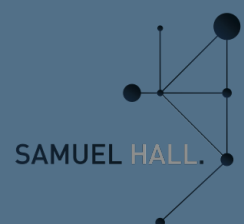


HOPE BEHIND BARS

THE BOYS OF THE KABUL JRC





Samuel Hall is an independent think tank with offices in Asia (Afghanistan) and East Africa (Kenya, Somalia). We specialise in socio-economic surveys, private and public sector studies, and impact assessments for a range of humanitarian and development actors. With a rigorous approach, and the inclusion of academic experts, field practitioners, and a vast network of national researchers, we access complex settings and gather accurate data. We bring innovative insights and practical solutions to addressing the most pressing social, economic and political issues of our time.



Children in Crisis is a UK-based charity, currently operating in Afghanistan, Burundi, DR Congo, Liberia and Sierra Leone. Their focus is on the education, care and protection of forgotten children. Often working in extremely remote or neglected regions, they help communities rebuild education systems and ensure that all children, whoever or wherever they were born, receive the loving care they need to realise the best in themselves.

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LIST OF ACRONYMS

AGO	Attorney General's Office
AWEC	Afghan Women's Education Centre
CiC	Children in Crisis
CPAN	Child Protection Action Network
FGD	Focus Group Discussion
GoIRA	Government of Islamic Republic of Afghanistan
JRC	Juvenile Rehabilitation Centre
KII	Key Informant Interview
MoE	Ministry of Education
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLSAMD	Ministry of Labour, Social Affairs, Martyrs and Disabled
MoPH	Ministry of Public Health
NDS	National Directorate of Security
NGO	Non-Governmental Organisation
TVET	Technical and Vocational Education and Training
UNAMA	United Nations Assistance Mission in Afghanistan
UNICEF	United Nations Children's Fund

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EXECUTIVE SUMMARY

Lack of educational and economic opportunities, low skills development, societal disconnect, and mental health trauma are common vulnerabilities faced by children in Afghanistan. Children in conflict with the law face additional vulnerabilities within this; barriers that further exclude them, isolating them from existing opportunities and negatively impacting their future life prospects. Amongst others, these include:

- The isolating and traumatic experience of detention itself
- The lack of due judicial process
- The social stigma attached to incarceration and crime
- The neglect of rehabilitation and reintegration needs – encompassing education, recreation, employment and psychosocial opportunities.

Children in conflict with the law are neglected in international efforts due to varying priorities, access issues, and interest. This neglect also continues at the national level, where a lack of capacity, scope or resources denies them access to education, health services or vocational skills.

This research offers a pragmatic view of the lived experiences of children in the Kabul Juvenile Rehabilitation Centre (JRC) and situates detention within their life events, where neglected needs

and incurred stresses impact their later adult lives and life opportunities. While strides have been made to improve this situation, the Kabul JRC is still short on consistent and quality rehabilitation programmes and reintegration support in line with national and international standards. Existing initiatives generally lack specifically trained staff, resources, management, and facilities.

This study employed child-sensitive qualitative and quantitative methods, surveying the majority of boys detained in Open and Closed Centres of the JRC (112) and triangulating and adding depth to findings with focus group discussions (2), case studies (4), and key informant interviews (15). The results underlined the diversity of backgrounds, ages and crimes amongst the boys. They are a heterogeneous population that poses challenges to one-size-fits-all interventions. Furthermore, the results highlighted the many similarities shared between children inside and outside the JRC – calling for integrated approaches for existing and planned services.

The **first section** explores the boys' paths to incarceration. While the Juvenile Code of Afghanistan was created in line with international conventions protecting the human rights and interests of children, a brief examination of the reality of its implementation exposes gaping

differences between theory and practice. Provisions calling for the protection of children at the time of arrest, and facilitation of alternatives to detention, are barely utilised. Innovations such as Social Inquiry Reports can only be completed with external support, the system is limited by lack of capacity in social workers and a lack of understanding of their purpose by some judicial enforcers. Of key concern are the practice of age determination, meaning that some children in the JRC may actually be 18 or over, and the differences in experience between children whose families can pay for lawyers and bail, and others. On the boys in the JRC, two conclusions stand out. Firstly, the paths followed to the JRC are multifold, depending on the implementation of the law and ranging from charges of theft to drugs and murder. Secondly, the profiles of the boys themselves in terms of past experience and skills also vary – like boys in Afghanistan across the board. This underlines the need for interventions which are somewhat tailored, in order to be able to have an impact.

The **second section** delves into the reality of life for the boys in the JRC. Currently, programming in Kabul's JRC to support the future reintegration of children in conflict with the law, in theory, consists of regular school classes (provided by MoE), skill training courses (provided by MoE with support from MoLSAMD) and psychosocial support session (provided by MoPH, supported by MoJ and UNICEF). However, the quality, consistency, and very existence of these services is varied. Classes are held irregularly and put students of different levels together. Boys

in the Closed JRC are denied all access to vocational training spaces. Fundamental challenges in supporting future opportunities for these boys exist at several levels, from the programming, to the structural (inadequate built environment and lack of resources), organisational (lack of coordination between existing stakeholders) and individual (the varied backgrounds of JRC inhabitants).

The **third section** addresses key difficulties in supporting children in their reintegration. These range from the practical – family and community pressures, societal stigma, fear of their history in the JRC following them forever, fear of revenge from victims' families – to the theoretical: e.g. how to incorporate the aspirations of the children themselves into programming. This last point is necessary from both an ethical point of view, in which child rights are fully respected in regard to the individual's own agency and self-determination, as well as to mitigate the risk of programme designs going against the actual interests of children. Nonetheless, while such consultations may add crucial considerations, their impact is limited by the realities of actual rehabilitation and reintegration efforts.

Before addressing recommendations based on the research, this report considers potential sources of inspiration – best practices from abroad. For example, these include: ensuring family involvement in the boys' lives; psychosocial interventions; ensuring regular access to educational programs; providing vocational training and mentorship by competent figures; and stimulating children through arts and recreational activities. It also delves into

the strategic trade-offs to be considered in designing and implementing programming in the JRC – namely how to balance supporting vulnerable children in the JRC versus children outside it, and the need for both integrated and tailored approaches to programming.

The recommendations presented in this report take a pragmatic approach to effectively supporting boys in the JRC – both during their detention and afterwards, to ensure their reintegration. These outline a path that the key stakeholders can take together. A path that evolves the current set-up of piecemeal actions to a holistic, government-led approach, with proven methods to help children in conflict with the law have a real future.

22 POINT PLAN TO SUPPORTING CHILDREN IN THE JRC

IN THE SHORT TERM

For NGOs:

- 1. Strengthen provision of academic education in the JRC**, including the provision of additional teachers, capacity building for MoE teachers, and ensuring that teachers and students have necessary school supplies.
- 2. Fulfil potential of existing employment skills-related facilities and courses**, namely

through the provision of resource and logistics support for ongoing efforts and existing facilities, facilitation of access to these from a security perspective, and building accountability amongst current teachers.

- 3. Improve the physical and mental wellbeing of children in the Kabul JRC**, providing necessary medical, hygiene and sports supplies, further entertainment activities and communications methods for boys to speak with their families.

For UN and intergovernmental organisations:

- 4. Provide lessons learned and capacity training based on international experiences.**
- 5. Offer transitional bridge funding for short-term initiatives**, as support to NGO and government pilot initiatives, allowing them to gather information to validate these approaches.

For the GoIRA:

- 6. Implement existing coordination and programmatic interventions**, as committed to by the signatories of the Letter of Agreement around the JRC, and mobilise to support immediate needs based on mandate.

IN THE MEDIUM TERM

For NGOs:

- 7. Create integrated approaches to education and skills training**, tying existing or planned interventions for children to the JRC.

- 8. Pilot tailored and participatory skill trainings in the JRC**, based on labour market research in frequent areas of post-detention life.
- 9. Develop peer-to-peer programmes to empower children**, allowing them to teach and lead activities for their peers.
- 10. Facilitate contacts and opportunities for the children post detention**, through mentoring activities, linking to other programmes, and piloting of apprenticeships.
- 11. Facilitate the provision of additional, individual-level psychosocial support.**
- 12. Create follow-up programmes focused on reintegration**, providing afterschool / evening courses, further vocational trainings and family oriented PSS groups.

For UN and intergovernmental organisations:

- 13. Promote further collaboration between engaged NGOs**, avoiding duplication of efforts and promoting the linkages discussed above.
- 14. Lead capacity building exercises around Afghanistan's Juvenile Code**, for law enforcement officials, members of the judicial system and the children themselves.
- 15. Build the capacity of the Child Protection Action Network (CPAN).**

For the GoIRA:

- 16. Improve budget allocation and planning for the JRC**, including it also in ministerial planning.

- 17. Built improvements in the JRC facilities themselves**, such as the repair and painting of facilities to a child-friendly design, and improved food and temperature controls

IN THE LONG TERM

For NGOs:

- 18. Conduct third party monitoring of JRCs to validate implementation of the Juvenile Code.**
- 19. Support the GoIRA in upscaling pilot programming to provincial JRCs**, based on successful short-term initiatives and pilots in the Kabul JRC which have proven their value.

For UN and intergovernmental organisations:

- 20. Continue capacity building efforts within the government**, in particular around the Juvenile Code and for social workers.

For the GoIRA:

- 21. Re-examine legal provisions relating to children in conflict with the law and update / reform as necessary.**
- 22. Take responsibility for programming piloted and adapted by NGOs**, as the long-term aim for the government here is the full take over of all service provision at the Kabul JRC with relative independence from donors and external funding.

I. WHY THIS ASSESSMENT

I.1. BACKGROUND AND OBJECTIVES

This research represents the first practical look at children in Kabul's Juvenile Rehabilitation Centre (JRC), not just to better understand the conditions under which they live, but approaching it as a potential turning point in their lives. This perspective re-situates the time they spend in the JRC as more than a static incident to be evaluated, instead considering both how it currently impacts them as well as what this means for their future – and how this future can be better supported.

Children and youth in Afghanistan face a difficult future across the board.

46% of Afghanistan's population is under 15 and almost two thirds are under 25.¹ Yet UNICEF indicates that the transitioning government in place since 2014, instability and ongoing conflict have rendered difficult implementing national policies addressing child protection²

Afghanistan's education system faces numerous challenges, with high rates of illiteracy, even amongst school-going

children. While existing data indicates that overall younger generations are more likely to be literate than their predecessors, literacy rates remain limited – as of 2015, 69% for males 15-24,³ and 58% when combined for sexes.⁴

“Going to the JRC has never had a positive impact on me, it made me notorious and I was away from my family and I had stress regarding my family. It also wasted my time and I was away from school and my other businesses. [...] First time the police captured me from outside my house for stealing and they take me to the JRC. Second time the police captured me again because of stealing and fighting with two other people, and took me to the JRC.”

Community Case Study, 14 years old, post-detention 2nd time in Kabul JRC

Previous Samuel Hall research underlines the value placed on educational achievement, as drop-out rates diminish drastically as youth reach higher levels of education.⁵ Up to 700,000 young people complete secondary education each year, but many are forced to take low or unpaid jobs.⁶ Without money or powerful connections, many employment

¹ CSO, “Statistical Yearbook 2016-2017,” 2017; UNFPA Afghanistan, “Young People,” n.d.

² UNICEF, “Child Notice Afghanistan,” 2015.

³ World Bank, “Literacy rate, youth male (% of males ages 15-24),” n.d.

⁴ World Bank, “Youth literacy rate, population 15-24 years, both sexes (%),” n.d.

⁵ Samuel Hall, “Afghanistan's Future in Transition: A Participatory Assessment of the Afghan Youth,” Kabul, 2013, p 22.

⁶ Ibid.

opportunities are inaccessible to young people.⁷ Since the 2014 withdrawal of international forces and shrinking of the previously expanding services industry, such opportunities are yet more limited, with educated young people struggling to find secure paid employment.⁸

UNDP places Afghanistan's unemployment rate at 40%.⁹ Modeled ILO estimates for 2016 rate unemployment of youth male labour force are significantly lower at 17%. Digging into this, however, Samuel Hall research underlines that "youth employment is characterized by a high level of job insecurity, low quality of employment and difficult labour market transition."¹⁰ This same research found that young people had limited access to information about employment, emphasising the importance of connections for securing jobs and the informal nature of Afghanistan's labour market.

From a health perspective, mental health remains poorly understood and the health system is unable to deal with prevalent signs and symptoms of mental health issues.¹¹ Outstanding and neglected mental health needs pose challenges to individual and collective social, economic, and political development.¹² A Samuel Hall

study on urban displaced youth in 2016 found that 70% had been exposed to a variety of traumatic experiences requiring psychosocial support. Only 29% indicated never having experienced such events.¹³ This same research assessed the impact of stigmatisation for deportees and internally displaced youth – a post detention barrier that children in conflict with the law also face – and found that stigma could leave them marginalised and socioeconomically separated, damaging to their overall mental health and self-perception.

Disconnect from education and employment opportunities as well as lack of community space, mental health support and social protection expose all Afghan children to a wide range of vulnerabilities and place them under great pressure.¹⁴

Children in JRCs require additional support.

In a country damaged by decades of conflict, these children are far from the only vulnerable ones. The Child Protection Action Network (CPAN) notes 23 categories of children in need of protection based on the National Strategy for Children at Risk. Children in conflict

⁷ Samuel Hall, "Urban Displaced Youth in Kabul - Part 1. Mental Health Matters," Kabul, 2016.

⁸ Samuel Hall, "Afghanistan's Future in Transition: A Participatory Assessment of the Afghan Youth," Kabul, 2013.

⁹ UNDP, "About Afghanistan," n.d.

¹⁰ Samuel Hall, "Afghanistan's Future in Transition: A Participatory Assessment of the Afghan Youth," Kabul, 2013.

¹¹ Ibid.

¹² Samuel Hall, "Urban Displaced Youth in Kabul - Part 1. Mental Health Matters," Kabul, 2016.

¹³ Ibid.

¹⁴ Ibid.

with the law are one.¹⁵ However, as this report will further demonstrate, children in the Kabul JRC bear the additional burden of vulnerabilities imposed on them by the judicial system, their run-in with the law, and their detention experience. As an invisible sub-population of vulnerable children, their needs remain largely unanswered – in an under-resourced and over-stretched system disadvantage with low child-sensitive capacity and poor cooperation – when in fact they need greater support and protection: “when a

blanket is short, if you cover your head, then your feet stick out, if you cover your feet, then your head will be exposed.”¹⁶

The specific circumstances of children in JRCs require supplementary, targeted support. They face the challenges of other children from vulnerable backgrounds, with the additional impact that the judiciary system and detention can have on their wellbeing, rehabilitation, and future life prospects. To this end, this research endeavoured to analyse



¹⁵ KII, CPAN Technical Adviser, MoLSAMD.

¹⁶ Ibid.

the socio-economic, educational and mental landscape of children in conflict with the law in the Kabul JRC to understand barriers to rehabilitation and identify opportunities for a successful reintegration.

RESEARCH OBJECTIVES & QUESTIONS

CiC commissioned Samuel Hall to conduct research in the Kabul JRC. The objectives of this research were:

Firstly, to understand the experience of detention as well as the current social, economic and educational landscape for children in the Kabul JRC;

Secondly, to examine the current mental health and psychosocial needs of these children and the impact of neglecting their needs on reintegration into education and economic environments; and

Thirdly, based on this, to identify opportunities and provide recommendations to inform stakeholders in their policy and programming development, to support children in conflict with the law in post detention economic and social reintegration.

CiC's programmes are designed to address the complex nature of needs faced by vulnerable groups, particularly through external interventions in difficult settings. This study is designed to impact CiC – and other NGO and governmental

– programming interventions in the Kabul JRC, as well as to directly inform the implementation of an upcoming CiC project focused on improving boys' access to educational and economic outcomes and reintegration. Furthermore, this study provides vital information for a variety of stakeholders interested in vulnerable children and youth in Afghanistan. Lessons from this research and its subsequent recommendations for implementation can help guide stakeholders, to develop traditional and alternative livelihood models to improve the living conditions and future prospects of children in conflict with the law.

This study calls for pragmatic interventions as children detained in the Kabul JCR present a situation of legal *and* societal double-penalty that is damaging to the Afghan society as a whole. They face pressure and shortcomings at three stages, which can exacerbate their existing vulnerabilities, introduce new ones, and negatively impact reintegration within Afghan society:

- The first stage concerns their backgrounds and family situations, their upbringing and environment, vulnerabilities in their psychosocial and socioeconomic circumstances, and the chain of events that lead to their conflict with the law and arrest.
- The second stage is their time in detention, which further isolates them from education and/or employment opportunities, distances them from protective social networks, if any, and places them under additional duress.

- The third stage is post detention, concerning children's successful reintegration back with society, and their future goals and aspirations.

Interventions can improve circumstances for children in conflict with the law, can build their self-esteem, improve their wellbeing, and sharpen their skills as part of rehabilitation, and provide opportunities for them post detention, particularly regarding education and employment.

the Kabul JRC, CiC has traditionally focused on boys' rehabilitation, with the Afghan Women's Education Centre (AWEC) supporting the few (only 10% of the population of the Closed Centre) girls present. Given the programmatic objective of this research for CiC, and the significantly different profiles and needs of girls in the JRC, this research will focus solely on the boys in the JRC. Boys between the ages of 12 and 18 staying in the Open and Closed Centres thus form the target population of this study.

1.2. METHODOLOGY AND FIELDWORK

The methodology was participatory, inclusive and child-centred, using data triangulation from qualitative and quantitative sources to ensure a robust assessment and in-depth analysis. Within

QUANTITATIVE COMPONENT

The Samuel Hall research team, made up of two specially trained local enumerators, conducted 112 quantitative surveys among the male JRC population, between the ages of 12 and 18, over the period of nine non-consecutive days in May 2017. The questionnaire was made up of primarily closed questions developed with feedback from CiC, and administered using a

Box 1 – Obtaining consent from children in the JRC

The question of consent is of particular concern in such a context, where permission cannot be obtained from parents or traditional guardians, and children may be particularly vulnerable due to their circumstances. To address this, during fieldwork in the Kabul JRC, the first step was thus to explain the objectives of this research to all potential respondents, stressing the detachment between research objectives and their judicial processes, and underlining that they could stop the interviews at any point prior to asking if they wished to participate. Additionally, enumerators were trained and efforts were taken in ensuring a situation of trust and comfort prior to discussing the most sensitive points and stories.

mobile data collection tool running on smartphones (ODK).¹⁷ Based on a population size of 140 children, this sample of 112 allows for a statistical confidence level of 98% with a 5% margin of error.

QUALITATIVE COMPONENT

Three qualitative tools were used for this research to provide an in-depth understanding of the lived realities in the JRC and the broader context of the juvenile justice system in Afghanistan: key informant interviews (15), focus group discussions (2), and case studies (4).

INTERVIEW APPROACH

Underlying all the research was the principle of do-no-harm. Specifically in the JRC, this faced two challenges:

- **Building trust with participants, to allow for the discussion of difficult topics and appropriate reaction from enumerators when boys expressed strong emotions.** For example, some boys cried while discussing their family circumstances or future prospects. To address this, enumerators were instructed to take their time and console the boys in a respectful but non-clinical fashion.

- **Taking into account the caveat shared by social workers and many stakeholders of the prevalence of lying in interviews with the boys.** The research team was instructed to have introductory pre-survey conversations with respondents. The aim was to make the boys understand that all data would be recorded without judgment and collated anonymously. Oddities were anonymously verified with different sources to add credibility or indicate an anomaly.

¹⁷ Acknowledging the fact that some children may spend months in the JRC while waiting for their sentence, this subpopulation is as much affected by life in the JRC and its consequences as those already sentenced. As such, once all boys with sentences were surveyed, those who had been in the JRC for one month or more waiting for their sentences were also included.

