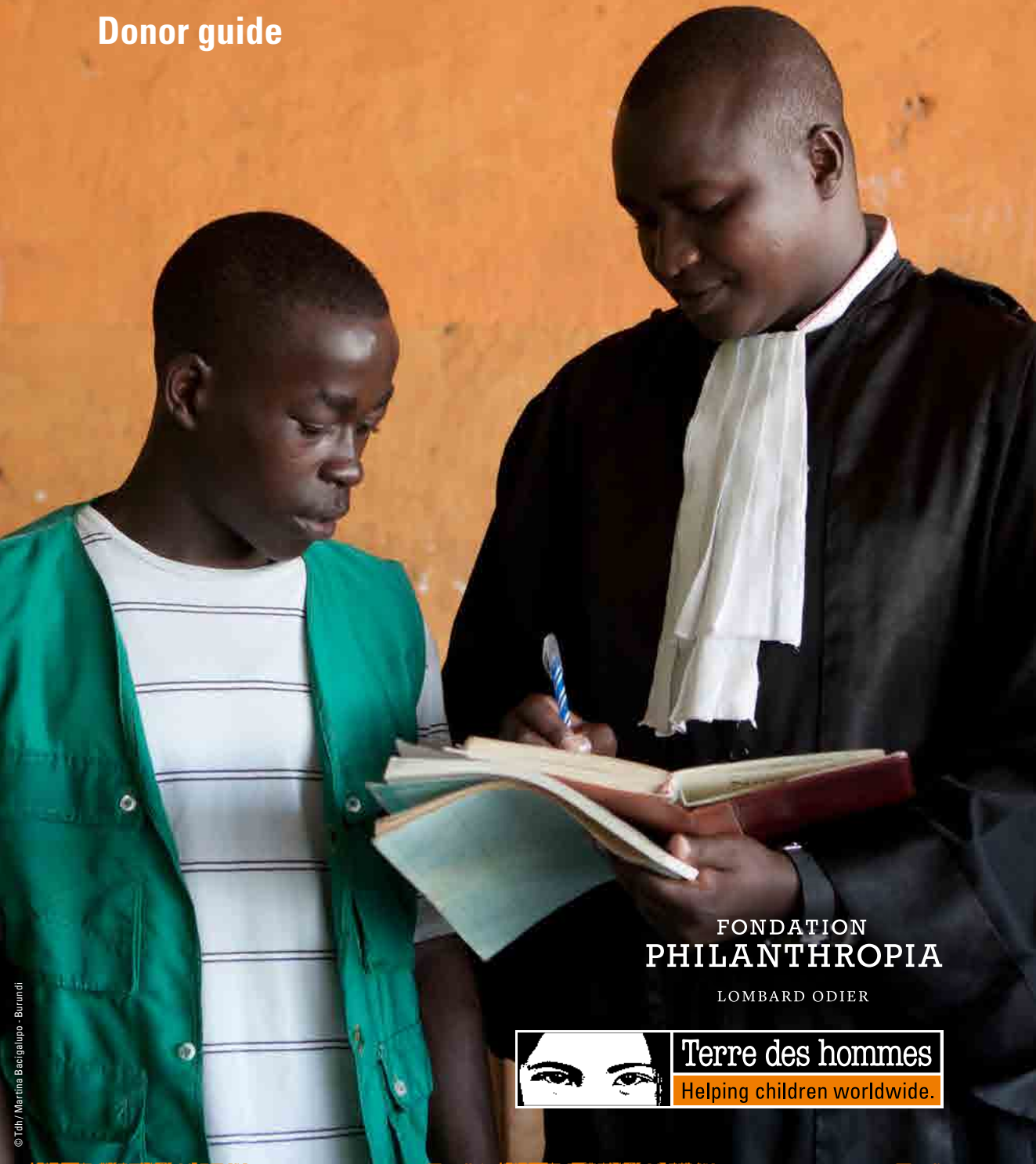


A commitment to child-friendly justice

Donor guide



FONDATION
PHILANTHROPIA

LOMBARD ODIER



Terre des hommes

Helping children worldwide.

