

UNICEF Toolkit on Diversion and Alternatives to Detention 2009

Sample framework for child protection legislative review

[This framework is taken from the methodology used in the UNICEF Pacific / Government Child Protection Baseline Research 2008 in Fiji, Kiribati, Solomon Islands and Vanuatu. It was developed by the consultant Penelope Taylor, adapted from a range of sources. The framework shown here is how the results were displayed in the final National Reports. The sample 'outcome', 'output', 'indicator' and 'target' refer to the UNICEF Pacific Child Protection Results and Resources Framework for one of the research countries. All categories are included here for interest, but those specifically relating to diversion and alternatives are indicators 9(3), 9(15), 9(16), 9(17), 9(31) & 9(33)].

Findings for Output 1.1

Outcome 1: Children are increasingly protected by legislation and are better served by justice systems that protect them as victims, offenders and witnesses		
Output 1.1 Laws and regulations on social protection and justice for children are amended in accordance with the CRC.	Indicator 1.1.1 Degree of alignment between national laws and the CRC and its Optional Protocols provisions.	Target: By 2010, all laws relating to protection of children will be fully aligned.
Comments	<p>Measurement was achieved by fleshing out the relevant UNCRC provisions and international principles to their full domestic law and policy ramifications. A list of more detailed indicators was developed based on this and divided into categories of child protection issues for analysis as follows:</p> <ol style="list-style-type: none"> 1. Child welfare/child protection system 2. Family separation and alternative care 3. Violence against children 4. Sexual abuse and sexual exploitation of children 5. Abduction, sale and trafficking 6. Child labour and children in street situations 7. Child-friendly investigative and court processes 8. Rehabilitation 9. Children in conflict with the law 10. Refugee/unaccompanied migrant children 11. Children in armed conflict 12. Information access 13. Birth registration <p>This part of the report is divided according to these 13 sections. The table at the beginning of each section summarises the assessment of domestic law and policy against each of the detailed indicators using a scale of compliance as follows¹:</p>	

¹ Progress against this RRF indicator can be measured by a shift in the numbers of partial and non-compliances. As the 'partial compliance' category covers a broad range of degrees of compliance, it may be that significant progress is made in some areas without achieving the standard of full compliance. In order to ensure that such achievements are acknowledged in the review in 2012 it

	<ul style="list-style-type: none"> • Yes = Requirements of an indicator fully met by legislative and policy provisions. • Partly = Provisions comply with some aspects of the indicator but not all, or provisions comply fully with the indicator in substance, but do not protect all children. • No = No relevant legal or policy provision for a given indicator, or the existing provisions are grossly inadequate. <p>Following the compliance table, each section presents the basic findings of the review (existing work in that area that supports reform). Recommendations for each section have been compiled up-front. [NOT SHOWN IN THIS SAMPLE FRAMEWORK]</p> <p>Please note that the findings here have been summarized from a much more detailed legislative compliance review which is available as a separate document on the CD-Rom which accompanies this report. [NOT SHOWN IN THIS SAMPLE FRAMEWORK]</p>
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Summary of baseline findings 2008	
<p>Numbers here refer to how many aspects of the law and policy comply with a detailed breakdown of international principles within each subject area – see below for more details: [SAMPLE FIGURES INCLUDED HERE FOR ILLUSTRATIVE PURPOSES]</p>	
1.	Child welfare/child protection system: Full compliance 1; Partial compliance 0; Non-compliance 19 [Total 20]
2.	Family separation and alternative care: Full compliance 8; Partial compliance 0; Non-compliance 30 [Total 38]
3.	Violence against children: Full compliance 4 Partial compliance 1 Non-compliance 7 [Total 12]
4.	Sexual abuse and sexual exploitation of children: Full compliance 8 Partial compliance 3 Non-compliance 4 [Total 15]
5.	Abduction, sale and trafficking: Full compliance 1 Partial compliance 0 Non-compliance 18 [Total 19]
6.	Child labour/street children: Full compliance 2 Partial compliance 0 Non-compliance 15 [Total 17]
7.	Child-friendly investigative and court processes: Full compliance 4 Partial compliance 1 Non-compliance 19 [Total 24]
8.	Rehabilitation: Full compliance 1 Partial compliance 0 Non-compliance 7 [Total 8]
9.	Children in conflict with the law: Full compliance 20 Partial compliance 1 Non-compliance 33 [Total 54]
10.	Refugee/unaccompanied migrant children: Full compliance 1 Partial compliance 0 Non-compliance 10 [Total 11]
11.	Children in armed conflict: Full compliance 0 Partial compliance 0 Non-compliance 3 [Total 3]
12.	Information access Full compliance 1 Partial compliance 0 Non-compliance 3 [Total 4]
13.	Birth registration Full compliance 2 Partial compliance 0 Non-compliance 0 [Total 2]