Table 1: Quantitative & qualitative tools and sample sizes

Quantitative Data				
	Open JRC	Closed JRC Sentenced	Not yet sentenced	Total
Estimated population ¹⁸	15	100	25	140
Youth interviewed	10	87	15	112
Qualitative Data				
Type of data	Number	Source of information		
Key informant interviews	15	Combination of ministerial, non-governmental and UN stakeholders concerned with young people in conflict with the law, juvenile rehabilitation, reintegration, and specifically, the Kabul JRC.		
Case studies	4	18 yrs - Block B, Closed Centre - 6 months for theft 15 yrs - Block A, Closed Centre - 7.5 years for murder 17 yrs - community - 'successful' 14 yrs - community - repeat offender, struggling		
Focus group discussions	2	Open JRC (7 participants) Closed JRC (7 participants)		

¹⁸ Given the dynamically fluctuating population size of Kabul's JRC and the lack of access to official lists for security concerns, the exact population size could only be estimated. However, based on conversations with stakeholders and staff, the research team is certain that a population size of 140 male children should not differ more than ± 3 from the actual size at the time of the start of this study. At other times, the population of males in the Kabul JRC often averages around 150.

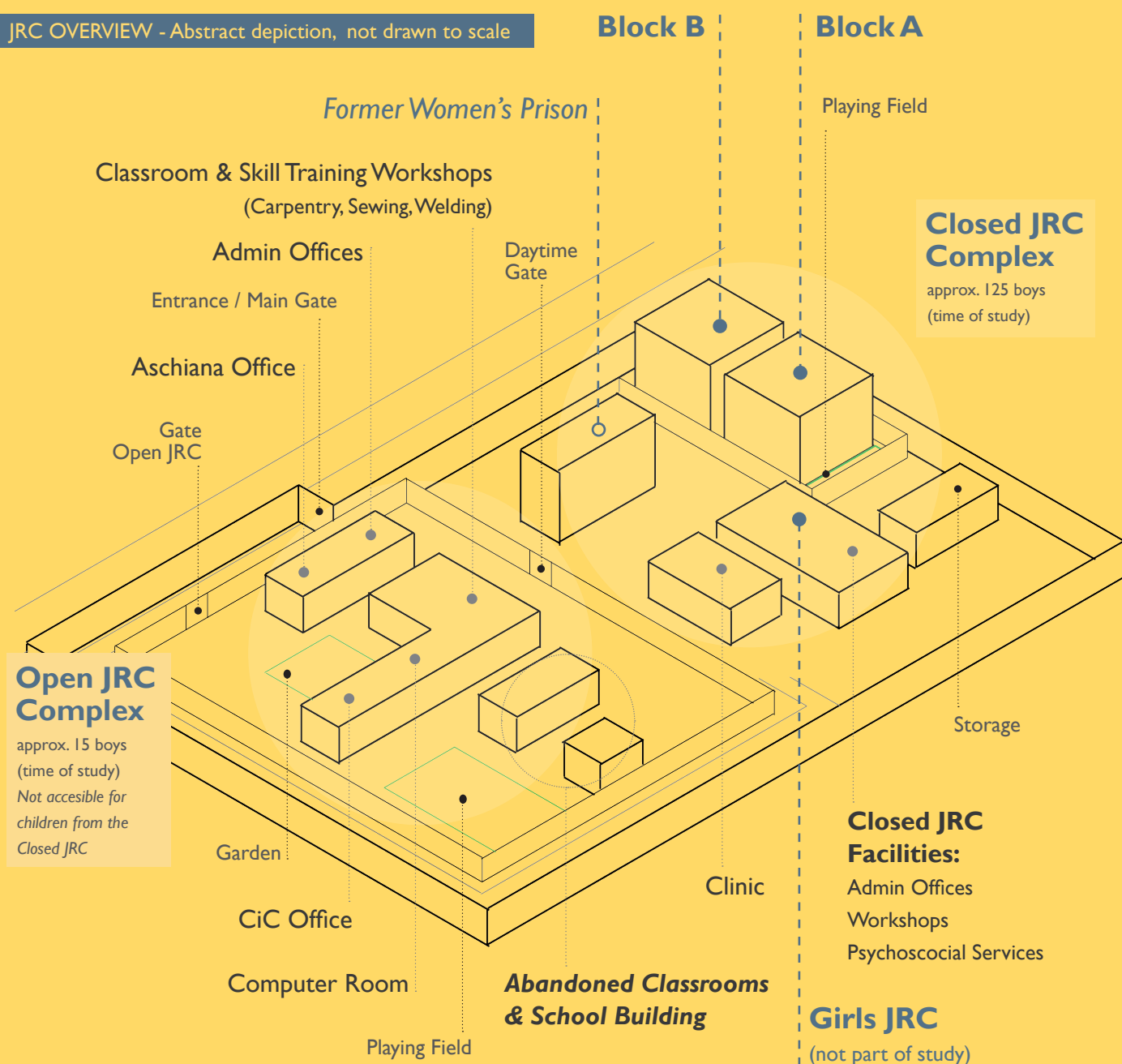
OVERVIEW OF THE KABUL JRC IN MAY 2017

Every province of Afghanistan is required by law to have a Juvenile Rehabilitation Centre (JRC) in its capital city to house and rehabilitate children in conflict with the law sentenced to detention. An alternative to full detention is the Open JRC, where children spend daytime in rehabilitation and evenings and weekends at home. The Open JRC in Kabul nevertheless remains a detention facility.

Whether Open or Closed, JRCs are mandated to facilitate rehabilitation by improving previous socio-economic conditions, by providing psychosocial support, and by removing negative stresses that can force a child to come into conflict with the law.

Rehabilitation can be through counselling, education, and vocational skills with the aim of successfully reintegrating a child back in society upon release. This endeavour involves multiple stakeholders, including up to 12 national entities, whose full participation, cooperation and collaboration is integral to a successful rehabilitation and reintegration process.





Closed JRC Block A

12 - 16 years
No workshops
Three classrooms
10 children per room
No fans/ window screens
Separated showers

Closed JRC Block B

17 - 18 years
No workshops
No classrooms
10 children per room
No fans/ window screens
Separated showers

Open JRC

Access to green space, small court for games, swing set, classrooms, computer room, and three workshops for metalwork/welding, carpentry, and sewing.

Former Women's Prison

Under construction/renovation
Will receive children charged with national security infringements (currently held at the Bagram Air Field) in the near future.

2. INDIVIDUAL PROFILES, SIMILAR STORIES

“These kids are under a lot of pressure. Some are influenced by bad friends. Some are abused by other kids. Many have gone towards crimes because of poverty.”¹⁹

This section profiles the inhabitants of the JRC, underlining the diversity in their profiles – and their similarity in this to youth outside the JRC. Boys in the JRC have exacerbated vulnerabilities and thus require additional support; nonetheless, the similarity in types of challenges faced poses both barriers to and opportunities for a range of rehabilitation and reintegration efforts.

Key informants interviewed frequently stated the following:

- There is disconnect between the Juvenile Code in theory and practice, often to the detriment of children, especially those from impoverished and isolated backgrounds.
- Detention is practiced too frequently and alternatives to detention remain underutilised, particularly for first-time offenders of small crimes.
- Poverty was seen as an underlying force driving children into conflict with the law, and should therefore be a key

intervention for rehabilitation and reintegration efforts.

- Poverty coupled with disconnected families, illiteracy, lack of legal awareness, and lack of support mechanisms add to the vulnerabilities of children in conflict with the law.
- The children serving the longest sentences will still leave the JRC under 30, meaning that they have the potential for a full life afterwards. However, the stigma of having been in the JRC – and the experience itself – will follow them for the rest of it.
- Children in the JRC need more attention and more support than the average child to overcome the circumstances of their conflict with the law and be able to integrate back with society.
- Children in the Kabul JRC have diverse backgrounds, education levels, skillsets, and experiences, and therefore, require different approaches to rehabilitation and reintegration.

¹⁹ KII, Children’s Primary Court of Afghanistan.



2.1. THE JUVENILE CODE IN THEORY AND PRACTICE

A brief examination of the Juvenile Code of Afghanistan exposes gaping differences between theory and practice. The Code was created in line with international conventions protecting the human rights and interests of children. Many articles in the Juvenile Code offer provisions to improve the situation of children in conflict with the law, and to assist their rehabilitation and reintegration processes. They also provide alternatives to detention and dictate needs and requirements for rehabilitation should detention be chosen, and only as a last resort.²⁰ However, as this research indicates, there is widespread disconnect between theory and practice, between what is written in the law and what is implemented in reality.

²⁰ As per Article 35 of the Juvenile Code, options available to courts based on the situation of the child and the severity of the crime are: performing social services; sending the child to special social services institutions; issuance of warning; postponement of trial; conditional suspension of punishment; home confinement; surrender of child to parents or guardians; and sending the child to the juvenile rehabilitation centers for confinement.

ARREST AND INVESTIGATION

Police are required to report the arrest and detention of children to their guardians within 24 hours, and prosecutors have the authority to release children on bail without money. But, the reality diverges from theory, especially for children without legal awareness, strong family support or negotiation power. Of particular concern are long timelines for investigations and children who must idly wait in the JRC without any information while their dossiers are completed, unable to integrate in the JRC until properly sentenced, but excluded from life outside.

DETENTION AND CONFINEMENT

The Juvenile Code stresses confinement as a last resort and for the minimum duration possible, it also obliges detention authorities to provide educational, vocational, psychosocial, and health services for detained children. Yet, many children in the JRC have been confined for

“When kids come here, most are without any sentence for 2 months, it may take up to 4 or 6 months even, and this is a big issue. There are kids who are here because of being in the wrong place, they are innocent, but they are waiting here without any support or information for 2 months, wondering why they are here.”

KII, Head of Psychology, Kabul JRC

minor offenses, and service provision and needs often go neglected.

“There is corruption and indifference by the police, by lawyers, and by attorneys. They are a system that caters to and accommodates youth with money and power, and punishes kids who can’t help themselves. [...] We must promote alternatives to detention for small-scale crimes and for first time offenders. The system is too fast to send them here. It costs the government 90 Afghanis per child per day in the JRC, so it’s not good for anyone.”

KII, Head of Closed JRC in Kabul

SOCIAL INQUIRY REPORTS

Interviews with stakeholders indicate that indeed strides have been made to improve the juvenile justice system in Afghanistan. One achievement has been the inclusion of Social Inquiry Reports (SIRs) in the judicial process and sentencing. When thoroughly completed, they give further information about a child’s conflict with the law and what may have led to it.

SIR forms require an in-depth interview with the child – to understand the reasons behind his allegations and to assess their physical, mental and emotional wellbeing – as well as interviews with family members, teachers, neighbours, and employers. They have to be filled out by governmental social workers - however, NGO social workers have been instrumental in completing the SIR forms. MoJ and AGO key informants interviewed mentioned that without a complete SIR,

they would disregard a child’s case, placing high value on social workers’ efforts and the inclusion of SIRs.

They nonetheless face practical challenges:

- Not all judges are familiar with the SIR format, and court proceedings in many instances still do not include defence, which can legally be the social worker that worked on a child’s case.
- MoLSAMD social workers require government support to complete SIR forms, to cover the transportation and communication costs of the necessary interviews. This makes family and community visits difficult, rendering it next-to-impossible to obtain a clear picture of the child’s circumstances and socioeconomic environment.
- MoLSAMD social workers at the JRC are also not provided with any space or equipment to complete this key task.

Without continued support from CiC, and others, and advocacy for the full completion and inclusion of SIRs in the judicial process, this valuable advancement thus runs the risk of falling by the wayside.

SENTENCES

Children in Afghanistan cannot be sentenced to death or life in prison. Sentences are context-specific and up to the discretion of the judge. For children between 12 and 16, their sentence cannot exceed one-third of the maximum adult

sentence for the same crime, and for those who have completed their 16th year, but not yet their 18th, sentence cannot exceed half. Upon completing their 18th year, children are to be transferred to an adult prison, *Pol e Charkhi* prison in Kabul for example. The practice of age determination and lack of birth certificates, however, mean that some children may stay in the JRC well after completing their 18th year, something that is informally known amongst staff and the children, and sometimes pushed for by guardians in favour of adult prisons. At the same time, children determined to be older than their actual age may be transferred to an adult prison prematurely.

Both cases present child protection challenges and underline flaws in age determination and the judicial process. On the one hand, an adult in the JRC could pose threats to children's protection. On the other, a child in an adult prison would face much harsher conditions than in a JRC, not be able to benefit from child-focused services, and have little power or control over his situation amongst adult inmates. Arbitrary age determination raises other child protection red flags, such as the mental safety of children, unnecessary exposure to adult life experiences and serious criminals, potential for abuse (emotional, physical, sexual), and differing rehabilitation priorities and reintegration programmes. Considering that adults may be imprisoned for life, children inappropriately placed in adult prisons would not benefit from rehabilitation- and reintegration-focused efforts suited for JRCs.

2.2. PATHS TO INCARCERATION

Certain common elements stood out amongst the stories shared by children in the JRC about how they fell into conflict with the law. Economic necessity was cited frequently in interviews by children themselves and key informants, particularly for theft. Detention of everyone involved in an incident, whether the victim or instigator, such as in a fight, was another common element. Other children interviewed believed they were at the wrong place at the wrong time or being used by police as scapegoats under pressure to find a responsible culprit, often detained and found guilty without evidence or defence intervention.

“Theft is the biggest [most frequent sentence], but some kids are here for just stealing a phone. Why would you put a kid in here for that? I've tried to advocate to prevent this.”

KII, Closed Centre manager, Kabul JRC

OPEN VS. CLOSED CENTRES - THE NEED FOR BAIL, ASSETS AND GUARANTORS

What crimes and what child profiles qualify for the Open Centre are up to the judge's discretion. In an ideal situation, this determination would be systematically based on a thorough SIR process done by a trained social worker – factoring in the scale of the crime, criminal history of the child, and the child's socioeconomic and

psychosocial backgrounds. Children may be sent to the Open Centre – technically an alternative to detention, but realistically not – from the start of their sentence or be transferred from the Closed Centre after serving a portion of it. This can be done at any point, with a judge’s approval, based on the recommendations of the defence lawyers, JRC management, counsellors and/or social workers.²¹

Generally, families must pay bail, put up assets, or present other forms of guarantee that their child would not run away and would serve his time. However, even this is up to the judge and can be overwritten.

Even though children in the Open Centre are still on the JRC premises and cannot go about as they please, they spend evenings and weekends with their families. Although they do miss out on education and employment activities while in detention, all children interviewed and involved in FGDs in the Open Centre, unanimously and naturally, preferred being there than in the Closed Centre. However, they shared similar sentiments as their Closed Centre counterparts regarding boredom, lack of activities, and lack of consistency and quality in service provision.

Table 2: Convictions and sentence lengths of interviewed children

Sentence	Convicted for					TOTAL	%
	Theft / Robbery	Moral Crime	Murder	National Security	Other Crimes		
Not yet sentenced	4	5	1	3	2	15	13%
less than 6 months	6	2	0	0	3	11	10%
6 to 12 months	25	1	2	3	11	42	38%
13 to 24 months	12	3	2	2	4	23	21%
more than 24 months	1	5	10	5	0	21	19%
TOTAL	48	16	15	13	20	112	100%
%	43%	14%	13%	12	18%	100%	

²¹ These procedures are based on the Juvenile Justice Code - for a full overview of the legal frameworks, see Annex 3.

DIVERSITY IN CRIMES AND SENTENCE LENGTHS

The spectrum of crimes with which boys in the JRC are charged spans from small offenses to serious and violent crimes. 43% of the overall population are charged with theft/robbery,²² followed by moral

crimes (14%).²³ Other charges include drug offenses, physical fights, the sale of alcohol, and trespassing. The most serious charges are of murder (13%) and sentences for threatening Afghanistan's national security (12%), including terrorism charges. Although the narratives of many children often tell stories of 'being in



²² This study does not distinguish between minor theft and armed robbery. Accordingly, the violent intensity within this category cannot be taken into account. However, in the course of data collection, it was observed that a larger portion of boys were sentenced for minor theft than armed robbery.

²³ Moral crimes are, primarily, offenses that are summarised with the term *zina*, which “is most commonly interpreted as sexual intercourse between a man and a woman outside the legal relationship of marriage. The offense, however, also includes rape and adultery” (Afghanistan Legal Education Project, “An Introduction to the Criminal Law of Afghanistan - Second Edition. Stanford Law School,” 2015, p 90). For this study, and based on information from KIIs and children interviews, additional offenses are included under the umbrella term of moral crimes, particularly sodomy (*levat*) for boys in the JRC.

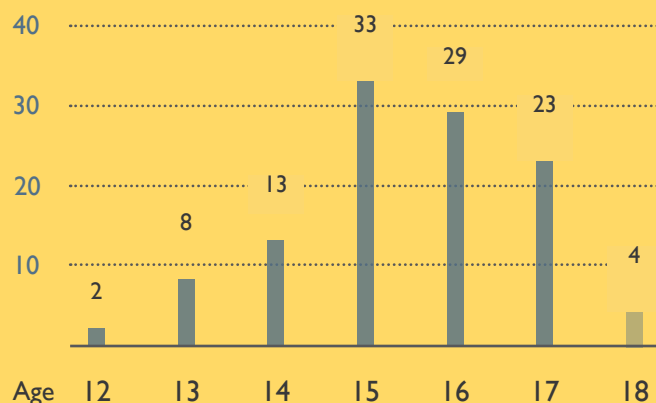
the wrong place at the wrong time,' the intensity of some of the recorded crimes is not disputable.

Sentence lengths for boys already convicted range, as can be seen in Table 2, from a minimum of 3 months – primarily for minor charges like theft or fighting – to 10 years for one particular murder case. However, the majority of sentences are either between half a year and one year long (43 %) or between 13 and 24 months (24%).²⁴ The education, vocational training and psychosocial support needs of a boy leaving the JRC after a few months are not the same as those of a boy with a long sentence, who will be transferred to an adult prison facility at the age of 18 to deal with reintegration in his mid-twenties.

2.3. BOYS (ALMOST) LIKE ANY OTHER

Just as their different sentences will impact their needs and potential future, so will their backgrounds, ages, and past educational and work experiences, which are as diverse inside the JRC as amongst children outside. These variations can pose challenges to a one-size-fits-all approach,

Figure 1: Ages of interviewed children (absolute numbers)



and should ideally be incorporated into short- and medium-term interventions in the JRC, integrated with existing services after release, and followed up with tailored support and case management post detention.

PERSONAL BACKGROUNDS AND HISTORIES

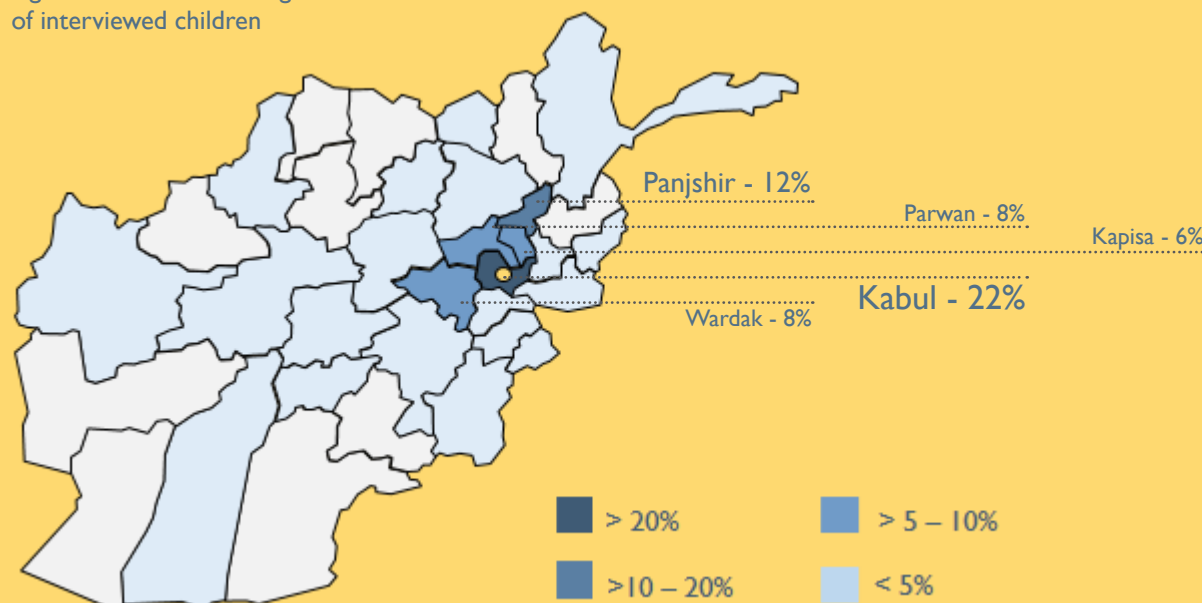
The current population of the Kabul JRC, with roughly 140 boys in May 2017, covers all ages that are, according to Afghan law, allowed to be in the JRC.²⁵ However, given the widespread lack of identification in Afghanistan, including birth certificates,²⁶ as noted earlier the age of children in

²⁴ These percentages are, in contrast to Table 2, calculated on a population size of 97 children, which excludes the yet to be sentenced boys interviewed in the JRC.