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Impressum

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Terre des hommes (www.tdh.ch) is the largest Swiss children's aid organisation in the world. Each year, our health, protection and emergency aid projects provided assistance to more than three million children and their relatives in more than 35 countries. Thanks to our restorative justice programme, in the past 20 years we have helped to improve the justice system to ensure they are respectful of the rights of children.

Prison is not for children

There are currently more than one million children around the world who are in detention rather than at school, mainly as the result of the environment in which they were raised; some have not received an education or have been victims of neglect or abuse. Sometimes these children are given heavy sentences despite only having committed minor offences.

Terre des hommes fights for these children to be given the opportunity to take responsibility for their actions without ending up in jail, which is a real breeding ground for crime and should always be a last resort. In many countries, our experts have been at the forefront of the fight for the justice system to be adapted to the needs of children, and for these systems to respect their rights as set out in the Convention on the Rights of the Child, offering them a real opportunity for reconciliation with their community. We firmly believe that every child must be given the opportunity to understand the consequences of their actions and make amends in order to be reintegrated into the community.

Under no circumstances does this mean impunity. In this brochure, we set out our restorative approach to justice for children. We will explain what we have achieved and what we hope to achieve, not only in supporting children who have taken the wrong turn in life, but also in preventing violence and crime.

On my field trips, I have always been impressed by these young people's wishes to turn their lives around. Our rehabilitation projects cost considerably less than detention, and the rate of re-offending is dramatically lower as the young people we work with understand what they have done; they have taken responsibility for their actions and made amends. They are very aware that they have been given a second chance and, believe me, they are not prepared to waste it.

Vito Angelillo

Director General of Terre des hommes





Punitive justice: Straight to jail

Kyaw*, eight years old, went to school one day having forgotten his lunch box. During the lunch break he asked his teacher if he could go home and pick it up but the teacher refused. Frustrated, Kyaw then shredded some of the teacher's paperwork. The teacher rang the police and Kyaw was arrested. He was tried and sentenced to two years in jail.

Young Kyaw's story is real and happened in Myanmar in 2016.

**All the children's names have been changed to protect their identity.*

A few facts



1 Franc

invested in **prevention** saves
7 francs on the cost of the
consequences of crime and violence.



More than 80%

of victims are **satisfied during victim-offender mediation**, compared to less than 60% in repressive processes in the United States and Canada.

Sources: Kaye L. McLaren 2000/Umbreit, Coates, Vos, 2003



Restorative justice: A real opportunity for a positive outcome

Kasim* was 12 years old when he was taken to the Sin Nonghin police station in Burkina Faso for having stolen two bicycles. When his parents died, he was taken in by his aunt. She couldn't afford to send him to school so he spent his days on the streets with the other children from the neighbourhood.

When a child is arrested, the police station immediately notifies Terre des hommes. Once the child is remanded in custody, the deputy public prosecutor entrusts them to Terre des hommes for educational and correctional measures. In this case, the Terre des hommes social worker set up a reconciliation interview: the bikes were returned to the owner and Kasim apologised to the victim and the neighbourhood committee.

Kasim was enrolled in a vocational training and education centre where he was finally able to attend classes and pursue an apprenticeship. After two years, Terre des hommes arranged for him to return to his grandmother's family. He attended evening classes and finally, at the age of 16, he succeeded in opening a small motorbike washing business.

Kasim's story is also real and he has never re-offended.

Working together towards restorative justice: Our comprehensive approach

We are acting at all levels:



Changing the laws

We work with governments to change the laws. Our advocacy is based on research, learning from experience and raising public awareness.