1	Child welfare/child protection system CRC Articles: 1, 2, 3, 4, 5, 6, 12, 18, 19 and 20	
	Indicator	Complies [insert 'yes', 'no' or 'partially' as appropriate]
1(1)	A national child protection law has been enacted to establish the framework for the provision of child and family protection services that:	
1(1)(a)	Establishes clear procedures and accountabilities for reporting, assessment and intervention in cases of children at risk and children who have experienced	

is recommended that a more refined system be used involving the use of 'Partial +' and 'Partial -' compliance.

	violence, abuse, neglect or exploitation.	
1(1)(b)	Makes it mandatory for all persons to report suspected children at risk, and protects them from liability for doing so. Professionals working with children (health professionals, teachers, child care workers, etc) specifically relieved from confidentiality obligations. [This law to be enacted only in the context of a functioning and confidential child protection system].	
1(1)(c)	Specifies the duties and powers of social welfare agencies and others to prevent child abuse and exploitation, to support children and families at risk, and to take protective measures where necessary.	
1(1)(d)	Provides for a child-friendly reporting and complaints system e.g. telephone helplines.	
1(1)(e)	Promotes a coordinated and multidisciplinary response to children in need of protection.	
1(1)(f)	Specifies a variety of supportive and protective interventions that may be used (counselling, financial assistance, income generation support, family supervision orders, respite care, parental education, temporary foster or other alternative care, emergency shelter, education/vocational training assistance etc.), and procedures and criteria for applying those interventions.	
1(1)(g)	Prohibits separation of a child his/her family against their will except by order of a competent authority, and when necessary in the best interests of the child (see Family Separation and Alternative Care below).	
1(1)(h)	Defines the legal obligation on the State to provide alternative care for children without parental care or who cannot in their best interest be permitted to remain in parental care, and the forms of alternative care to be provided (foster care, kinship care, guardianship, adoption and institutional care) – see Family Separation and Alternative below.	
1(1)(i)	Requires the best interests of the child be the paramount consideration in any decision affecting the child, couched in a Constitutional guarantee as well as in specific welfare/child protection legislation.	
1(1)(j)	Specifies criteria for establishing the best interests of the child.	
1(1)(k)	Requires that the views of the child be sought and respected in any decision about intervention or support services and their right to privacy upheld.	
1(1)(l)	Minimum standards have been established for the professional qualification, training and ethical conduct of social workers and individuals working in institutions caring for children, and accreditation required.	
1(1)(m)	Minimum standards have been established for the types and quality of support services to be provided to children in need of protection and their families, governing services provided by both government and non-governmental service providers.	
1(1)(n)	Accreditation required to operate as any institution, service and facility responsible for the care or protection of children.	
1(1)(o)	No discriminatory provisions contained in existing child protection/welfare system legislation	
1(1)(p)	Independent, child-friendly, avenue of complaint for children for consideration and resolution of complaints in relation to service providers within the child protection and social welfare framework.	
1(1)(q)	Informal customary processes relating to child welfare and protection recognized in law and standards of care established and applied.	
1(2)	A national overarching policy on Child Protection and family welfare is in place, further defining the legal framework (where necessary), specifying:	
1(2)(a)	Precise definitions of abuse, neglect and exploitation (if the law does not provide details)	
1g(2)	Guiding principles including at least: the best interest of the child, non	

(b)	discrimination, family preservation, participation, continuum of services, and permanency planning.	
1(2) (c)	Child protection operational areas involve prevention, tertiary intervention and out-of-home care (all child and family focused)	
1(2) (d)	Government focal point for child and family welfare	
1(2) (e)	Basket of essential services to be delivered to children and families	
1(2) (f)	Reference to sectoral policies and regulations (quality standards) on child and family welfare services provision	
1(3)	Provisions are in place regarding child protection practice in emergency situations (natural and man made disasters)	

Summary: [SAMPLE INCLUDED HERE FOR ILLUSTRATIVE PURPOSES]

- The legislative framework currently makes no provision for a formal, detailed legal or policy framework for the child welfare / child protection system which specifies rights, powers and responsibilities of government services, the courts, traditional authorities, parents and children and which defines the forms of abuse.
- There is no legal obligation on any key professionals to report children at risk.