²⁵ The age of criminal responsibility in Afghanistan is set at 12 years at the time of crime based on article 47 of the Afghanistan Juvenile Code. Children in conflict with the law in Afghanistan are regarded as non-discerning, if below 7, and not criminally responsible though discerning if between 7 and 12 (UNICEF, "Child Notice Afghanistan," 2015, p 59-67).

²⁶ A 2016 study by Samuel Hall and the Norwegian Refugee Council in Kabul, Balkh and Herat highlighted that only 2% of the male population has a birth certificate, and only 15 % of boys under the age of 14 possess documentation in form of a tazkera (Samuel Hall and Norwegian Refugee Council, "Access to Tazkera and Other Civil Documentation in Afghanistan," 2016).

Figure 2: Provinces of origin of interviewed children



conflict with the law is often determined or confirmed by forensic doctors.²⁷ One boy in an interview noted, *“I think I’m 11. The doctor said I’m 12. My mother is not sure, but she thinks I’m 12 too.”*

The conundrum of age determination is additionally supported by few informally reported cases of families trying to lower the official age of their son to avoid adult prison facilities, whether at the time of sentencing or later on. While the majority of boys are 15 years of age or older (80%), 12-year olds to 16-year olds share the same building and lifestyle (block A), generally separated from 17 and 18 year olds (block B). Although at nights boys are segregated in rooms relatively based on age groups

and friend circles, during the day, younger boys mix with older ones.

However, a common concern – shared by children and raised in several KIIs – was that children mismatched with older age groups cannot have their needs answered in a tailored fashion and may face age inappropriate stresses, such as adult life experiences, potential for sexual coercion, legal ramifications for misbehaviour, staff treatment, programming, and views on criminality and delinquency.

Most of the boys in the JRC come from either Kabul province (22%) or from nearby provinces – Panjshir (12%), Wardak (8%) and Kapisa (6%). Overall, more than

²⁷ UNICEF, “Child Notice Afghanistan,” 2015, p 60 / also revealed in interviews with children in the Kabul JRC, particularly those that looked borderline too young or too old.

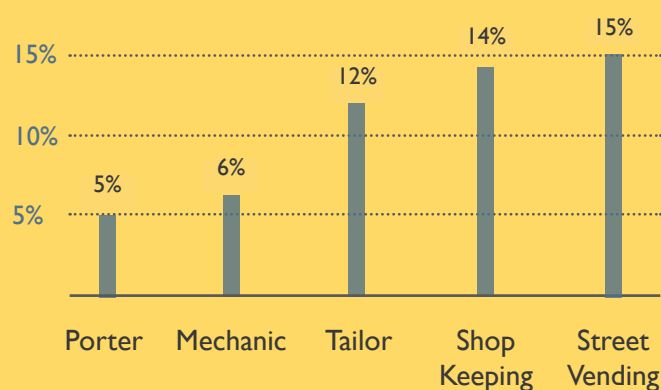
20 provinces of origin are listed.²⁸ Further points highlight their “average” nature:

- The vast majority of them were either living with their parents (88%) or other family members (5%) prior to detention.
- A strong minority have experienced cross-border migration (21%) and/or internal displacement (31%).²⁹
- 82% have worked for money - with half of them having had their first work experience by the age of 13 or earlier.³⁰

Like many in Afghanistan, boys in the JRC have experienced troubling events, isolation and poverty, and as attested to by diverse key informants, these boys have often not received the protection they need or the rights they deserve. Children in the JRC have shared other vulnerabilities in the course of this study, particularly relating to their households and personal characteristics. 17% claimed to have a chronic illness and 10% claimed a mental disability. Many boys reported cases of physically (20%) or mentally disabled (23%) persons as members of their households as well as household members with chronic illness (35%) or drug addictions (16%).³¹ They were not isolated from their communities

prior to imprisonment, with only 13% reporting that they did not participate in any common activities within their communities – which should be taken into account in future recommendations for reintegration.

Figure 3: ‘What was the last work/job you did?’ (top five)



DIVERSE EDUCATIONAL LEVELS, DIVERSE SKILL-SETS

Prior academic education completed varies significantly between the boys in the JRC. 16% did not receive any formal schooling at all before the JRC. The latest completed grade for the remaining majority ranges from grade 2 to 11 (see Figure 4). This

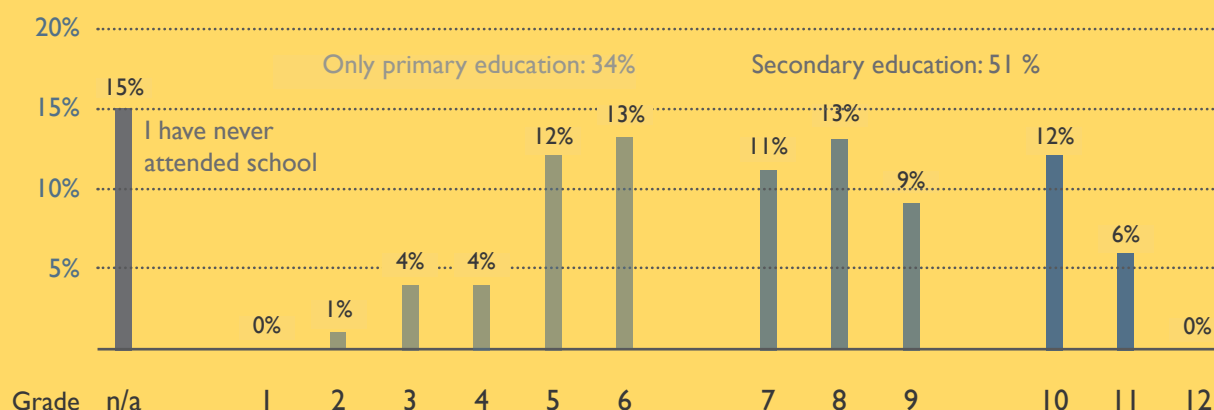
²⁸ While one child did not know his ethnicity, most of the boys are either Tajik (45%) or Pashtun (35%).

²⁹ Previous research by Samuel Hall indicates that 76% of Afghans have experienced displacement at one point in their lifetime and 60% of Afghanistan's population is under the age of 24. Pertaining to urban displaced youth in Kabul: “the most successful have been voluntary and assisted returning refugees – while others, including voluntary return migrants, forced returnees (deportees) and IDPs, remain the most vulnerable” (Samuel Hall, “Urban Displaced Youth in Kabul. Part One: Mental Health Matters,” 2016).

³⁰ The intensity of work was not recorded. Hence, ‘work for money’ can include regular and daily jobs but also minor and irregular tasks in a family business.

³¹ The representative character of these statistics might be influenced negatively by the limitations on data reliability in surveying children and by the age of the interviewees impacting on their full comprehension of these terms.

Figure 4: 'What was the last school grade that you completed successfully before the JRC?'



diversity in educational backgrounds is further complicated by the fact that official education levels do not necessarily reflect actual literacy and academic skills, in part due to the shortcomings of Afghanistan's public education system. For, example, one 15 year old boy from Baghlan, even though in grade 6 prior to arrest, was completely illiterate.

The professional background of the current JRC population shows a broad variety of sectors and tasks as well, ranging from agriculture to service industry jobs to manufacturing. Still, the majority of their past jobs can be described as low-skill labour, including street vending (15%), shop keeping (14%), and working as a porter (5%). The most skilled jobs exercised required manual skill training, such as tailoring (12%) and mechanics (6%) (see Figure 3).

The diversity in professional backgrounds is reflected in their skill sets, with many reporting to have learned skills in manufacturing tasks (18%), in the wholesale/trade sector (15%), in the general service industry (13%) or in tasks relating to construction (12%).³²

In sum, boys in the Kabul JRC showcase a distinct variety of educational backgrounds and literacy levels, which are combined

"I was working at *Sara-i Shomali*. I would sell *bolani* [a popular Afghan street food] or help drivers get passengers. My mom would say don't go, that I could get hit by a car or hurt, that I'll get jailed. I went to make money, what was I supposed to do?"

12 years old, Closed JRC, Block A

³² Manufacturing may include Carpentry, Handicrafts, Tailoring, Sewing, Embroidery/bead work, Making of leather products and Carpet weaving; Wholesale/Trade may include Import-Export, Small retail store (groceries), Livestock trade and Streetside booth trade; the general Service Industry may include jobs like Hair styling, Beautician, Money transfer services, Hospitality/hotel and Telecommunications services/IT; Construction related skills may include Plumbing, Masonry, Electrical wiring, Welding and General construction.

with skill sets and professional experiences that cover, although often based on low-skill tasks, a broad spectrum of sectors. While the JRC children are not a particularly distinct group in comparison to their peers outside (when considering their background and life before the JRC), they are an internally heterogeneous population in terms of their educational and professional background as well as their ages.

2.4. LIFE IN THE JRC

Understanding the detention phase of boys' life in the JRC is crucial for their future prospects. Insufficient activities combined with pre-existing issues, and neglect can negatively impact a child's adult life and reintegration back with society post detention. However, internal peer support – such as for new arrivals – reliance on friend networks, for emotional comforting, and transfer of knowledge are strong and can be utilised to the boys' advantage.



“Those early days, I would just sleep and cry. When new kids come, everyone cries, we tell them not to cry. We tell them this is not a prison.”

12 years old, Closed JRC, Block A

“There is an unspoken rule in every room here. When somebody new comes, you have to be mean to them. It's amongst the kids. Just so the person learns his place and doesn't retaliate. If you seem like a good person, they may not even do it. If you're a trouble-maker, then they'll take it harder on you.”

15 years old, Closed Centre, Block A

NEW ARRIVALS

The initial phase of arrival to the JRC involves a lot of fear, anxiety, sleeplessness and crying.³³ The boys console each other, help each other, and acquaint one another, particularly those that have been present longer. While psychosocial support for new arrivals is one area of focus for professional counselling sessions in the JRC, individual attention, if it takes place at all, does not continue past this initial phase and is replaced by monthly group visits organised by room.

STRONG NETWORKS WITHIN - CONTACTS AND RELATIONSHIPS INSIDE THE JRC

The everyday life of children in the Kabul JRC is shaped by contacts with a small group of persons, mainly supervisors and other children. The latter comprises a crucial support system available for

emotional wellbeing. Despite the partially available psychosocial support services and the weekly parental visiting hours, the vast majority of boys (74%) turn to their friends inside the JRC when feeling sad, with only a few reaching out to JRC staff (13%) or teachers (5%). Parents and social workers do not seem to play a role in the active search for emotional comforting. The pivotal role of friends, especially the ones in the same room, is confirmed by the qualitative research of this study.

The reliance on JRC staff for important issues, like illnesses or harassment, echoes the primarily positive and supervisory relationship between the boys and the staff, especially considering the enormous power imbalance. The vast majority of boys describe the JRC staff as ‘friendly’ (89%) or ‘helpful’ (65%), and 74% said that they ‘respect’ the working population of Kabul's JRC. One boy shared in an interview, *“with the supervisors we are like family. We tease them, but they don't bother us.”*

“You know, there are 10 kids in a room, they are like my brothers. We hang out with each other in our rooms all day. We help each other, we do beadwork together, we teach each other, study together. If someone gets upset by somebody else, 5 minutes later that person will go apologise and makes up for it. Amongst the 10 friends in your room, there'll be 1 or 2 who are closer to you, he'll tell you his secrets and you'll tell him yours.”

JRC Case study, 18 years old, Closed JRC, Block B

³³ KII, Head of Psychology, Kabul JRC.

Building supervisors or *mobasser* – not to be mistaken with JRC management and overarching decision makers from MoJ – shared in casual conversations that while some children are indeed guilty of their crime and have committed serious and pre-meditated offenses, they felt sympathetic towards their circumstances, understanding that many had been driven towards conflict with the law out of poverty and isolation, and many were powerless to aid their situation.

VISITING HOURS LIMIT CONTACT WITH THE OUTSIDE WORLD

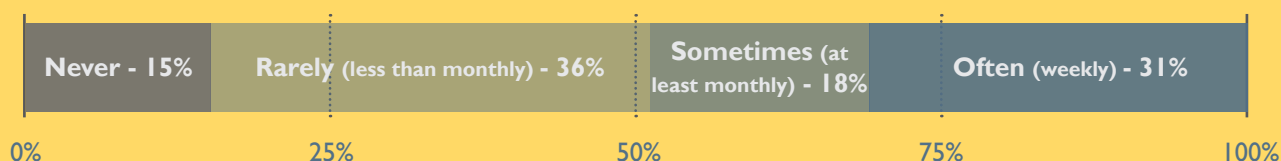
One of the most important social functions for the majority of boys in the JRC is the weekly family visits, officially held on Wednesdays. While not concerning boys in the Open Centre, visits are a crucial time and the only official possibility for children in the

Closed Centre to stay in contact with guardians and family members. However, according to the children themselves, time-consuming security checks, as well as waiting lines for visitors, can reduce the allotted time from two hours, sometimes to as little as 30 minutes.

Boys in the Closed Centre who receive visits stay in contact primarily with their fathers and/or mothers via visiting times (95%). In addition, boys are visited by other family members (45%) and sometimes even by friends from outside (22%).³⁴

The residential location of parents and family is unsurprisingly a crucial factor for the weekly visits. As one boy confirms in a case study, “*I have been in the JRC for 4 months. My parents can’t visit me here because it is not safe for them. Kunduz has fallen³⁵ and Taliban are making gains in Badakhshan.*” Another boy in a focus

Figure 5: ‘How often do you get visits in the JRC?’ (not included: children in the open JRC)



³⁴ These numbers are based on a sample of 88 boys, which is the number of children interviewed who stay in the Closed JRC and receive visits, even if at least rarely. With regularly only 10 to 15 boys in the Open Centre, this population spends nights and weekends at home, and does not need visitors. Children who do not get any visits at all were also not taken into account.

³⁵ Increased armed conflict and rising insurgency in Northern Afghanistan, particularly Badakhshan and Kunduz provinces, as well as elsewhere have impacted the lives and livelihoods of many Afghans (Humanitarian Country Team, “Humanitarian Response Plan - First Quarter Report: January - March 2017,” 2017). The Norwegian Refugee Council reports that conflict has further increased since the late April announcement of Taliban’s ‘spring offense,’ displacing thousands of people (NRC, “Afghanistan: Thousands flee armed conflict in Kunduz,” 2017).

group discussion shared that it would take his family 13 hours to come to Kabul from Helmand. He was moved to Kabul from Helmand one year ago due to safety concerns in the area, but because of distance, he has not had any visitors since. He is serving a 10-year sentence.

“There are openings between the fences where you can shake hands, but you can’t hug or anything.”

18 years old, Closed JRC, Block B

The importance of the visiting hours for the boys’ emotional wellbeing and for keeping support contacts outside the JRC is underlined by the overwhelmingly positive attitude of most boys towards them, with 89% enjoying them ‘very much.’ But apart from family and close friends, visits from other persons outside the JRC – including community members, legal advisors and social workers/NGO workers – are either hardly mentioned or not at all. Without any additional contacts, the reintegration of children into society and their former communities might solely depend on relationships with parents or other family members. If families are isolated and disconnected themselves, there might not be much they can do to facilitate reintegration or tap into social networks for their children post detention, especially in Afghanistan where much is guided by personal relations and contacts, including work opportunities.³⁶

ENDLESS EMPTY HOURS

The reality of everyday life in the JRC is primarily centred on the single, locked rooms, with ten boys sharing a unit. Daily life in the JRC for all boys is structured around particular times for particular activities, starting with morning prayers at sunrise, then school classes in the morning for two to three hours for those that have facilities (e.g. Block A), and an hour of free time outside, called ‘sun time’.³⁷ Small but regular tasks throughout the week are also assigned to the boys, including chores like room cleaning and washing their own laundry.

There are also other activities, such as religious prayer, monthly group psychology sessions, and the aforementioned weekly visiting hours. The wish to be active and do something is obvious in every conversation with the boys but further undercut by insufficiencies and irregularities in the actually scheduled activities, security, and layout and connectivity of buildings. Not surprisingly, one of the biggest problems about life in the JRC is the lack of activities or their quality (21%).

More than a fifth of all boys in the Closed Centre have never attended any school classes since their arrival and more than three quarters had not received any skill training courses. When boys have been in the JRC for six months or longer, these numbers fall to 15% and 60%, respectively – making clear the impact of the current

³⁶ Samuel Hall, “Afghanistan’s Future in Transition: A Participatory Assessment of the Afghan Youth,” Kabul, 2013, p 23.

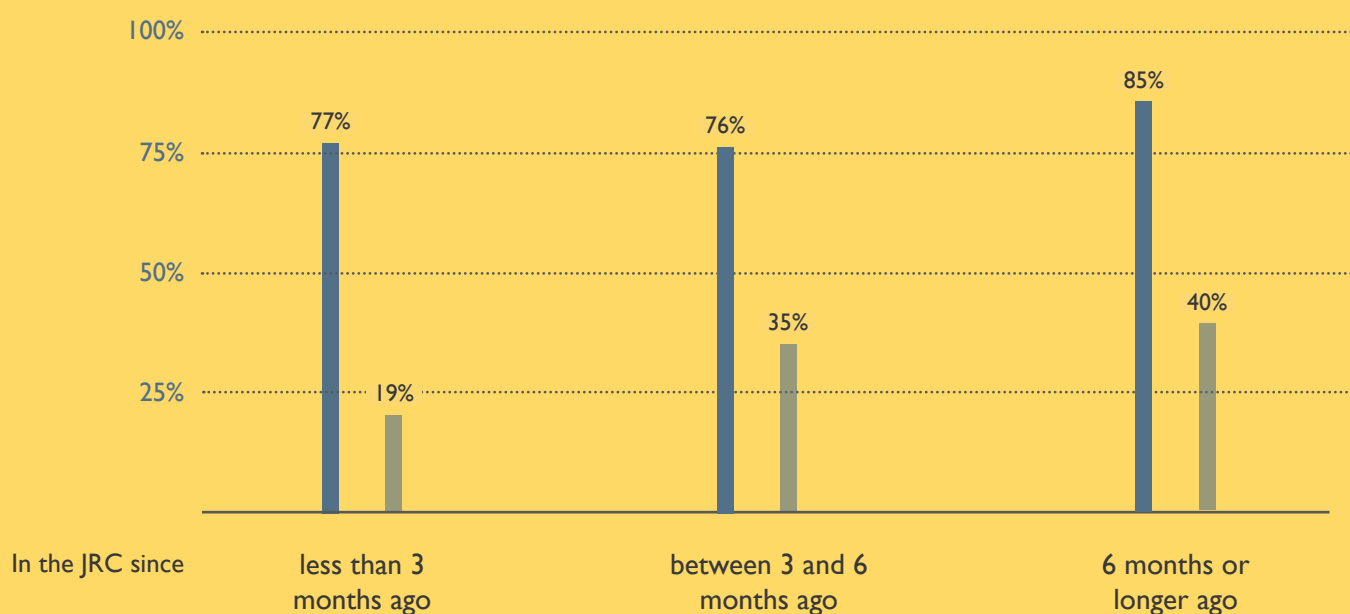
³⁷ According to interviewed children in the JRC, not based on official schedules.

lack of access to the adjacent building where classes had been held, currently under construction to host facilities for close to 200 children charged with national security infringements arriving to the Kabul JRC. This gap in the provision of academic and vocational training is further substantiated in qualitative interviews and attributed to a combination of building layout, lack of resources, and security constraints, since the Closed Centre, particularly Block B, has historically lacked classes. Detaining children without school classes and/or any skill training is not only concerning in terms of preparation for post detention reintegration, and against Afghanistan's own Juvenile Code provisions, it is also a violation of basic child rights.

