

Correcting the Course

Advancing Juvenile Justice Principles for
Children Convicted of Violent Extremism Offenses



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ABOUT THIS REPORT

The Managing Juveniles in Detention Initiative was established by the Global Counterterrorism Forum (GCTF) Detention and Reintegration Working Group in support of the Initiative to Address the Life Cycle of Radicalisation to Violence. This report, funded by the government of Australia, supports the initiative by enhancing the contemporary knowledge base on the management of juvenile violent extremist offenders (JVEOs) in custody and the design and implementation of effective interventions for risk reduction and rehabilitation of children. The report takes stock of theory, policies, and practice globally. It responds to a call from the GCTF Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context to collect and collate information on children engaged in terrorism-related activity.

This report elaborates on a policy brief titled “Rehabilitating Juvenile Violent Extremist Offenders in Detention: Advancing a Juvenile Justice Approach,” which was prepared by the Global Center on Cooperative Security and the International Centre for Counter-Terrorism - The Hague and formally adopted by the GCTF.

A literature review was conducted to summarize existing knowledge on the management and rehabilitation of JVEOs. As literature that focuses specifically on JVEOs in detention is scarce, the review sought to gather expertise from adjacent fields, such as criminology and prison studies, and related research on the detention and rehabilitation of juvenile offenders, including national experiences in rehabilitating children associated with armed forces and armed groups and members of organized criminal groups, as well as adult violent extremist offenders. In addition to desktop research, this report was informed by extensive consultations with government officials, international experts and practitioners from intergovernmental and international organizations, and academics and independent experts.

The report examines differing practices, approaches, and resources employed by countries to incarcerate,

rehabilitate, and reintegrate JVEOs. A questionnaire was distributed among GCTF member states to obtain basic information about the countries’ experiences with and approaches toward JVEOs in the care of the prison and probation services. More in-depth information was collected from a shortlist of target countries to illustrate the nature and scope of issues experienced by different authorities concerning JVEOs.

This report is divided into five parts. Part one puts forth a series of guiding principles regarding the management and deployment of applicable interventions for JVEOs in the custodial system. Although not exhaustive, these principles provide a framework for achieving the foundational goals of juvenile justice while drawing on good practices derived from international experiences in the incarceration, rehabilitation, and reintegration of juveniles.

Part two covers foundational questions relating to the development of intake procedures, needs and risk assessments, and classification tools. Regularly implemented assessments are critical to developing sound policies and practices. Well-developed intake and risk and needs assessment can help authorities better understand the juvenile’s likelihood of recidivism and factors that when addressed through tailored treatment and programming, can reduce the likelihood of reoffending, support rehabilitation, and ensure smooth reintegration into families and communities.

Part three discusses principles and constitutive components of custodial management in more detail, including detention infrastructure, facilities, and services; prison regimes and standards; the roles of custodial staff and other stakeholders; and special consideration for female JVEOs. Juvenile facilities and management approaches can positively support a child’s rehabilitation. Intervention providers who adhere to effective, results-based design principles, starting with the objectives of the intervention, are better positioned to monitor, evaluate, and adjust as needed.

Part four elaborates on advancing evidence-based approaches to rehabilitating children and provides guidance on establishing clear goals and objectives for programming. It discusses a number of rehabilitation interventions for JVEOs, such as mentoring and counseling programs, vocational training and general education, and community and family engagement. Rehabilitative programs are more effective when they are fit for context, enjoy a supportive environment, and are undertaken alongside proactive operational oversight.

Part five focuses on the challenges and risk mitigation practices related to the reintegration of JVEOs into society after their time in custody. Like custodial interventions, effective postrelease programs for JVEOs are tailored to the context in which they are deployed. This section examines a number of different programming

models implemented in different countries, including monitoring programs rooted in fostering prosocial bonds, continued mentorship, and resettlement support to JVEOs and their families under a unified continuum-of-care approach.

Whereas part one provides a broad overview of international principles and good practices, the remaining parts include specific examples of national practices in greater depth through the use of case studies to assist decision-makers in developing practices and policies that reflect their context, individual history, culture, and national laws and regulations, while drawing on theory and experience. These case studies do not necessarily represent best practices, nor can they be assumed to be readily transferrable to other contexts.

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ACRONYMS AND ABBREVIATIONS

CBT	cognitive behavioral therapy
DSWD	Department of Social Welfare and Development (Philippines)
FTF	foreign terrorist fighter
GCTF	Global Counterterrorism Forum
GRAIR	Guidelines for Risk Assessment, Intervention and Reintegration
ICRC	International Committee of the Red Cross
ISIL	Islamic State of Iraq and the Levant
JVEO	juvenile violent extremist offender
LTTE	Liberation Tigers of Tamil Eelam (Sri Lanka)
NGO	nongovernmental organization
PTSD	post-traumatic stress disorder
RNR	risk-needs-responsivity
SAVRY	Structured Assessment of Violence Risk in Youth
UN	United Nations
UNICEF	UN Children's Fund
U.S.	United States
VEO	violent extremist offender
VPN	Violence Prevention Network

INTRODUCTION

Children have always been among the most vulnerable victims of violence and, at times, some of its most brutal purveyors. They have played various roles in furthering violent extremism and participating in acts of violence, ranging from inciting propaganda online to carrying out deadly attacks. Youth can be credible, competent, and critical partners in efforts to counter violent extremism, but they also can be specifically recruited, coerced, or induced by terrorist groups or charismatic individuals. Although the personal motivations to join or associate with violent extremist organizations may be similar to those of adults,¹ juveniles differ because of their stage of social and intellectual development.²

The international community has a responsibility to uphold the protections enshrined in the UN Convention on the Rights of the Child and other international juvenile justice standards for youth convicted of terrorism and related activities. Juvenile justice standards provide the foundational basis for detaining, rehabilitating, and reintegrating juveniles convicted of terrorism and violent extremism–related offenses. Children in conflict with the law³ are recognized as a distinct offender class in the criminal justice process on account of their mental, intellectual, and physical maturity. Accordingly, international juvenile justice standards and norms call for the use of incarceration as a measure of last resort, for the shortest time possible, and

guided by the best interest of the child. If juveniles are incarcerated, they should be housed and treated separately from adults and be extended special oversight and protection given their particular vulnerabilities and risk of abuse in custodial environments. Rehabilitative measures should be prioritized. These standards should be upheld for all children, regardless of the nature or severity of their offense.

Consistent with due regard for the dignity and rights of the child, juvenile offenders convicted of terrorism and violent extremism–related offenses subject to incarceration should be treated fairly and humanely.⁴ Juvenile justice standards focus on rehabilitative rather than punitive measures, and institutions responsible for the children’s custody should prioritize interventions that support their eventual reintegration into society.⁵ Management practices must take into account the special needs of each child while maintaining an environment conducive to rehabilitation and implementing targeted interventions. The responsibility of achieving the objectives of reintegration falls on the various actors inside and outside of the prison, including a range of external stakeholders and the broader community. Coordination, consistency, and reinforcement among those key actors are critical to ensure the continuity of care necessary for the child’s reintegration and to prevent recidivism.

1 See Guilain Denoeux and Lynn Carter, “Guide to the Drivers of Violent Extremism,” U.S. Agency for International Development, February 2009, p. iii, http://pdf.usaid.gov/pdf_docs/Pnadt978.pdf.

2 Different theories suggest the reasons why youth are particularly vulnerable to extremist narratives, including neurological factors such as vulnerability during the formative processes and young adults, the impact of families, and the lack of family ties and a strong background, as well as the social milieu influencing juveniles. Laurence Steinberg, “A Social Neuroscience Perspective on Adolescent Risk-Taking,” *Developmental Review* 28, no. 1 (March 2008): 78–106.

3 In this report, “child,” “youth,” and “juvenile” refer to those above the national age of criminal responsibility who, by law, are distinguished from adult offenders in the criminal justice system on account of their age. This report does not exclude the possibility that some considerations or recommendations may apply to those older than 18. For further discussion on the definition of youth in the UN system, see UN Department of Economic and Social Affairs, “Definition of Youth,” n.d., <http://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-definition.pdf> (accessed 28 November 2016).

4 International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, 999 U.N.T.S. 171, art. 10; UN General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*, A/RES/40/33, 29 November 1985, annex (rule 1.3) (hereinafter Beijing Rules).

5 UN General Assembly, “Report of the Special Representative of the Secretary-General for Children and Armed Conflict,” A/71/205, 25 July 2016, para. 22 (hereinafter UN report on children and armed conflict). Punitive approaches and the poor conditions of juvenile detention systems around the world have resulted in high rates of recidivism. See Ian Lambie and Isabel Randell, “The Impact of Incarceration on Juvenile Offenders,” *Clinical Psychological Review* 33, no. 3 (April 2013): 448–459; Richard A. Mendel, “No Place for Kids: The Case for Reducing Juvenile Incarceration,” Annie E. Casey Foundation, 2011, <http://www.aecf.org/m/resource/doc/aecf-NoPlaceForKidsFullReport-2011.pdf>.

Juvenile violent extremist offenders (JVEOs) constitute a heterogeneous group that precludes easy generalization: their pathways to criminality vary widely, as do the severity of their crimes. Although the terms “violent” and “extremist” appear in the designation, JVEOs may not have partaken in any violent act, such as when they facilitate the transfer of funds or serve as a courier for a terrorist group, nor have they necessarily been ideologically radicalized, as is the case of children who are motivated by financial rewards or forced to join a violent extremist organization. Yet, some of these activities are criminalized as a terrorism or violent extremism–related offense under national laws.⁶ The varied nature of this designation under national laws underlines the need to adopt an individualized approach to JVEO detention practices. Whereas the label of criminality may be uniformly applied to JVEOs, such a categorical designation may not be desirable or appropriate in the correctional setting that calls for tailored interventions in the treatment of offenders. Societal bias, sensationalism, and exceptionalism often associated with terrorism and violent extremism–related offenders compound the risk of maltreatment for JVEOs inside and outside prison. For these reasons, authorities should ensure that protections afforded under juvenile justice standards extend equally to JVEOs.

Variances in the range of resources, programs, facilities, and professional capacities, as well as cultural norms, for juvenile treatment impact policy and management decisions in juvenile detention facilities. They also inform decisions on whether to prosecute, separately

house, or provide tailored interventions for a child in conflict with the law. The recognition of children as both perpetrator and victim,⁷ arbitrary or systematic designations for their classification as children,⁸ and cultural norms for their treatment offer additional insights into the multiplicity of approaches that inform policy decisions.

Furthermore, decision-makers should reflect on the size, needs, and placement of the JVEO population in custodial care as determining factors in how states manage the JVEO population. For a variety of reasons, however, tracking this data in a manner that can inform policy decisions can be difficult. For instance, JVEOs may not be convicted of a terrorism or related offense but of a lesser or different charge. Moreover, the potential of exceptional circumstances that may require juveniles to be treated as adults in the criminal justice system adds another layer of difficulty in accurately capturing data. As a result, the information that is available on this offender population is limited and does not readily lend itself to comparison.

This report outlines principles and recommendations that should guide the responsible care of detained juvenile offenders convicted of terrorism and violent extremism–related crimes and special considerations that should be taken into account. It elaborates on the issues and recommendations put forward in an accompanying policy brief endorsed by the Global Counterterrorism Forum (GCTF).⁹ This report specifically provides guidance regarding JVEOs sentenced to a

6 Security Council resolutions over the last decade have called for the codification of a growing number of crimes relating to the prevention of violent extremism and terrorism, such as inchoate offenses and preparatory acts, and measures to suppress the flow of foreign terrorist fighters (FTFs). See UN Security Council, S/RES/2178, 24 September 2014 (calling on member states to prevent FTFs from crossing borders, disrupt and prevent financial support to foreign fighters, and prosecute returning FTFs); UN Security Council, S/RES/1373, 28 September 2001 (calling on member states to criminalize the financing, planning, preparation, or perpetration of terrorist acts or support of terrorist acts, including the willful provision or collection of funds for such purposes).

7 For instance, in Somalia a child who desists from al-Shabaab is deemed a victim and is automatically given access to rehabilitation services. International standards similarly call for states to treat child soldiers primarily as victims and offer them rehabilitation. See UN Children’s Fund (UNICEF), “The Paris Principles: Principles and Guidelines on Children Associated With Armed Forces or Armed Groups,” February 2007, para. 3.6, <https://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>.

8 Some jurisdictions have set an age lower than 18 for the jurisdiction of criminal courts, as in Cuba, Hong Kong, and other states, while others give judges discretion to treat children as adults if they show signs of puberty, as in Saudi Arabia.

9 Global Center on Cooperative Security and International Centre for Counter-Terrorism - The Hague, “Rehabilitating Juvenile Violent Extremist Offenders in Detention: Advancing a Juvenile Justice Approach,” n.d., <http://www.globalcenter.org/wp-content/uploads/2016/12/GCTF-GCCS-ICCT-Policy-Brief-on-Rehabilitating-JVEOs.pdf>.

term of custody in a juvenile detention or prison facility. Although discussions on the use of administrative detention fall outside of the scope of this report, the principles and practices discussed may be applicable in those contexts as well.¹⁰

This report draws heavily from good practices in international juvenile justice, national experiences in the treatment of juveniles, and the emerging body of principles and practices in the detention of violent extremist offenders (VEOs).¹¹ It builds on experiences in disarming, demobilizing, and reintegrating children associated with armed forces and armed groups, although the policy considerations discussed here do not comprehensively apply to young persons who have

not been incarcerated or formally been held accountable, as may be the case with beneficiaries of amnesty provisions where a country is undergoing a process of transitional justice. The application of model management approaches, interventions, and programs must be tailored to the unique social, cultural, and historical context of each jurisdiction and tailored to each JVEO's unique risks, needs, and capabilities.

The following section lays out the guiding principles that govern the care of juveniles, including JVEOs, and then puts forward guidance and illustrative examples from the initial intake through the postrelease phases.