Full Compliance: 1
Partial Compliance: 0
Non-Compliance: 19
Total: 20

2	Family separation and alternative care CRC Articles: 1, 2, 3, 4, 5, 6, 9, 12, 20, 21 and 25	
	Indicator	Complies
2(1)	Family/Child Protection laws clearly define parental roles and responsibilities	
2(2)	The law designates a competent authority to make determinations about when a child can be separated from his/her parents, and stipulates grounds and procedures for doing so. These decisions are subject to judicial review.	
2(3)	The law requires that all cases dealing with the separation of children from their parents be dealt with speedily.	
2(4)	The law requires that all cases dealing with the separation of children from their parents be dealt with confidentially and, where court proceedings are involved, in a closed court.	
2(5)	Family laws stipulate that, when parents separate, the grounds for allocating parental responsibility are based on the individual child's best interests.	
2(6)	Family laws stipulate that, when parents separate, there is a presumption that children's best interests, unless proved to the contrary, are in maintaining contact with both parents.	
2(7)	Family laws stipulate that, when parents separate, the nature of the parents' relationship is explicitly excluded as a consideration in allocating parental responsibility.	
2(8)	Family/child protection laws state that parents and children may be separated against their will by authorities only when it is in the best interests of the child and necessary for the child's protection, i.e. as a last resort	
2(9)	Family preservation is explicitly stated to be a priority in arrangements for child protection.	

2(10)	There are legal limitations on the ability of parents to voluntarily give up their parental responsibilities (e.g. by admitting a child to an orphanage or other institution).	
2(11)	Neglect arising from poverty explicitly excluded as a grounds for child removal.	
2(12)	All laws specifying the grounds justifying the separation of a child from their parents are free from discriminatory provisions.	
2(13)	The law provides for standards/criteria for determining when a child should be separated from their parents by authorities.	
2(14)	The law specifies the alternative care options available such as family member care, foster care, adoption, institutional care etc.	
2(15)	The law requires that priority be given to placement of a separated child with members of their wider family, with appropriate support where necessary. Institutionalisation is explicitly a measure of last resort.	
2(16)	The law requires that the best interest of the child be the primary consideration in making decisions about alternative care.	
2(17)	The law requires that due regard must be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.	
2(18)	The law requires that the child's views be taken into consideration in any decision made about alternative care, and that those views be given due weight in accordance with the child's age and maturity.	
2(19)	The law requires that the views of all interested parties be heard and taken into consideration in any decision made in relation to the separation of a child from its parents and the allocation of alternative care.	
2(20)	The law requires that all children in alternative care (foster care, adoption, institutions, etc) are subject to a regular review of that placement.	
2(21)	The law gives children separated from their parents the right to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.	
2(22)	Standards of care have been established for residential care facilities and other forms of alternative care (including fostering, guardianship, etc.) and accreditation required.	
2(23)	The law requires that all adoptions be authorized only by a competent authority, and that:	
2(23) (a)	The best interest of the child is the paramount consideration.	
2(23) (b)	The consent of the child is required, or the views of the child sought, considered and given due weight, having regard to the child's age and capacity.	
2(23) (c)	Authorities must be satisfied that the adoption is permissible in view of the child's status and that all consents required by law have been given.	
2(23) (d)	Where consent is required, the law requires that counseling be provided.	
2(23) (e)	Due regard must be paid to preservation of the child's identity and the desirability of continuity in the child's background and to the child's ethnic, religious, cultural and linguistic background.	
2(23) (f)	Inter-country adoption is permitted only as a last resort for suitable alternative care.	
2(23) (g)	Legal safeguards for international adoption of equivalent or greater stringency to those in place for domestic adoption.	
2(23) (h)	Improper financial gain from inter-country adoption is prohibited by law and appropriately sanctioned.	
2(24)	Border controls are in place for monitoring the entry and exit of babies and children travelling with adults who are not their parents.	
2(25)	Laws and procedures governing deportation require consideration of the child's right not to be separated from his or her parents unless necessary for his or her best interests.	
2(26)	The law provides for babies and young children to be able to reside with incarcerated mothers.	

2(27)	Prisoners are permitted by law to be visited by their children.	
2(28)	The law provides for the child's right to knowledge of whereabouts of parents where separation results from action by the State.	
2(29)	Legislative provision for an independent, child-friendly avenue of complaint for consideration and resolution of complaints by children regarding state actions to separate them from their parents and related issues (e.g. alternative care).	
2(30)	Traditional customs which separate parents and children unnecessarily are outlawed.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 38