We advocate restorative rather than repressive and punitive justice. A criminal law for children should prioritise their social reintegration and mediation rather than prison. Detention should only be used as a last resort and for the minimum period of time. Where detention is used, it should not, under any circumstances, deprive children of their basic rights (health, education, training). Finally, we recommend the implementation of awareness-raising campaigns to educate public opinion on the advantages of a restorative approach in the interest of society as a whole.



Restoring harmony in the community

We work in the community using mediation between the offender, the victim and the community to improve the child's reintegration into society.

With restorative justice, children have the opportunity to apologise to the victim and make good any damage they have caused, so they may in turn be reintegrated into society. The community and the family are closely involved in this process of mediation and rehabilitation. We have found that young people who benefit from alternatives to detention (such as community service) have a better chance of rebuilding their lives and avoiding a return to a life of crime.



Training legal professionals

We work among enforcement and social actors to strengthen the justice systems and the expertise of the parties involved through training.

The restorative approach to juvenile justice that we advocate should systematically be part of the professional training of the parties involved in the juvenile justice system (judges, prosecutors, lawyers) and in public institutions (social workers, educators). We recommend diversion and support the justice systems in implementing alternatives to detention, to ensure that children have an alternative to the formal court system at all stages of proceedings. All sanctions and measures other than prison should be planned with a view to educating and ensuring social reintegration.



Direct help for children

We are directly involved with children who are in conflict with the law, offering material, psychosocial support and legal assistance.

We support the children from the time of their arrest, their time in custody and throughout the judicial proceedings and the period the penalty is imposed. We work directly with children's prisons and detention centres by providing recreational activities, courses and professional training. We also prepare the children for release and reintegration in family life and work.

“We fight for justice that repairs social ties rather than breaking them.”


Fabrice Crégut, juvenile justice adviser at Terre des hommes



Our work in Latin America and the Caribbean



Legend

-  Terre des hommes' projects
-  Countries where Tdh provides expert advice

Our achievements in Latin America and the Caribbean



Brazil: Conflict resolution and mediation in schools

We address issues of violence in Brazil by showing teachers and students techniques for conflict resolution and constructive dialogue in schools. **In 2016, more than 30,000 children and young people in 39 state schools received training in mediation.**

This training has been very useful for Marcos Matias, the headteacher of a school in Fortaleza: *“One of my students arrived late and was excluded from school for one day. He turned on me and that frightened me.”* At first, the headteacher wanted to call the police, then he remembered the Terre des hommes trainers and he rang them instead. They acted as mediators, the conflict was resolved peacefully and the student did not have to leave the school.



Peru: A very low re-offending rate

In Peru, the public prosecutor’s office expanded Terre des hommes’ national restorative juvenile justice project to 11 districts across four regions in the country. Since the project began 10 years ago we have helped 2500 teenagers in police stations who were alleged perpetrators of criminal offences. Of the 1000 adolescents who have avoided prison and received social support, only 64 have re-offended. **This re-offending rate is particularly low** compared to that for young people who have been through the traditional justice system, which is more than 30%.



Our achievements in Africa



Burundi: Pre-trial detention cut by two thirds

In Burundi, we have been training and raising the awareness of legal professionals for the past 10 years. In four years, this has allowed us to reduce the number of children in custody from 1850 to 703. The average length of a **pre-trial detention has also progressively been reduced from twelve months in 2013 to four months in 2016.**

All the children being detained in Bujumbura central prison have been separated from the adults and transferred to a new centre for rehabilitating children who are in conflict with the law in Rumongé. This action is proof of the professionalisation of all the stakeholders involved in the criminal justice system and their progressive adoption of restorative juvenile justice.



Egypt: The right to medical treatment in prison

For the first time in 2016, a doctor came to visit children in the detention centre in Asyut in Egypt. Doctors specialising in dermatology; ear, nose and throat conditions, and internal medicine examined 66 children at the detention centre aged between 11 and 18. Working with the Ministry of Health, Terre des hommes took action to ensure the **children would receive free medical care.** Our plea for access to healthcare is one of a number of projects being run by Terre des hommes in Egypt to support children caught up in the justice system.