"It's been about 2 months that there are no courses and no professors. Before they would take us for classes and everyone would be together, grade 1, grade 8, grade 10. We used to go to the building over there that they are preparing for the political cases from Bagram. When we had our academic courses, the teacher would come, but there were no books and we were all mixed. So the teacher couldn't teach everyone and would ask what people wanted to talk about, so kids would ask about this king or that king, or ask for the prophets' stories or talk about the planets. It's funny, when we had teachers, we had no books and notebooks. When we got books, we didn't have our classroom anymore. They say the number of police is too low to take us from the Closed Centre to the Open Centre for classes or workshops. So all we do is beadwork, we play *ludo* [popular game with dice], we read the Koran, that's it. Inside our rooms there isn't much else to do."

JRC Case Study, 18 years old, Closed Centre, Block B

Figure 6: 'In the JRC, I have attended ...' ■ School classes (average: 79%) ■ Skill training courses (average: 29%)





PRESSING ISSUES AND PROBLEMS

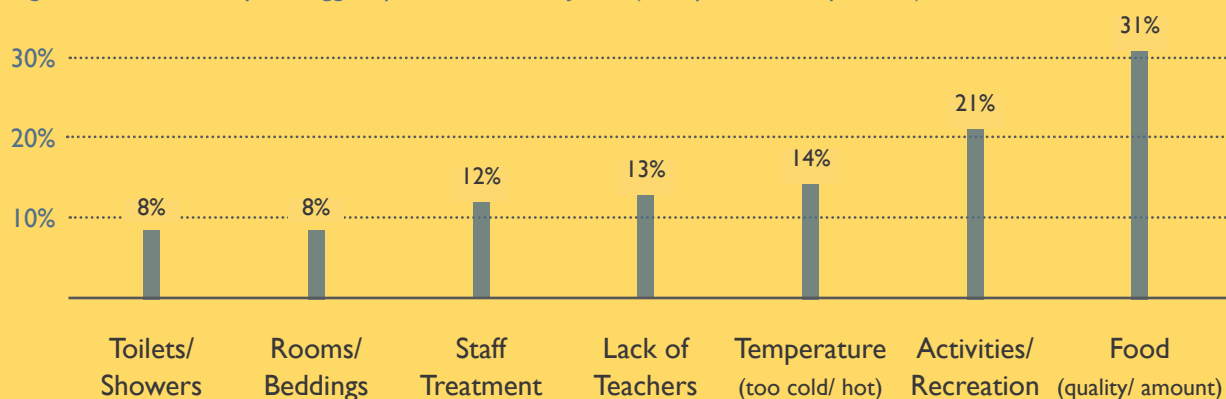
“Time flies here, but days go by very slowly.”³⁸

To combat boredom and the feeling of suffocation boys feel in their rooms, common requests, other than longer visit hours, concerned activities and entertainment. Television was a very common request across the board, in interviews and conversations. Books and reading materials were another.

When directly asked about their biggest problems, boys cited issues with the amount or quality of food (31%), problems with boredom and lack of activities (21%), and room temperature (14%). Taking the example of temperature, the research team noticed a lack of airflow when doors to rooms were closed, which is a majority of the time. Furthermore, (1) rooms lack fans and are poorly ventilated; (2) windows to the rooms do not have screens and when left open for air, attract mosquitos, particularly at nights when lights are left on for security reasons.

³⁸ JRC Case Study, 15 years old, Closed Centre, Block A

Figure 7: 'What is/are your biggest problem/s in the JRC?' (multiple answers possible)



Restrictions behind some recurring complaints stem from previous incidents; responses to which have been reactionary, and rarely revised, and the preceding context raising question regarding safety and child protection. As gathered from interviews and conversations, this particularly refers to three major incidents:

- Doors to rooms used to be kept open, but purportedly some boys formed internal gangs with their friends and roommates on their floors and it became violent to the point that supervisors were afraid to enter, police had to be involved, management changed, and security protocols tightened; **doors are now closed**;
- Boys used to be able to watch television, but fighting ensued between two parties over control, and **televisions have been removed since**; and
- Showers were readily available, same as razors, but following an attempted suicide, **showers are assigned by**

rooms and only on a weekly basis to be manageable, similar to razors, for which boys must sign with fingerprints and return after use.

UNSETTLED EMOTIONS

Coming into conflict with the law and detention, in and of itself, is a traumatic experience for children. For some, this is in addition to previous traumatic experiences. Indeed, the vast majority of the boys in the JRC show signs of traumatic symptoms and concerning behaviour. More than a third mentioned experiencing 'events in their life that made them very sad, angry or scared.' Given the risk of underreporting to very personal questions, the prevalence of witnessing traumatic incidents in Afghanistan, and the settings of the interview, this figure could potentially be higher. From the ones who were willing to talk about such events openly (34 cases), ten boys mentioned 'seeing wounded or dead people' in their life as a traumatic experience, and others

Figure 8: 'Do you currently experience any of the following symptoms?' (multiple answers possible)



talked about violence in their community, death of friends, and not knowing if parents/family were alive for a period of time. **Not a single child reported none of the conditions in Figure 8.**

The potential severity of the mental/emotional health problems is highlighted by the fact that **27% of the boys admitted to frequently thinking about hurting themselves.** Further findings include:

- Length of sentence correlates to reported mental state. **Children with short sentences of less than six months report fewer symptoms in general, while the most affected are children with sentences of two years or longer.**

- Children clearly have negative sentiments about their situation in the JRC, with feelings of remorse (70%), regret (59%) and sadness (54%) as the dominating responses.

It must be highlighted positively that nearly three quarters of the children had participated in counselling and psychosocial support sessions in the JRC, which take place once a month in groups assigned by rooms and, as explored later in this report, are well received by the boys. However, there appear to be clear gaps in services and outreach given the many negative feelings and the large number of reported emotional and mental conditions.

A VOICE FROM WITHIN – CASE STUDY FROM THE KABUL JRC

While the two case studies conducted (one with a 15 year old in block A and one with an 18 year old in block B) are referred to throughout this report, the following are excerpts from an additional in-depth interview. Not officially counted in qualitative data since he had arrived in the JRC too recently to provide significant information about life there, this boy's story, while unique in circumstances and needs, offers a compelling view of the ordeals of many children in conflict with the law, and the situation of the Kabul JRC. It also shares a great deal of concern for child protection, child rights, and the Juvenile Justice System in Afghanistan.

Mahdi [name changed] had arrived at the Kabul JRC 12 days prior to this interview. He was waiting for a court hearing while detained at the Closed Centre. His right arm was bandaged and in a cast, and he was missing fingers. Prior to his arrest, he had been working as a tailor and studying in grade 6, although he is illiterate. After spending 1.5 months in hospital following being shot at by the police while involved in an armed robbery, he was brought to the JRC, where the capacity to take care of his immediate needs is low, let alone the emotional and physical toll of having gone through such a traumatic incident, including being disfigured and losing his livelihood.

“The incident [armed robbery] happened in Pol e Khomri [district in Kabul] when the police chased us. I was going along with older relatives. We were 8 people in the car. I was the youngest. I received 3 bullets. I was in the hospital for 1 month and 6 days. It was about 50 days ago, night of New Year [March 21, 2017]. When they released me from hospital, they brought me here. [...] I met the social worker already, but I have not met the psychologist yet. If I have problems here, I don't talk to anyone. Everyone has his own problems. It's been difficult, I miss home, I am in pain. [...] I miss time with family the most. I feel good when they come to visit me. They feel bad that I am here. They say they'll find money to pay for me to get out. Private lawyer will charge \$6000 to work on my case [could also be the cost of his bail, he was unsure], but we don't have money, so I am waiting here until my court hearing. [...] I am taking literacy courses here, I am also studying the Koran, Dari, math, but it's difficult. There are kids at different levels all together, kids are playing around. The teacher doesn't teach right, the kids don't focus. The courses take place within our rooms, but you sometimes have 20-25 people in one room. One teacher teaches everything. [...] There is a gym, but I can't participate right now because of my injuries. They took flesh from my legs for my hand surgery. I can't do any sports either. There is nothing I can participate in right now. [...] I was a tailor before. Yes, what I am wearing right now, I made myself. I was sewing since I was 7. I like it. I wanted to continue to be a tailor. I would participate in sewing classes here, but I can't. I can't hold scissors anymore [lifts his bandaged hand and points to his missing fingers] and I can't use the sewing machine either. When I get out, I want to study. I have to study to find a job, I can't continue sewing.”
(15 years old, JRC Closed Centre, block A, 12 days after his arrival in the JRC)

3. ASSESSING THE REALITY OF THE JRC

“JRCs can’t teach kids well. Here we look at JRCs as prisons and we look at the kids as prisoners and we are unable to rehabilitate them, especially those without support networks, those that provide for their families, or those from impoverished backgrounds.”³⁹

Existing programmes in Kabul’s JRC to support the future reintegration of children in conflict with the law in theory consist of regular school classes (provided by MoE), skill training courses (provided by MoE with support from MoLSAMD) and psychosocial support session (provided by MoPH, supported by MoJ and UNICEF). While the provision of these is mandated by the Juvenile Code and the Letter of Agreement, as ascertained in both interviews with the children and key informants, and as determined by quantitative surveys, the implementation, consistency and quality of these services is lacking. In this regard, the Kabul JRC echoes general concerns for children in conflict with the law on a national level, *“at most JRCs, access to educational and vocational training aimed at preparing juveniles for re-entry into society is limited.”⁴⁰*

Beyond the practical improvements necessitated by existing programming, **fundamental challenges** render offering boys substantial opportunities difficult. These exist at several levels:

- **Programming level** (insufficiencies in the currently provided support systems)

- **Structural level** (built environment, security, and lack of resources)
- **Organisational level** (between the existing stakeholders)
- **Individual level** (characteristics of the JRC population)

The children themselves provide several interesting entry points to programmatic recommendations for **future opportunities**, namely:

- Existing peer-to-peer support, knowledge transfer and coping mechanisms;
- Pre-existing skill sets; and
- Positive aspirations and ambitions.

3.1. SETTING THE SCENE: AN OVERVIEW OF EXISTING PROGRAMMING

While educational, vocational and psychosocial support programmes are already in place in the Kabul JRC, they are struggling with challenges and their own insufficiencies, particularly relating

³⁹ KII, Head of Children’s Primary Court

⁴⁰ UNAMA, “Assessment of Afghanistan’s Juvenile Rehabilitation Centers,” 2016.



to quality, resources and consistency. Limited access to school education and skills training, not enough time for counselling children, security and policing concerns, and a general organisational mismanagement are the most prevalent shortfalls at the moment.

LIMITED SCHOOL EDUCATION

As mentioned in section 2.4, more than 21% of all children in the JRC have not received any school education since their arrival. While this situation can be partially explained by current construction

efforts in the Closed Centre, these are troubling numbers. Parts of the Closed Centre, particularly Block B, have no classroom facilities, and the neighbouring building where classes would take place in the past is currently under construction to soon host boys with national security charges coming from Bagram and elsewhere in Afghanistan – and thus not usable.

The value of this education is questionable: children with different educational levels and literacy skills are often taught in combined classes. While at times, numbers and resources permitting,

children have been separated into various combinations of strengths and grades, such as, literacy and grades 1/2/3 as one group, grades 4/5/6 as another, 7/8/9, and then 10/11/12, this has not always been the case and not currently.

Boys currently detained in the Open Centre, where facilities are readily available and security escort are not a concern, still do not have positive sentiments in education provision. In a focus group discussions at the Open Centre, one boy said, *“lessons here are just for killing time,”* another said, *“lessons here are just for passing the day,”* and a third asked, *“we are wasting our time here, what is the benefit?”* The number of boys in the Open JRC – generally 10-15 – is simply too low to make separate classes feasible.

Despite the clear problems that the current provision with school education in the JRC faces, the majority of children are actually still positive about the opportunity these classes can provide for their future, with 66% of boys having attended school classes being certain that they can continue their education after release from the JRC.⁴¹ While this attitude may represent more wishful thinking than an actual possibility, it showcases the boys’ desire and optimism for their future education. This optimism is aided by the distribution of certificates from the MoE as proof of continued education whilst in detention for those participating

“There are 30% who are illiterate and we have kids that studied until grade 1 or 2 and then left for work. We have a wide array of kids. In the past the number of teachers was really low. We have 11 teachers now and we try to put the kids in different categories covering literacy to grade 12. This has happened this year only, before we only had 4 teachers. The more we can separate the kids, the more individualised our programmes can be.”

KII, General Director, Kabul JRC

in classes in the JRC. Although the value of this certificate is questionable considering the quality and consistency of education provision by MoE at the JRC, children interested in education saw this as indicating that they would not have to repeat grades or fall behind their peers when released.

The issues highlighted here – insufficient facilities, ill-adapted classes, and limited access – are not unique to the JRC. These reflect challenges to the education system in Afghanistan in general.⁴² For example, a 2012 research by Samuel Hall and ILO indicates that up to 700,000 young people complete secondary school each year, but many are unable to find secure employment and must work in low- or unpaid jobs.⁴³ Nonetheless, children in conflict with the law are an invisible group in policy and programming who face additional barriers to access education and employment, particularly post detention.

⁴¹ Only 18 % of the boys having attended classes so far believe that the quality of their education is not sufficient to ensure their later education and/or employment.

⁴² As shared by key informants, and observed in previous and ongoing research in Afghanistan, including one on Out of School Children. See also: UNESCO, “Education for All 2015 National Review Report: Afghanistan,” 2015.

⁴³ Samuel Hall & ILO, “Time to Move to Sustainable Jobs: Study on the State of Employment,” 2012.



SELECTIVE SKILLS TRAINING

Most interviewed boys (75%) plan to work for money after their time in the JRC, or are at least aware of the potential necessity for economic activity given their socioeconomic backgrounds.⁴⁴ Skill training courses therefore can address both current challenges: 1) Giving them purpose and increasing self-esteem; and 2) Better preparing them for their economic future.⁴⁵

Yet, despite facilities in the Open Centre,⁴⁶ less than a third (29%) of the boys interviewed reported having attended any skill training courses in the JRC so far. While the Open Centre has workshops and rooms for metalwork, carpentry, and sewing, as well as a computer room, the Closed Centre has no such facilities. The only vocational training currently

available at the Closed Centre is sewing, accessible in the administration building and only limited to boys showing a keen interest or those who already had skills in this domain. Security concerns as well as lack of police resources and willingness to transfer boys between the Closed and Open Centres thus limit access to activities for boys in the Closed Centre, despite the clear relevance of these to their post-detention future. As yet it is unclear whether the former Closed Centre school building, currently under construction for political cases from Bagram and elsewhere, will have any vocational and academic education facilities and whether these would be accessible to all.

POSITIVE GROUP COUNSELLING

Considering the troubling mental health issues that many of the JRC children seem to face, psychosocial support is a clear need. The MoPH, currently supported through a programme by UNICEF, provides counselling sessions, involving group activities, child-led discussions, short video clips on behaviour and etiquette in the JRC, and often an Afghan comedy film. The government only supports the head psychologist. UNICEF supports four additional male counsellors and one female counsellor, but not yet any equipment or resources, such as group activities or games.

⁴⁴ For a more detailed overview about aspired and/or imagined futures of the children, please see section 4.2.

⁴⁵ Previous research by Samuel Hall in Afghanistan has confirmed the effectiveness and positive impact of skill training courses on youth employment and soft factors like increased self-esteem. See, for example: Samuel Hall, "Evaluation of NRC's Youth Education Pack (YEP) projects in Faryab, Herat, and Nangarhar," 2014; Samuel Hall, "Sustaining the Working Poor in Kabul Informal Settlements: An Evaluation of Solidarités International's Vocational Training Programme," 2012.

⁴⁶ The Open Centre of the Kabul JRC has various workshops, which due to police escort and security concerns, are only available to boys in the Open Centre. The Open Centre also has a computer room, a classroom, as well as abandoned rooms, which could be refurbished for different purposes.

“We don’t have anything to entertain the kids. We don’t have any materials to work with the kids – visuals, paper, games, computers, nothing. The staff come from UNICEF. We just have one room to do everything in – group and one-on-one. [...] Lack of facilities is a big challenge for our activities here, but also for courses and workshops.”

KII, Head of Psychology, Kabul JRC

74% of all children in the JRC report having attended these sessions at least once – and share positive views about them. As shared in the Closed Centre FGD, *“the psychologist is very good, he helped me a lot, and I could become very healthy through his instructions. I could push away the sadness from me and continue my life prosperously.”* However, these opinions must be nuanced: the appreciation given for these sessions is influenced by the emotional support offered, but also simply by the chance to leave rooms and access entertainment, frequently cited by boys in interviews in association with psychologist visits. As one boy shared, *“we like the psychologists. We talk about different topics, like drugs or family or society, we watch rules about the JRC, like how to keep your hair or to not write on walls, and then we watch comedy films.”*

The overall quality of counselling sessions nonetheless require improvements. The counsellors themselves complain that they do not have the rights tools, such as activities or games, to better engage with children. They also do not have facilities

for one-on-one counselling, which does not occur other than an initial meeting during the early arrival phase.

Interviews and group discussions show just a few dissenting opinions on the value of psychological support. For example, one boy stated *“I have never been to a psychologist and don’t plan on it either, because I am not crazy.”* Samuel Hall’s research with urban displaced youth found that even for those children who deem themselves in need of counselling and mental health support, such facilities did not exist.⁴⁷ Capacity is largely lacking in mental health in Afghanistan – whether in terms of number of specialists or when it comes to the curricula of general doctors – which is to the detriment of adults and children living in a country marred by violence and other potentially traumatising events. A 2011 World Bank report noted only two internationally trained psychiatrists in Afghanistan – neither of whom practiced.⁴⁸

From a counselling perspective, the psychologists are limited by the fact that all counselling is in groups. Unless a boy takes it upon himself to raise an issue or odd behaviour is noticed by roommates or staff, there is no opportunity for individual counselling. One notable aspect of the sessions shared in interviews is the autonomy it instils in participants. Children select topics of discussion and lead the majority of conversation, which as attested in interviews and conversations, is appreciated by children.

⁴⁷ Samuel Hall, “Urban Displaced Youth in Kabul - Part 1. Mental Health Matters,” Kabul, 2016.

⁴⁸ Ghulam Dastatir Sayed, “Mental Health in Afghanistan: Burden, Challenges and the Way Forward,” 2011, p 13.

Table 3: Kabul JRC stakeholders at a glance

Main Stakeholders at the Kabul JRC		Realm of support and current activities
Governmental	MoE	Teachers / Continuing education certificates / Literacy / TVET
	Mol	Police departments (arrest) / Police security at JRC
	MoJ & AGO	The judicial process ⁴⁹ / Primary Juvenile Court, Appeal Court and Supreme Court
	MoLSAMD	Social workers / Post detention support
	MoPH	Health facilities on premise / Psychologists / External referrals to public hospitals
	NDS	Political cases / Terrorism & national security
	Others	Ministry of Hajj and Religious Affairs Ministry of Women's Affairs Municipality of Kabul
Non-governmental	Aschiana	Social workers and protection services as well as coordination with CPAN and other stakeholders (termination of JRC activities in June 2016, waiting for funding)
	AWEC	Provision of services girls in the Kabul JRC (girls in the Closed Centre are only 10% of the entire population)
	CiC	Social workers at police departments in Kabul and in the JRC - completion of SIR forms, support and protection for the boys, work with families, community follow-up post detention
UN agencies	UNICEF	Psychological services in the JRC - male and female
	UNAMA	Legal advice and capacity development with Ministry of Justice & Assessment of JRCs
Other	CPAN	Support and advocacy for 23 categories of children in need of protection, based on the National Strategy for Children

⁴⁹ Governed by chapter 3 of the Juvenile Code – articles 26 to 42.