3	Violence and maltreatment CRC Articles: 1, 2, 3, 4, 6, 12 and 19	
	Indicator	Complies
3(1)	All forms of violence against children (physical, sexual, emotional, neglect) are clearly defined and strictly prohibited in law.	
3(2)	The law requires the reporting and investigation of all child deaths.	
3(3)	Corporal punishment is explicitly prohibited in the home, school, institutions and community. Legal exceptions or defences are not available in law to parents or others in relation to assaults on children (e.g. the defence of "parental correction").	
3(4)	The threat of and use of mental violence in homes, schools (public/private), child care institutions (public/private), foster care, alternative care, day care and the penal system is an offence	
3(5)	The law prohibits all expressions of violence in schools, whether by pupils or teachers, including physical violence, emotional violence (bullying), sexual harassment, stigma and discrimination.	
3(6)	National policies, strategies and laws exist to counter spousal violence and its impact on children including (but not restricted to):	
3(6)(a)	<ul style="list-style-type: none"> • Criminal assault against women in the home is a specific offence 	
3(6)(b)	<ul style="list-style-type: none"> • Domestic violence legislative provisions provide for the removal of the perpetrator from the home by police following acts or threats of violence 	
3(6)(c)	<ul style="list-style-type: none"> • A system of apprehended violence orders 	
3(6)(d)	<ul style="list-style-type: none"> • Definition of mental violence includes witnessing acts of violence 	
3(7)	Traditional practices harmful to children, such as early marriage, female genital mutilation, honour killings etc., have been identified and prohibited by law and appropriate penalties prescribed for those who violate these provisions.	
3(8)	Negligent treatment of a child by any person who has care of that child an offence, a defence to which is poverty.	
3(9)	Infanticide is a criminal act	
3(10)	Provisions protecting children from violence are free from discrimination.	
3(11)	Independent child-friendly complaints avenue outside of the criminal legal system available to child victims/survivors of violence.	
3(12)	Institutions dealing with reports of violence against children are required to record and report disaggregated data in relation to reports received and actions taken.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 12

4	Sexual abuse and sexual exploitation CRC Articles: 1, 2, 3, 4, 6, 12, 19 and 34	
	Indicator	Complies
4(1)	The law defines unlawful sexual activity involving children.	
4(2)	The criminal law penalizes all forms of unlawful sexual acts against children as separate and more serious crimes than similar conduct against adults.	
4(3)	The criminal law establishes an age below which a child is deemed to be unable to consent to sexual activities which is the same for boys and girls.	
4(4)	No defence of honest and reasonable belief the victim/survivor was of legal age.	
4(5)	Minimum legal age for marriage ideally set at 18, with a strict minimum of 15 and is the same for boys and girls.	
4(6)	No exemption from rape prosecution for marital rape.	
4(7)	Definition of rape includes penetration of any part of the body by any body part/object and is not gender specific. The definition of non-consent is broad.	
4(8)	Special protections in place for vulnerable children, such as disabled children.	
4(9)	Sexual harassment explicitly prohibited between children and between children and adults in all institutional contexts.	
4(10)	The criminal law includes a separate and distinct offence of prostituting children, defined in accordance with the Optional Protocol and sanctioned in a manner that reflects the gravity of the crime.	
4(11)	The criminal law includes a specific criminal offence(s) relating to child pornography, defined in accordance with the Optional Protocol and sanctioned in a manner that reflects the gravity of the crime. Issues relating to internet pornography have been explicitly addressed. Offences to include the production, possession or dissemination of child pornography.	
4(12)	The law includes 'extraterritorial' provisions permitting the prosecution of nationals/residents for unlawful acts committed against children in other countries.	
4(13)	Extradition laws or extradition arrangements are in place to ensure that perpetrators are prosecuted either in their country of origin, or in the country in which the offence was committed.	
4(14)	Government has acceded to and promoted bilateral and multilateral measures to protect the child from sexual abuse and sexual exploitation.	
4(15)	No discriminatory provisions in protective legislation in relation to sexual abuse and exploitation.	
4(16)	Institutions dealing with reports of sexual abuse and exploitation of children are required to record and report disaggregated data in relation to reports received and actions taken.	

Summary:

- [Add]

- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 15

5	Abduction, sale and trafficking CRC Articles: 1, 2, 3, 4, 6, 11, 12, 34, 35 and 36	
	Indicator	Complies
5(1)	A central authority been designated to deal with issues of international child abductions.	
5(2)	Legal provisions are in place to secure the prompt return of children wrongfully removed to or retained in the country and to ensure that rights of custody and access under the law of other countries are effectively respected.	
5(3)	Courts empowered to make any orders necessary to prevent child abduction	
5(4)	Laws and policies support effective communication of court orders re travel restrictions etc. to border officials.	
5(5)	State institutions empowered to release information that will help to trace the whereabouts of abducted children.	
5(6)	The criminal law includes a specific crime relating to sale of children, defined broadly in accordance with the Optional Protocol to the CRC, and sanctioned in a manner that reflects the gravity of the crime.	
5(7)	The criminal law includes the specific crime of trafficking in humans, defined in accordance with the Trafficking Protocol, and sanctioned in a manner that reflects the gravity of the crime.	
5(8)	The laws relating to human trafficking provide additional penalties where trafficking involves children.	
5(9)	The law also criminalizes activities related to trafficking, including forced or compulsory labour, debt bondage, forced marriage, forced prostitution, unlawful confinement, labour exploitation, and illegally withholding identity papers.	
5(10)	The law imposes civil or criminal liability on legal entities (travel agencies, marriage brokers, sex shops, bars, brothels or employment agencies) for trafficking offences.	
5(11)	The law provides for the seizure and confiscation of goods, assets and other instrumentalities used to commit or facilitate trafficking, and that proceeds or assets confiscated from traffickers be used to support trafficking victims/survivors.	
5(12)	Measures are in place to assist the prosecution of those engaged in child trafficking outside of the jurisdiction.	
5(13)	Legal provisions and policies promote cooperation between relevant agencies, in particular the police, immigration and welfare services, in identifying child victims/survivors of trafficking.	
5(14)	Guidelines are in place for border officials for the identification and handling of child victims/survivors of trafficking.	
5(15)	Procedures/guidelines provide for immediate and safe emergency care for children who have been rescued from trafficking.	
5(16)	Criminal trial procedures permit the use of testimony of foreign trafficked victims/survivors which was taken before repatriation, for example, through the use of video and audio tapes of the trafficked victims/survivors' testimony as evidence.	
5(17)	Immigration laws permit foreign trafficked children to remain in the country, temporarily or permanently, in appropriate cases, and in accordance with the stated views of the child.	
5(18)	Protection, rehabilitation and support services are available to all child victims/survivors of trafficking regardless of nationality and agreement to appear as witnesses in any criminal	

	proceedings.	
5(19)	Guidelines have been developed for the safe and timely return and repatriation of child victims/survivors of cross-border trafficking where appropriate.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 19

6	Child labour and children in street situations CRC Articles: 1, 2, 3, 4, 6, 12, 32 and 33	
	Indicator	Complies
6(1)	Laws do not criminalize vagrancy or other status offences and children living and working on the street are not subject to arbitrary police arrest or detention.	
6(2)	Laws are in place to ensure appropriate standards for children's work and pay in both the formal and informal sectors.	
6(3)	Minimum age for employment is defined in legislation not less than 15 and at least equal to the age of completion of compulsory education.	
6(4)	The law includes provisions regulating permissible work by children over the minimum age, including regulations defining the hours and conditions of work for children (formal and informal sector).	
6(5)	The law prohibits anyone under the age of 18 from engaging in any type of employment or work that by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons, including hazardous work, work that interferes with the child's education or any work that involves cruel, inhuman or degrading treatment, the sale of children or servitude.	
6(6)	The law clearly defines the types of work that are prohibited for children.	
6(7)	Exemptions to the definition of child labour are specified in legislation, for example, domestic assistance in the child's own family home.	
6(8)	The law prohibits the use of children for the purposes of begging.	
6(9)	Penalties over and above standard criminal sanctions for drug activities for offenders who involve children in any aspect of the drugs trade.	
6(10)	Employers required to have, and produce on demand, proof of age of all children working for them.	
6(11)	Persons responsible for compliance with provisions concerning child labour are defined in legislation.	
6(12)	Labour/criminal laws provide for appropriate penalties for those who violate child labour laws.	
6(13)	Labour inspectors are trained and sufficiently empowered to enforce child labour laws, including the authority to immediately remove a child from a work environment that is hazardous or harmful to the child's health or physical, mental, spiritual, moral or social development.	
6(14)	Independent, child-friendly complaints avenue for investigation, consideration and resolution of complaints regarding breaches of children's labour rights.	

6(15)	Prohibition on the use of children for all forms of research, including medical or scientific experimentation, unless appropriate consents have been obtained from the child and/or parents or legal guardians.	
6(16)	A national strategy exists for the elimination of the worst forms of child labour.	
6(17)	No discriminatory provisions in the labour law.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 17

7	Child-friendly investigative and court procedures CRC Articles: 1, 2, 3, 4, 6, 12, and 39	
	Indicator	Complies
7(1)	Criminal procedure laws/guidelines include measures to protect the rights and interests of children at all stages of the justice process and to reduce trauma and secondary traumatization, including:	
7(1)(a)	Inter-agency referral procedures to promote coordination between police, health care workers, social workers and other service providers.	
7(1)(b)	Coordination/referral mechanism is in place for children who come to the attention of the police.	
7(1)(c)	In any actions taken the best interests of the child will be the primary consideration.	
7(1)(d)	Any actions taken to take into account the child's views in accordance with their age and maturity and respect the child's right to privacy.	
7(1)(e)	The law guarantees children the right to participate in any judicial proceedings that affect them, to express their views, and to have those views given due weight.	
7(1)(f)	Child-friendly interview environments and interview techniques (police, prosecutors, judges, social workers etc.)	
7(1)(g)	Special procedures to reduce the number and length of interviews child victims/survivors are subjected to.	
7(1)(h)	Victim/survivor/witness support program to familiarize children with the court process and provide support at all stages of the process, including social and legal counseling.	
7(1)(i)	Children are entitled to have a support person present with them at all stages of the investigation and trial proceedings (legal/social).	
7(1)(j)	Law permits child-friendly court procedures, including alternative arrangements for giving testimony such as screens, video-taped evidence and closed circuit television.	
7(1)(k)	Measures to ensure child victims/survivors are protected from direct confrontation with persons accused of violating their rights and from hostile, insensitive or repetitive questioning or interrogation.	
7(1)(l)	Law requires investigations and trials of cases involving child witnesses to be expedited and prioritized in the legal system.	