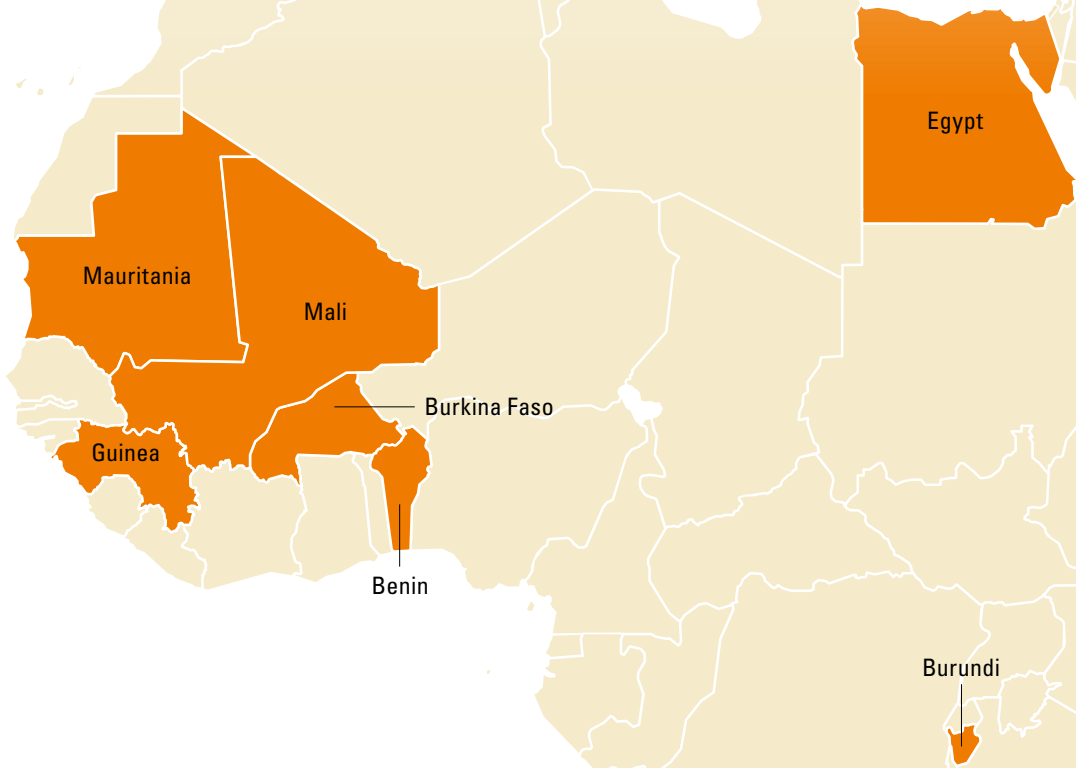


We have rights


"Tdh has introduced a very important policy to protect children in my institution. They have a box where we can put our complaints and our suggestions. It has allowed us to change several things and solve quite a few problems between the staff, the supervisors and the children. This is also the first time I hear that we as children have rights."

Mahmoud, 14 years old, Egypt

Our work in Africa



Legend

 Terre des hommes' projects

Our work in the Middle East



Lebanon
Palestine
Jordan

Afghanistan

Our achievements in the Middle East



Afghanistan: Providing access to a lawyer

Today, Terre des hommes ensures that all children in Afghanistan have **access to a defence lawyer** during the prosecutor's investigation. When we began our work in 2008, the figure was only 38%. We have worked with the government to implement **alternatives to detention**. We will also be working in two youth rehabilitation centres to **improve living conditions** for more than 200 children. Our work includes teaching, vocational training and recreational activities.





Palestine: Mediation rather than prison


In 2016, the Palestinian authorities passed a **new criminal law for children**. Our awareness-raising work among the population and the authorities in the past five years has produced legislation that protects the basic rights of children. **For the first time**, in March 2017, eleven boys aged between 15 and 17 detained for minor offences were able to benefit from alternative correctional measures to prison.