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- 10 Children who are captured or surrender in the course of a military operation should be transferred to child protection actors immediately. For more discussion on the abusive practice of administrative detention of children held on national security grounds, see Carolyn Hamilton et al., "Administrative Detention of Children: A Global Report," UNICEF and Children's Legal Centre, February 2011, https://www.unicef.org/protection/Administrative_detention_discussion_paper_April2011.pdf.
- 11 See GCTF, "Initiative to Address the Life Cycle of Radicalization to Violence: Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context," n.d., <https://toolkit.thegctf.org/sites/default/files/document-sets/source-document-uploads/2016-08/Neuchatel%20Memorandum%20on%20Juvenile%20Justice.pdf> (hereinafter Neuchâtel Memorandum); GCTF, "The Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders," n.d., <https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/A/GCTF-Rome-Memorandum-ENG.pdf> (hereinafter Rome Memorandum); Council of Europe, "Guidelines for Prison and Probation Services Regarding Radicalisation and Violent Extremism," 2 March 2016, https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016805c1a69 (hereinafter Council of Europe Guidelines); European Committee on Crime Problems, Council of Europe, "Council of Europe Handbook for Prisons and Probation Services Regarding Radicalisation and Violent Extremism," PC-CP (2016) 2 rev 4, 1 December 2016, <https://rm.coe.int/16806f9aa9>; Radicalization Awareness Network (RAN), "Dealing With Radicalisation in a Prison and Probation Context," n.d., https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation_awareness_network/ran.news/docs/ran_p_and_p_practitioners_working_paper_en.pdf; UN Office on Drugs and Crime (UNODC), "Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons," *Criminal Justice Handbook Series*, October 2016, https://www.unodc.org/pdf/criminal_justice/Handbook_on_VEPs.pdf.

GUIDING PRINCIPLES

The principles for caring for JVEOs in a detention setting are rooted in juvenile justice standards and norms. Underlying these principles is the premise that, as an offender class, children have not reached higher levels of mental, physical, or social maturity and have a greater capacity for change.¹² Juvenile justice standards and norms are detailed in a vast body of international law, rules, and guidelines that focus on the promotion of healthy adolescent development, assisting children to “age out” of what is often learned delinquent behavior with a view toward their eventual reintegration into society. Core international instruments relating to the treatment of juvenile offenders include the International Covenant on Civil and Political Rights and the UN Convention on the Rights of the Child (CRC),¹³ in addition to four main instruments known collectively as the UN Minimum Standards and Norms of Juvenile Justice: the UN Rules for the Protection of Juveniles Deprived of Their Liberty (Havana Rules),¹⁴ the UN Standard Minimum Rules for the Administration of Juvenile Justice (Bei-

jing Rules), the UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines),¹⁵ and the Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines).¹⁶ The fundamental rights enshrined in the CRC are nonderogable and apply in emergency situations, including conflict, equally as in times of peace,¹⁷ alongside provisions of international humanitarian law.

International human rights law favors the application of noncustodial measures for children in conflict with the law.¹⁸ For juveniles, incarceration should be a measure of last resort and for the shortest amount of time possible. The best-interest-of-the-child principle instructs decision-makers to look at the totality of the circumstances and pursue measures that are the least obstructive for the child.¹⁹ The negative effects of detention on juvenile recidivism are acute and well documented.²⁰ So too are children deprived of liberty exposed to unacceptable levels of danger and maltreatment worldwide.²¹ Age is a strong factor of

12 UN General Assembly, *Declaration of the Rights of the Child*, A/RES/1386(XIV), 20 November 1959, preamble (“the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”). See UN Committee on the Rights of the Child, “General Comment No. 10 (2007): Children’s Rights in Juvenile Justice,” CRC/C/GC/10, 25 April 2007, para. 10.

13 20 November 1989, 1577 U.N.T.S. 3 (hereinafter CRC).

14 UN General Assembly, *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*, A/RES/45/113, 14 December 1990 (hereinafter Havana Rules).

15 UN General Assembly, *United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)*, A/RES/45/112, 15 December 1990 (hereinafter Riyadh Guidelines).

16 UN Economic and Social Council, *Administration of Juvenile Justice*, 1997/30, 21 July 1997, annex.

17 See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (United Nations v. Israel)*, Advisory Opinion, 2004 I.C.J. Rep. 136, para. 106 (9 July).

18 See CRC, art. 37(a); Havana Rules, rule 2; Riyadh Guidelines, para. 46; UN General Assembly, *United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)*, A/RES/45/110, 14 December 1990.

19 See Neuchâtel Memorandum; GCTF, “Initiative to Address the Life Cycle of Radicalization to Violence: Recommendations on the Effective Use of Appropriate Alternative Measures for Terrorism-Related Offenses,” n.d., <https://www.thegctf.org/Portals/1/Documents/Toolkit-documents/English-Effective-Use-of-Appropriate-Alternatives.pdf>. Both were endorsed at the GCTF Seventh Ministerial Plenary Meeting in New York on 22 September 2016.

20 See Ian Lambie and Isabel Randell, “The Impact of Incarceration on Juvenile Offenders,” *Clinical Psychological Review* 33, no. 3 (April 2013): 448–459; Mendel, “No Place for Kids”; Barry Holman and Jason Ziedenberg, “The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities,” Justice Policy Institute, n.d., http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf.

21 See Jo Becker, “Extreme Measures: Abuses Against Children Detained as National Security Threats,” Human Rights Watch, 28 July 2016, <https://www.hrw.org/report/2016/07/28/extreme-measures/abuses-against-children-detained-national-security-threats>. See also Mendel, “No Place for Kids.”

criminality,²² and incarceration disrupts the natural “aging out” process by disrupting a child’s engagement with their family, school, and work. Diversion, restorative justice, and alternatives to custodial sentencing achieve the broader objectives of rehabilitation and reintegration while ensuring accountability for the acts committed.²³

Alternatives are generally more cost effective than confinement²⁴ and reduce overcrowding in detention environments. Rather than isolating JVEOs from society and positive support networks integral to their rehabilitation and development, the application of diversion programs and alternative sanctions within the community can strengthen relations with families and communities, shield juveniles from the negative effects of institutionalization, and prevent them from associating with other detainees who may have more serious criminal histories.

Community-based sanctions may consist of intensive supervision and monitoring programs, including house confinement and electronic monitoring, group homes, probation, day reporting centers, and community service. A number of evidence-based programs provide

alternatives to incarceration in the framework of restorative justice,²⁵ but alternatives to custodial sentences remain the exception rather than the rule. States can reduce their reliance on confinement and correctional institutions by implementing graduated measures that are more responsive to the needs and risks of the JVEO and introducing more flexibility in the sentencing framework.

JVEOs and their families will need the capacity to confront antisocial influences that encourage reengagement in violence. JVEOs require an appropriately planned reintegration support strategy to prevent them from reengaging in violent extremism while empowering independent decision-making. This requires sensitive, proportionate, and appropriate restrictions on their liberty. Overly restrictive supervision or punitive limitations on their liberty following release may simply provoke refusal to comply and potentially push them to reengage with extremist groups, causes, or ideologies.

The following guiding principles, grounded in the aforementioned international human rights standards, form the basis of proper custodial care, rehabilitation, and reintegration of JVEOs.

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- 22 The bell-shaped “age crime curve” has been observed consistently across a number of studies. With some variations in the age of onset, peak, and desistance, the prevalence of offending generally increases from late childhood, peaks from the ages of 15 to 19, and later declines in the early 20s. See Travis Hirschi and Michael Gottfredson, “Age and the Explanation of Crime,” *American Journal of Sociology* 89, no. 3 (November 1983): 552–584; Abigail A. Fagan and John Western, “Escalation and Deceleration of Offending Behaviours From Adolescence to Early Adulthood,” *Australian and New Zealand Journal of Criminology* 38, no. 1 (2005): 59–76; Rolf Loeber and Rebecca Stallings, “Modeling the Impact of Interventions on Local Indicators of Offending, Victimization, and Incarceration,” in *Young Homicide Offenders and Victims: Risk Factors, Prediction, and Prevention From Childhood*, eds. Rolf Loeber and David P. Farrington (New York: Springer, 2011), pp. 137–152. Age was also considered to be the most powerful factor in youth desistance from criminal activities or gangs. See John Horgan, “Individual Disengagement: A Psychological Analysis,” in *Leaving Terrorism Behind: Individual and Collective Disengagement*, ed. Tore Bjørge and John Horgan (New York: Routledge, 2008), p. 7.
- 23 See James C. Howell, ed., “Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders,” U.S. Department of Justice, May 1995, <https://www.ncjrs.gov/pdffiles/guide.pdf> (finding that community-based programs were more effective than traditional correctional programs in reducing recidivism and improving community adjustment, at a significantly reduced cost). See also UNICEF, “Children in Conflict With the Law,” May 2006, https://www.unicef.org/chinese/protection/files/Conflict_with_the_Law.pdf.
- 24 For example, the daily average cost of maintaining a prisoner was lower than the daily cost of a probationer in Sweden (about 11 times less in 2003), in Finland (about 16 times less in 2004), Estonia (about 10 times less in a 2005 study), and Romania (about 11 times less in a 2005 study). In Zimbabwe, the monthly cost of community service supervision was estimated to be about one-third of incarceration costs. UNODC, “Custodial and Non-Custodial Measures: Alternatives to Incarceration,” November 2006, p. 24 n.1, https://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/3_Alternatives_Incarceration.pdf.
- 25 For instance, the Dutch criminal and criminal procedure codes contain several provisions requiring that alternatives are applied prior to the decision to detain a minor. Article 51(h) of the criminal procedure code, for example, directs the Public Prosecution Service to first encourage mediation between the victim and the convicted offender and provides that agreements resulting from mediations must be taken into account if the court imposes a punishment or measure. Article 493 of the criminal procedure code provides that the juvenile judge must first consider whether the pretrial detention of a minor may be suspended and must provide a written rationale for allowing the pretrial detention of a minor in a youth custodial institution. The criminal code furthermore offers an alternative settlement program at the police level called “Halt (The Alternative)” for first-time offenders who have committed minor crimes. See Maartje Berger and Joyce Brummelman, “Juvenile Offenders Detention Alternatives in Europe,” Defence for Children, n.d., <https://www.defenceforchildren.nl/images/70/3955.pdf>.

- International human rights and juvenile justice standards and norms should be upheld for all children, regardless of the nature or severity of the offense. The criminal justice response to juvenile offenders should “always be in proportion to the circumstances of both the offenders and the offence.”²⁶ The minimum age of criminal responsibility should be applied consistently, and efforts should be made to extend those principles to young adult offenders.²⁷
- Juvenile sentencing should favor the promotion of rehabilitation and reintegration over more punitive outcomes. The growing body of research on adolescent decision-making, developmental biology, and criminology have helped to distinguish juvenile policy and promote rehabilitation as a more effective means to achieve the interrelated objectives of lowering recidivism, protecting children, and increasing public safety.
- Oversight and protections should be provided to the fullest extent afforded under national and international law given children’s particular vulnerabilities to abuse in custodial environments. Enhanced security measures or restrictions imposed on juveniles must be subject to regular review and evaluation to be proportionate to the objectives sought. The solitary confinement of children under 18 years of age and other cruel, inhuman, and degrading disciplinary measures are strictly prohibited.²⁸
- International human rights law prohibits life imprisonment without parole and capital punishment for those who commit their crimes before age 18.²⁹ National security interests cannot be advanced as grounds to violate peremptory norms, such as the prohibition against cruel, inhuman, or degrading treatment or punishment.³⁰
- Decisions affecting juveniles should be informed by the best interest of the child and individualized assessments. Children may commit crimes because of their diminished capacity to understand the consequences of their behavior, lack of maturity, susceptibility to peer and family influence,³¹ and negative social surroundings, all of which are likely to be amenable to change.

These principles apply over the course of the child’s detention, from their initial intake through their supported reintegration back into the community.

26 Beijing Rules, rule 5.1.

27 *Ibid.*, rule 3.3.

28 Article 37 of the CRC prohibits cruel, inhuman, and degrading treatment. The Committee on the Rights of the Child, the body tasked with monitoring, enforcing, and interpreting the CRC, has stated that the use of solitary confinement violates article 37. UN Committee on the Rights of the Child, “General Comment No. 10 (2007),” para. 89.

29 CRC, art. 37. The prohibition of capital punishment and life imprisonment without possibility of release are included in the subsection banning cruel, inhuman, or degrading punishments.

30 The ICCPR provides that no derogation is permitted for the right to life and the freedom from torture or cruel, inhuman, and degrading treatment or punishment, or of medical or scientific experimentation without consent. ICCPR, arts. 4(2), 6, and 7.

31 In particular, siblings that engage in juvenile delinquent behavior and crime have been shown to have a strong influence on a child’s offending, especially if the sibling is older and of the same gender. Curt R. Bartol and Anne M. Bartol, *Juvenile Delinquency and Antisocial Behavior: A Developmental Perspective*, 3rd ed. (Upper Saddle River, NJ: Pearson Prentice Hall, 2008). This correlation has been observed among primary suspects in a slew of terrorism plots that have been carried out in the United States and Europe. “The Outsize Role of Brothers in Terrorist Plots,” *New York Times*, 23 March 2016, <https://www.nytimes.com/interactive/2016/03/23/world/brothers-terrorism.html>. Addressing the UN Security Council in 2015, anthropologist Scott Atran stated that about three out of every four people who join al-Qaida or the Islamic State of Iraq and the Levant (ISIL) “do so through friends, most of the rest through family or fellow travelers in search of a meaningful path in life.” Scott Atran, “Here’s What the Social Science Says About Countering Violent Extremism,” *Huffington Post*, 25 June 2015, http://www.huffingtonpost.com/scott-atran/violent-extremism-social-science_b_7142604.html.

ASSESSING RISK AND NEEDS TO INFORM MANAGEMENT AND INTERVENTIONS

The first steps to formulating appropriate management and programming decisions to support the educational, mental, physical, emotional, and social development needs of the JVEO begin at their initial contact with the justice system. An intake assessment can help authorities better understand the juvenile's likelihood of recidivism and factors that when addressed through tailored treatment and programming, can reduce the likelihood of reoffending. Risk assessments should examine risk factors that contributed to the JVEO's participation in or attempts to engage in offending behavior at the individual, peer, family, school, and community levels. This data should be used to inform the design of appropriate noncustodial or custodial placement, supervision, rehabilitation, and reintegration plans. Risk assessment tools should be based on the principles of the risk-needs-responsivity (RNR) model in order to evaluate dynamic (changeable) and static (unchangeable, historical, and/or demographic) factors that predict the risk of recidivism and provide guidance on supervision and services.³² Identifying dynamic factors, in particular criminogenic needs factors, as well as protective factors, is essential for informing effective interventions. Authorities should set clear guidelines on when and how to conduct a risk and needs assessment to inform decision-making at different stages of the juvenile justice process.

Risk and needs assessment tools should be selected based on evidence of their decision-point relevance, for example, informing decisions at intake versus pre- or postdisposition; their feasibility; the availability of

training and guidance tools; their use of empirically based, rationally selected risk factors; and their cost, reliability, and local validity.³³ Having the right tool means little if it is not properly implemented. Risk and needs assessments should only be deployed by personnel trained to administer the tool.³⁴ Although objectivity and uniformity in administration are desirable, a certain degree of flexibility may be necessary to account for potential biases on a case-by-case basis. If existing juvenile justice risk and needs assessment tools are inappropriate for the JVEO population or individual JVEOs, a robust process for developing a localized and structured risk assessment system in partnership with key stakeholders, area experts, and researchers is strongly recommended.³⁵ New tools should be developed with stakeholder buy-in, documented carefully with clear procedures for administration, and piloted and validated by independent research. Whether an assessment tool is new or preexisting, its continued effectiveness should be regularly evaluated through periodic review.