7(1) (m)	Measures to protect the child's privacy, such as closed court proceedings and bans on publishing the child's identity or any information leading to identification of the child.	
7(1) (n)	Measures to protect the safety of child victims/survivors and their family and to prevent intimidation and retaliation, including safe shelter (emergency and longer-term); relocation; and prohibition on the disclosure of information concerning the victim/survivor's identity and whereabouts.	
7(1) (o)	Requirement that police, prosecutors, lawyers and judges receive specialized training in dealing with cases where children are victims/survivors.	
7(1) (p)	Police, prosecutors and courts have specialised units, or designated specialists to handle cases involving child victims/survivors/witnesses.	
7(2)	Prohibition on requirement for corroboration of child victim/survivor's evidence in criminal proceedings for sexual assault.	
7(3)	Prohibition of the use of prior sexual conduct to establish non-consent in sexual assault proceedings.	
7(4)	Prohibition on requiring proof of resistance to establish non-consent in sexual assault proceedings.	
7(5)	Expert evidence re patterns of disclosure or behaviour in child victims/survivors automatically admissible.	
7(6)	The law guarantees access to an interpreter at any stage of the process on request.	
7(7)	All processes free from discriminatory provisions.	
7(8)	Independent and child-friendly complaints tribunal available for the investigation, consideration and resolution of any complaints by children regarding their treatment within the justice system.	
7(9)	Legal recognition of informal customary law processes.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 24

8	Rehabilitation CRC Articles: 1, 2, 3, 4, 6, 12 and 39	
	Indicator	Complies
8(1)	Child victims/survivors of neglect, exploitation, abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment or armed conflicts are entitled to compensation.	
8(2)	Legislative provisions exist protecting privacy and identity of child victims/survivors with appropriate sanctions.	
8(3)	The law provides for a range of services to support the protection and psychological recovery and reintegration of child victims/survivors of abuse and exploitation, including:	
8(3)(a)	<ul style="list-style-type: none"> • Short-term care, where necessary, by foster families, shelters, etc. 	
8(3) (b)	<ul style="list-style-type: none"> • Medical care 	
8(3) (c)	<ul style="list-style-type: none"> • Psychological counselling 	
8(3) (d)	<ul style="list-style-type: none"> • Advice about their legal rights 	

8(3) (e)	<ul style="list-style-type: none"> Education, employment and training opportunities 	
8(3) (f)	<ul style="list-style-type: none"> Protection for the victim/survivors and his/her family from intimidation or retaliation 	
8(4)	Standards or guidelines exist for these programs and services.	
8(5)	The law requires that preference be given to promoting recovery and reintegration in families and communities (rather than institutional care).	
8(6)	The child's views are sought in relation to any recovery and reintegration processes.	
8(7)	The law protects all child victims/survivors of exploitation from prosecution and involuntary detention.	
8(8)	Independent, child-friendly complaints tribunal for the investigation and resolution of complaints regarding discriminatory treatment etc. by child victims/survivors.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 8

9	Children in conflict with the law CRC Article: 1, 2, 3, 4, 6, 12, 37 and 40	
	Indicator	Complies
9(1)	Any special procedures and protections for children who are in conflict with the law, are available to all children under the age of 18.	
9(2)	A minimum age of criminal responsibility has been established which is at least 12 (as per UN Committee on the Rights of the Child Comment). Children below this age required to be referred to the appropriate social services.	
9(3)	Arrest is used only as a measure of last resort, for the shortest possible period of time and the law provides for a minimum age for arrest. Maximum period specified for detention of a child following arrest without a court hearing at which the detention can be challenged.	
9(4)	Laws/guidelines include restrictions on the use of force or restraints against children.	
9(5)	Police are required to notify parents immediately upon the arrest of a child, and parents are entitled to be present during all investigative and trial proceedings, in accordance with the views of the child.	
9(6)	Police are required to notify legal assistance immediately upon the arrest of a child and legal assistance is entitled to be present during all investigative and trial proceedings, in accordance with the views of the child.	
9(7)	Police are obligated to have parents, legal guardians and/or a defence lawyer present whenever questioning a child.	
9(8)	Child has the right to be informed promptly and directly of any charges against him/her.	
9(9)	Children are guaranteed the right to be presumed innocent until proven guilty.	
9(10)	Children are guaranteed the right to remain silent and not be compelled to give evidence or confess guilt.	
9(11)	Children are guaranteed the right to legal representation at all stages of the proceedings.	
9(12)	Explicit right to free assistance from an interpreter where necessary.	
9(13)	Law requires that children detained in police custody have the right to challenge their	