A COMPLICATED ORGANISATIONAL STRUCTURE TO SUPPORT

Prioritising the wellbeing and rehabilitation of children in the JRC and aiming to build national capacity, responsibility and sustainability, a Letter of Agreement has evolved between 12 national parties with dedicated tasks and assignments within the JRC. For example, in addition to the ministries concerned with the judicial process, MoPH is responsible for the physical and mental wellbeing of the children, MoE is to provide academic and vocational opportunities, and notably, MoLSAMD must provide social workers as a minimum to ensure a due judicial process, to complete Social Inquiry Reports, for supporting boys while in detention, and for following-up and connecting to services post detention. MoLSAMD mandate to support children in conflict with the law is within the larger frame of providing assistance to all vulnerable children (and adults alike).

Besides national stakeholders, there are also NGOs, who have traditionally filled the gap in service provision. In the Kabul JRC, these NGOs include Children in Crisis (for boys in the JRC – Open and Closed Centres), Aschiana (with services for both boys and girls, but has not been funded since June 2016) and AWEC (supporting girls in the JRC). Finally, UN agencies and intergovernmental authorities work upstream with ministries and aim to provide technical assistance and build capacity, including UNICEF, UNAMA

and also various governments and the European Union. Without a current and relevant coordinating mechanism that includes all concerned stakeholders, it would be difficult to match differing priorities with short-, medium- and long-term needs.

The aforementioned Letter of Agreement provides an opportunity and a platform for cooperation. If upheld and implemented, many urgent and long-term needs in the JRC would be answered. While conversations with stakeholders highlight major improvements in recent years, such as inclusion of social worker in the judicial process (i.e. SIR forms), the presence of

“I think donors are not interested anymore. I think one reason is because of corruption. What donors are afraid of is supporting infrastructure, and that’s what [government ministries] want. They want buildings, they want computers, they want desks, and no one is interested in that. The only thing we [UNAMA] can do is present proposals to the Justice Board of Donors or to raise an issue with the Minister of Justice. Virtually all the proposals we have written over the past three years have not been successful. I have not seen a single one accepted.”

KII, Judicial Affairs Officer, UNAMA

“There is no coordination and collaboration between the ministries. On paper, there are programmes for them. Comes down to budget again. You plan a football programme for the kids, but then the ball gets deflated and not one person will replace it. Who will do it, the trainer?”

KII, Head of Social Affairs at MoLSAMD



so many stakeholders, as suggested in Table 3, seems to be limiting their efficacy. Government stakeholders and ministries interviewed in this research process played a ‘blame game,’ where they held other ministries responsible for shortfalls, claiming that they themselves were doing the best they could with limited resources. While having multiple stakeholders actually provides opportunities for diverse NGOs and particularly UN agencies to engage, fund and build capacity, not having a direct government ministry or overarching authority responsible makes implementation, planning and collaboration more difficult.

3.2. CHALLENGES POSED BY THE CURRENT JRC STRUCTURE

The structural challenges presented above are worsened by practical challenges in the JRC itself: its layout, actual facilities and lack of resources make the successful provision of programming difficult.

INADEQUATE FACILITIES AND BUILDINGS

The JRC already has user-friendly metalwork, carpentry and sewing facilities available in the Open Centre. When there

are teachers, these facilities are used by the 10 to 15 children generally detained in the Open Centre. However, children from the Closed Centre cannot access the Open Centre due to security rules; according to key informants, security protocols changed when the JRC police began to be drawn from the narcotics and crimes departments, whose views on rehabilitation of children are more punitive. Moreover, the issue of adequate facilities and teachers is critical: children in Block B of the Closed Centre have no classroom facilities at all due to construction on an adjacent building in preparation for 200 political offenders expected from Bagram. Yet, in Block A where some classroom facilities do exist and academic classes take place, there are two smaller classrooms laying vacant with tell-tale signs of classes past, calligraphy and arts most recently. So, while both vocational and educational facilities do exist, they are underutilised due to logistics, security, or lack of resources (including qualified teachers).

LACK OF MATERIAL RESOURCES

As the Head of Social Affairs at MoLSAMD states, *“whatever organisation you ask, they say they don’t have resources. It’s not that money is not spent, it’s just poorly spent.”* Lack of resources, blamed by many stakeholders on poor planning, budget allocation and spending, manifests as gaps in services in the JRC, extending from food, to rooms, to provision of classes and vocational training. For example, there is

a clinic, but with few medications; there is a psychology department, but with no materials (visuals, games, computers, etc.); an outdoor space for volleyball and football is provided – but without a ball! As pointed out by the juvenile justice project manager with Terre des Hommes, there is a conundrum between lack of resources, external intervention, and lack of sustainability: *“we are highly concerned because our work is not sustainable. We are covering in for the government.”*

LACK OF SOCIAL WORKERS

One specific gap should be highlighted: the need for more social workers at all stages of conflict with the law.⁵⁰ Social workers may: 1) intervene at the beginning of the process, starting at police stations and upon arrival at the JRC, throughout the judicial process, upon sentencing and thereafter; 2) sensitise key stakeholders (starting with police officers) and advocate for change and child-friendly procedures; 3) contact families and start the SIR process right upon arrest; and 4) follow-up with boys while in the JRC, and for a required amount of time post detention.

At the time of this research, there were only 2 government social workers responsible for all judicial affairs of children in conflict with the law in Kabul, in fact 48 in all of Afghanistan for all cases of vulnerable children; some provinces only have one. It must be noted that these social workers are not provided with any communication or transportation costs

⁵⁰ According to a KII with the CPAN Technical Adviser to MoLSAMD, there are only 48 government social workers in all of Afghanistan to attend to all cases of child protection.

and their monthly income is less than USD 200, which complicates visiting families and communities, assessing a child's living environment and conditions, and completing a thorough SIR form. An incomplete or haphazard SIR form can negatively impact a child's judicial process by failing to thoroughly contextualise his conflict with the law into his living environment. Without NGO support, the SIR process can cease to exist.

During the period of this study, the MoLSAMD social workers were using CiC's office and computers to complete their work. The situation of children in the Kabul JRC would be grave without external support for social workers. CiC has moved social workers previously in the Kabul JRC to instead work closely with police departments and become engaged at the time of arrest. Several key informants, considering MoLSAMD shortfalls, noted the need for additional social workers as well as administration support. This would include support for the completion of SIR forms and the children's judicial processes, contact with families, family support, and post detention follow-up.

CiC has worked to build capacity for MoLSAMD social workers and continues to support them with the aim of a complete national hand-over. CiC also works with Kabul's Police Departments for protection advocacy and preventative activities. Potential expanded follow-up activities would most likely require even more social workers for successful implementation.

3.3. CHILDREN AS ACTORS IN CREATING SUPPORT NETWORKS AND PROGRAMMES

The boys in the JRC, beyond their status as programmatic participants and beneficiaries of support, offer the potential to play a strong active role in improving each other's lives. While certain characteristics and situations of the boys are challenging for the creation or implementation of support programmes, there are also opportunities that can be explored for integrated and participatory approaches for current support and rehabilitation, and later reintegration.

"We are all friends and we all know about each other and get to know each other. We help each other, we do beadwork together, we teach each other, study together. We write poetry together, and scribble in each other's notebooks."

JRC Case Study, 18 years old, Closed JRC, Block B

BUILDING ON EXISTING PEER-TO-PEER SUPPORT AND COPING MECHANISMS

While official programmes in the JRC struggle with insufficiencies, children are their own interpersonal support system. They live together, they spend most of their days in their rooms with their roommates, they console new arrivals, and teach the 'do's and don'ts' of the JRC. Furthermore, children teach each other skills. Beadwork is prevalent, a remnant

of a past external intervention. While the JRC has continued to supply the beads and thread at minimal costs, the children have transferred the knowledge to each other. Evidence is seen on many of the boys, as bracelets, rings, and rosaries. They wear it themselves, or give them as gifts to each other and their parents. Boys who have been in the JRC longer can recite and write age-old poems in Dari. Both phenomena are based on official courses taught in the past. The prevalent peer-to-peer teaching, support and coping mechanisms provide opportunity to build on these and integrate selected children into programmes.

BUILDING ON PRE-EXISTING SKILLSETS AND ON LONG SENTENCES

The diversity in professional backgrounds and existing skillsets creates an opportunity to allow children to become agents in support programmes, within the possibilities of life in the JRC. Building children's capacity for peer-to-peer teaching and training can give agency and self-esteem. Especially, children with longer sentences and cultivated skillsets that fit into broader training programmes, could be of added value for investment and empowerment. UNICEF has successfully worked with the Iranian Judiciary and the Ministry of Interior to create peer-led workshops and trainings for children in conflict with the law to raise

awareness on child rights, violence against children, and other topics important to detained children.⁵¹ The US Department of Justice's Office of Juvenile Justice and Delinquency Prevention recommends naturally-occurring mentoring and supported peer programmes with positive results regarding self-esteem, academic achievement, peer relations, aggression, depression, and delinquency.⁵²

BUILDING ON POSITIVE ASPIRATIONS AND AMBITIONS

The aspirations and imagined futures of children in conflict with the law in Kabul's JRC provide further opportunities – these chances, but also the attached risks, will be explored in the following chapter.

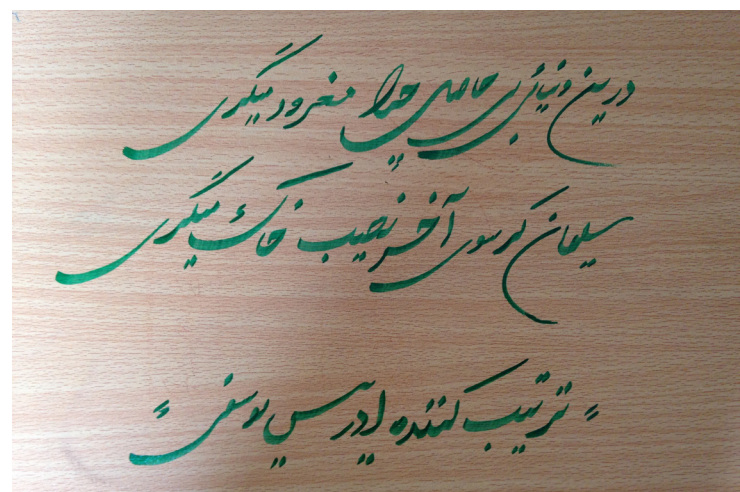


Photo:⁵³ Samuel Hall

⁵¹ Bahareh Yeganehfar, "In Iran, Peer Training Helps Vulnerable Children in Conflict with the Law," *UNICEF*, n.d.

⁵² OJJDP, "Program Summary," 2012.

⁵³ Poem by medieval Persian poet Attar of Nishapur / Translation: "In this finite world, why do you become arrogant. Even if you become Solomon [the King], you will end up in the Earth."

COMMUNITY EXPERIENCE – CASE STUDIES POST-DETENTION

Two case studies were conducted in the community with boys post-detention. One boy can be considered relatively successfully reintegrated: back at school, back at work, in his element, and self-reportedly happy with his life. The other boy is a repeat offender who has struggled at school, to find a stable job, to connect with others, and to feel happy about his current state of affairs. These case studies offer an in-depth view of prospects post-detention, the lasting effects of detention, and the varying realities of life after the JRC, underlining the importance of follow-up for all, but tailored reintegration efforts for those that need it. See below for excerpts from one community case study.

Nesar [name changed], evidently and admittedly, is struggling to integrate: to find consistent work, connect with others, study, and to not be faced with the same circumstances that preceded his first and second conflicts with the law: theft and fighting. He does not have a father figure present and is the breadwinner for his family.

“I was too young when we returned back to Kabul from Pakistan. I enrolled at school and also I was apprentice in mechanic shop for one and half years, and I learned many things from the mechanic shop. [...] First time the police captured me from right outside my house for stealing and they take me to the JRC for 3 months. Second time was for fighting and stealing, and they take me to the JRC for 4.5 months. In total I spent 7.5 months in the JRC. [...] Being in the JRC was not pleasant for me because I was away from home and my family. It also wasted my time as I was away from work and life. I always thought about my mother, brothers and sisters; what will happen to them and how and who will provide for them. Although my uncle and my friends always helped my family and also we had some money that came from our house rental, I wanted to lead and earn money for my family by myself. [...] They [the JRC] held school classes for us but there was no lessons and the classes changed to joking class and it was not useful, and also the teachers were not interested enough to teach us. There were vocational training classes too, for instance tailoring, but I was not interested to participate. [...] The psychologist showed us movies on TV and they talked and gave us advice. When I was released from the JRC I didn't meet the psychologist again and I don't think much regarding this because I know that I am fine mentally and psychologically. [...] Yes, I am going to school but I am not too interested because I don't learn the lessons well. I didn't search a lot for job because I am not too interested to find a job. Daily I am going to my uncle's shop and he accepted me as an apprentice and he gives me money. I don't care what people think about me. My uncle knows I was in the JRC but still his relation is the same as before, he didn't change his behaviour with me. [...] I am still in contact with the guys who were in the JRC but not too much, may be monthly or every two months. Once I went there to meet them but my family doesn't allow me to go there anymore. Nowadays, I am not too interested to go there, because I don't have anything with them to talk and discuss. Sometimes I am asking about their condition through other people who are in contact. [...] I only know mechanic skills, but I can also help move things with wheelbarrows. But you know, through this kind of job I cannot earn enough money and I cannot make my life better. I see my life brighter after five or ten years, I will work hard and Inshallah my future becomes well. Although I don't know how and from where I should start but I am hopeful for the future and I am sure I will not be like this, I will have a better future.”

(14 years old, post-retention, after 2nd time in the Kabul JRC)

4. SUPPORTING FUTURE REINTEGRATION

“Integration is not a parachute, you can’t just drop them back in.”⁵³

Both rehabilitation and reintegration are necessary to ensure a strong future for boys in the JRC. Rehabilitation efforts happen in the JRC, aiming to teach the boys new skills, overcome previous barriers, build their resilience to face societal challenges, and prevent falling into a cycle of crime.⁵⁴ Reintegration builds on this, ensuring that a successful reinsertion of the boys in communities post-detention is feasible; it, too, starts in the JRC, as the necessary links to communities and networks can be built up and reinforced through family visits, by working with families, raising awareness on child needs and rights, and improving previous environments that may have led children into conflict with the law.⁵⁵ Without linking families and communities to these boys in anticipation of release – as is currently done through CiC’s community visits but is otherwise largely lacking – a full rehabilitation is also unlikely. The two processes are therefore inter-dependent and must go hand in hand.

Previous chapters have underlined key findings which impact the relevance

and feasibility of programmatic recommendations, including diverse socio-economic and educational backgrounds, structural challenges in the JRC, the characteristics of the JRC population, and opportunities offered by existing mechanisms. To ensure that later recommendations are realistic and adapted to the post-JRC context, this chapter examines challenges and opportunities for a successful reintegration, namely:

- **Additional barriers** for a successful reintegration;
- **Aspirations** of the JRC population for individual futures;
- **Lessons learned** from research and programmes outside of Afghanistan; and
- **Trade-offs** to be considered by stakeholders when designing programming to support children in the JRCs.

⁵³ KII, Director of Programmes, Youth Vocational Skills, Mercy Corps

⁵⁴ “Rehabilitation does not begin once an offender is released from prison” but it is “designed to help inmates more easily adjust to conditions outside of prison once they are released. These programs are often aimed at helping offenders acquire job skills, overcome substance abuse problems, or learn how to deal with common challenges they may face upon release.” (The Law Dictionary, “Three Types of Rehabilitation for Offenders,” n.d.).

⁵⁵ “The expression offender ‘reintegration’ generally refers to ‘reentry’ or ‘resettlement’” and includes “interventions, programs and services designed to assist prisoners to live law-abiding lives in the community following their release” (Government of Canada, “The Social Reintegration of Offenders and Crime Prevention,” 2017).

“They go back to the same communities, families and friends where their talents are not used properly and where their dreams are not respected and their ideals are not regarded.”

KII, General Director, Kabul JRC

4.1. ADDITIONAL BARRIERS TO REINTEGRATION

While many problems for the successful reintegration of children in conflict with the law arise from their socio-economic and educational backgrounds as well as from the challenges and insufficiencies of support within the JRC, children face additional barriers in their life after detention.

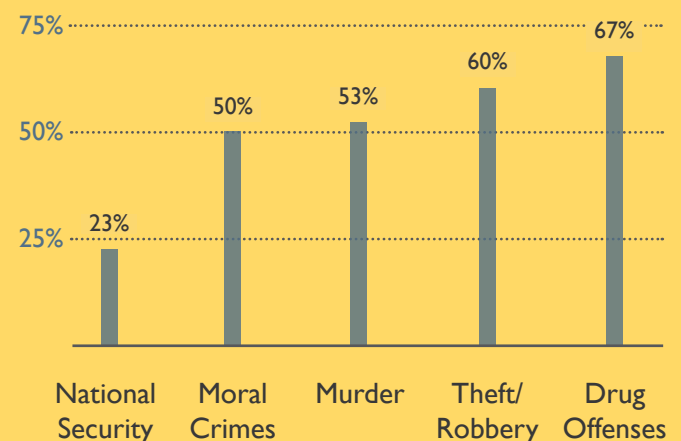
FAMILY AND COMMUNITY PRESSURES

The families and communities to which children in conflict with the law return, can both provide support mechanisms and networks, and at the same time, place the child in similar settings and under similar stresses prior to their arrest. Some common stresses incurred on boys, identified in FGDs and KIIs, include: 1) the need to make money and provide for the family; 2) the need to get married and start their own family; and 3) issues relating to fighting, authority, and conflict within the family structure.

SOCIETAL STIGMA

While only a small majority (54%) of boys are concerned that others might have a worse opinion of them due to their detention, the societal stigma associated with criminality and incarceration is undeniable. Still, most children (85%) reported that they would not refrain from telling others about their detention, perhaps relating to their general youthful optimism about future and prospects post detention. There were higher rates of concern about stigma reported by boys charged with drug offenses (67%) and lower rates for boys charged with crimes against national security (23%).⁵⁶ The perception of social stigma for those with drug offenses is in line with previous research on drug use in Afghanistan,

Figure 9: ‘I think others have a worse opinion of me than before because I am in the JRC’ (response rate for the five most common convictions)



⁵⁶ This study was not designed to collect data allowing for an analysis of the underlying reasons for these varying numbers by type of charge. Future and in-depth research into the topic of societal stigma is recommended.

which have found strong social stigma around drug use itself.⁵⁷

This rather optimistic take on their future and on the social consequences of detention, stands in contrast to the concerns of many stakeholders with a wider perspective – the societal stigma coming with crime and detention cannot

“As soon as people know this person has been to jail, they will consider him differently, whether at school, on the streets or in society. [...] Schools will ask him where were you and they will say prison, everyone will look at them bad or gossip behind their back. In your community or even in your family, the first thing that goes missing, everyone will look at this person because he was in jail.”

KII, Head of Social Affairs at MoLSAMD

“When I was arrested, they posted my photo on Facebook as a serious criminal. They blackened my eyes, but you could still recognise the photo. They put you on YouTube, Viber, everywhere. The police does it. They say this individual is a criminal. You know, my neighbours didn’t even know what had happened, they saw it on Facebook and asked my uncle where I was. That’s how everyone found out. They had my photo posted on Facebook before I was even sentenced or my crime was officiated!”

JRC Case Study, 15 years old, closed JRC, Block A

be wished away by the children. The shame and stigma attached to detention is generally worse for girls,⁵⁸ but boys also face additional barriers to reintegration into education systems, employment and their communities in general. The damaging effect of societal stigma on successful reintegration can be further exacerbated by offenses against the children’s right of identity protection.⁵⁹ Several boys in the JRC reported that officials had shared their identities on social media.

BIOMETRIC DATA AND ITS IMPLICATIONS

The question of identification is also present with regards to biometric data, which the boys stated was taken from them prior to or upon sentencing.⁶⁰ These measures, often implemented for national and global security, currently treat a 12-year first-time small-scale offender the same way as a 17-year old boy accused of terrorist activities. While this procedure follows legal frameworks, the future implications of these official records include: problems for obtaining a visa to travel outside Afghanistan; no or highly limited access to employment by governmental bodies; and reduced

⁵⁷ The 2009 UNODC Drug Use in Afghanistan survey notes that, “high levels of stigma related to drug use also hindered the research process and may have influenced some drug users’ responses. For cultural reasons, many communities denied that drug users lived among them and felt ashamed to admit any opiate use in their locality” (UNODC, “Drug Use in Afghanistan: 2009 Survey Executive Summary,” 2009, p 4).