When appropriately administered, risk and needs assessments are essential for effective rehabilitation planning, but they are not a panacea. No single risk factor alone is sufficient for assigning risk; determinations must be made in view of a multiplicity of factors. Risk assessment tools are not prescriptive, and not all risk and needs assessment tools are appropriate for all types of offending behavior. Furthermore, risk assessments are not designed to replace mental and physical health assessments.³⁶

32 Elizabeth Seigle, Nastassia Walsh, and Josh Weber, "Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System," Council of State Governments Justice Center, 2014, p. 8, <https://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>.

33 Gina M. Vincent, Laura S. Guy, and Thomas Grisso, "Risk Assessment in Juvenile Justice: A Guidebook for Implementation," Models for Change, November 2012, p. 58, <http://www.nysap.us/Risk%20Guidebook.pdf>.

34 Patrick J. Kennealy, Jennifer L. Skeem, and Isaias R. Hernandez, "Does Staff See What Experts See? Accuracy of Front Line Staff in Scoring Juveniles' Risk Factors," *Psychological Assessment* 29, no. 1 (January 2017): 26–34.

35 Vincent, Guy, and Grisso, "Risk Assessment in Juvenile Justice," p. 82.

36 *Ibid.*, p. 6.

Risk and needs assessments are intended to assess the risk and needs of future offending behavior, not risk of committing a crime in the future. This is particularly important in environments where the concentration of law enforcement activity strongly correlates with specific ethnic, racial, and socioeconomic factors. For example, most risk assessments account for prior offenses as a static factor in determining recidivism, which can reinforce disproportionate minority contact and criminalization for certain types of crime.³⁷ Therefore, care should be taken to avoid assigning levels of risk to JVEOs based solely on the nature of their offense, religion, travel history, socioeconomic status, or community of origin.³⁸

Conducting Periodic Assessments

Different risk and needs assessment tools can be deployed at various stages of the juvenile justice process. During the pretrial phase, for example, police, courts, or detention staff may administer an assessment to inform their decision to release the juvenile on recognizance or place them in diversion programs or in custody to await trial. When a juvenile offender is placed under custodial supervision by court order or following disposition, another assessment can serve to inform immediate supervision, medical, and psychological needs. Periodic assessments should be deployed throughout the course of the juvenile's contact with the justice system to evaluate changes in the youth's risks and needs as they progress through their rehabilitation and reintegration plan.³⁹ Deploying the right type of risk and needs assessment tools is critical for sound juvenile justice case management.

Juvenile justice risk and needs assessment tools tend to fall under two general methodological approaches. Actuarial approaches are widely used as a basis for

juvenile justice risk assessments. Using standard questionnaires, practitioners assign values to a given set of risk factors, the sum of which are measured against an actuarial table of base rates of a target population to ascertain recidivism risk over time. The benefits of an actuarial approach are objectivity, procedural fairness, and efficiency. The shortcomings of the actuarial approach include the potential for institutional bias and its tendency to focus on generic static risks rather than rehabilitative needs of unique individuals. Furthermore, it may fail to capture dynamic factors that underlie violent extremism. A structured, professional judgment approach provides a framework for practitioners to consider the relevance of particular risk factors for an individual youth when classifying risk. Although this approach may conflict with the desire for procedural fairness and efficiency, some scholars argue that integrating structured decision-making into the juvenile assessment process can greatly improve the responsiveness of assessments to the unique needs and recidivism risks of each individual.⁴⁰ The Structured Assessment of Violence Risk in Youth (SAVRY) is an instrument that employs this approach, designed for adolescents between the ages of 12 and 18.

Separate from but related to the risk and needs assessment process, an admission interview following arrival at a custodial facility serves to acquaint juveniles with the staff and facilities, identify medical and other special needs, and determine the proper level of custody, supervision, and placement. Ideally, staff should interview new arrivals individually in a relaxed and informal setting to allay fears or apprehensions and to establish, together with the juvenile, preliminary goals to be achieved through rehabilitation programs; set expectations; and begin building the rapport necessary to secure their trust and willing participation. The

37 Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, "Risk/Needs Assessments for Youths," January 2015, <https://www.ojjdp.gov/mpg/litreviews/RiskandNeeds.pdf>.

38 From the perspective of the International Committee of the Red Cross (ICRC), "[w]ithout clear and specific criteria under which a person is designated as 'radicalised' or at risk of 'radicalisation' it is also hard for the responsible authority to exercise oversight over the legality of detention, including determining where the criteria are no longer met and where restrictions should be lifted." ICRC, "Radicalization in Detention – The ICRC's Perspective," 10 June 2016, https://www.icrc.org/en/download/file/27662/radicalization_in_detention_-_the_icrcs_perspective.pdf.

39 Edward P. Mulvey and C.A. Schubert, "To Monitor Changing Risks and Needs, Repeat Assessments of Young Offenders Over Time," *Models for Change*, Summer 2014, <http://www.pathwaysstudy.pitt.edu/documents/MacArthur%20Brief%20Monitor%20Changing%20Risks%20and%20Needs.pdf>.

40 Edward P. Mulvey and Anne-Marie R. Iselin, "Improving Professional Judgments of Risk and Amenability in Juvenile Justice," *Future Child* 18, no. 2 (Fall 2008): 35–57.

intake interview is the first opportunity to set the tone for future interviews, observations, and interactions with authorities. These processes should be transparent, and the child's participation in the sentence planning process should be strongly encouraged. Juveniles may naturally be suspicious of and resistant to governmental authorities in general and rehabilitation efforts in particular, and professionals conducting intake interviews and risk assessments should recognize that young people may require higher levels of reassurance or clarity when participating in an assessment. Some good practices that assessors can undertake include being clear about the purpose of the assessment and its possible outcomes, being prepared to conduct the assessment in shorter bursts over a longer period, preparing JVEOs prior to the assessment by describing the process and setting expectations, and challenging misconceptions about detention and rehabilitation programs.

Developing JVEO-Specific Risk Assessment Tools

No rigorous and empirically validated risk assessment tools are designed specifically for JVEOs. A number of existing juvenile justice risk and needs assessment methodologies may be suitable, although careful consideration should be made in their application. For example, SAVRY is widely used in many jurisdictions in the United States and elsewhere to assess violent offending risk in children and adolescents. The tool's reliability in assessing recidivism and violence-related risks has been validated by numerous empirical studies.⁴¹ SAVRY is based on 24 historical, contextual, and individual risk factors and six protective factors, selected based on an extensive review of empirical literature on adolescent development and youth violence (table 1). SAVRY is deployed using a mixture of structured professional

judgment and actuarial approaches to assign juveniles a low, moderate, or high risk of recidivism “determined by the examiner's professional judgment—not solely based on a summation of the items.”⁴²

Despite the high predictive validity of the SAVRY tool, those seeking a more JVEO-specific assessment may find the risk factors explicitly related to sociopolitical attitudes lacking. Because many juvenile risk assessment tools were adopted from models initially designed for adults, policymakers and practitioners also might look to the nascent risk assessment models developed for adult terrorism-related offenders, such as the Extremism Risk Guidance 22+⁴³ and the Violent Extremism Risk Assessment Version 2.⁴⁴ Due to a dearth of empirical literature, however, there is little basis for evaluating the rationality, predictive validity, and reliability of these risk assessment tools for JVEOs. As emphasized above, no single risk factor is sufficient for assigning recidivism risk, and risk of violent extremism should be viewed as just one of a number of risk factors included within juvenile justice risk and needs assessments. These tools require specially trained personnel to conduct the assessments and are more reliable where the ratio of experts to JVEOs is relatively low because they are time intensive.

Risk assessment tools for adult VEOs place a heavy emphasis on understanding the role that identity may play in the process of engagement, offending, and disengagement.⁴⁵ Some people's relationship with extremist groups, causes, or ideologies becomes central to their identity while it is immaterial to the offending behavior of others. Assessments of violent extremism risk should be designed to gauge and respond to whether and in what ways the juvenile identifies with the ideology of violent extremist groups in order to better understand the pathways to desistance.

41 Randy Borum, “Assessing Violence Risk Among Youth,” *Journal of Clinical Psychology* 56, no. 10 (October 2000): 1266; Kristina Childs et al., “A Comparison of Empirically Based and Structured Professional Judgment Estimation of Risk Using the Structured Assessment of Violence Risk in Youth,” *Youth Violence and Juvenile Justice* 12, no. 1 (January 2014): 43.

42 H.P. Lodewijks et al., “Predictive Validity of the Structured Assessment of Violence Risk in Youth (SAVRY) During Residential Treatment,” *International Journal of Law and Psychiatry* 31, no. 3 (June–July 2008): 263–271.

43 Chris Dean, “Intervening Effectively With Terrorist Offenders,” *Prison Service Journal*, no. 203 (September 2012), pp. 31–36.

44 Elaine Pressman and John Flockton, “Calibrating Risk for Violent Extremists and Terrorists: The VERA 2 Structured Assessment,” *British Journal of Forensic Practice* 14, no. 4 (2012): 237–251.

45 Randy Borum, “Assessing Risk for Terrorism Involvement,” *Journal of Threat Assessment and Management* 2, no. 2 (2015): 74; Monica Lloyd and Christopher Dean, “The Development of Structured Guidelines for Assessing Risk in Extremist Offenders,” *Journal of Threat Assessment and Management* 2, no. 1 (2015): 43.

Table 1. Factors Included Within the Structured Assessment of Violence Risk in Youth

Historical Factors	Social and Contextual Factors	Individual and Clinical Risk Factors	Protective Factors
History of violence	Peer delinquency	Negative attitudes	Prosocial involvement
History of nonviolent offending	Peer rejection	Risk taking and impulsivity	Strong social support
Early initiation of violence	Stress and poor coping	Substance use difficulties	Strong attachments and bonds
Past supervision and intervention failures	Poor parental management	Anger management problems	Positive attitudes toward intervention and authority
History of self-harm or suicide attempts	Lack of personal and social support	Low empathy and remorse	Strong commitment to school
Exposure to violence in the home	Community disorganization	Attention-deficit and hyperactivity difficulties	Resilient personality traits
Childhood history of maltreatment		Poor compliance	
Parental and caregiver criminality		Low interest and commitment to school	
Early caregiver disruption			
Poor school achievement			

Source: Randy Borum, Patrick Bartel, and Adelle Forth, "SAVRY: Structured Assessment for Violence Risk in Youth; Professional Manual," Psychological Assessment Resources, 2006.

Certain facilities have developed their own risk assessment tools to apply to former child combatants connected to violent extremist groups. For instance, for male militants under the age of 18 years, Pakistan's Sabaoon Centre for Tehreek-e-Talbina has developed the "Guideline for Risk Assessment, Intervention and Reintegration" (GRAIR).⁴⁶ Once a child is placed into the center's custody by security forces, a team of mental health professionals interviews him to establish his level of involvement with violent extremist groups and to develop a basic understanding of the individual's mental health.⁴⁷ The child is informed of the rules of the center and that the purpose of the assessment is to establish his psychological status, assess his abilities to place him academically, and to establish a baseline for future assessments and allow for realistic goal-setting.

The intake interview is followed by psychometric assessments,⁴⁸ a family interview,⁴⁹ and a medical examination. The decision to induct the child into the center is made by the team and supervising psychologists. After induction, children are categorized into high-, medium-, and low-risk categories based on their levels of engagement with the Taliban and their inclination toward militancy, as well as on the basis of their emotional, psychological, and intellectual development.⁵⁰ Children who exhibit limited signs of ideological indoctrination and performed largely menial tasks such as manual labor or logistical support (e.g., digging tunnels) for the Taliban tend to be considered a low risk. On the other hand, children that are ideologically indoctrinated or have served as informants or commanders tend to be placed in the high-risk category.⁵¹

46 Most of the children at the Sabaoon Centre are between the ages of 12 and 17.

47 This information would include their childhood, educational level, significant experiences and relationships, basic religious understanding, interests, beliefs, attitudes, and aspirations.

48 Psychometric assessments that are employed include Standard Progressive Matrices (Raven's Standard Progressive Matrices, or SPM), House-Tree-Person (a projective assessment of emotional and psychological status), the Bender-Gestalt test (a neuropsychological projective technique), subtests from the Wechsler Intelligence Scales (WISC, WAIS, and WNV) for verbal and nonverbal assessment, and basic psychological checklists (for post-traumatic stress disorder [PTSD], depression, psychosis, anxiety, and others), as well as the GRAIR tool.

49 The child's family members are called to the Sabaoon Centre to provide a family narrative, i.e., the familial perspective on the individual in question for which a semi-structured interview is conducted, and the mental health team also visits the community of the individual to meet with other sources (community members, community elders or village district council members, local law enforcement, peer group, and relatives) to verify the information gathered, as is also required in the GRAIR assessment.

50 Mughees Khan, "Employing the Sri Lankan Rehabilitation Model to Pakistan's Counter-Terrorism Framework," *Research Society of International Law Policy Brief Series*, vol. 1 (2014), p. 10.

51 The following factors are included in each criterion: (1) involuntary, voluntary, and familial involvement (mode of involvement); (2) menial tasks or physical training, weapons training, extortion, ambush, multiple roles, bomb-making, recruitment, and commander (extent of involvement); (3) lack of basic understanding of Islam and basic Islamic principles and ability to argue by quoting "selective" texts from verses of the Koran or a *hadith* (religious understanding); and (4) lack of logical reasoning, psychological difficulties, soft neuropathology, and impulse control difficulties (psychosocial variable). Raafia Raees Khan, presentation, 2 December 2017 (on file with authors) (vice-CEO of Social Welfare, Academics and Training for Pakistan).

MAINTAINING A REHABILITATIVE ENVIRONMENT THROUGH CUSTODIAL MANAGEMENT

Effective leadership and operational management in custodial facilities, along with suitable infrastructure, are critical for the successful rehabilitation and reintegration of JVEOs, especially in circumstances where limited resources may undermine the ability of corrections authorities to develop comprehensive and tailored rehabilitation programs. The operational strategies, policies, and procedures that make up the detention regime, although informed by national laws and local rules, customs, and norms, must adhere to international standards and should take international good practices into consideration, including gender-sensitive strategies.