	detention before a competent authority.	
9(14)	Children are guaranteed the right to have the matter determined by a competent authority without delay.	
9(15)	The law gives police, prosecutors and judges a broad discretion to resolve child cases through diversion and these diversionary procedures are specified where appropriate (e.g. mediation, community conferencing).	
9(16)	The law requires the consent of the child and/or the child's parents for diversion procedures to be applied.	
9(17)	The use and duration of pre-trial detention against children is limited, explicitly a measure of last resort and there are alternative measures in place for supervising children accused pending trial.	
9(18)	Children detained pre trial to be separated from convicted children.	
9(19)	Laws/policy require that all children's cases are tried by a specialized court (or a specially designated judge) separate from adult court proceedings.	
9(20)	All court proceedings involving offenders under 18 required to occur in a closed court.	
9(21)	Publication of the name or any information leading to the identification of a child offender strictly prohibited.	
9(22)	The law requires that children's cases are expedited.	
9(23)	Courts are empowered to compel the child's parents to be present at any/all stages of proceedings.	
9(24)	Criminal procedure laws include special rules of procedures for conducting children's trials to ensure that they are conducted in an atmosphere of understanding, which allows the child to participate fully.	
9(25)	Right to obtain witnesses under equal conditions to prosecution.	
9(26)	Explicit right to be present and to participate in any hearing or court process affecting the child (formal or informal).	
9(27)	Explicit right to appeal to competent, independent and impartial authority.	
9(28)	The law requires that any penalties imposed are based on the best interests of the child and aim at rehabilitation rather than punishment, with an explicit emphasis in drug and substance offences.	
9(29)	The law requires that any penalties imposed are proportionate to the gravity of the offence and also the circumstances and needs of the child.	
9(30)	Pre-sentence or social inquiry reports are prepared and considered prior to imposing sentence on a child.	
9(31)	Deprivation of liberty is imposed only as a measure of last resort, against children who commit serious crimes of violence or persist in committing other serious offences.	
9(32)	Judges are given broad discretion to tailor the sentence to the individual child.	
9(33)	A wide range of alternative, community-based dispositions are available (including probation; care, guidance and supervision orders; diversion to mental health treatment, counseling; victim/survivor reparation and restitution, community service work opportunities; education and vocational training, living arrangement orders etc.).	
9(34)	A responsible authority (e.g. probation, community-based corrections, or social welfare agency) has been designated responsible for promoting, regulating and monitoring community-based programmes.	
9(35)	Life imprisonment, capital punishment and indeterminate sentences are not imposed on children.	
9(36)	Prohibition on torture and all other cruel, inhuman or degrading punishments or treatment.	
9(37)	Children are separated from adults in all places of detention, including police custody, pre-trial detention centres and prisons.	
9(38)	Special facilities have been established for the detention of children, including open-custody and small-scale centres designed to promote rehabilitation and reintegration.	
9(39)	Explicit right to family contact, visitors and correspondence while imprisoned with restrictions to these rights limited to exceptional circumstances.	