⁵⁸ This tendency is not only based on directly gender-related expectations by Afghan society, but is also supported by the fact that girls are more likely in the JRC due to so-called ‘moral crimes’ (which includes incidences of premarital sex and running away from home).

⁵⁹ Article 32 of the Afghan Juvenile Code clearly dictates that “under no circumstances, revealing information about the child’s personality or information that can result in identification of the child is allowed.”

⁶⁰ Fingerprints and retinal scans.

possibility to ever obtain a clear police record. The issue of biometric data and its implications were raised by boys with aspirations and goals for their lives with a wider perspective.

PRISON NOT ENOUGH: FEAR OF REVENGE POST JRC

A unique caveat in the context of Afghanistan that was identified in conversations and interviews with boys was *entegham* or revenge, exclusively for murder. This signifies the dual nature of traditional and formal systems of law and judicial practice in Afghanistan, and can impact the boy upon release as well as his extended family and anyone else involved. Unless resolved by an elder or traditionally mediated and forgiven by the family, revenge can negatively impact a boy's reintegration. One boy shared with researchers that he has not had any contact with his family as his family is on the run because of revenge for the murder he had committed.

“Twenty years can pass and they won't let it go. Even their descendants would not let it go. You can go in the Earth and come out somewhere else and they won't let it go. People of [] are like that. It needs to be someone with a lot of power or someone with connections to mediate; otherwise, it will never be forgiven no matter what.”

JRC Case Study, 15 years old, closed JRC, Block A

4.2. ASPIRATIONS AND IMAGINED FUTURES

Consulting children in conflict with the law in regard to their own individual aspirations and imagined futures is a crucial aspect for the development of holistic support programmes, because:

- 1) It is necessary from an ethical point of view, in which child rights are fully respected in regard to the individual's own agency and self-determination,⁶¹ and
- 2) It mitigates the risk of programme designs that are not aligned with the actual interests of children.

Nonetheless, while such consultations may add crucial considerations, their impact is limited by the realities of actual rehabilitation and reintegration efforts. From the quantitative research of this study the following findings on emotions and imaginations for the future stand out:

- The majority of children are predominantly positive about their eventual release: many boys feel 'hopeful' (63%) or 'happy' (49%) and smaller proportions 'anxious' (22%) or 'afraid' (21%).
- Children with longer remaining sentences show more negative feelings towards their release.

⁶¹ Based on Article 12 of the Convention on the Rights of the Child: “when adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account” (UNICEF, “FACT SHEET: A Summary of the Rights under the Convention on the Rights of the Child,” n.d.).

“When I become president, I wish to change the law of imprisonment, I would imprison those who are really criminals and those who are innocent like many of us, I won’t imprison them. The reason that I would like to become president is to have power and for people to value me.”

FGD, Closed JRC

- Children will three months or less remaining in the JRC have less anxiety and more hope than others.
- The majority of boys do not believe that this period of life decreases their chances for either further education, employment or skill training opportunities after release.

While this optimism should be considered as a positive asset for future reintegration efforts, it also inherits particular risks. The positive imagination of the future might not match post-release realities,

which could cause disappointment and additional distress for the child.

Many boys still acknowledge the realities of their possible futures and their potential struggle to balance work and further education – the two major aspirations of most children in Kabul’s JRC (see Figure 11). And given the prevalent work experience from their time before the JRC, many children are already equipped with basic skills for reintegration into the job market; and these past professions are still reflected in the imagined job futures (see Figure 12).

As one unskilled child shared in the Closed Centre FGD, “*I would learn any skill if I can find work with it after.*” However, the reality of the Afghan job market, with its strong reliance on personal networks, might not offer such employment opportunities ad hoc after release. Samuel Hall’s 2013 ‘Youth Participatory Assessment’ had found that a full 74% relied on family and friends to get information on job vacancies.⁶²

Figure 10: ‘Which life goals for the future are most important to you?’ (two answers possible/mandatory)

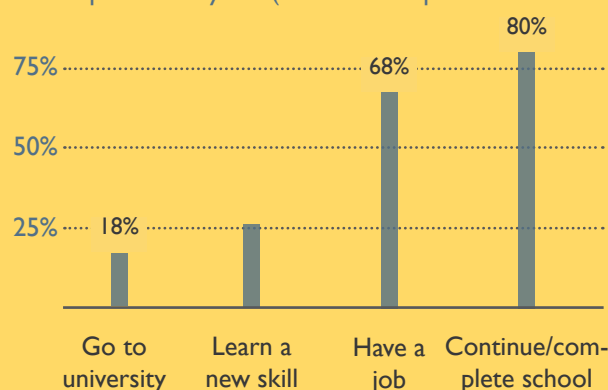
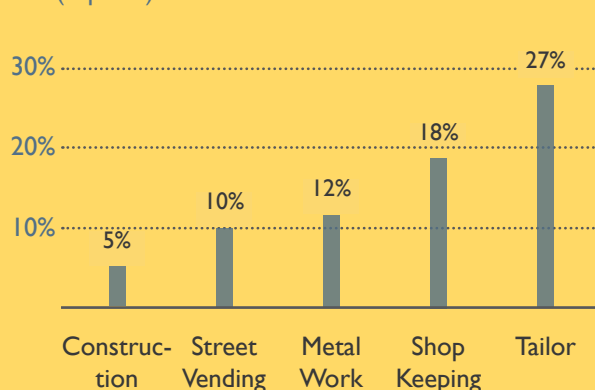


Figure 11: Imagined/aspired jobs for the future (top five)



⁶² Samuel Hall, “Afghanistan’s Future in Transition: A Participatory Assessment of the Afghan Youth,” Kabul, 2013, p 32.

Box 2 – Socio-economic integration through skills and jobs in Helmand

Through its programme INVEST, Mercy Corps has developed a pragmatic income generation and job placement approach that is considered as one of the few successful employment schemes in Afghanistan. The research team met with Mercy Corps' Director of Youth Vocational Skills Programmes to better understand the rationale of an approach implemented in Helmand:

*"We have post-graduation support mechanisms that are most crucial to help people find jobs and set up businesses. Family patronages are often how things work in Afghanistan. As trainers, we must connect business needs with vocational skills. Perhaps businesses wouldn't even know that this talent exists and we must be the link in between. The employment service centre is crucial for this. We find that it's more sustainable this way. Paid internships and apprenticeships can be a link: we discussed subsidizing the employer to take the young person and give him/her a learning opportunity with a work plan. Rental support is key, or we noticed people that had the skills, the space, but couldn't afford power for example. We ensure that different components of our model are incorporated into the chain of operation. We must also ensure vulnerable youth are not taken advantage of by businesses – not paid, not paid properly, lack of negotiation power or skills. (...) With extremist youth, we try not to touch ideology, but work on business, 'you have a family, you have an opportunity to contribute to your community,' that's our angle for all youth."*⁶³

Aspirations, skill sets and training in the JRC, must be matched with the reality of economic reintegration opportunities to design effective programmes. Mercy Corps, for example, has addressed this (see Box 2 below) by linking employers to graduates of vocational training programmes. For boys in the JRC, this could be further expanded, for example bringing in social workers to investigate employment opportunities or employment centres in the boys' communities, or reaching out to existing apprenticeship or vocational training programmes to put forward the boys as participants.

4.3. LESSON LEARNED FROM OTHER COUNTRIES

In line with CiC's general commitment to programmes that are designed to address the complex nature of needs faced by vulnerable groups, academic literature calls for holistic approaches for rehabilitation and reintegration: "The most effective programs for reducing crime are likely to be those that target not only criminal behavior but the entire individual, including his or her specific competencies, the families and communities to which they return, and how they think about themselves, others, and the world around them."⁶⁴

⁶³ Liz Hummer, "Does Youth Employment Build Stability?," *Mercy Corps*, 2015.

⁶⁴ Margaret Beale Spencer and Cheryl Jones-Walker, "Interventions and Services Offered to Former Juvenile Offenders Reentering Their Communities: An Analysis of Program Effectiveness," 2004.

Successful support programmes abroad often use the needs and risk assessment of the individual characteristics of children in conflict with the law to separate various groups and individually tailor approaches. The active involvement of family/parents, former communities and even private sector companies, facilitated by either NGOs or governmental agencies, has shown positive outcomes for reintegration, with efforts starting from detention and following up throughout the post-detention phase.⁶⁵ These efforts include: psychosocial interventions; ensuring regular access to educational programs; providing vocational training and mentorship by competent figures; and stimulating children through arts and recreational activities.⁶⁶

New concepts are tested out and evaluated in all parts of the world, which can provide ideas and recommendations for stakeholders in Afghanistan. Some Key Informants attached to the Kabul JRC have already been exposed to programmes in other countries through field visits on alternatives to detention, including to Turkey and Iran. Efforts for rehabilitation and reintegration that impressed them included a variety of vocational training options for children, sports and recreation, arts, and group activities. They were also impressed by post detention support provided for children and their families, to set-up businesses and endeavour to come out of poverty. Continuing such exposure visits would allow the stakeholders of the

JRC to challenge the ‘status quo’ there and bring in innovations based on what they see abroad.

Concerning group work in the JRC – a point of appreciation shared by the boys about psychologist sessions – work done by UNICEF on children in conflict with the law in Iran found peer training and workshops successful means to raise awareness on particular issues, to teach, and to empower vulnerable children. These efforts included participatory approaches such as theatre, focus group discussions and brainstorming games.⁶⁷

“These kids need to be in a healthy and positive environment so they can be influenced, so they can relax, they have seen enough negativity, but this doesn’t exist in Afghanistan. JRCs have not been designed in any way by trained professionals. Colours, uniforms, everything is dark and sad and ugly. I saw how these places were designed in Turkey, they use light colours, they use wood, rooms were tidy and nice, especially for kids between 12-16. They use cartoon characters that kids recognize and environments that support coexistence and social integration. When I saw that and came to the JRC, it reminded me of a prison”

Head of Children’s Primary Court, Kabul

⁶⁵ South Africa Police Service, “Treatment of Juvenile Offenders and Their Reintegration into Society,” 2010.

⁶⁶ Global Center on Cooperative Security, “Rehabilitating Juvenile Violent Extremist Offenders in Detention: Advancing a Juvenile Justice Approach,” 2016.

⁶⁷ Bahareh Yeganehfar, “In Iran, Peer Training Helps Vulnerable Children in Conflict with the Law,” *UNICEF*, n.d.

4.4. INHERENT TRADE-OFFS WHEN CONDUCTING PROGRAMMING IN THE JRC

Before considering specific recommendations, this section discusses strategic trade-offs for designing and implementing programmes in the Kabul JRC.

SUPPORTING VULNERABLE CHILDREN IN THE JRC vs. SUPPORTING OTHER CHILDREN ELSEWHERE

While this study highlights the realities of life in Kabul's JRC, to the wider public and to potential stakeholders and donors, these children remain invisible. Children in conflict with the law can be overshadowed by other vulnerable groups in Afghanistan. Behind the gates of the JRC, this rather small group of boys (and girls) is hidden, making it harder to allocate resources and secure interest for their situation and reintegration, particularly with limited resources, especially from the government. In addition, existing and potential stakeholders might be asked, or even ask themselves, why the government, NGOs and other actors should invest time and money on (alleged) criminals, when so many others are in need. While supporting one group does not prohibit supporting another, it does entail having fewer resources.

This is not to say that children in the JRC should not be supported. On the contrary: this context both provides a clear opportunity for impact, as has been demonstrated by existing programming led by CiC and others, and feeds into broader goals, in particular, the reform of the justice system overall.⁶⁸ Simply implementing the law as it currently stands, especially with regards to the Juvenile Code, would change the lives of the boys in the JRC, given the situation described in Section 2.1. Access to justice and the full implementation of clauses and provisions contained in the national Letter of Agreement are another area of need.

INTEGRATED vs. TAILORED APPROACHES

Two overarching aspects and directions that emerged from the research are able to guide programming ideas and their implementation:

- 1) Children in Kabul's JRC face similar problems for their future like children and Afghan society in general; this calls for **integrated approaches** that look and target the problems in a holistic way including the 'outside' and its (existing) programmes. Children in conflict with the law could be included into existing or forthcoming programmes conducted at a broader level, such as those addressing education or employment.

⁶⁸ A 2017 report by the International Crisis Group highlights for example the creation of anti-corruption structures created by the National Unity Government such as the High Council on Governance, Justice, and anti-corruption, although the impact of these has to date been limited (International Crisis Group, "Afghanistan: the Future of the National Unity Government," 2017, p 4).

- 2) Children in Kabul's JRC face additional problems and vulnerabilities that are peculiar to their situation; this calls for **tailored approaches** that tackle these special issues and conditions, some of an urgent and acute nature, others more long-term. Such approaches could concurrently begin in the JRC working on rehabilitating children, and at the same time with families, communities and service providers to set the stage for reintegration post detention

Integrated approaches

The problems and insufficiencies of the services currently offered for education and skill training in the JRC are a reflection of the general challenges that child education and employment in Afghanistan pose for committed stakeholders. Low and varying literacy rates, lack of access to schools, lack of supplies for these, little exposure to professional vocational training, and a general lack of resources for funding of programmes are not unique to JRCs. These do face further differentiated

“Education quality is low for everyone in Afghanistan. The first thing we can do is to raise the minimum standards of education for them [children in JRC], allowing them to integrate with the education system. Even if we cannot provide higher education for everyone in society, we can teach them technical skills that are relevant to the times and conditions.”

KII, Head of Social Affairs at MoLSAMD

challenges discussed below in the tailored approaches.

Considering the ‘invisibility’ of the JRC population and the potential hesitation of donors to fund tailored programmes for criminal children, the integration of additional support for JRC education and training into existing or planned programmes for Afghan children in general could mitigate these challenges. Such programmes currently exclude children in the JRCs. Seeing where they could be integrated – as these broad approaches do have gaps – might make a significant difference in those children's futures, as will be discussed in the recommendations section.

Tailored approaches

The situation and characteristics of the boys in Kabul's JRC also call for specifically tailored responses, as they often come from poor backgrounds, some exhibit concerning mental health symptoms, and all have a criminal record; together, major challenges for rehabilitation and reintegration, worsened by the potential loss of existing skills and knowledge due to the impact of the JRC itself. Time spent in the JRC is currently an opportunity cost for the children concerned on several fronts, preventing them for example from continuing their education like peers outside the JRC. These additional vulnerabilities have to be addressed in a precise, participatory and possibly individual-centred fashion, the third particularly for post detention support.

While education programmes could primarily benefit from integrated approaches to overcome the current insufficiencies and challenges. The current organisation of programmes in the JRC has to be restructured as soon as possible by creating appropriate space for education in all blocks and the separation by literacy and educational level – always with the goal to either ensure the successful reintegration into the regular education system or the successful completion of

secondary school education (depending on age and sentence length). Small scale tailored yet holistic approaches are especially promising and necessary for skill training, psychosocial support, additional activities in the JRC, and guidance through the later reintegration phase. These would ideally be tested, piloted and adapted to the dynamics needs of the JRC children, easier for smaller targeted interventions than large fixed projects



5. RECOMMENDATIONS & CONCLUSIONS

“Educational programmes, vocational training, and recreation can make all the difference for kids and their reintegration, but post detention support and protection is most important”⁶⁹

Children in the JRC share many vulnerabilities with other children in Afghanistan, but the experience of detention can exacerbate these and add additional ones. No one-size-fits-all solution to ensuring positive outcomes can therefore be offered. Nonetheless, certain broad concepts can be proposed to guide CiC, and other stakeholders, on the basis of the above evidence:

- 1) Interventions should take a **holistic approach** and be well-coordinated. One-off projects will not be sustainable or enough to make a sustainable difference.
- 2) Interventions require piloting, testing and continuous **adaptation** to the dynamic JRC population as well as a strong **follow-up** mechanism.
- 3) **One-off projects** can have a short-term impact that benefits the current population, particularly for urgent needs, but should ideally be adapted based on assessment and upscaled when successful.

To take into account these factors in the development of programming to support the boys in the JRC, the interventions recommended in this chapter are therefore proposed at three levels of complexity and impact:

- 1) **Small scale interventions** (short term impact)
- 2) **Programming interventions and structural investments** (medium term impact)
- 3) **Policy and legal reforms** (long term impact)

At all three levels, stakeholders can develop and implement various interventions, investments, programmes and campaigns that follow **integrated approaches** (attached to support by existing or planned programmes outside the JRC) and/or precisely **tailored approaches** (acknowledging the special situation and needs of children in conflict with the law).

5.1. RECOMMENDATIONS

Within each level of intervention, key recommendations have been identified for each type of stakeholder, outlining a clear plan forward for improving the situation of boys in the JRC and their future. These levels of interventions work together;

⁶⁹ KII, General Director of Afghanistan's Juvenile Rehabilitation Centres

future interventions must incorporate all three levels to ensure the sustainability of changes.

“Many of these youths are put down by society, are neglected by their families, so they have grudge, they don’t have good self-esteem. I think our biggest responsibility is to build their self-esteem, whether it’s through education, work, or just by paying attention to them and showing them kindness.”

KII, Open Centre manager, Kabul JRC

SMALL SCALE INTERVENTIONS (SHORT TERM IMPACT)

This category includes all small-scale support ideas that can be implemented without major investments and with few additional resources. Such interventions include staff capacity building, education, vocational training, recreation and psychosocial support during rehabilitation and for reintegration concurrently and afterwards.

While other interventions might have a more general and deeper impact on the successful reintegration of children in conflict with the law, the potential benefits of small scale projects cannot be underestimated, key amongst which the potential for piloting, testing and adapting interventions which can then be effectively up-scaled into medium-term programming.

To implement and facilitate such interventions, communication between directly involved stakeholders (especially the Kabul JRC management) is mandatory. However, given the limited resources of the governmental actors, the facilitation of resources and required staff may fall upon local and international NGOs (like CiC) or UN and intergovernmental organisations. The following recommendations have therefore followed that approach; upon the validation of the value of these interventions through their implementation, organisations could then strive towards a handover of responsibilities to governmental counterparts in order to ensure sustainability.

SHORT TERM RECOMMENDATIONS TO NGOs

I.

Strengthen provision of academic education in the JRC

Programming to address the limitations of the current educational system in the JRC would be a big step towards improving rehabilitation efforts in the JRC and facilitating continuing education post detention. Several short-term initiatives could support this:

- *Provision of additional teachers* specifically trained for multi-age and level groups such as those present in the JRC.

- *Capacity building for MoE teachers*, both soft and technical skills, to work with children in conflict with the law and for concurrently engaging various levels and teaching under strenuous conditions.

- *Provide of necessary school supplies* (books, notebooks, reading materials, teaching materials, etc.).

2.

Fulfil potential of existing employment skills-related facilities and courses

There are some easy ‘wins’ to improve the vocational skills of children in the JRC, namely:

- *Provision of resource and logistics support* for ongoing efforts and existing facilities: beadwork, tailoring, metalwork, carpentry, calligraphy, drawing, computers and English.
- *Collaboration with security officials and JRC police* to facilitate access to existing facilities for all boys.
- *Support to and building accountability of current JRC teachers* so that those employed in the vocational skills training conduct their classes on a regular and predictable basis.

3.

Improve the physical and mental wellbeing of children in the Kabul JRC

This study has underlined the prevalence of existing mental and emotional stresses in the lives of children in the Kabul JRC, exacerbated by the experience of conflict with the law and detention itself, and often left neglected. The emergency clinic at the Kabul JRC is largely underfunded and in need of attention. The lack of entertainment and recreational activities leaves many boys feeling bored, trapped and stressed. Boys’ potential reintegration is hampered by their limited contact with their families. A number of practical recommendations based on the lack of resources on this front would have a material impact:

- From a physical wellbeing perspective, Samuel Hall recommends the *provision of necessary medical supplies* for the on-site clinic, *repair of the shower facilities* along with more regular access to these and *encouragement of athletic/sports activities* through the provision of sporting equipment such as balls and nets. These can also contribute to more positive mental wellbeing of the boys, who complain of boredom.
- From a mental wellbeing perspective, recommendations focus on ensuring support and limiting boredom. The *provision of entertainment supplies* to the psychology department (games, activities), *organisation of scheduled movie nights*, and *provision of reading*

materials, whether stationary or as a mobile library, would give the boys activities to keep them busy and to which they could look forward. These could be used to promote good behaviour amongst them. The creation of an *official mechanism for phone communication* for children whose families cannot visit would reinforce family / community links important for the child's current wellbeing and necessary to successful future reintegration.