Operating Safe Facilities and Making Allocation Decisions

To support rehabilitation, authorities should determine where to house the child on the basis of risk and needs assessments and distance to family. International standards emphasize that juveniles should be housed and treated separately from adults,⁵² either in separate facilities or wings of adult facilities where it is in the best interest of the child. Juvenile facilities should house a small number of offenders to ensure adequate resident-staff ratios for the provision of individualized attention and services. Although security restrictions should be limited and discrete, appropriate measures must be put in place to ensure the safety of offenders, staff, and the community. Holding juveniles in maximum security conditions should be permitted only in exceptional circumstances, subject to regular review and evaluation, proportionate to the objectives sought, and consistent with the specific protections guaranteed

to juveniles. Like any other juvenile offender, JVEOs should be subject to security measures proportionate to the risk they pose to themselves and others as assessed on an individual and recurring basis.

SEPARATING JUVENILES FROM ADULTS

Juveniles should be housed separately from the incarcerated adult population, except in circumstances where family unification is a priority. A fundamental reason for separating children from adults is to prevent abuse, violence, and exploitation. Juveniles are particularly vulnerable to mental, emotional, and physical abuse in the prison context, whether perpetrated by prison staff or incarcerated adults.⁵³ Moreover, the physical environment within which children are detained should differ from that of adults to promote prosocial development. Separate facilities allow for the maintenance of a setting and the delivery of targeted interventions and services appropriate for juvenile developmental needs and should be subject to oversight measures necessary to prevent abuse.

The Somali experience with defectors is illustrative in this regard. The National Program for the Treatment and Handling of Disengaged Combatants and Youth at Risk, established in 2010, aimed to rehabilitate and reintegrate low-level defectors from al-Shabaab. Rehabilitation centers were opened initially in Mogadishu and Beledweyne under the management of international consultants. At first, children under the age of 18 were included in these transitional facilities in a separate wing from adults. Yet, numerous incidents of “grave violations of children” in these centers prompted a demand for urgent change.⁵⁴ In response, the defense

52 Beijing Rules, rule 3.3; UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)*, A/RES/70/175, 8 January 2016, annex, rule 11(d) (hereinafter *Mandela Rules*); CRC, art. 37(c). See UN Committee on the Rights of the Child, “General Comment No. 10 (2007),” para. 85.

53 Michael Garcia Bochenek, “Children Behind Bars: The Global Overuse of Detention of Children,” Human Rights Watch, 2016, <https://www.hrw.org/world-report/2016/children-behind-bars>.

54 UN Security Council, “Report of the Secretary-General on Somalia,” S/2015/331, 12 May 2015, paras. 60–61.

and interior ministers adopted standard operating procedures for the care of minors in 2014, and human rights monitors were appointed for all transitional facilities at the beginning of 2015.⁵⁵ In 2016 the government-managed national rehabilitation centers were refusing low-level defectors under the age of 18, who instead were placed in youth-designated interim care centers and treated as victims rather than offenders.⁵⁶ The national program director works with the UN Children’s Fund (UNICEF) and an implementing civil society partner to provide care to these minors.

Minimal cost arrangements and external support can help ensure that the child’s best interests are not violated in detention. In Bamako, Mali, juvenile offenders are held together with adult female offenders in the women’s prison due to limited resources and infrastructure. The incarcerated adult female population is smaller than the adult male population,⁵⁷ and detention conditions are considered to be better in the women’s prisons.⁵⁸ UNICEF has provided support for the care of children associated with armed groups in northern Mali. A 2013 protocol requires the Malian government to transfer children taken into custody either to the Social Services Department or UNICEF within 48 hours.⁵⁹ Yet, several children suspected of supporting armed groups have been detained in Bamako Central Prison in contravention of the protocol.⁶⁰

DISPERSAL OR SEPARATION

Deciding whether to integrate or separate adult VEOs from the general prison population is a topic of recurrent debate. Where separation is preferred, a secondary consideration is whether VEOs should be isolated from each other, concentrated in one place, or dispersed across different facilities.⁶¹

The dispersal or separation debate in relation to adult VEOs has been driven in part by concerns that VEOs housed among the general prison population place fellow inmates and staff at risk of radicalization or recruitment to violent extremism.⁶² Whereas the extent of this risk is contested with regard to adults,⁶³ there is no evidence to support a claim that JVEOs should be categorically separated from other juvenile offenders on the basis of this concern. Instead, as clearly stated in the Havana Rules, “[t]he principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.”⁶⁴ Addressing the poor conditions in prison facilities, the dehumanization or lack of dignity in the treatment of incarcerated individuals, and the unaccounted abuse that may occur behind the walls is also important to prevent grievances that may make detainees susceptible to radicalization or recruitment to violent extremism.⁶⁵

55 Malik Abdalla, telephone conversation with authors, 2 November 2016 (director of the National Program for Disengaged Combatants of the Federal Government of Somalia).

56 Children designated as high-risk offenders are not placed in these interim care centers. Decisions regarding their placement are made by the Somali National Intelligence and Security Agency.

57 Bureau of Democracy, Human Rights and Labor, U.S. Department of State, “Mali 2013 Human Rights Report,” n.d., <https://www.state.gov/documents/organization/220345.pdf>.

58 Director of the Bolle Specialized Center for the Detention, Reeducation, and Reintegration of Juvenile Offenders, interview with authors, Bamako, 29 October 2016.

59 Protocol on the Release and Transfer of Children Associated With Armed Groups and Armed Forces, 1 July 2013. See UNICEF, *UNICEF Annual Report 2013 – Mali*, n.d., https://www.unicef.org/about/annualreport/files/Mali_COAR_2013.pdf (country office annual report); Bureau of International Labor Affairs, U.S. Department of Labor, “2015 Findings on the Worst Forms of Child Labor: Mali,” September 30, 2016, p. 7, <https://www.dol.gov/sites/default/files/images/ilab/child-labor/Mali.pdf>.

60 Human Rights Watch, “Mali: Events of 2015,” 27 January 2016, <https://www.hrw.org/world-report/2016/country-chapters/mali>.

61 UNODC, “Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons,” p. 46.

62 From al-Qaida leader Ayman al-Zawahiri to perpetrators of acts of terrorism such as the November 2015 coordinated attacks in Paris, the January 2016 Jakarta attacks, and the Brussels bombings in March 2016, many suspected perpetrators have been imprisoned or have had contact with jailed terrorists, allegedly fueling their radicalization to violent extremism and in certain cases facilitating the execution of these attacks.

63 See Tinka Veldhuis and Eelco Kessels, “Asking the Right Questions to Optimize Detention and Rehabilitation Policies for Violent Extremist Offenders,” *Canadian Diversity* 9, no. 4 (2012): 33–37.

64 Havana Rules, rule 28.

65 UNODC, “Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons,” ch. 7.

In juvenile facilities, distinctions are commonly made between violent and nonviolent offenders, males and females, levels of temperament and maturity, and social and psychological needs. There is insufficient experience on which to draw evidence-based conclusions for a model approach for JVEOs, and individual countries are experimenting based on their unique circumstances. Critically, the number of detained JVEOs may inform this determination. An integration strategy may make more sense for a country such as Austria, where at least two JVEOs are housed in the Justizanstalt Gerasdorf juvenile correctional facility.⁶⁶ On the other hand, in the context of armed conflict and transitional justice efforts, larger numbers of child combatants, such as those who have joined the ranks of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka or the Revolutionary Armed Forces of Colombia, are housed in concentrated rehabilitation facilities.

INTEGRATING GENDER-SENSITIVE APPROACHES

Policymakers, prison managers, and program directors should adopt a gender-sensitive approach in the management of JVEOs to ensure fair and effective treatment and reintegration support for all children. Girls, young women, transgender, and gender-nonconforming individuals in many societies suffer direct and structural discrimination and are particularly vulnerable to gender-based violence and abuse. Beijing Rule 26.4 accordingly recognizes that young female offenders “deserve special attention as to their personal needs and problems” and that they “shall by no means receive less care, protection, assistance, treatment and training

than young male offenders.”⁶⁷ These principles are further reinforced in the Bangkok Rules, which focus exclusively on the treatment of female prisoners and alternative measures to address their unique needs or circumstances, such as pregnancy.⁶⁸ Pregnant women or those with young children require policymakers to create systems that can address their needs. As stressed in the introduction, international law has a preference for alternatives to institutional confinement of juveniles and strictly prohibits punishment by close confinement or disciplinary segregation in prison of pregnant women, women with infants, and breastfeeding mothers.⁶⁹

TRANSITIONING TO ADULT FACILITIES

The transition from a juvenile system to an adult prison can have far-reaching implications for the transferred youth. Institutionally, transfers from juvenile to adult facilities often mark a shift from the more rehabilitative and individualized principles of juvenile justice to an adult correctional environment that is all too often premised on retribution and confinement.⁷⁰ Alternatives to transferring the juvenile to an adult facility include diversion to their home or to care providers in the community. If the juvenile has not served their sentence and has reached the age limit for the juvenile facility, they do not necessarily need to be moved to an adult facility if continued treatment in the juvenile facility is in his or her best interest and not contrary to the best interests of the children in the facility.⁷¹ For individuals transferred to adult facilities, their reclassification as adult offenders should not mark an automatic shift

66 Currently, 77 individuals are housed at this juvenile institute. As of June 2016, at least two JVEOs have served time at Gerasdorf. One is a 16-year-old who has been convicted for his involvement in terrorist acts (the juvenile admitted to traveling to Syria and being a member of ISIL), and the other is a self-radicalized 15-year-old who admitted to preparing terrorist acts in Vienna. Shadia Nasralla, “Teenager in Austrian ‘Playstation’ Terrorism Case Gets Two Years,” Reuters, 26 May 2015, <http://www.reuters.com/article/us-mideast-crisis-austria-idUSKBN00BOLK20150526>. See “Is Austria Underestimating the Threat of Radicalization?” Local, 29 January 2016, <http://www.thelocal.at/20160129/is-austria-underestimating-the-threat-of-radicalization>.

67 Beijing Rules, rule 26.4.

68 UN General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (The Bangkok Rules)*, A/RES/65/229, 16 March 2011 (hereinafter Bangkok Rules).

69 *Ibid.*, rule 22.

70 The practice of transferring juveniles to adult correctional facilities in the United States has resulted in increased recidivism, particularly among violent offenders. Office of Justice Programs, U.S. Department of Justice, “Juvenile Transfer Laws: An Effective Deterrent to Delinquency?” *OJJDP Juvenile Justice Bulletin*, June 2010, <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>.

71 UN Committee on the Rights of the Child, “General Comment No. 10 (2007),” para. 86. Whereas national law may dictate the age of legal adulthood, such demarcations are unsupported by neurological evidence of maturity or do not constitute a naturally occurring break in offending behavior. Offenders of ages 18 to 24 years may be more similar to juveniles than to adults in their offending, maturation, and life circumstances. National Institute of Justice, U.S. Department of Justice, “From Juvenile Delinquency to Young Adult Offending,” March 11, 2014, <http://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx>.

toward guidelines pertaining to adult offenders.⁷² Rather, careful planning is required to ensure continuity of care. In Australia, there are circumstances that allow young people who have exceeded the upper age limit of 17 to be under youth justice supervision. This includes young people who entered supervision at 17 years of age or younger and continue to be supervised within the juvenile justice system, who are treated as a young person due to their vulnerability or immaturity, or who may be sentenced to detention in a youth detention center rather than an adult prison where the court deems this appropriate.⁷³

Creating a Prosocial Environment Conducive to Rehabilitation

Operational policies and practices can buttress rehabilitative goals and foster a prosocial organizational culture and relationships through proactive engagement between corrections officers and children. Juvenile detention facilities and prisons should have an explicit operational philosophy that orients all stakeholders toward the same goal. This philosophy should clarify the interplay between the juveniles' welfare and dynamic and static security measures and place a strong emphasis on promoting positive interactions between staff and detained juveniles.

BALANCING PROSOCIAL AND SECURITY MEASURES

The prison regime should be designed to balance the need for prosocial rehabilitative programming with risk reduction measures that ensure the safety of offenders, staff, and the wider community. Necessary, proportionate security measures should complement and reinforce rehabilitation efforts, not stifle them. Regardless of the level of security, juvenile facilities should ensure due respect for privacy, provide sensory stimuli, promote

association with peers, and offer ample opportunities for education and exercise and other recreational activities.⁷⁴

Measures to reduce the stigma of incarceration can help foster a prosocial environment at little to no cost, reduce the risk of reoffending, and help JVEOs adopt a new identity as a positive member of society. The effects of “labeling,” or attaching a deviant title to shame offenders, tend to have a negative criminogenic effect, that is, a child begins to identify and “form attachments with others similarly situated, become estranged from pro-social peers, [and] self-define as and act like a criminal.”⁷⁵ This stigma is particularly burdensome for those convicted or merely accused of serious offenses, such as terrorism, that are highly politicized and subject to wide public notoriety. Studies focused on youth desistance from gang activities, for instance, point to the degree of stigmatization by the surrounding community as an important factor in determining gang members' ability to leave the gang and the criminal lifestyle; “the more stigmatized the gang was, the more difficult it became for gang members to be reintegrated into ‘normal’ community life.”⁷⁶ Desistance from criminal activity may be especially difficult where a child's involvement in a violent extremist group or gang fulfills a functional need, such as identity, community, protection, or purpose.⁷⁷

To help reduce the stigmatization associated with labeling, the Philippines has abandoned the term “juvenile offender” in favor of “children in conflict with the law” for persons between the ages of 15 and 18 years. The country's Revised Rule on Children in Conflict With the Law expressly prohibits labeling the child as a young criminal or juvenile delinquent or attaching derogatory descriptions or names from

72 For examples of guidelines developed specifically for adult VEOs, see Rome Memorandum; Council of Europe Guidelines.

73 Australian Institute of Health and Welfare, “Youth Justice System in Australia,” 23 June 2017, <http://www.aihw.gov.au/youth-justice/youth-justice-system-in-australia/>.

74 Havana Rules, rule 32.

75 James B. Jacobs, “Juvenile Criminal Record Confidentiality,” *New York University Public Law and Legal Theory Working Papers*, no. 403 (1 June 2013), pp. 1–2, http://lsr.nellco.org/nyu__plltwp/403.

76 Horgan, “Individual Disengagement,” p. 7.

77 *Ibid.*

the time of initial contact to the final disposition of the case.⁷⁸ A child convicted of a nonserious offense⁷⁹ may be transferred to a youth detention home, a youth rehabilitation center, or another facility designated by the Department of Social Welfare and Development (DSWD).⁸⁰ The DSWD manages these facilities with local authorities, often in partnership with nongovernmental organizations (NGOs) that provide programs and interventions. Inside the youth rehabilitation centers, guards are not uniformed and are referenced as “fathers” and “mothers” by the children. Similarly, juvenile facilities in Singapore are termed “Boys Home” or “Girls Home.” Juvenile offenders are furthermore not “sentenced” but rather subject to a “dispositional order.”⁸¹

Establishing prosocial dynamics can be challenging when juveniles have an acute distrust of authority or when corrections officers may harbor dehumanizing attitudes toward JVEOs. Tensions can be exacerbated by racism and ethnic or religious prejudice. Overcoming trust deficits and anxieties and treating prejudice and racism with zero tolerance are essential to creating an environment that encourages JVEOs to positively reorient their concept of self and others.