9(40)	Explicit right to access to education and training suited to child's needs and abilities.	
9(41)	Law/policy requires that while in detention children receive care, protection and all necessary individual assistance – social, educational, vocational, psychological, medical and physical – that they may require in view of their age, sex and personality, in the interests of their wholesome development.	
9(42)	Disciplinary procedures within detention centres are strictly regulated and the following are specifically prohibited:	
9(42) (a)	• Corporal punishment	
9(42) (b)	• Solitary confinement	
9(42) (c)	• Placement in a dark cell	
9(42) (d)	• Reduction of diet	
9(42) (e)	• Denial of contact with family members	
9(42) (f)	• Any other punishment that may compromise the physical or mental health of the child concerned	
9(43)	There is an effective system for inspection and monitoring of all institutions in which children may be deprived of their liberty.	
9(44)	The law requires that children deprived of liberty be subject to a periodic review of their situation.	
9(45)	The Standard Minimum Rules for prisoners explicitly apply to children in detention, with regulations/policy addressing at least the following:	
9(45) (a)	• Register	
9(45) (b)	• Hygiene	
9(45) (c)	• Clothing & bedding	
9(45) (d)	• Food	
9(45) (e)	• Exercise & sport	
9(45) (f)	• Medical services	
9(45) (g)	• Discipline and punishment	
9(45) (h)	• Instruments of restraint	
9(45) (i)	• Complaints	
9(45) (j)	• Contact	
9(45) (k)	• Books	
9(45) (l)	• Religion	
9(45) (m)	• Prisoner property	
9(45) (n)	• Death, illness, transfer	
9(45) (o)	• Institutional personnel	
9(45) (p)	• Privileges systems	
9(45) (q)	• Work	
9(45) (r)	• Education and recreation	
9(46)	Children released from detention are provided with support for their reintegration into the community. An authority has been designated responsible for child reintegration, and programmes are in place to assist children who are released from detention.	
9(47)	Police, prosecutors, courts and prison officials are required to have specialised units, or designated specialists, to handle children in conflict with the law.	
9(48)	The law requires that the needs of disabled children are catered to at all stages of the legal process.	
9(49)	All justice sector officials, including police, prosecutors, judges, lawyers and prison officials are required to receive training and sensitization on children in contact with the law as part of their induction training (at police academies, law schools, judicial training programmes, etc.), as well as on an in-service basis.	
9(50)	All children in conflict with the law have access to effective complaints procedures	

	concerning all aspects of their treatment.	
9(51)	Mechanisms are required to be in place to monitor the treatment of children in conflict with the law, and to appropriately sanction justice sector officials who violate children's rights.	
9(52)	All processes defined in legislation have the best interests of the child (including the maximum development of the child) specified as the primary consideration.	
9(53)	Law/policy requires the recording and reporting of systematic disaggregated data by all institutions dealing with child offenders.	
9(54)	Legal recognition of informal customary law processes.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 54

10	Refugees, unaccompanied children and migrant children CRC Articles: 1, 2, 3, 4, 6, 12 and 22	
	Indicator	Complies
10(1)	Laws governing refugees and asylum seekers provide for special protection, care and treatment for:	
10(1)(a)	Unaccompanied and separated children seeking asylum or refugee status;	
10(1)(b)	Internally displaced unaccompanied and separated children.	
10(2)	The law guarantees unaccompanied children and refugee and asylum seeking children the right to accommodation in safe environments, wherever possible with their family, as well as access to education, health care and appropriate support and rehabilitative care.	
10(3)	Guidelines have been developed for the safe and timely return of illegal migrant children.	
10(4)	Laws and procedures governing deportation require consideration of the best interests of the child and the child's right not to be separated from his or her parents (unless necessary for his or her best interests).	
10(5)	Laws and procedures governing deportation require that the views of the child be sought and that those views be given due weight in accordance with the child's age and maturity.	
10(6)	Laws, policies and mechanisms exist to trace family members of unaccompanied or displaced children.	
10(7)	State required to provide such care and protection as is necessary for the wellbeing of any child at times of national disaster.	
10(8)	Laws governing refugees, unaccompanied and migrant children are free from any unreasonably discriminatory provisions.	
10(9)	Independent, child-friendly complaints avenue for consideration and resolution of complaints from children regarding treatment as refugees, migrant or unaccompanied children.	
10(10)	Laws require disaggregated data be recorded and reported in relation to refugees and asylum seekers.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 11

11	Children involved in armed conflict CRC Articles: 1, 2, 3, 4, 6, 12 and 38	
	Indicator	Complies
11(1)	The law sets 18 as the minimum age for direct participation in hostilities, for recruitment into armed groups, and for compulsory recruitment by governments.	
11(2)	The minimum voluntary recruitment age is at least 16, and the law outlines safeguards to ensure that recruitment is: genuinely voluntary and carried out with the informed consent of the person's parents or legal guardians; that the child is fully informed of the duties involved in military service; and the child provides reliable proof of age prior to acceptance into national military service.	
11(3)	No discriminatory provisions in laws relating to children's participation in armed conflict.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 3

12	Information access CRC Articles: 1, 2, 3, 4, 6, 12, 17 and 29	
	Indicator	Complies
12(1)	Censorship board or equivalent with jurisdiction over all media – print, electronic and audio/visual.	
12(2)	Requirement that pubertal change and sex education be included in school curricula.	
12(3)	Requirement that legal rights and human rights education be included in school curricula.	
12(4)	No discriminatory provisions in access to information.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 4

13	Birth registration CRC Articles: 1, 2, 3, 4, 6, 7 and 12	
	Indicator	Complies
13(1)	The law makes birth registration compulsory and free for all.	
13(2)	No discriminatory provisions in birth registration laws.	

Summary:

- [Add]
- [Add]

Full Compliance: X
Partial Compliance: X
Non-Compliance: X
Total: 2