SHORT TERM RECOMMENDATIONS TO UN AND INTERGOVERNMENTAL ORGANISATIONS

4.

Provide lessons learned and capacity training based on international experiences

The international character of UN agencies and supra-national bodies means that some – for example, UNODC or UNICEF – may have engaged with children in Juvenile Retention Centres in other countries. This offers a *potential for replication and/or capacity training* to be discussed with the government and other JRC stakeholders.

5.

Offer transitional bridge funding for short-term initiatives

This funding should not be taken as a permanent source of funding for these, but rather as *support to NGO and government pilot initiatives*, allowing them to gather information to validate these approaches and thus access secure long-term funding.

SHORT TERM RECOMMENDATIONS TO THE GoIRA

6.

Implement existing coordination and programmatic interventions

12 government entities are already engaged in a Letter of Agreement that if implemented and fully upheld, would directly address many of JRC's existing issues and improve rehabilitation and reintegration for children in conflict with the law. For the short-term, key agencies can mobilise to support immediate needs based on their mandate:

- For MoLSAMD, the *allocation of budget and capacity to the SIRs*, allowing social workers to contact children's families and conduct community visits as necessary.

- For MoLSAMD, the *validation of access to basic necessities for children upon release*, with social workers making sure children can either return to their communities or linked to a shelter / support centre.
- For the MoPH, the *provision of medical supplies* to the JRC clinic and *creation of an effective referral mechanism to public hospitals* to allow children free of charge and timely treatment.
- For the MoE, the *inclusion of the JRC in supply and teacher calculations*, ensuring that it has both trained staff and supplies, insofar as possible.
- For the MoI, the *revisiting of security protocols* to ensure efficiency in visitor security checks, and permit children to access facilities in other JRC buildings.

PROGRAMMING INTERVENTIONS AND STRUCTURAL INVESTMENTS (MEDIUM TERM IMPACT)

The complexity of medium term interventions is considerably higher than for small intervention, and demands thorough planning and coordination between all stakeholders. However, the potential benefits are also of longer range (individually and systemically) and of deeper impact. Furthermore, such interventions can be scaled up if they show sustainable and effective outcomes. Given that the Kabul JRC is the largest

in Afghanistan, it offers an opportunity to develop and pilot different models and approaches while collecting data which can be used to evaluate these. Pilot projects at Kabul's JRC can thus pave the way for more generalised advocacy and national approaches towards the rehabilitation and reintegration of children in conflict with the law, highlighting learning as a key output of programming around the JRC to push for continual improvement.

NB: *The following recommendations recognise the fact that the GoIRA is a key stakeholder and that these could be included in its mandate, and thus suggests these as pilots / additional support with the understanding that they will be designed with the target of eventually being handed over to the GoIRA.*

MEDIUM TERM RECOMMENDATIONS TO NGOS

7.

Create integrated approaches to education and skills training

As discussed in the previous chapter, integrated approaches focus on the potential for tying existing or planned interventions to the JRC. Concretely, this would require:

- *Advocating for integrated approaches* between governmental actors, UN

agencies, private sector companies and other organisations. In this regard, programmes directed at the improvement of secondary school education and TVET-related projects provide the most suitable chances, given the average age and educational level of JRC boys. When, for example, Terre des Hommes, Mercy Corps, War Child, Turquoise Mountain, Save the Children, GIZ, UNICEF, and others set up education or vocational training programmes in Afghanistan, there are opportunities to integrate children in conflict with the law.

- *Provision of support to organisations wishing to incorporating children in conflict with the law in their programming*, supporting them in integrating the specific practical and procedural challenges this poses, as well as building their understanding of the exacerbated vulnerabilities these children have.

8.

Pilot tailored and participatory skill trainings in the JRC, based on labour market research in frequent areas of post-detention life

Being able to find regular and consistent work post detention was considered by many concerned stakeholders a way to re-build the boys' self-esteem and

perceived place and value in society. While integrated approaches could potentially facilitate the basic coverage, tailored skill training programmes in the JRC should be informed by (1) the existing skill sets of the children, (2) job aspirations, (3) the limitations in the current JRC structure (organisational, financial and spatial), and (4) the reality of economic opportunities. Following the last aspect, skill trainings that do not require (expensive) equipment or a lot of space are the most feasible opportunities. The *following skill sectors are recommended* based on the first three of those factors, requiring little expensive equipment and limited space:

- Craftworks and art⁷⁰ (including beadworks, minor jewellery or gem work, painting, etc.)
- Minor construction-related tasks (wiring, minor plumbing, metal work)
- Mobile phone repair
- Tailoring
- Carpentry

Conducting a market survey in 4-5 of the locations of origin most common amongst beneficiaries can confirm and broaden the above options, as well as highlight new opportunities which could be created in these locations.

“We must also improve their self-esteem and provide skills training for them to make them more marketable, so they can earn money and provide for themselves and others”

KII, Head of Children's Primary Court, Kabul

⁷⁰ Including more art-focused skills into training programmes is in line with positive experiences from other countries where they produced positive effects on the psychosocial conditions of children in conflict with the law and their reintegration.

Such trainings must also take into account the fact that boys with rather short sentences might not be able to gain relevant skills during their detention, requiring opportunities for continuing skills development post-detention (see: Recommendation 7).

Accordingly, the most effective and financially sound skill training programmes should consider sentence lengths (more than 40% of the current population has a sentence of one year or more), and the skills taught should reflect the labour market opportunities in Kabul and surrounding provinces.⁷¹

9.

Develop peer-to-peer programmes to empower children

While the trainings above will be spearheaded by especially trained skill trainers and masters, they also provide the opportunity to include selected children directly as peer supporters by involving them in:

- *Teaching of skills*, for this with prior skill-sets or who have mastered skills taught in the JRC.
- *Planning new activities for their peers*, based on their understanding of which activities will appeal and prove a success.

Apart from positive effects on the training of all boys, this could create additional benefits for the children involved in terms of self-esteem and further experience.⁷²

10.

Facilitate contacts and opportunities for the children post detention

Being able to find regular and consistent work or income-generating activities post detention was considered by many concerned stakeholders as key step to reintegration. Several activities are recommended to facilitate this:

- *Mentoring within the JRC* on life skills, with a focus on the soft skills needed for successful integration into professional activities.
- In line with Recommendation 7, *identification of and linking children in the JRC to vocational training and apprenticeships programmes outside of it*, bringing them together with existing programmes, as children like any other.
- *Piloting of new apprenticeships/ vocational skills programmes* to continue the training within the JRC if sufficient numbers of boys are in the same area post-release.

⁷¹ A focus on labour market opportunities in Kabul and surrounding provinces is recommended because the majority of boys come from these areas and/or expect to reside there post-detention. The specific economic realities of these areas were not part of this study, but have to be critically and continuously assessed to adapt skill training programmes.

⁷² The integration of children into the training, however, would require additional preparation and training for the actual teachers.

- *Provision of a case manager* to work with service providers to accept and welcome children in conflict with the law into existing support mechanisms and centres for other vulnerable children, as well as to follow up with children after their release and monitor their reintegration.
- *Support to the families of children post-release* after a needs-based assessment for example through conditional grants, to take pressure off the boys to immediately find any work possible to contribute to their families.

11.

Facilitate the provision of additional, individual-level psychosocial support

At the time of this research, the psychosocial sessions at Kabul's JRC were unable to provide the necessary attention to individual children, their mental/emotional health conditions and their rehabilitation. Barring a sudden increase in capacity, this shortcoming will only intensify with close to 200 boys charged with national security crimes arriving from Bagram and elsewhere to the Kabul JRC in the near future. The immense importance of psychosocial support is not fulfilled by the current frequency of

sessions (approximately once a month for each room) provides opportunities for improvement. Accordingly, and building on the existing structures provided by MoPH, MoI and UNICEF, the following are recommended:

- *Creation of one-on-one counselling opportunities* past the initial arrival to the JRC, in order to address the unique backgrounds of situations of individuals, as well as potentially severe mental health conditions in a way which group session do not permit. This will require a serious increase in capacity to the psychosocial support programme.
- *Piloting a psychosocial training* for key staff in the JRC and additional social workers and counsellors
- *Facilitating the linkages between released children and other psychosocial support initiatives post-release*, avoiding a sudden end to psychosocial support.

Given limited resources and the variety of issues to be addressed for rehabilitation and reintegration, the focus of psychosocial support should be guided by the following principles:⁷⁴

- Three periods of the rehabilitation and reintegration process are especially important: (1) the arrival and early phase in the JRC; (2) the time close to release

⁷³ KII, Head of Social Affairs, MoLSAMD

⁷⁴ It has to be emphasised here, once again, that this study is not of psychological nature. All recommendations are solely based on the structural circumstances and on limited insights into the mental health of JRC children. Additional and in-depth research by accomplished experts is highly recommended to create even more appropriate recommendations that can inform the implementation of additional and in-depth psychosocial support programmes.

Box 3 – The need for social workers

As many programming and investment efforts called for above require social workers, their current capacity will be insufficient. Hiring, training and monitoring of social workers is a process demanding both time and investment. Considering lack of MoLSAMD capacity to supply social workers, the onus has been on NGOs (e.g. CiC, Aschiana, AWEC) to train social workers to provide child protection and address the many outstanding needs of children in conflict with the law. These NGOs have paved the way for social workers to be better trained and more equipped to answer many dynamic needs, even those outside their scope of work. The inclusion of social workers in the judicial process and communities' acceptance of the value of social work are areas that have positively impacted the lives of children in conflict with the law.

“Social workers that are part of a sustainable process and not contracted for a short-term programme who can see a point in investing in their work and in the children’s future. Social workers need a lot of investment and a lot of on-the-job training, outside curricula of studies. Social workers need to learn rules and laws, need to learn the different ministries and authority figures in order to act as a go-between for the children and to see their cases through fully.”⁷³

and preparations; and (3) post detention or reintegration phase.⁷⁵

- Young boys (12 to 14 years old) need special attention as they struggle in particular with their incarceration.
- Severe cases with very long sentences (e.g. murder) need special attention due to their particularly concerning mental/emotional pressures.
- Children with no or very little ties to their families and/or former communities should receive additional attention.

12.

Create follow-up programmes focused on reintegration

Given the JRC-focused research of this study, the majority of recommendations for rehabilitation and reintegration efforts are targeted at internal JRC programmes. However, the support of JRC children cannot stop at the gates. All relevant key informants considered post detention support and follow-up as an integral overarching element key to continuing rehabilitation after release and for building an environment for children to be able to contribute to society, provide for themselves and their families, and to feel valued and respected. This follow-up support can be composed of several

⁷⁵ To facilitate psychosocial support post-release additional case management programmes and support structures are necessary.

efforts in addition to the integration of ex-JRC inhabitants in other planned programming of relevance to their needs; these follow-up efforts ultimately designed carry forward rehabilitation efforts and prevent children from falling into similar patterns of behaviour that are in conflict with the law. Such follow-up programmes should adhere to a holistic approach by being attached to or integrated into efforts that start within the JRC. NGOs could be involved as follows:

- *The provision of afterschool or evening courses* to continue education following literacy and academic programmes in the JRC when boys are either a) unable to attend the government schools or b) require further support to succeed in these.
- *Offering support for youth to continue developing vocational skills* with (paid) apprenticeship programmes to continue improving skills and earn an income
- *Family-oriented courses and/or psycho-social support groups* to help them deal with any challenges they as family members of the boys may face (e.g. any social stigma) and provide a positive force in the life of these boys.

“Educational programmes, vocational training, and recreation can make all the difference for kids and their reintegration, but post detention support and protection is most important. [...] One solution would be training social workers, and another would be linkages to work opportunities, like apprenticeships.”

KII, General Director of the Kabul JRC

MEDIUM TERM RECOMMENDATIONS TO UN AND INTERGOVERNMENTAL ORGANISATIONS

13.

Promote further collaboration between engaged NGOs

Numerous of these recommendations focus on the potential links between rehabilitation and reintegration within the efforts and potential ties to other programmes outside the JRC. Additionally, many of the short-term recommendations in particular would not benefit from being repeated by different NGOs. The UN has a mandate to collaborate humanitarian action. While this is not, strictly speaking, humanitarian action, the *presence of an external, coordinating organisation would support increasing current levels of communication and coordination* between NGOs supporting children in the JRC. This can take the form of a regularly meeting working group or even regularly updated shared documents led by an intergovernmental agency detailing existing and planned programming to provide a starting point for discussions. This collaboration could then be broadened beyond NGOs to explicitly include CPAN and MoLSAMD.

14.

Lead capacity building exercises around Afghanistan's Juvenile Code

Building on existing intergovernmental organisation work to support Afghanistan's

legal system through direct work with government agencies, these could specifically target the implementation of the Juvenile Code through the following:

- *The building of understanding of the Code's provisions amongst law enforcement officials and judges to make sure that procedures, from timelines to arrest protocols to SIRs, are followed appropriately.*
- *Advocating for the alternatives to detention allowed by the Judicial Code such as the Open Centre.*
- *Building awareness amongst children in the JRC of their rights, to give them further agency in their own lives.*

15.

Develop the capacity in the Child Protection Action Network (CPAN)

The CPAN is an existing network across much of the country which offers the potential to play a much stronger role in supporting vulnerable children in JRCs. *Raising awareness within it of the conditions of the Juvenile Code and providing training to specifically conduct case-by-case interventions* would help make sure that this network is utilised to its full potential.

MEDIUM TERM RECOMMENDATIONS TO THE GoIRA

16.

Improve budget allocation and planning for the JRC

As has been noted throughout the report, the JRC is lacking in social worker capacity and funding more broadly. In particular given the planned increase in numbers with the addition of children from Bagram, these issues will not simply improve, and cannot sustainably rely on NGO programming. The first steps towards improving this require a clear inclusion of earmarked funds for the JRC in the government's budget, as well as further analyse existing spending to avoid any wastage. This is valid also within the planning of specific ministries (for example, the MoE to include the JRC in its teacher allocation planning, and MoPH to ensure psychosocial support and basic healthcare for these children).

17.

Built improvements in the JRC facilities themselves

Lessons learned from abroad as well as take-aways from this piece of research underline several aspects on which the GoIRA can focus to improve the physical environment of the JRC for which it is responsible, thus improving the children's wellbeing, including:

- *The repair and painting of facilities and change in carpeting to child-friendly designs.*⁷⁶
- *Controlled temperatures in the JRC building, installing window screens to allow airflow without mosquitos in the summer and providing heaters in the winter.*
- *Design of a healthier menu for the children in the Closed JRC and provision of breakfast to those in the Open to improve their nutrition.*

POLICY AND LEGAL REFORMS (LONG TERM IMPACT)

While short-term and one-off interventions can answer immediate needs, they pose clear questions around sustainability, as do medium-term interventions run by NGOs and intergovernmental organisations. Given this, the long-term interventions recommended here concern policy and legal reform, aiming to shift responsibility

“I want support for children to do community work, to have responsibility and to feel like somebody, that people count on them. I want alternatives to detention.”

KII, Head of Social Affairs, MoLSAMD

for JRC-related programming to the GoIRA with long lasting impact and sustainability in mind, leaving a role in advocacy and capacity building for NGOs. Such efforts could be based on successful medium-term interventions.

LONG TERM RECOMMENDATIONS TO NGOs

18.

Conduct third party monitoring of JRCs to validate implementation of the Juvenile Code

NGOs with experience working in JRCs, and thus cognisant of the challenges in doing so, could support the GoIRA in conducting monitoring visits to the JRCs and follow up interviews with children in conflict with the law to identify any problems in the implementation of the Juvenile Code and ensure that its measures to protect children (alternatives to detention, release on bail without pay, involvement of social workers, etc.) are effected and effective.

19.

Support the GoIRA in upscaling pilot programming to provincial JRCs

Based on successful short-term initiatives and pilots in the Kabul JRC which have proven their value, NGOs can support

⁷⁶ KII, Children’s Primary Court of Afghanistan: This is an example stemming from the Turkey JRC field visit for government ministries – the use of bright colours and wood, and natural light allows for child-friendly designs

the GoIRA in putting these in place in other province, to improve the conditions of children in conflict with the law nationwide.

LONG TERM RECOMMENDATIONS TO UN AND INTERGOVERNMENTAL ORGANISATIONS

20.

Continue capacity building efforts within the government

With the devolution of responsibility for programming in the JRC to the government, the latter will require support in building capacity for the increased service provision. In particular, such capacity building should focus on the:

- *Continuation of training around the Juvenile Code* in the provinces, to both law enforcement and judicial organs.
- *Provision of additional support to social workers*, training both new and existing ones in both procedures and approaches to working with children in conflict with the law, emphasizing the psychosocial aspects of this.

LONG TERM RECOMMENDATIONS TO THE GoIRA

21.

Re-examine legal provisions relating to children in conflict with the law and update / reform as necessary

Despite the positive changes called for by the Juvenile Code, whose implementation would certainly improve the situation of children in conflict with the law, this Code should continue to be examined – and improved – using in particular best practices from other countries. Some challenges have already been identified in this research – for example, the taking of biometric data from all children in conflict with the law, posing a threat to their ability to eventually move beyond this aspect of their past. Data could be deleted after a certain amount of time, or not taken from children uninvolved with terrorism and security charges.

22.

Take responsibility for programming piloted and adapted by NGOs

The long-term aim for the government here is the full takeover of all service provision at the Kabul JRC with relative independence from donors and external funding. For this, the government

must continue to extend medium term initiatives for the long-term, fully utilising all signatories to the letter of agreement. Furthermore, these signatories in addition to providing services directly for children in conflict with the law, should include

this subpopulation of vulnerable children in existing programmes and frameworks:

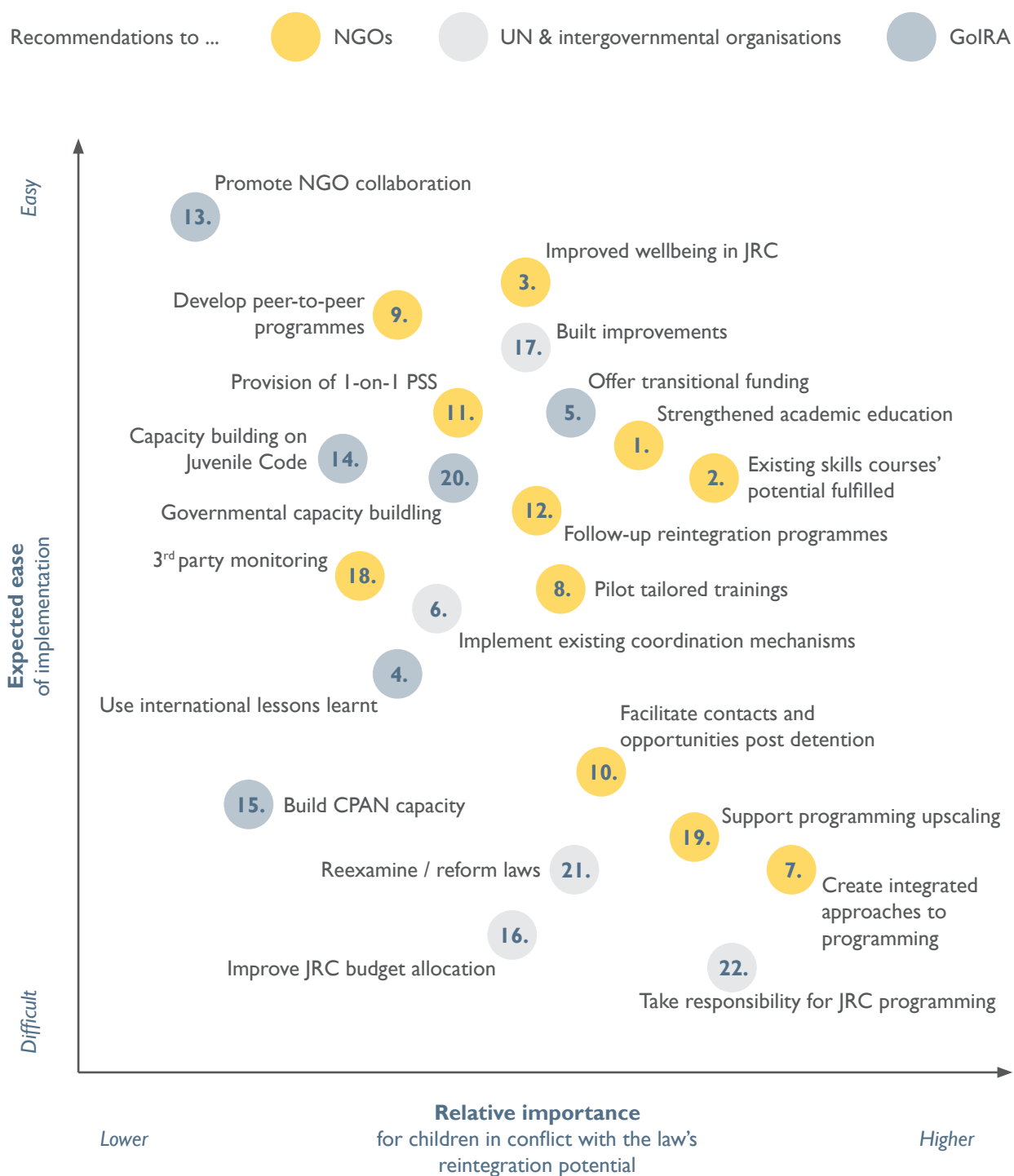
- For example, the inclusion of children in conflict with the law into MoLSAMD's National Skills Development Programme.