A dynamic security approach to custodial supervision fosters an environment necessary for effective rehabilitation while ensuring that staff are well positioned to identify JVEOs who may require additional attention or support. Dynamic security is an approach to prison safety built on positive relationships, trust building, effective communication, and mutual respect through

productive interaction between juveniles and prison staff. Dynamic security methods focus on the professional, consistent, and fair treatment of prisoners by staff members and the involvement of offenders in constructive activities that contribute to their rehabilitation and future reintegration.⁸² It differs from physical and procedural security approaches because it is based on the development of positive, consistent, and regular interactions between offenders and prison officers and the timely sharing and analysis of information in order to improve a safe working and living environment and enhance and better monitor offender behavior and progress.⁸³

ENGAGING FAMILY AND COMMUNITY

Regardless of the resources at their disposal, juvenile detention managers and staff should not bear the burden of care alone. Various partnerships with the JVEO’s close friends, family members,⁸⁴ community members such as religious and cultural leaders, and mentors, as well as trained professionals such as doctors, nurses, psychologists, therapists, and teachers, can all be leveraged to support the rehabilitation process and eventual reintegration. Local civil society organizations and businesses may prove to be valuable sources of support as providers of legal services, training, independent monitoring, and other technical or capacity-building assistance.

Managers can adopt a wide range of measures to maximize the benefits of engaging with a JVEO’s family and close nonfamily persons, beginning with the intake process. At a minimum, parents or designated legal

78 University of Minnesota Human Rights Library, “Revised Rule on Children in Conflict With the Law,” n.d., sec. 57, http://hrlibrary.umn.edu/research/Philippines/rule_on_children.html.

79 A nonserious offense is one for which the penalty may not exceed six years of imprisonment. *Ibid.*, sec. 4(u).

80 The DSWD is the primary agency in charge of juvenile offenders, entrusted to “cover the different stages involving children at risk and children in conflict with the law from prevention to rehabilitation and reintegration.” Republic Act No. 9344, 28 April 2006, <http://www.chanrobles.com/republicactno9344.htm#.V3DJh1erFFI>. See University of Minnesota Human Rights Library, “Revised Rule on Children in Conflict With the Law,” sec. 26.

81 Joseph Ozawa, “Juvenile Justice: A Study of National Judiciaries for the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders,” *139th International Training Course Visiting Experts’ Papers Resource Materials Series*, no. 78 (n.d.), p. 72, http://www.unafei.or.jp/english/pdf/RS_No78/No78_12VE_Ozawa.pdf.

82 UNODC, “Handbook on Dynamic Security and Prison Intelligence,” *Criminal Justice Handbook Series*, 2015, https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Handbook_on_Dynamic_Security_and_Prison_Intelligence.pdf.

83 *Ibid.*

84 Committee on Assessing Juvenile Justice Reform, National Research Council, “Reforming Juvenile Justice: A Developmental Approach,” 2013, pp. 158–159, http://www.njcn.org/uploads/digital-library/Reforming_JuvJustice_NationalAcademySciences.pdf.

guardians should be contacted on every admission, transfer, or release of the juvenile in custody; notified in the event of an emergency; and kept informed of the child's progress. Regular visitation and communication with family and close nonfamily persons should be facilitated and encouraged when they do not pose a threat to the juvenile's safety or well-being.⁸⁵ Authorities should adopt a robust approach to leveraging family and community support where it contributes positively to rehabilitation, especially for JVEOs whose families reject ideological violence.

Frequent informal contact with friends and loved ones has been correlated to improved performance and mental well-being of juveniles in custody in the United States.⁸⁶ This finding is consistent with a large body of multidisciplinary research on the importance of the child's early years on later outcomes and the impact of the family and community environment on the child's development more generally.

Some juvenile justice facilities integrate the family into the design, implementation, and review of the rehabilitation process by holding regular meetings between the juvenile's family and custodial care providers. Staff also can use these meetings to help lay the groundwork for release and postrelease planning, working with families to identify community and municipal support services according to the needs of the child. Parents can have a unique perspective into their child's development that can be integral to effectively managing their time in custody.⁸⁷ Family members may be invited to directly

participate in a juvenile's rehabilitation process. Group counseling and educational sessions that bring together facilitators with JVEOs and their families can be highly beneficial for all participants.⁸⁸

Facility policy should allow for the greatest possible visitation, mail and email correspondence, and video and telephone communication between supportive individuals and the juvenile to maximize the effectiveness of custodial programming.⁸⁹ Restrictions must be used only in exceptional circumstances⁹⁰ and clearly articulated in law rather than subject to the discretion of the corrections authorities.⁹¹ Youth confinement may be particularly taxing on families experiencing financial hardship, especially when the child had responsibilities at home. When distance and cost of travel prohibit family and community members from visiting, management should consider ways to help defray the cost or provide other means to facilitate contact, such as videoconferencing.

On the other hand, some JVEOs may have been raised by or in close proximity to individuals that support violent extremism, at home or in their immediate community. Relocation of the juvenile to a facility removed from harmful influences raises difficult questions around the best interest of the child. JVEOs may need to confront those who encourage their reengagement in violent extremist activity following release, and relocation to a different community might be deemed counterproductive or otherwise not a viable option. In cases where parents or immediate family members

85 This is the minimum condition in the U.S. state of California, allowing for widely permissive outside contact for juveniles in custody. Ryan Shanahan and Margaret diZerega, "Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies," Vera Institute of Justice and Center for Juvenile Justice Reform, February 2016, pp. 6–7, <http://cjjr.georgetown.edu/wp-content/uploads/2016/02/Family-Engagement-Paper-2016.pdf>.

86 Ibid.

87 Wayne Liddell, Pam Clark, and Kathy Starkovich, "Ch. 10 Effective Programs and Services," in *Desktop Guide to Quality Practice for Working With Youth in Confinement* (n.d.), <https://info.nicic.gov/dtg/node/16>.

88 Ibid.

89 For a review of policy measures supporting access by prosocial family and nonfamily members, see Juvenile Detention Alternatives Initiative, "Juvenile Detention Facility Assessment, 2014 Update," Annie E. Casey Foundation, n.d., pp. 127–132, <http://www.aecf.org/m/resourcedoc/aecf-juviledetentionfacilityassessment-2014.pdf>.

90 See Mandela Rules, rules 27 ("[d]iscipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life"), 60(1) ("[t]he regime of the institution should seek to minimize any difference between prison life and life at liberty"), 57 ("[i]mprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him or his liberty.... [T]he prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation").

91 UN Committee on the Rights of the Child, "General Comment No. 10 (2007)," para. 87.

are disposed to undermine the well-being of the child, suitable members of the child's extended family or community network that are willing to serve as a positive influence for the child during their time in custody should be sought. In Italy, for example, about 40 12- to 16-year-old sons and daughters of mafia members from Calabria who appeared before a juvenile court judge in 2012 were to be placed with volunteer families or in youth facilities, sometimes as far away as northern Italy. This controversial move was designed as a way to break the mafia cycle and prevent the children from taking up illicit activities in which family members regularly engaged, primarily drug trafficking and corruption.⁹² Although the decision was met with criticism for separating families, the court considered factors such as indoctrination and deeply held family feuds when deciding that relocation might be the child's best and only option to exit the toxic environment held to be conducive to organized crime.⁹³ According to Judge Roberto Di Bella, none of the children have since committed a crime, and the Italian Justice Ministry has codified statutes to legalize the strategy nationwide.⁹⁴

Managing for Organizational Integrity

Staff working with JVEOs, as with any offender group, must maintain a high level of professionalism, integrity, and consistency. Corrections officers in particular should be cognizant of their highly asymmetrical position of power in relation to the children under their charge and demonstrate empathy, integrity, and objectivity at all times. Senior staff must supervise the conduct of subordinates and strategically allocate assignments to match the skills of personnel with the needs of the JVEOs under their care. Comprehensive and transparent codes of ethics and operating procedures should govern all staff interactions with juveniles.

The rights of juveniles in confinement should be defined by law and facility policy and be in accordance with international human rights law. Offenders and their families or guardians should be informed of their rights and empowered with effective means of redress when those rights are violated.

Abuse should be treated with zero tolerance, whether perpetrated by staff or fellow detainees. Corporal punishment, closed or solitary confinement, deprivation of sleep, dietary restrictions, and any other punishment that compromises the physical or mental health of the child must be strictly prohibited.⁹⁵ These measures are not only ineffective in producing positive attitudinal and behavioral changes in children and adults alike, but they are also counterproductive because they may aggravate conditions of mental and physical isolation, exacerbating existing behavioral problems. Measures should be taken to prevent arbitrary dispensation of rewards and punishments. Decisions related to rewards and punishments must be distributed based on uniform regulation and should be properly documented.

ESTABLISHING ACCOUNTABILITY AND OVERSIGHT MECHANISMS

A system of overlapping internal and external human rights and quality assurance safeguards is essential for the effective oversight and accountability of juvenile detention facilities. These mechanisms should be preventive and responsive in nature and detailed in the form of written policy and procedure. To safeguard a child's physical and mental safety from abuse, sexual violence, bullying, extortion, and torture, staff and management must be subject to internal standards of conduct and professional scrutiny; and strong, independent oversight bodies outside the prison should have the power to review their performance and impose

92 "To End Cycle of Crime, Italian Judge Breaks Up Big-Time Mafia Families," National Public Radio, 3 April 2016, <http://www.npr.org/2016/04/03/472837323/to-end-cycle-of-crime-italian-judge-breaks-up-big-time-mafia-families>.

93 Stephanie Kirchgaessner, "Italian Judge Breaks Up Families to Save Children of Mafia," *Guardian*, 23 February 2016, <https://www.theguardian.com/world/2016/feb/23/mafia-italy-ndrangheta-judge-breaks-families-save-children-reggio-calabria>.

94 Gaia Pianigiani, "Breaking Up the Family as a Way to Break Up the Mob," *New York Times*, 10 February 2017.

95 All international human rights laws, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, apply to children in equal or greater measure.

sanctions in the event of misconduct.⁹⁶ Independent, external monitoring bodies should be permitted to conduct periodic site visits, including unannounced visits, to ensure preventive mechanisms, facility conditions, reporting requirements, and management decisions meet established standards.⁹⁷ Clear procedures should be put in place for juveniles and staff to submit and resolve complaints and grievances against staff members and fellow inmates. The submission and redress process should include guarantees that protect accusers from reprisal. Grievances should be reviewed in accordance with a transparent judicial procedure to ensure a fair hearing for accusers and the accused, including the right to appeal. To guarantee a full and impartial investigation and hearing, an independent ombudsperson or external board may serve in reviewing, monitoring, and investigating such complaints.⁹⁸

The abuse of children in detention and custody is particularly widespread and egregious, especially when they are treated as national security threats or in conflict-affected jurisdictions. Researchers in the United States found a “clear record of systemic maltreatment... [I]n other words, compelling evidence that states were guilty of violating the constitutional rights of confined youth, with staff criminally liable in many cases ... had been documented in juvenile correctional facilities since 2000 ... including high rates of youth-on-youth violence, sexual abuse, overreliance on physical restraints and/or excessive use of isolation and solitary confinement.”⁹⁹ A report of detention conditions for children found that children suspected of participation in hostilities were taken into custody without charge or trial, denied access to an attorney or relatives, and held

under appalling conditions, such as overcrowded prison cells with adults.¹⁰⁰ Many of the detained children had been tortured by security forces “to elicit confessions, extract intelligence information, or as punishment.”¹⁰¹ In her most recent report to the UN Secretary-General, the Special Representative of the Secretary General for Children and Armed Conflict wrote that “detention has also been employed as a tactic to recruit and use children as spies and for intelligence-gathering purposes,” putting them at serious risk.¹⁰² Whether in the context of conflict or juvenile justice, such conditions underscore the heightened risk JVEOs may face in custodial settings.

QUALITIES AND QUALIFICATIONS OF CORRECTIONS OFFICIALS

Corrections authorities are responsible for creating an environment that is conducive to the prosocial engagement and rehabilitation of juveniles while ensuring the safety of detainees, staff, community members, and visitors. Inadequately resourced, overcrowded places of detention and poorly trained staff not only increase the risk of maltreatment and abuse but also undermine the rehabilitative potential of detained children and may place them at greater risk of reoffending.

Corrections officials should be qualified to work with youth, motivated, skilled in rapport building, and patient in temperament.¹⁰³ The professional composition of staff should be tailored to the rehabilitative needs of the JVEO population. As much as possible, prison staff should reflect the diversity of the offender population in race, ethnicity, gender, language, and religion and otherwise be sensitive to the identities and

96 “Violence, including sexual violence, bullying, extortion and torture have been found to be the most typical forms of mistreatment and abuse inflicted on young people by adult inmates, and sometimes also staff.” United Nations, “Fact Sheet on Juvenile Justice,” n.d., <http://www.un.org/esa/socdev/unyin/documents/wyr11/FactSheetonYouthandJuvenileJustice.pdf>.

97 For example, “[e]very child should have the right to make requests or complaints, without censorship as to the substance, to the central administration, the judicial authority or other proper independent authority.” UN Committee on the Rights of the Child, “General Comment No. 10 (2007),” para. 89.

98 Antoinette Davis, Angela Irvine, and Jason Ziedenberg, “Examining the Role of States in Monitoring Conditions and Outcomes for Youth,” National Council on Crime and Delinquency, n.d., http://nccdglobal.org/sites/default/files/publication_pdf/oversight-info-sheet.pdf.

99 Richard A. Mendel, “Maltreatment of Youth in U.S. Juvenile Corrections Facilities: An Update,” Annie E. Casey Foundation, 2015, pp. 2–3, <http://www.aecf.org/m/resourcedoc/aecf-maltreatmentyouthuscorrections-2015.pdf>.