Legend

 Terre des hommes' projects

 Countries where Tdh provides expert advice




Training for Khaled

"Khaled, 16 years old, was imprisoned for stealing two water tanks from his employer who had refused to pay him. Even though he couldn't read, the police made him sign a piece of paper. Nobody told him what was going to happen to him and how long he'd be in prison for. We worked with social services and the judicial authorities so that Khaled was able to leave detention and have access to vocational training supervised by Terre des hommes."

Lubna, Terre des hommes psychologist in Palestine

© Tdh / François Strulik - Palestine



“Imagine your own child is caught up in the justice system. If it were your child, wouldn't you want him or her to be treated fairly and with dignity? Wouldn't you want them to take responsibility for their actions rather than spend months or years in prison before being tried? Me? Yes! This is why I work with Terre des hommes to help these children.”

Beat Mumenthaler, lawyer and president of the Terre des hommes Foundation Council.





Glossary

Formal justice

Disputes are resolved, in principle, in accordance with international human rights standards. This form of justice punishes anyone who breaks their society's law.

Restorative justice

This involves the child in the rebuilding process and it also offers the possibility for everyone involved in a dispute to play an active role in finding and implementing solutions. It uses mediation and relies on the voluntary participation of all parties. For the child, it is seen to be a learning process and reduces the re-offending rate.

Informal justice

In many developing countries, more than 80% of disputes are resolved in this way. It is called **traditional justice** as it originates from a regional custom regularly practised by all. This form of justice is more readily available, swifter and better known in the villages. It emphasises reconciliation, compensates the victim and restores their honour. Terre des hommes works to reduce discriminations towards girls and degrading treatment of which some of the victims are children.



Mediation

This takes place between the victim and the child. It provides an opportunity to right the wrong, for the child to assume responsibility and to reintegrate them in society. The child needs to understand what they have done and can then ask for forgiveness. Mediation also provides recognition and offers comfort to the victim.

The minimum age for criminal responsibility

This is the age from which a child can be punished for an action for which the law imposes a penalty. In Myanmar, this is set at the age of seven. In Switzerland, it is ten. In Burundi, Terre des hommes have helped to raise the age from 13 to 15.

Age of criminal majority

This is the age from which a person is subject to common criminal law and no longer has minority as a mitigating factor. In Switzerland, it is set at the age of 18. In Brazil, the age of criminal majority is set at 16 years and children can be given adult sentences.

Minimum penalty

This depends on the severity of the case and the child's age. In Switzerland, the minimum penalty is a reprimand and community work. In Myanmar, the minimum penalty is two years in prison.



20 years of expertise in juvenile justice

In many countries, we are recognised as experts in juvenile justice and we work in conjunction with the judicial authorities to implement alternatives to detention, such as community service or mediation. Each year, our experts organise continuous training to raise the juvenile justice stakeholders' awareness of children's specific needs. Last year, more than 15,000 judges, police officers, mediators, detention and probation officers in 16 countries underwent training.

New: Certified training in juvenile justice

Support from the Interfaculty Centre for Children's Rights at the University of Geneva has been instrumental in **Terre des hommes' creation of a one-year online training course** aimed at legal professionals in Latin America.

The Certificate of Advanced Studies (CAS) in juvenile justice is innovative and ambitious. It is the result of our experience in the field and discussions held with the Institute for Children's Rights in Sion, Switzerland. Thirty-five international experts representing eight countries have contributed to the development of this training.

Reforming a justice system takes time and resources

To achieve countrywide reform, Terre des hommes works in the field with a team made up of 10 people: legal experts, social workers, educators, adult trainers and individuals responsible for advocacy and communication. The results that have been achieved in the countries we are present in are the outcome of work conducted over a number of years.

Examples of funding



A donation
of
100,000
francs

This, for example, would pay for one year of direct aid for 240 children being held in detention in Amman, Jordan and to raise awareness among 60 decision-makers and individuals working on their legal case.