Photo:⁷⁷ Samuel Hall

⁷⁷ Translation: "Five rules for having a better life: 1) like yourself; 2) do good; 3) always forgive; 4) do not bother anyone; 5) be positive."

Figure 12: Mapping of recommendations along the dimensions of 'expected ease' and 'relative importance'



5.2. MOVING FORWARD

While many boys in the Kabul JRC come from impoverished backgrounds and have often experienced negative or even life threatening events, they cannot be generalised as outcasts of society – such issues are familiar to many children in Afghanistan. They fall into conflict with the law for a variety of reasons, in some cases out of their control, and post detention will face the same if not greater vulnerabilities, if their needs are left neglected. Given their current situation and the experience of detention, they need additional **support** to rehabilitate from conflict with the law, build resilience to face socioeconomic challenges, and prepare them to successfully reintegrate with new and old environments post detention.

Apart from a majority of children convicted of theft, the JRC also detains those charged with murder, moral crimes, and threats to national security, as well as those waiting for sentencing. How to approach the rehabilitation of children with diverse crime histories, socioeconomic backgrounds and ages is a complex task for concerned stakeholders in the JRC. Concurrently building supportive environments for their reintegration and to continue rehabilitation efforts post detention poses further challenges for implementing organisations. **Barriers** to successful reintegration with communities and society are complex and vary from case to case, including lack of education, difficulty accessing the labour market, limited networks and connectivity, poor

mental/emotional health support and social stigma. Such barriers require both integrated and tailored interventions to be holistically and sustainably addressed.

While the interviewed children have a rather positive perception of the future, the insufficiencies and inconsistencies of the current provision of support programmes in Kabul's JRC pose major challenges for rehabilitation and reintegration. Support **networks and connections** inside and outside the JRC can play a crucial role to overcome emotional barriers and psychosocial challenges, and aid the rehabilitation and reintegration processes. In this regard, additional attention has to be given to children with underlying mental or behaviour issues or those from isolated and disconnected families.

“If we don't provide support post-detention, there is no way to ensure they don't commit again. [...] At the moment, there is no protection, follow-up or support from the judicial system in Afghanistan and this is a big need.”

KII, General Director of the Kabul JRC

The involvement of non-governmental and UN stakeholders, while of pertinent importance and urgent need, is time-limited and runs the risk of dependence on donor priorities and funding cycles. However, there are also inherent opportunities in the JRC that can be utilised by concerned stakeholders like CiC, building on the children's own

skillsets, talents and coping mechanisms, particularly by building their agency, boosting their self-esteem and sense of responsibility, and relying on peer-support.

This study recommends particular interventions that utilise integrated as well as tailored approaches; these efforts are necessary at three levels, short-, medium- and long-term and have to include myriad stakeholders, from CiC and other NGOs to UNICEF and UNAMA to various Afghan governmental bodies. Such interventions may include minor investments in the JRC infrastructure (e.g. a small library), but also integrated skill training programmes with internal juvenile tutors, the general revision of certain practices of the Juvenile Justice Code, and many other possibilities.

To achieve positive outcomes for the rehabilitation and reintegration of juvenile offenders in Kabul and in overall Afghanistan, current shortfalls in budget allocation/spending and stakeholder cooperation have to be addressed and solved as well. Without additional efforts and compliance to existing responsibilities, future interventions will most likely not provide positive and sustainable results. Such results are further contested by future challenges that have not yet impacted the Kabul JRC at the time of this research, including the upcoming transfer of close to 200 children from Bagram to the Kabul JRC. Currently additional facilities for these children are under construction on the Kabul JRC premise, but the impact of these new arrivals can hardly be estimated.

Based on existing and upcoming challenges, the monitoring of future developments in the Kabul JRC should be a primary task with the goal to re-evaluate and re-assess the findings and recommendations of this study. Like its population, the requirements of support programmes in Kabul's JRC are dynamically fluctuating. Furthermore, due to the in-depth focus on Kabul's JRC and limitations in time, scope and topics, Samuel Hall recommends further research into the issues of rehabilitation and reintegration of children in conflict with the law in Afghanistan.

5.3. ADDITIONAL SUGGESTED RESEARCH

Future studies can build on the results of this report and help to create further recommendations for concerned stakeholders. In this regard, Samuel Hall advises to expand research endeavours into the following areas:

- In-depth studies on other JRCs in Afghanistan, leading up to a national survey.
- Studies on mental health and psychosocial needs of JRC youth by professional child and adolescent psychologists.

- Cost-benefit and impact analyses to assess the relevance and value of better rehabilitation and reintegration programmes for children in conflict with the law.
- Investigations and evaluations of the reintegration phase and existing support programmes.
- Longitudinal studies observing children from the time of arrest until post detention and follow-up on reintegration.
- A focused study on children in conflict with national security, violent extremism and radicalisation, particularly in the context of Afghanistan.
- A study on social stigma relating to criminality and incarceration.

ANNEXES

ANNEX I - BIBLIOGRAPHY

Afghanistan Legal Education Project, “An Introduction to the Criminal Law of Afghanistan - Second Edition,” *Stanford Law School*, 2015, www-cdn.law.stanford.edu/wp-content/uploads/2015/12/Intro-to-Crim-Law-of-Afg-2d-Ed.pdf.

Beale Spencer, Margaret and Cheryl Jones-Walker, “Interventions and Services Offered to Former Juvenile Offenders Reentering Their Communities: An Analysis of Program Effectiveness,” *Youth Violence and Juvenile Justice* 2, no. 1, 2004: 88-97.

CSO (Central Statitiscal Organisation), “Statistical Yearbook 2016-2017,” 2017, <http://cso.gov.af/en/page/1500/4722/2016-17>.

Global Center on Cooperative Security, “Rehabilitating Juvenile Violent Extremist Offenders in Detention: Advancing a Juvenile Justice Approach,” 2016, https://icct.nl/wp-content/uploads/2016/12/16Dec6_JVEO_Policy-Brief_FINAL.pdf.

Government of Canada, “The Social Reintegration of Offenders and Crime Prevention,” 2017, www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scl-rntgrtn/index-en.aspx.

Humanitarian Country Team, “Humanitarian Response Plan - First Quarter Report: January - March 2017,” 2017, www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-2017-humanitarian-response-plan-first-quarter-report.

Hummer, Liz, “Does Youth Employment Build Stability?,” Mercy Corps, 2015, www.mercycorps.org/research-resources/does-youth-employment-build-stability.

International Crisis Group, “Afghanistan: the Future of the National Unity Government,” *Crisis Group Asia Report* 28, 2017, [https://d2o71andvipowj.cloudfront.net/285-afghanistan-the-future-of-the-national-unity-government%20\(1\).pdf](https://d2o71andvipowj.cloudfront.net/285-afghanistan-the-future-of-the-national-unity-government%20(1).pdf).

Norwegian Refugee Council (NRC), “Afghanistan:Thousands flee armed conflict in Kunduz,” 2017, www.nrc.no/news/2017/may/afghanistanthousands-flee-armed-conflict-in-kunduz.

OJJDP (Office of Juvenile Justice and Delinquency Prevention), “Program Summary,” n.d., www.ojjdp.gov/programs/ProgSummary.asp?pi=54.

- Samuel Hall, "Sustaining the Working Poor in Kabul Informal Settlements: An Evaluation of Solidarités International's Vocational Training Programme," 2012, <http://samuelhall.org/wp-content/uploads/2012/12/Sustaining-the-Working-Poor-in-the-Kabul-Informal-Settlements.pdf>.
- Samuel Hall, "Afghanistan's Future in Transition: A Participatory Assessment of the Afghan Youth," Kabul, 2013, <http://samuelhall.org/REPORTS/Future%20in%20Transition:%20A%20Participatory%20Assessment%20of%20the%20Afghan%20Youth.pdf>.
- Samuel Hall, "Evaluation of NRC's Youth Education Pack (YEP) projects in Faryab, Herat, and Nangarhar," 2014, <http://samuelhall.org/wp-content/uploads/2014/07/Evaluation-of-the-NRC-Youth-Education-Pack-Projects-in-Afghanistan-short.pdf>.
- Samuel Hall, "Urban Displaced Youth in Kabul - Part 1. Mental Health Matters," Kabul, 2016, <http://samuelhall.org/wp-content/uploads/2016/06/UDY-Chapter-1-Mental-Health.pdf>.
- Samuel Hall & ILO, "Time to move to Sustainable Jobs: Study on the State of Employment," 2012, www.refworld.org/pdfid/5124c39f2.pdf.
- Samuel Hall & Norwegian Refugee Council (NRC), "Access to Tazkera and Other Civil Documentation in Afghanistan," 2016, http://samuelhall.org/wp-content/uploads/2016/11/af_civil-documentation-study_o81116.pdf.
- Sayed, Ghulam Dastatir, "Mental Health in Afghanistan: Burden, Challenges and the Way Forward," *HNP Discussion Paper*, 2011, <http://siteresources.worldbank.org/HEALTHNUTRITIONANDPOPULATION/Resources/281627-1095698140167/MHinAfghanistan.pdf>.
- South Africa Police Service, "Treatment of Juvenile Offenders and Their Reintegration into Society," 2010, www.saps.gov.za/resource_centre/women_children/book_layout.pdf.
- The Law Dictionary, "Three Types of Rehabilitation for Offenders," n.d., <http://thelawdictionary.org/article/three-types-rehabilitation-offenders>.
- UNAMA, "Assessment of Afghanistan's Juvenile Rehabilitation Centers," 2016, https://unama.unmissions.org/sites/default/files/2016_12_04_jrc_report_final-english.pdf.
- UNDP, "About Afghanistan," n.d., www.af.undp.org/content/afghanistan/en/home/countryinfo.html.
- UNESCO "Education for All 2015 National Review Report: Afghanistan," 2015, <http://unesdoc.unesco.org/images/0023/002327/232702e.pdf>.

UNFPA Afghanistan, “Young People,” n.d., <http://afghanistan.unfpa.org/en/node/15227>.

UNICEF, “FACT SHEET: A Summary of the Rights under the Convention on the Rights of the Child,” n.d., www.unicef.org/crc/files/Rights_overview.pdf.

UNICEF, “Child Notice Afghanistan,” 2015, www.unicef.nl/media/4340650/unc_rapport_child_notice_afghanistan_en_final_web.pdf.

UNODC, “Drug Use in Afghanistan: 2009 Survey Executive Summary,” 2009, www.unodc.org/documents/data-and-analysis/Studies/Afghan-Drug-Survey-2009-Executive-Summary-web.pdf.

World Bank, “Literacy rate, youth male (% of males ages 15-24),” n.d., <http://data.worldbank.org/indicator/SE.ADT.1524.LT.MA.ZS?locations=AF>.

World Bank, “Youth literacy rate, population 15-24 years, both sexes (%)” n.d., <http://data.worldbank.org/indicator/SE.ADT.1524.LT.ZS?locations=AF>.

Yeganehfar, Bahareh, “In Iran, Peer Training Helps Vulnerable Children in Conflict with the Law,” *UNICEF*, 2012, www.unicef.org/protection/iran_62188.html.

ANNEX 2 - FGD PARTICIPANTS

CLOSED JRC FGD

Participant	Origin	Age	Crime	Sentence	Time spent in JRC
1.H.	Kapisa	13	Murder	2.5 years	1 year
2. O	Laghman	14	Murder	2 years	1.5 years
3. A	Kabul	15	Accused of sodomy	3 years	2 months
4. S	Wardak	16	Political	No sentence yet	5.5 months
5. H	Helmand	18	Murder	10 years	1 year
6. A	Kabul	15	Fighting/ bodily harm	2.5 years	50 days
7. S	Badakhshan	15	Murder	7.5 years	4 months

OPEN JRC FGD

Participant	Origin	Age	Crime	Sentence	Time spent in JRC
1. M	Kapisa	17	Theft	6 months	5 months
2. R	Kabul	17	Theft	4 months	2 weeks
3. R	Daikundi	14	Theft	9 months	1 month
4. S	Wardak	16	Theft	7 months	6 months
5. M	Ghazni	14	Theft	6 months	5.5 months
6. M	Parwan	15	Fighting	1 year	3.5 months
7. M	Wardak	18	Theft	6 months	1 month

ANNEX 3 - OVERVIEW OF THE AFGHAN JUVENILE JUSTICE SYSTEM

The Juvenile Code?

The current Juvenile Code of Afghanistan, enacted in 2005, is in compliance with article 54 of the National Constitution and in line with international conventions protecting the human rights and interests of children. Its objectives are: 1) rehabilitating and re-educating children in conflict with law; 2) respecting the vital role of children in society construction and protecting their physical, moral, intellectual and social welfare; 3) specifying the responsibilities of parents, guardians or the legal representative with regards to children in their custody; 4) taking in consideration the Convention on the Rights of the Child during investigation and after trial; 5) hearing children's view or their legal representative during investigation and trial; 6) encouraging and supervising public welfare institutions and social services with the intention of preventing juvenile offences; and 7) protecting children at risk and in need of care and protection. However, as this research will explore, there is distance and disconnect between the juvenile justice code, its inherent opportunities for protection, rehabilitation and reintegration of vulnerable youth, and what is practiced by police departments and courts, often with detrimental damage for youth and their rights, particularly those from lower socioeconomic backgrounds and those without strong support mechanisms.

Who is a juvenile?

The justice system in Afghanistan considers any person who has not yet completed their 18th year as a child. A non-discerning child has not yet completed the age of 7. Discerning children would be those between 7 and 12 years of age, and juveniles are considered those who have completed the age of 12, but not yet 18. Only those between the age of 13 and 18 can be tried and detained in Afghanistan and sentenced to confinement. According to article 5 of the juvenile code, those who have not completed their 12th year cannot be held criminally responsible, but discerning children can be assigned social duties. Article 6 indicates that those whose age cannot be determined, who may not have birth certificates, or if there are discrepancies between their appearance and indicated age, must have their age determined by medical professionals.

Sentencing and punishment

Article 39 stresses that anyone below the age of 18 in Afghanistan cannot receive the death penalty or be imprisoned for life. For children between 13 and 16 years, their sentence cannot exceed one-third of the maximum adult sentence for the same crime, and for those who have completed their 16th year, but not 18th, their sentence cannot exceed half. Interviews with stakeholders indicate

that indeed strides have been made to improve the juvenile justice system in Afghanistan and this is commendable. One crowning achievement addresses Article 17, obliging prosecutors to look at the entire picture of the situation and to consider the circumstances lead to a crime. This has manifested in the form of Social Inquiry Report (SIRs) which involve social workers interviewing the youth in conflict with the law, his family, and those comprising his community, as well as other, in an attempt to paint an in-depth image of the child in his real-life environment, to shine light on the circumstances of the crime and arrest, and to guide the judicial process and sentencing. How children actually fare in the judicial system and how they can and are sentenced is multifaceted and complex.

Article 20 encourages prosecutors to release children to their guardians while cases are being completed, but many youth in the Kabul JRC wait idly and under duress without any information as their dossiers are compiled and their court hearing looms. Article 8 stresses confinement as a last resort and for the minimum possible duration, but this is not the reality in practice either. Many youth at the Kabul Juvenile Rehabilitation Centre (JRC) have been confined as a first punishment measure for a small or a one-time offense, increasing their vulnerabilities and impacting their life prospects, as discussed later in this report. Article 11 requires police to report the arrest and detention of children to their guardians within 24 hours, and gives prosecutors the authority to release children on bail without money. Articles 14 and 15 further touch upon timelines for investigation and oblige prosecutors to duly complete this process within one week (with extension possible for up to 3), but these timelines are often not met and if the youth or their guardians and representatives had legal awareness or negotiation power, the Juvenile Code indicates they could request for release. Article 35 (see table XX) lists 8 options for the punishment of a crime, the 8th and last of which is confinement at JRCs. Yet many youth are confined as a first option.

Punitive measures available to courts based on the situation of the child and the severity of the crime as indicated in Article 35 of the Juvenile Justice Code of Afghanistan:

1. Performing social services
2. Sending the child to special social services institutions
3. Issuance of warning
4. Postponement of trial
5. Conditional suspension of punishment
6. Home confinement
7. Surrender of child to his/her parents or those who have the guardianship rights
8. Sending the child to the juvenile rehabilitation centers for confinement.

Some key discrepancies between the Juvenile Code and practice can be readily exposed at Juvenile Rehabilitation Centres. For example, article 12 obliges detention authorities to provide educational, vocational, psychosocial and health services for detained children. However as discussed later throughout this report, due to various intertwined reasons and lack of resources, service provision and needs go largely neglected for children in JRCs. There are many alternatives to detention that

could be used by courts, and this is for the majority of cases at the JRC, whose sentences are less than more than 2 years. Social service institutions can make up the entirety of a child's sentence, with the ability to rehabilitate the youth and with great potential to benefit society with community work. Courts can sentence from the beginning, or at any point review to alter a sentence to release a child and order: periodical stay; performance of specific tasks; education and training; restricted movement; enrolment in an institution with social rehabilitation programs; and the surrender of the child to their guardians. This goes to say, court and rehabilitation centres, as well as various professionals and representatives of youth can observe children and try to streamline their release based on behaviour and performance, request review of rehabilitations programmes or advice new arrangements (article 45), and include any and all combinations of social service institutions and community work in combination with or in lieu of detention. Yet as stories and surveys in this study will indicate, prosecutors and the judicial system over all are too often too quick to apprehend and detain youth, with barely any systems in place to rehabilitate them or to aid their reintegration with society post-detention, resulting in youth further disconnected and disenfranchised having come into contact with other youth in conflict with the law, some of them indeed serious criminals and repeat offenders.

If article 52 of the Juvenile Code was duly respected or crafty defence lawyers were available to all youth, then the majority of youth in JRCs would qualify legal care and protection. As per article, that is a youth: 1) whose physical, psychological, emotional health and security are at risk; 2) whose interests and education conditions facilities are jeopardised; 3) who has been abused by elders or a person having authority over him/her; and/or 4) who has been abandoned by the parents. The first two would unfortunately apply to the majority of JRC youth. Health, educational or vocational training institutions are frequently cited in the juvenile code and the provision of these services deemed a legal requirement. Yet the reality is far removed once more. For children who have been sexually, physically or psychologically abused, article 55 provides supportive rehabilitative measures, which similar to alternatives to detention, remain untapped opportunities for rehabilitating youth in conflict with the law and in need of protection. It is not uncommon in the Afghan judicial system to detain and sentence both victim and perpetrator.



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