged to address causes

Case study: How can diversion be applied?



- Each country's legal context will influence how diversion can be applied
- The host-State police should meet with Pierre, his parent(s) or guardian(s) and a social worker
- Pierre and his parent(s) or guardian(s) must agree to a diversion measure

Case study: How can diversion be applied? (cont.)



- It is important for Pierre to understand that stealing is wrong
- The social worker analyzes the situations of the families
- Diversion measure should be mutually agreed upon
- The Child Protection Adviser can provide advice



Learning Activity 2.3 (cont.)

Instructions

- Six volunteers will role-play the interaction between one UNPOL Team Leader, one UNPOL Child Protection Focal Point, two host-State police officers, one local prosecutor and one District Police Commissioner (10 minutes)
- The UNPOL and the host-State police officers are tasked to explain:
 - 1) The reasons for using diversion measures
 - 2) The conditions that make diversion measures appropriate



Role-play: Situation

The local Prosecutor and district Police Commissioner are good friends and are almost at the end of their respective careers. They have never applied diversion measures, but they have heard that recently, such measures have been applied in other communities. They ask to meet with the local police to understand why these measures have been adopted.

The Prosecutor and the Police Commissioner are mostly curious. They are sceptical, but they are not negative or authoritative. They are genuinely interested to understand about diversion measures and why they have been applied.

The two host-State police officers ask their UNPOL counterparts to support them in presenting their argument for adopting diversion measures.

Role-play: Necessary conditions for diversion measures



- No limit to the application of diversion measures, but based on the seriousness of the offence
- Indicative criterion is whether diversion is appropriate to address the reintegration of the child
- Diversion should be applied as early as possible in the judicial process
- Diversion can be initiated at any point in the judicial process

Role-play: Participation of the child in diversion



- Diversion can only be applied with the free consent of the child
- It may be necessary to obtain the collaboration of the child's parent(s) or guardian(s) (unless the parent(s)/guardian(s) are/were involved in the harm caused to the child)



Role-play: Advantages of diversion

- The child avoids getting a criminal record
- Can help children to assume responsibility for wrongdoings
- The child avoids incarceration
- Reduces the volume of cases going through the criminal justice system
- Strengthens community structures



Role-play: Limits to diversion

- Diversion is bound by the legal system
- Some civil law systems limit the ability of police officers to adopt diversion measures (this decision is within the remit of the prosecutors)
- Prosecutors depend on information provided by the police to decide on diversion measures



Role-play: Limits to diversion (cont.)

- Absence of formal diversion mechanisms in the judicial system
- Misuse of diversion
- Family and community structures weakened by conflict
- Limited resources, including human resources



Key messages for Learning Activity 2.3

- Diversion is a key process that should be implemented in specific circumstances to avoid the negative effects of a formal judicial proceeding
- Diversion should be conducted by child protection professionals
- UNPOL should seek support from specialists when advising on or promoting diversion measures
- UNPOL can support the host-State police with the conceptualization of diversion strategies
- It is important to connect diversion with international norms and standards