"Since Terre des hommes arrived here, there have been many more activities organised for us in the detention centre. I love team games." Abdelasie, 15 years old, Jordan



A donation
of
50,000
francs

This, for example, would pay for 20 legal professionals to undergo one year of specialised online training in juvenile justice that has been developed by Tdh in conjunction with the University of Geneva.

"I registered for the first set of online continuous training in juvenile justice as it is the only training of its kind in the world." Marta, a lawyer in Palestine



A donation
of
20,000
francs


This would help to fund three months of vocational training (sewing, shoemaking or welding) for 16 children at a rehabilitation centre in Burundi.

"Thanks to Terre des hommes, I've received training in shoemaking and leather work. When I finished the training, the Ministry of Justice itself awarded me my diploma. I'm really happy now because with this trade I feel valued by my community." Eric, 17 years old, Burundi

Thanks to you we can make lasting changes to the lives of children

There are several options for anyone wishing to offer lasting support to our children's aid projects. Please do not hesitate to contact us if you would like some guidance. We are more than happy to help you with your plans to support children. Fulfilling our donors' wishes is of paramount importance to us.



 Monitoring is in place to determine how donations are used. We are a public interest foundation certified by the Swiss Confederation and we carry the Zewo seal. This certifies that we have met all the criteria for the scrupulous management of funds entrusted to us. 88% of donations are allocated directly to our children's aid projects and 12% of donations are used to run our headquarters and our fundraising and communication campaigns.



Philanthropy at Terre des hommes



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"My role at Terre des hommes is to help each donor find the programme that is closest to their heart and provide detailed information on how their support will ensure lasting change in the lives of many children."

Fondation Philanthropia

We now know that imprisoning children is a factor in their re-offending and in reinforcing self-destructive tendencies. This guide explains that poverty is often a contributing factor in children breaking the law. Work undertaken to prevent problems before they occur and to explore alternatives that respect the rights of the victim and of the young person who is in conflict with the law and local traditions, are less costly to society.

Fondation Philanthropia encourages donors to be involved and to bear in mind the following priorities in terms of impact:

- *Support projects that make a concrete change to the lives of children and young people by considering the number of people affected by these programmes.*
- *Fund new methods of intervention such as restorative justice and diversion.*
- *Support the advocacy of organisations that promote a comprehensive approach to children's rights, thus contributing to a change in the mindset of stakeholders and decision-makers and promoting a justice system in which rulings are proportionate and appropriate.*
- *Help to share good practice and the expertise of field staff or other donors.*

Fondation Philanthropia is an umbrella foundation associated with Bank Lombard Odier, which since 2008 has been facilitating its donors' philanthropic initiatives in all areas of citizen engagement. It supports people wishing to build a philanthropic initiative that is consistent with their traditions, their wishes and their goals. The foundation offers donors a legal, financial and philanthropic framework for a tailor-made project, usually within a hosted fund.

Philanthropia has funded this brochure as part of its role in providing assistance to donors in their plans to provide support to children. Terre des hommes is a leading children's aid organisation, and is one of the institutions we regularly support as part of our and our clients' philanthropic commitments. Terre des hommes offers solutions that are appropriate and mindful of the reality on the ground, and which give donors the opportunity to have a positive, long-term impact.

Luc Giraud-Guigues, Representative, Fondation Philanthropia



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“The Foundation’s Council has incorporated the implementation of philanthropy that has a lasting impact. This is our social responsibility as patrons in philanthropy’s rapidly changing environment. We hope that this guide to juvenile justice will provide donors with information and some thoughts on restorative rather than punitive justice; the latter giving rise to further social division. It also requires an open dialogue with partner organisations to enable, for example, the setting-up of donor arrangements that are conditional upon raising additional funds or that provide a useful complement to public funding.”

Denis Pittet
President, Fondation Philanthropia

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the right to real justice**



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