100 Becker, “Extreme Measures.”

101 Ibid.

102 UN report on children and armed conflict, para. 21.

103 Beijing Rules, rules 1.6, 22 (recommending a minimum training in law, sociology, psychology, criminology, and behavioral sciences to ensure the professional competence of all personnel dealing with juvenile cases).

different norms, values, cultures, religions, ethnicities, gender, and age of inmates.¹⁰⁴ Female staff should be recruited and trained and their advancement facilitated in juvenile administration.¹⁰⁵ Female JVEOs should have access to a female physician or nurse or be able to request a female staff member be present during an examination.¹⁰⁶

Working with troubled young people can be emotionally taxing and even dangerous, and adult staff should have the mental fortitude and institutional support to deal with the anxieties and stresses of their work.¹⁰⁷ Staff should be trained to handle the various complexities involved in the management and rehabilitation of JVEOs, including issues related to trauma and mental health. The Beijing Rules recommend that juvenile prison personnel receive a minimum training in law, sociology, psychology, criminology, and behavioral sciences to ensure the professional competence for juvenile cases.¹⁰⁸ Corrections staff working with juveniles may assume specialized duties pertaining to protection, mentorship, and guidance of juvenile offenders as they prepare for reintegration into society. Especially with regard to JVEOs, corrections officers should endeavor to be positive role models and create a relationship of trust with the young offenders, who may have come or been told to have adverse sentiments toward authorities. When they are unable to do so, the officer should not force a relationship and should work with managers to find a suitable colleague or external partner to carry out this important responsibility.

Corrections officials should have ample opportunities to advance their knowledge and skills over the course of their careers and be kept abreast of the latest developments in their fields of practice. Training and qualifications of experts are considered to be important pillars of the programming of the Violence Prevention Network (VPN) as an external intervention provider in German prisons. The program “Taking Responsibility – Breaking Away From Hate and Violence” was designed primarily for male juvenile offenders who hold violent extremist views and is currently active across seven federal states.¹⁰⁹ In addition to the required qualifications specific to each program staff position, every coach must take the year-long advanced methodological training course to become an AKT®-Trainer (Anti-Gewalt und Kompetenztrainer/In, or “antiviolence and competence trainer”), and all staff must have experience in working with violent extremist youth. The AKT®-Certification is based on a “humiliation-free philosophy” that is oriented toward fostering the understanding, acceptance, and questioning of elements of a young person’s beliefs in a nonconfrontational approach. The staff also must demonstrate knowledge in history and politics, intercultural and interreligious studies, symbolism, and institutional knowledge of juvenile detention and correctional services.¹¹⁰ Like the coaches in the VPN program, corrections officials educated in these approaches would be better equipped to work closely with JVEOs.

104 *Ibid.*, rule 22.2. For example, see Council of Europe Guidelines (recommending the selection and recruitment of staff with relevant linguistic abilities and cultural sensitivity to promote understanding of and tolerance to various beliefs and traditions).

105 The Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders recommended that special measures be taken to recruit, train, and facilitate the advancement of female personnel in juvenile justice administration. See Beijing Rules, rule 22 commentary.

106 Bangkok Rules, rule 10.

107 Illustratively, a member of the Malaysian Prevention of Terrorism Board has commented that prison warders should undergo “spiritual, mental, and physical” training to overcome the influence of ISIL militants, as well as undergo training to understand the gravity of the issue of violent extremism. See “Prison Warders Need Training to Overcome Daesh Influence,” *Free Malaysia Today*, 19 August 2016, <http://www.freemalaysiatoday.com/category/nation/2016/08/19/prison-warders-need-training-to-overcome-daesh-influence/>.

108 Beijing Rules, rule 22 commentary.

109 Violence Prevention Network (VPN), “Taking Responsibility – Breaking Away From Hate and Violence,” 2015, p. 4, <http://violence-prevention-network.de/en/component/phocadownload/category/1-publikationen?download=15:brochure-taking-responsibility-breaking-away-from-hate-and-violence>.

110 *Ibid.*, p. 13.

IMPLEMENTING EVIDENCE-BASED REHABILITATIVE INTERVENTIONS

Following their initial intake and risk assessment, a comprehensive rehabilitation plan should be devised together with the JVEO and their family. The plan should incorporate tailored and appropriately sequenced interventions aimed at risk reduction and needs specific to the individual offender and plot a trajectory toward eventual release and reintegration. These interventions commonly include diverse activities ranging from psychosocial and religious counseling to education and vocational training, depending on age and capabilities. The overarching goals of a JVEO's rehabilitation plan and subsequent programming should be informed by factors such as the underlying drivers of the juvenile's engagement in criminality, including interest and involvement in violent extremist activities, past offending, custodial behavior, personal strengths and ambitions, and pathways to desistance grounded in the unique sociopolitical context.

Designing Evidence-Based Interventions

Effective rehabilitation and reintegration programs must be grounded in explicit, clearly formulated program theories that describe how the planned intervention will bring about a desired outcome.¹¹¹ Clearly formulated objectives aid in maintaining intervention integrity, i.e., delivering interventions in accordance to their intended design.¹¹² Periodic assessments and monitoring based on clear performance indicators can help inform decisions and adjustments to components critical to the intervention's success.¹¹³

Program managers and policy officials must consider a number of key questions at the onset of the program and throughout its delivery and ground the design in the local context with due regard to the availability of resources. The program design phase must consider, inter alia, when a beneficiary is deemed rehabilitated and how the outcomes of rehabilitation efforts are to be measured. The end goals of rehabilitation and reintegration frequently extend beyond the release-from-custody stage; interventions should consider the best support and organization for a child's transition from detention to society to ensure the consistency and continuity of care.

ADOPTING AN INTERVENTION APPROACH

Correctional interventions are most effective when they adhere to evidence-based principles of effective rehabilitation, commonly referenced as “what works” principles. The RNR model of crime prevention and correctional rehabilitation has been found to be effective for a broad class of offenders, including juveniles.¹¹⁴ The model aids in the design of rehabilitation plans based on the offender's risk of recidivism, the individual treatment needs of the offender, and treatment methods that are responsive to those needs. The three core principles of the model are as follows:

- The risk principle indicates that treatment intensity should be adjusted according to risk of reoffending.
- The need principle requires that correctional programs address criminogenic needs, i.e., dynamic characteristics that have shown to be directly related to reoffending.

111 See Tinka Veldhuis, “Designing Rehabilitation and Reintegration Programmes for Violent Extremist Offenders: A Realist Approach,” *ICCT Research Paper*, March 2012, <http://icct.nl/wp-content/uploads/2015/05/ICCT-Veldhuis-Designing-Rehabilitation-Reintegration-Programmes-March-2012.pdf>; UNODC, *Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes*, August 2010, https://www.unodc.org/pdf/criminal_justice/Criteria_for_the_Design_and_Evaluation_of_Juvenile_Justice_Reform_Programmes.pdf.

112 See Lizette Peterson, Andrew L. Homer, and Stephen A. Wonderlich, “The Integrity of Independent Variables in Behavior Analysis,” *Journal of Applied Behavior Analysis* 15, no. 4 (Winter 1982): 477–492; James McGuire, ed., *What Works: Reducing Reoffending* (Chichester, UK: John Wiley and Sons, 1995).

113 Peterson, Homer, and Wonderlich, “Integrity of Independent Variables in Behavior Analysis.”

114 D.A. Andrews and James Bonta, *The Psychology of Criminal Conduct* (Cincinnati: Anderson Publishing, 1994), pp. 45–77; Vincent, Guy, and Grisso, “Risk Assessment in Juvenile Justice,” p. 23.

- The responsivity principle suggests that interventions should match an offender’s characteristics and be tailored to their abilities and strengths and motivation to engage in treatment.

These principles have been found to reduce juvenile recidivism, especially when applied alongside validated risk and needs assessments.¹¹⁵ Their applicability has been argued as a basis for adult VEO rehabilitation interventions and programs.¹¹⁶

A second emerging evidence-based approach, the strengths- and desistance-based models, focuses on a juvenile’s potential and strengths rather than risk factors to support their resilience to and desistance from subsequent offending. Strength-based approaches¹¹⁷ categorize offending behavior as the result of the maladaptive ways in which some individuals try to fulfill common human needs, such as the need for social acceptance and personal achievement. The strengths- and desistance-based models posit that the problem lies not in the needs offenders are seeking to fulfill but the manner in which they have sought to fulfill them. Strength-based approaches aim to empower and equip individuals to meet their needs in positive and prosocial ways and to counter the stigmatization associated with their offense.¹¹⁸ They focus on recognizing and collaboratively building on an offender’s existing strengths, skills, competencies, and opportunities—protective

factors—to support desistance. Protective factors may be discovered in a child’s academic achievement, excellence in sports, or positive friendships.

In the same vein, desistance-based approaches¹¹⁹ employ interventions that enable individuals to cease offending and foster a supportive environment for their desistance. Activities such as group counseling, for example, help JVEOs divorce themselves from negative social associations. Rather than focusing on root causes, they look at factors that keep people away from criminality and provide opportunities for stable employment and social and personal maturation. Supporting individuals in developing new prosocial identities clearly accords with what may be valuable to young people and the emerging knowledge of what may be effective.¹²⁰ Desistance-based approaches offer promising possibilities for JVEO interventions and can complement RNR-based models even though they are philosophically grounded in different perspectives.

SETTING CLEAR OBJECTIVES AND METRICS FOR INTERVENTIONS

The complexity of individual factors that may have driven violent extremist–related offending demands an individualized programmatic response. At the outset, officials involved in the design and oversight of a JVEO’s treatment plan should carefully consider their programmatic logic and theory of change. Program

115 Seigle, Walsh, and Weber, “Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System,” p. 7. See Christopher Dean, “Addressing Violent Extremism in Prisons and Probation: Principles for Effective Programs and Interventions,” *Global Center on Cooperative Security Policy Brief*, September 2016, http://www.globalcenter.org/wp-content/uploads/2016/09/16Sep_Dean_Address-Violent-Extremism-in-Prisons-and-Probation_FINAL.pdf (focusing on the Healthy Identity Intervention program in the United Kingdom).

116 Dean, “Addressing Violent Extremism in Prisons and Probation.”

117 The “Good Lives Model” is an example of a strengths-based approach that focuses on empowering and equipping individuals to attain life goals, such as success at work or cultivating a loving relationship. Tony Ward and Mark Brown, “The Good Lives Model and Conceptual Issues in Offender Rehabilitation,” *Psychology, Crime and Law* 10, no. 3 (September 2004): 243–257.

118 Mary Beth Altier, Christian Thoroughgood, and John G. Horgan, “Turning Away From Terrorism: Lessons From Psychology, Sociology, and Criminology,” *Journal of Peace Research* 51, no. 5 (September 2014): 653 (to help them form “meaningful attachments and behavioural investments in conventional others who encourage criminals to conform to social norms and provide them with incentives not to deviate”).

119 Fergus McNeill, “A Desistance Paradigm for Offender Management,” *Criminology and Criminal Justice* 6, no. 1 (February 2006): 39–62; Shadd Maruna and Thomas P. LeBel, “The Desistance Paradigm in Correctional Practice: From Programs to Lives,” in *Offender Supervision: New Directions in Theory, Research and Practice*, ed. Fergus McNeill, Peter Raynor, and Chris Trotter (London: Willan Publishing, 2010); John H. Laub and Robert J. Sampson, “Understanding Desistance From Crime,” *Crime and Justice*, vol. 28 (2001), pp. 1–69; Shadd Maruna, “Desistance and Development: The Psychosocial Process of ‘Going Straight,’” in *The British Criminology Conferences: Selected Proceedings*, vol. 2, ed. Mike Brogden (March 1999), pp. 1–25.

120 For example, prodelinquent leisure activities were found to be a primary risk factor for right-wing extremism in a study of German schoolchildren. Klaus Boehnke, John Hagan, and Hans Merckens, “Right-Wing Extremism Among German Adolescents: Risk Factors and Protective Factors,” *Applied Psychology* 47, no. 1 (January 1998): 109–126.

managers also must consider the sequencing, timetable, and complementarity of interventions and the manner in which staff review progress and provide feedback to the juvenile. The design process involves identifying outcomes necessary for successful treatment results and planning interventions designed to achieve those outcomes, along with indicators for measuring progress and strategies for overcoming anticipated challenges.¹²¹

An explicit, clearly formulated series of objectives and outcomes is critical for delivering effective interventions.¹²² Where applicable, specific outcomes and a coherent strategy should differentiate between goals that seek to address the child's violent extremist attitudes and those that seek to address their violent extremist behavior. In the rehabilitation of JVEOs, the desired result of a rehabilitation plan is successful reintegration that aims to deter recidivism and equip youth to overcome challenges related to stigmatization and bias against them, for example. Identifying and mitigating the negative effects of such factors are thus important aspects of program design and implementation for JVEOs.

Delivering Adjunctive and Tailored Interventions

Authorities and care providers should work to deploy a variety of interventions sequenced and tailored to meet the needs of individual JVEOs; no single type of intervention alone is suitable to address the needs of every individual. For instance, Singapore's adult VEO rehabilitation model includes psychosocial, religious, family, and social rehabilitation. The Sri Lankan program

for former LTTE combatants consists of six modes of rehabilitation, nicknamed the "6+1 model," in addition to community engagement: (1) educational; (2) vocational; (3) psychosocial and creative therapies; (4) social, cultural, and family; (5) spiritual and religious; and (6) recreational.¹²³ The Sabaoon Centre offers a similar range of interventions to young boys that draw on those models.¹²⁴

Custodial conditions, as previously discussed, shape the larger context within which rehabilitative interventions are conducted. The rehabilitative approach adopted depends on the availability of resources, infrastructure, qualified and trained personnel, and expertise, as well as the individual characteristics of the JVEOs.

PSYCHOSOCIAL COUNSELING AND SUPPORT

Effective psychosocial counseling interventions should address psychological; social, including familial; and practical issues associated with effective disengagement and reintegration.¹²⁵ Counseling sessions should be conducted by qualified mental health professionals, which may involve strengths- and desistance-based approaches to help understand and address thoughts, feelings, and actions that may have contributed to offending behavior.

Cognitive behavioral therapy (CBT) has emerged as one of the primary psychosocial interventions in the correctional setting to address criminal behavior.¹²⁶ Combining elements from behavior modification and cognitive restructuring theories, CBT interventions are designed to undermine criminal thinking patterns and reinforce positive problem-solving practices and

121 For more information, see Veldhuis, "Designing Rehabilitation and Reintegration Programmes for Violent Extremist Offenders," p. 16.

122 Ibid., p. 5.

123 Malkanthi Hettiarachchi, "Sri Lanka's Rehabilitation Program: A New Frontier in Counter Terrorism and Counter Insurgency," *Prism* 4, no. 2 (n.d.): 106, http://cco.ndu.edu/Portals/96/Documents/prism/prism_4-2/prism105-122_Hettiarachchi.pdf.

124 Programs offered include primary and secondary education, psychosocial therapies and religious counseling, technical and vocational training, and social and family counseling.

125 Ami Angell and Rohan Gunaratna, *Terrorist Rehabilitation: The U.S. Experience in Iraq* (Boca Raton, Fla.: CRC Press, 2012); Hamed El-Said, "De-Radicalising Islamists: Programmes and Their Impact in Muslim Majority States," *Developments in Radicalisation and Political Violence*, January 2012, <http://icsr.info/wp-content/uploads/2012/10/1328200569ElSaidDeradicalisation1.pdf>.

126 See Harvey Milkman and Kenneth Wanberg, "Cognitive-Behavioral Treatment: A Review and Discussion for Corrections Professionals," NIC Accession no. 021657 (May 2007); Mark W. Lipsey, Nana A. Landenberger, and Sandra J. Wilson, "Effects of Cognitive-Behavioral Programs for Criminal Offenders," *Campbell Systematic Reviews* 2007, no. 6 (August 2007).

coping mechanisms.¹²⁷ These therapies have been adapted for juveniles¹²⁸ and adults¹²⁹ and have been implemented among different categories of offenders in a variety of settings, including in individual or group therapy sessions and prison, residential, and parole settings. The effectiveness of CBT compared to more traditional psychological approaches lies in its structured focus on concrete problems and solutions in pursuit of specific objectives, such as symptom relief or behavioral change.¹³⁰ Appropriately trained therapists, social workers, religious counselors, and mentors may provide these therapies to help address a JVEO's thought-action-consequences linkages and discuss ways to respond to life's pressures in a prosocial way.¹³¹

Psychosocial counseling can be an effective tool for rehabilitating juveniles and promoting their overall mental health. Mental health problems may precede or develop as a result of a JVEO's involvement in violent extremist activities or from trauma due to abuse inflicted on them prior to or during their incarceration. Several boys at the Sabaoon Centre have been diagnosed as suffering from psychosocial problems ranging from post-traumatic stress disorder (PTSD) to neurological disorders.¹³² The center employs psychologists, teachers, and religious counselors to help address those issues and strengthen their mental well-being. PTSD, anxiety, and depression are especially common in postconflict or disaster settings and disproportionately

affect children and young people.¹³³ The cumulative exposure to traumatic stress has left child soldiers with mental illness, related physical ill health, and severe personality changes.¹³⁴

Female JVEOs are frequently victims of gender-based violence and require specialized support.¹³⁵ Boys are also victims of these crimes, whose incidence is overwhelmingly underreported.¹³⁶ Professionals qualified and motivated to work with children suffering from trauma should tailor rehabilitation interventions to the needs of female and male JVEOs that are also survivors of gender-based violence.

Children with mental health problems present unique challenges in a custodial setting. These problems must be identified on intake to ensure the child receives proper care while in custody and that treatment is comprehensively incorporated into the child's rehabilitation plan. Youth suffering from acute mental illness should not be incarcerated but treated in appropriate mental health facilities.

CREDIBLE AND COMPETENT MENTORSHIP

Credible, competent, and compassionate mentors can help support JVEO desistance by cultivating positive relationships, providing youth with encouragement, purpose, structure, and control over their future. Through meaningful, focused, and tailored dialogue over a sufficient duration covering a number of critical

127 Doris MacKenzie, *What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents* (New York: Cambridge University Press, 2006).

128 Cognitive-behavioral interventions have been consistently cited for their effectiveness at reducing recidivism among juveniles. See Mark W. Lipsey, "The Primary Factors That Characterize Effective Interventions With Juvenile Offenders: A Meta-Analytic Overview," *Victims and Offenders* 4, no. 2 (April 2009): 144; Patrick Clark, "Preventing Future Crime With Cognitive Behavioral Therapy," *NIJ Journal*, no. 265 (April 2010), <http://www.ncjrs.gov/pdffiles1/nij/229888.pdf>.

129 See Clark, "Preventing Future Crime With Cognitive Behavioral Therapy."

130 Sara Heller et al., "Preventing Youth Violence and Dropout: A Randomized Field Experiment," *NBER Working Paper*, no. 19014 (May 2013), p. 36, <http://www.nber.org/papers/w19014.pdf>.

131 Majeed Khader, *Combating Violent Extremism and Radicalization in the Digital Era* (Hershey, Pa.: IGI Global, 2016), p. 414.

132 Sabaoon Centre chief psychologists, interview with authors, 22 September 2016. See Ayesha Fakhar, "Countering Terrorism in Pakistan," *Pakistan Today*, 25 October 2014, <http://www.pakistantoday.com.pk/2014/10/25/comment/countering-terrorism-in-pakistan/>.

133 Many studies have focused on PTSD in children affected by war, but more studies need to be done focused on anxiety, depression, and psychotic disorders. Catherine Bradshaw et al., "Mental Health Matters: Social Inclusion of Youth With Mental Health Conditions," *ST/ESA/352*, 2014, p. vii, <http://www.un.org/esa/socdev/documents/youth/youth-mental-health.pdf>.

134 Elisabeth Schauer and Thomas Elbert, "The Psychological Impact of Child Soldiering," in *Trauma Rehabilitation After War and Conflict*, ed. Erin Martz (New York: Springer, 2010), <http://www.usip.org/sites/default/files/missing-peace/The%20psychological%20impact%20of%20child%20soldiering%20-%20Schauer.pdf>.

135 See UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Sexual Violence Against Children," n.d., <https://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/sexual-violence/> (accessed 14 July 2017). For more information on principles of psychosocial interventions for child survivors of sexual abuse in humanitarian settings, see International Rescue Committee GBV Responders' Network, "Caring for Child Survivors," n.d., <http://gbvresponders.org/response/caring-child-survivors/> (accessed 14 July 2017).

136 Allan Ngari, "Male Victims of Sexual Violence: War's Silent Sufferers," *ISS Today*, 10 June 2016, <https://www.issafrika.org/iss-today/male-victims-of-sexual-violence-wars-silent-sufferers>.

themes,¹³⁷ mentors may challenge ways of thinking that support violence.

Matching youth with relatable role models with whom they can build a relationship is an important step in juvenile rehabilitation programs. Mentors from outside of the prison system, such as community volunteers, teachers, coaches, and religious and spiritual counselors, have the advantage of being perceived as neutral interlocutors rather than embodiments of the system or government. Former adult VEOs are able to speak to juveniles from their own firsthand experience and have served as mentors to youth in various settings, demonstrating that successful rehabilitation is possible and desirable. Nevertheless, the use of former extremists as mentors may carry certain risks, and decisions on their suitability as mentors to individual juveniles should be carefully examined on a case-by-case basis.¹³⁸ A higher degree of scrutiny may be warranted in the use of former extremists as resources in JVEO rehabilitation programming.¹³⁹

Successful reintegration is a process that takes time, substantial support, and a respect- and trust-based mentorship. The German NGO VPN¹⁴⁰ provides counseling to JVEOs during detention and after release.¹⁴¹ The VPN mentorship program consists of group training, transitional management, and stabilization coaching. The group discussions are held over the course of 23 meetings, supplemented by individual consulting sessions for four to six months for a total of 115 hours.¹⁴² Participation in the program, including

postdetention mentorship, is carried out on a voluntary basis; mandatory participation is viewed as counterproductive. The discussions are led by two trainers and involve eight participants. In the group discussions, JVEOs are expected to share their own experiences on the condition that they talk openly and respect each other during the sessions.¹⁴³ The interventions serve in establishing a stable and trust-based working relationship and a thematic group learning through dialogue. Group trainings are not suitable for all JVEOs. For example, those who pose a danger to fellow inmates or are themselves endangered in group settings may not be suited. The VPN program offers intensive individualized programming for JVEOs as well.

Religious and spiritual counselors can help individuals explore and develop a spiritual identity,¹⁴⁴ whether it was central to the JVEO's identity prior to incarceration or whether encountered during custody. The Sri Lankan rehabilitation program for former LTTE combatants, for example, draws on various spiritual practices, with ceremonies being led by religious leaders of different faiths, including Hindu, Satya Sai, and Christian. Yoga and meditation sessions and mindfulness (*vipassana*) training are also offered.¹⁴⁵ Prisons commonly offer chaplaincy services and religious or secular "contemplative" programs.¹⁴⁶

CAUTIONARY NOTE ON DERADICALIZATION PROGRAMS

Some countries provide counseling to adult VEOs and JVEOs through deradicalization programs that are intended to counter violent extremism by specifically

137 UN Interregional Crime and Justice Research Institute, "Building on the GCTF's Rome Memorandum: Additional Guidance on the Role of Religious Scholars and Other Ideological Experts in Rehabilitation and Reintegration Programmes," n.d., http://www.unicri.it/topics/counter_terrorism/UNICRI_SPAIN_Religious_Scholars_in_Rehab.pdf; Angell and Gunaratna, *Terrorist Rehabilitation*.

138 One scholar has cautioned that formers' involvement as mentors may be potentially harmful to their own commitment to embracing an identity independent to their past as a radicalized individual. Daniel Koehler, "On and Off-Line Solutions to Radicalization and Recruitment: A Discussion With Former Extremists" (presentation at the UN General Assembly hosted by the Institute for Strategic Dialogue in partnership with the George Washington Program on Extremism, 22 September 2016).

139 Daniel Koehler, email correspondence with authors, 14 December 2016 (director of the German Institute on Radicalization and De-Radicalization Studies).

140 The project was designed for male JVEOs in detention. Female JVEOs have not participated.

141 VPN, "Taking Responsibility," p. 19.

142 *Ibid.*, p. 6.

143 VPN, "Deradicalisation in Prison," n.d., <http://www.violence-prevention-network.de/en/projects/deradicalisation-in-prison> (accessed 10 August 2017).

144 Todd R. Clear, "The Value of Religion in Prison: An Inmate Perspective," *Journal of Contemporary Criminal Justice* 16, no. 1 (February 2000): 53–74.

145 Hettiarachchi, "Sri Lanka's Rehabilitation Program," p. 110.

146 See, e.g., Prison Mindfulness Institute, "Mission, Vision and Values," n.d., <http://www.prisonmindfulness.org/about-us/> (accessed 14 July 2017); Prison Meditation Project, "The Prisons," n.d., <http://www.prisonmeditation.org/prisons.html> (accessed 14 July 2017); Shimane Asahi Rehabilitation Program Center, "Rehabilitation Programs," n.d., <http://www.shimaneasahi-rpc.go.jp/english/torikumi/> (accessed 14 July 2017).

targeting the content of violent extremist ideologies. Deradicalization is generally understood as a process whereby the holder of extremist beliefs disavows support for and commitment to violence on behalf of a group, cause, or ideology advocating political or social change.¹⁴⁷ Some radicalization theories presuppose that certain violent behaviors are the product of deeply held extremist ideological beliefs. In reality, many adult offenders convicted of terrorism-related crimes may not be driven primarily by these ideologies, and many violent offenders driven by deeply held extremist ideological beliefs may not be considered within the governmental or societal conceptions of the radicalization/deradicalization paradigm.

Therefore, the offending behavior of children and adolescents convicted of terrorism and violent extremism-related offenses should not be automatically assumed to be a product of deeply held ideological beliefs. For instance, a child may be motivated solely by monetary gains to commit a crime; or an individual may come to disavow violence but remain involved in a violent organization for other reasons, such as self-preservation.¹⁴⁸ Conversely, a young person may come to desist from the violent behavior but retain extremist views.¹⁴⁹ As such, a program focused exclusively on deradicalization may be inconsistent with the aims of juvenile rehabilitation and reintegration.

Individual transformations are gradual and can take a very long time, and periodic setbacks are to be expected. Because there are limited reliable data on the effectiveness of deradicalization programs for adults in confinement, their use on JVEOs in confinement should be considered on a case-by-case basis.¹⁵⁰ Program managers should ensure that interventions are deployed in a manner that preserves the rights and dignity of the child. Particular care should be taken to avoid adverse consequences on vulnerable participants.¹⁵¹ Given the prioritization that deradicalization places on the content of subjects' individual beliefs, program managers must ensure that efforts are not just a means to replace one form of indoctrination with another¹⁵² and instead focus on strengthening the child's decision-making and critical thinking skills. Deradicalization programs, particularly when pertaining to religious doctrines, should avoid infringing on the child's right to practice their religion and customs freely. Although current political discourse on deradicalization focuses predominately on Muslim-identified groups,¹⁵³ a wide range of de- and antiradicalization programs has been developed to address a variety of extremist ideologies.

Where ideology plays a central role in compelling the offending behavior, deradicalization programs may help promote alternative perspectives and ways of thinking. Program facilitators, mentors, and counselors should be

147 For discussion on the definitions of "radicalization," "deradicalization," "counterradicalization," and "antiradicalization," see Lindsay Clutterbuck, "Deradicalization Programs and Counterterrorism: A Perspective on the Challenges and Benefits," Middle East Institute, 10 June 2015, <http://www.mei.edu/content/deradicalization-programs-and-counterterrorism-perspective-challenges-and-benefits>.

148 Disengagement does not necessarily have to be accompanied by a cognitive and attitudinal move away from violence (deradicalization), such as when the decision to abandon violence is undertaken for practical or involuntary reasons. See Tore Bjørgo and John Horgan, "Introduction," in *Leaving Terrorism Behind: Individual and Collective Disengagement*, ed. Tore Bjørgo and John Horgan (New York: Routledge, 2008), pp. 1–13; John Horgan, *The Psychology of Terrorism*, 2nd ed. (New York: Routledge, 2014), pp. 140–157; John Horgan, *Walking Away From Terrorism* (New York: Routledge, 2009), pp. 20–39, 151–154.

149 For further discussion, see Horgan, "Individual Disengagement," p. 28.

150 For instance, Saudi Arabia's deradicalization program, the largest in the world, requires offenders to verbally recant their former beliefs and appear repentant, which some have characterized as an example of "conditional disengagement." Marc Jones, "Rehabilitating Islamist Extremists: Successful Methods in Prison-Centred 'De-Radicalisation' Programmes," n.d., <http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ma-winter-13/Jones-Rehabilitating-Islamist-Extremists.pdf>. Despite its publicized claims of success—80–90 percent of participants are said to be successfully rehabilitated—the program has been under increased scrutiny after it emerged that at least 11 detainees from the Guantanamo prison who were transferred to the Saudi program returned to terrorist activity. See Marisa L. Porges, "The Saudi Deradicalization Experiment," Council on Foreign Relations, 22 January 2010, <https://www.cfr.org/expert-brief/saudi-deradicalization-experiment>.

151 See generally ICRC, "Radicalization in Detention."

152 See James T. Richardson, "The Brainwashing/Deprogramming Controversy: An Introduction," in *The Brainwashing/Deprogramming Controversy: Sociological, Legal, and Historical Perspectives*, ed. David G. Bromley and James T. Richardson (New York: Edwin Mellen Press, 1983), pp. 8–9.

153 The rush to establish deradicalization centers has led to ill-conceived, failed programs. See Soeren Kern, "France: Deradicalization of Jihadists a 'Total Fiasco,'" Gatestone Institute, 26 February 2017, <https://www.gatestoneinstitute.org/9982/france-deradicalization>.

trained in strengths- and desistance-based approaches to protect mentees from negative influences and guide them through constructive changes, rather than having a single focus on reforming beliefs viewed as wrong. As with other counselors working with youth, the credibility of interlocutors is essential.

EDUCATIONAL, RECREATIONAL, AND VOCATIONAL TRAINING

Comprehensive rehabilitation programs that provide continuing education, vocational training, and subsequent job search and placement support are important for fostering inclusion, providing a stable basis for reentry into society, and reducing the risk of recidivism.¹⁵⁴

Educational programs and vocational training are among the most common features of juvenile rehabilitation programs in open and closed custodial settings. The right to an education and opportunities to advance personal development are fundamental rights of juvenile offenders under international law.¹⁵⁵ Juvenile facilities should provide educational programming suitable to the learning needs of children. Such programs should be delivered outside of the detention facility wherever possible and integrated with the educational system of the country so a child may seamlessly continue their education after release.¹⁵⁶

Multidisciplinary educational programs for incarcerated youth can contribute toward increased critical thinking

skills, self-confidence, empowerment, and employment opportunities.¹⁵⁷ Educational programming, in addition to covering general and specialized areas of learning, may also focus on building “life skills,” such as social and interpersonal, cognitive, and emotional coping skills.¹⁵⁸

The arts, such as writing, the humanities, theater, and music, can provide a useful medium for JVEOs to explore inner conceptions of self and to develop a greater conscientiousness of the world in which they live.¹⁵⁹ Adjunctive art therapies can support a stronger sense of social responsibility, foster comradeship among participating peers, and provide an effective means for young people to express their thoughts and feelings more meaningfully.¹⁶⁰ Culturally informed, expressive therapies—writing, narrative journaling, poetry, and art—have been found to support the healing process of trauma survivors by helping them express their trauma, integrate traumatic memories, and come to terms with their experiences.¹⁶¹

The Mandela Rules provide that all inmates must have access to open air and physical exercise and be provided recreational and cultural activities to benefit their mental and physical health.¹⁶² Physical activity supports the healthy growth and development of children. More than merely an outlet for energy or aggression, sports-based interventions can help bolster self-esteem and engender discipline and teamwork.¹⁶³ Mixed teams of

154 Havana Rules, rule 39; Beijing Rules, rules 1.2, 26.1; Council of Europe Guidelines, art. III(d)(15).

155 Havana Rules, rule 38; Beijing Rules, rule 17 commentary.

156 Havana Rules, rule 38.

157 See *ibid.*, rule 45; Rome Memorandum, good practice 16. See UN Committee on the Rights of the Child, “General Comment No. 1: The Aims of Education,” CRC/GC/2001/1, 17 April 2001, para. 2.

158 Lainie Reisman and Gustavo Payan, “Turning Away From MS-13 and Al-Shabaab: Analyzing Youth Resilience in Honduras and North East Kenya,” EDC, n.d., http://idd.edc.org/sites/idd.edc.org/files/Comparative-Study_Youth-Resilience_March-2015.pdf.

159 See CRC, art. 31(2).

160 Art therapy also has been used as part of the rehabilitation of adult VEOs in the Saudi program. Deborah Amos, “Treating Saudi Arabian Jihadists With Art Therapy,” National Public Radio, 5 April 2015, <http://www.npr.org/sections/parallels/2015/04/03/397322648/treating-saudi-arabian-jihadists-with-art-therapy>; Katherine Zoepf, “Deprogramming Jihadists,” *New York Times Magazine*, 7 November 2008, <http://www.nytimes.com/2008/11/09/magazine/09jihadis-t.html>.

161 See Eric A. Kreuter and Sherry Reiter, “Building Resilience in the Face of Loss and Irrelevance: Poetic Methods for Personal and Professional Transformation,” *Journal of Poetry Therapy* 27, no. 1 (2014): 13–24; Savneet Talwar, “Accessing Traumatic Memory Through Art Making: An Art Therapy Trauma Protocol (ATTP),” *Arts in Psychotherapy* 34, no. 1 (2007): 22–35; Sara Goodkind and Diane Lynn Miller, “A Widening of the Net of Social Control? ‘Gender-Specific’ Treatment for Young Women in the U.S. Juvenile Justice System,” *Journal of Progressive Human Services* 17, no. 1 (2006): 45–70.

162 Mandela Rules, rules 42, 105. See Havana Rules, rule 47.

163 See CRC, art. 47; Havana Rules, rule 32. For example, in the Borstal Institutions and Youth Corrective Training Centre in Kenya, golf was used to help juveniles focus in isolation, while football and basketball helped promote teamwork, strategy, and calculation. Sami Gathii, “Engaging Sports, Arts and Culture in Countering Violent Extremism Among Young People” (presentation, Workshop on Education, Life Skill Courses and Vocational Training for Incarcerated Violent Extremist Offenders, Nairobi, October 2015). In the Rebeuss prison in Senegal, football and basketball were similarly promoted to encourage teamwork, good health, self-esteem, and juveniles’ respect for rules. Mame Bella Faye, “Socio-Education Services” (presentation, Workshop on Education, Life Skill Courses and Vocational Training for Incarcerated Violent Extremist Offenders, Nairobi, October 2015).

inmates and staff members responsible for their rehabilitation can also help foster trust and mutual respect. As part of JVEO treatment, the VPN ends each group training session with a sporting activity that allows coaches and participants to interact on a more equal footing.¹⁶⁴ This provides coaches with critical insights into the youth's rehabilitative progress.¹⁶⁵

Programs that provide young persons with a wide range of vocational skills development, job search and placement, and the early phases of employment have shown promising results in social integration.¹⁶⁶ Vocational programming should appropriately reflect the labor market demand, beneficiaries' interests, and in some contexts their families' traditional vocations. In Côte d'Ivoire, a core component of the 2007 Ouagadougou peace agreement was the demobilization of ex-combatants and militia members and their reintegration into civil society. From 2005 to 2011, GIZ International Services, on behalf of the World Bank and the

European Union, established nine centers to provide training for ex-combatants and vulnerable youths in a variety of technical and agricultural occupations.¹⁶⁷ The training programs drew on the experiences of reintegration activities in Guinea, Liberia, and Sierra Leone. The first phase of the program included two months of courses covering basic subjects such as civic rights and duties, mathematics, and bookkeeping, as well as other topics oriented toward building a career. The second phase of the program consisted of up to six months of vocational training in technical, agricultural, service, or commercial occupations held at the training centers or in the community, alongside local artisans or small companies. Beneficiaries received starter kits following their successful completion of the training, which contained tools and equipment selected according to their chosen occupation.¹⁶⁸ By involving the participation of civilians and local businesses, community-based interventions such as these not only support the local marketplace but also help bolster integration efforts.

164 Thomas Mücke, "Verantwortung übernehmen – Abschied von Hass und Gewalt," VPN, 2009, pp. 10–17, <http://www.xenos-berlin.de/attachments/article/376/Verantwortung%20%C3%BCbernehmen.pdf>.

165 Ibid., p. 17.

166 Reisman and Payan, "Turning Away From MS-13 and Al-Shabaab."

167 Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, "Reintegration of Ex-Combatants and Vulnerable Youth Into Civil Society," n.d., <https://www.giz.de/en/worldwide/19298.html>.

168 Ibid.

PROVIDING REINTEGRATION AND POSTRELEASE SUPPORT

JVEOs can face a number of social reintegration challenges following their release, including ostracism and stigmatization. A successful transition from detention to the community requires careful planning prior to the juvenile's release and should leverage local resources and positive ties with communities and strengthen prosocial bonds with the individual's family and peers; social, cultural, and religious institutions; and other relevant community networks. Postplacement support in accordance with the young person's needs such as housing, financial assistance, health care, education, and employment, are critical for a successful reintegration process. At the same time, the JVEO's support network may need support to provide adequate continuity of care.

Preparing for Transition

The critical test of custodial rehabilitation programs comes after the youth's reentry into society.¹⁶⁹ Model behavior prescribed by facility rules does not necessarily translate into success when returning to society, and interventions must help juveniles succeed in both settings. JVEOs can face social integration issues following their release, including ostracism and stigmatization, which can increase the challenges in an already difficult period.¹⁷⁰ The phases of reintegration consist of a tripartite period spanning (1) preparation during detention, (2) transition from the facility to the community, and (3) integration in the community, outside of

formal justice system supervision.¹⁷¹ Studies conducted in the United States found that, for juveniles, the risk of recidivism is highest within the first six months to a year following release, underscoring the importance of ensuring continuity of care and social support infrastructure into the reintegration planning process.¹⁷²

The processes used to determine a juvenile's eligibility for release from custody vary greatly from jurisdiction to jurisdiction. Additionally, although many countries provide postrelease rehabilitative treatment interventions for juveniles, the actors involved can vary greatly as well. Countries such as Sweden provide prison and probation services under the same unified agency.¹⁷³ Other governments rely on independent organizations to implement certain aspects of postrelease assistance, such as the Dutch Family Support Unit in the Netherlands, or make arrangements that bring together several agencies to evaluate release conditions for the probation period, as in Germany and the United Kingdom.¹⁷⁴ The UK Multi Agency Public Protection Agreements involve the police, prison, and probation authorities, who begin work six months before the detained person's release and undertake a continuous review of the individual's progress. Nongovernmental actors may have the benefit of being considered credible messengers and interlocutors,¹⁷⁵ but a unified agency approach may be preferable where trust between the prison staff and professionals has been developed and consistency in case management is maintained.

169 David Altschuler and Shay Bilchik, "Critical Elements of Juvenile Reentry in Research and Practice," Council of State Governments Justice Center, 21 April 2014, <https://csgjusticecenter.org/youth/posts/critical-elements-of-juvenile-reentry-in-research-and-practice/>.

170 For example, many of the "Chibok girls" who were kidnapped by Boko Haram were stigmatized following their return either because of the fighters' children they were carrying or because of the fear the women may turn against their own communities. International Alert and UNICEF, "Bad Blood," 2016, p. 18, https://www.unicef.org/nigeria/Nigeria_BadBlood_EN_2016.pdf.

171 Altschuler and Bilchik, "Critical Elements of Juvenile Reentry in Research and Practice."

172 "A Look at Juvenile Reentry and Aftercare Programs," n.d., http://apps.americanbar.org/dch/thedl.cfm?filename=/CR206500/otherlinks_files/juvenileentryprograms.pdf. Consistent with what is known about adolescent brain development, moreover, "policies and practices that address permanency considerations into the early and mid-20's are likely to have a significant impact on both recidivism and other outcomes." Altschuler and Bilchik, "Critical Elements of Juvenile Reentry in Research and Practice."

173 RAN, "Exit Programmes and Interventions in Prison and Probation," 14–15 June 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-p-and-p/docs/ex_post_paper_ran_p_and_p_14-15_06_2016_en.pdf.

174 Ibid.

175 Ibid.

The process of reintegration should be founded on an assessment of the individual and an individualized plan designed for their reentry. Whatever programmatic approach is employed to address the needs of the juvenile following release, they must learn to navigate and manage relationships in a healthy and constructive manner throughout the reentry process. Continued monitoring or check-ins should be undertaken where possible, and postrelease records of the juvenile should be maintained.

Engaging Family and the Community in Permanency Planning

For youth entering early adulthood, connections to adults and peers and a sense of belonging to a positive community are especially important.¹⁷⁶ Permanency planning can aid in the cultivation of strong and sustained connections with positive, nurturing adults in a child's life.

Where possible, assistance and training should be provided to members of the juvenile's network to support their reintegration.¹⁷⁷ Family and community therapy support models have been shown to significantly reduce the risk of recidivism following release. These programs are designed not only to provide continuity of support to the newly released JVEO but also to support continued prosocial behavior through multicomponent and multilevel interventions focusing on the relational environments in which juveniles and their families interact.¹⁷⁸ Programming interventions should be available

to address the needs of the released juvenile in a comprehensive social-ecological system model. Support can be provided through a number of different program models and could cover a wide range of interventions, including parental training, youth mentorship, psychological support, social work, school tutoring, and employment skills training.¹⁷⁹ In Pakistan, for example, Project Sparlay is designed to provide rehabilitation support to family members of the children detained in the Sabaoon Centre. Through Project Sparlay, family therapy is provided in collaboration with local communities to address familial-related issues that may hinder the progress of the juvenile during their detention and reintegration.

Alternative Placements

Many effective postrelease strategies are built around preexisting sources of stability and prosocial behavior. When these sources are weak or absent in a juvenile's community or household of origin, alternative placements should be considered to ensure juveniles receive the support they need for successful transition. For young people reaching the age of adulthood or for those who do not have a viable option for returning to their former communities, halfway houses with a built-in support structure can be a viable intermediate measure for youth transitioning to life after custody. Halfway houses are widely used as intermediate placements in juvenile justice and have been employed as a means to reintegrate child combatants.¹⁸⁰

176 Altschuler and Bilchik, "Critical Elements of Juvenile Reentry in Research and Practice."

177 RAN, "Dealing With Radicalisation in a Prison and Probation Context," p. 8.

178 Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, "Family Therapy," October 2014, https://www.ojjdp.gov/mpg/litreviews/Family_Therapy.pdf.

179 Thomas L. Sexton and James F. Alexander, "Functional Family Therapy," *OJJDP Juvenile Justice Bulletin*, December 2000, p. 2, <https://www.ncjrs.gov/pdffiles1/ojjdp/184743.pdf>.

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CONCLUSION

The juvenile justice system's treatment of children in conflict with the law is anchored on their reformatory potential. Authorities entrusted with the management and rehabilitation of JVEOs under custodial supervision may lose sight of this potential at times, attributable in part to the assumptions attached to the "VEO" label and occasions when the exigencies of national security may place strains on the justice system. Rather than exceptionalizing JVEOs, management approaches and interventions for their treatment in detention should be grounded in juvenile justice standards.

The judicial system, together with the correctional and probation services and the community at large, plays a

critical role in the rehabilitation and eventual reintegration of a child in conflict with the law. The realization of the objectives of juvenile justice depends on their collaborative and coordinated efforts throughout the duration of custody, rehabilitation, release, and post-release. National security interests and juvenile justice imperatives are compatible and mutually reinforcing in preventing and countering violent extremism. The alignment of policies affecting the management and custodial and postcustodial treatment of JVEOs with the principles of juvenile justice is critical for the effective implementation of counterterrorism strategies in accordance of the rule of law.

The Global Center on Cooperative Security works with governments, international organizations, and civil society to develop and implement comprehensive and sustainable responses to complex international security challenges through collaborative policy research, context-sensitive programming, and capacity development. In collaboration with a global network of expert practitioners and partner organizations, the Global Center fosters stronger multilateral partnerships and convenes key stakeholders to support integrated and inclusive security policies across national, regional, and global levels.

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