

# **An Evaluation of “Strengthening Juvenile Justice in Myanmar”**

by

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## LIST OF ACRONYMS






|                |  |
|----------------|--|
| ASEAN          | Association of Southeast Asian Nations           |
| AusAID         | Australian Agency for International Development  |
| CBO            | Community Based Organization                     |
| CCWL           | Children in Contact with the Law                 |
| CRC            | Convention on the Rights of the Child            |
| CRC Committees | Convention on the Rights of the Child Committees |
| DDG            | Deputy Director General                          |
| DSW            | Department of Social Welfare                     |
| FTR            | Family Tracing and Reintegration                 |
| GBV            | Gender Based Violence                            |
| GMI            | Grace Music Institute                            |
| INGO           | International Non-Government Organization        |
| JJIAWG         | Juvenile Justice Inter-Agency Working Group      |
| M&E            | Monitoring and Evaluation                        |
| MCC            | Myanmar Council of Churches                      |
| MPF            | Myanmar Police Force                             |
| NGO            | Non-Government Organization                      |
| OAG            | Office of Attorney General                       |
| PCA            | Partnership and Cooperation Agreement            |
| PO             | Probation Officer                                |
| TOT            | Training of Trainers                             |

## EXECUTIVE SUMMARY

### **Background and Context**

In 2005 UNICEF, Myanmar and AUSAID entered into a partnership framework (2005-2007) with the objective of improving the protection of children in conflict with the law.<sup>1</sup> In May 2008 a second phase to the partnership was agreed, to run from 20 May 2008 to 30 April 2011. Some modifications were made to the second phase based on an evaluation conducted in June 2007<sup>2</sup> establishing the overall goal of the project as “to improve the protection of children in conflict with the law through the Myanmar juvenile justice system in line with the Convention on the Rights of the Child and other international standard.”<sup>3</sup>

The outcomes of the second phase of the project as recorded in UNICEF Annual Work Plans were:

-  Child-friendly police procedures developed, institutionalized and implemented
-  Child-friendly court procedures developed, institutionalized and implemented
-  Guidelines for community based dispute resolution of minor offences developed
-  Legal representation and aid provided to children in conflict with the law in Yangon, Mandalay, Sagaing and Ayeyarwaddy Divisions (in 2010 this was changed to refer to legal representation and legal aid provided to children in conflict with the law nationwide)
-  Legal protection – National standards, guidelines and procedures developed in collaboration with partners for the protection of vulnerable children.

### **Brief outline of the evaluation findings**

A brief summary of the evaluation findings appears in the summary below:

| <b>Evaluation Criteria</b> | <b>Explanation</b>   |
|----------------------------|--|
| Relevance                  | The project was highly relevant to the priorities and needs of the Government of Myanmar and gave effect to elements of the <i>National Plan of Action for Children 2006-2015</i> .  |
| Effectiveness              | While overall effectiveness was mixed, in the context of Myanmar the project was successful in providing training in, and creating awareness of, child rights and in providing modes of protection for children in contact with the law. |
| Efficiency                 | There were no major issues with efficiency and in the context of Myanmar the project made effective use of time and resources.   |
| Sustainability             | Sustainability issues relate largely to the legal aid scheme and the JJIAGW. The legal aid scheme, as presently constituted, while undoubtedly providing significant benefits  |

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<sup>1</sup> The project documents refer to children in conflict with the law throughout. It is recommended that the term children in contact with the law be used instead of conflict given the project takes a justice for children approach that includes children as victims, witnesses as well as offenders and the term children in contact with the law reflects that broader approach.

<sup>2</sup> Evaluation Report: Protection of Children in Conflict with the Law in Myanmar. Claudia Connor June 2007.

<sup>3</sup> Final Donor Report to the Government of Australia. *Protection of Children in Conflict with the Law*. UNICEF 20 March 2008.

|   |  |
|---|--|
|   | to children in contact with the law, is not sustainable. The JJIAWG has been a valuable mechanism for coordinating project activities but lacks formal linkage to the structure of any Ministry or Department and has no formal terms of reference. Its longer term sustainability is questionable.  |
| Impact  | The project's impact has been mixed; some groups of children have benefitted but some government agencies need a more sustained exposure to child protection issues; other government agencies have learned lessons about coordination, especially in logistics, and in resolving sectoral child protection issues.  |
| Gender Equality                               | The project lacked a gender strategy and gender analysis and issues of gender equality were not directly addressed. Indirectly, because women are well represented in the public service within the child protection sector women did have access to training and awareness interventions.   |
| Monitoring and evaluation                     | No effective M&E system was established.   |
| Analysis and learning                         | There were no mechanisms for reviewing and integrating learning into the project in a systematic manner.   |
| Lessons                                       | See lessons learned directly below   |
| Project Design and implementation Improvement | Any extension of the project should adopt the objective of implementing the CRC and aligning with the National Plan of Action for Children as a strategic framework. Linking an extended project with regional priorities for justice for children through ASEAN would be advantageous because this would provide the project with a wider comparative context that connects priorities for justice for children in Myanmar to the region. Clearly, a continued and more intensive focus on law reform is warranted. |

### ***Brief outline of lessons learned***

The main lessons are summarized below:

1. An effective project design should adopt a strategic approach to the juvenile justice sector.
2. Training that is intended to be applied in the workplace should be designed using adult learning principles and techniques and in full collaboration with partners after need assessments have been undertaken.
3. Studies and analyses should be conducted during the course of the project and the learning gained applied in an iterative manner; baseline information should be collected on all new project interventions.
4. Coordinating bodies should have a clear documented understanding of their roles, responsibilities and decision making powers in relation to the project.
5. Best international practice should continue to be applied as the guiding principle in interventions in the juvenile justice sector.
6. Both the National Plan of Action for Children and the CRC should be key elements in any new project framework.
7. A thorough gender analysis in the design phase is a key building block and provides the foundation for a gender strategy.

8. Networking between government agencies should continue to be promoted to ensure the speedy trial of children in contact with the law.
9. The importance of establishing and sustaining relationships between UNICEF and government decision-makers and stakeholders cannot be underestimated.
10. M&E must be a priority and baseline and ongoing data collection and monitoring is crucial.
11. In the context of Myanmar, a key element in any program strategy is to make use of local consultants in research projects.

## EVALUATION RECOMMENDATIONS

The project has achieved a great deal within a challenging political, economic, and social context and throughout this report stakeholders highlight those achievements. It is clearly a project that is worthy of continued strong support provided attention is given to its strategic framework and conceptualization. Any extension of the project should adopt the objective of implementing the CRC and aligning with the National Plan of Action for Children as a strategic framework. Linking an extended project with regional priorities for justice for children through ASEAN would be advantageous because this would provide the project with a wider comparative context that connects priorities for justice for children in Myanmar to the region. Clearly, a continued and more intensive focus on law reform is warranted.

While it is necessary to continue to strengthen the JJIAWG, for example, by giving it a more formalized role in decision-making, and to intensify efforts to enhance justice for children in relation to the police, courts and lawyers, it is recommended that any extended project also focus on the key role of DSW in the administration of probation. The capacity of probation officers to interact with stakeholders (police, courts, lawyers, community, family, institutions, volunteer probation officers, CRC committees etc.) on behalf of children brought into the juvenile justice system as offenders, victims and witnesses should be enhanced through forms of capacity development and administrative strengthening. (Annex 7 illustrates the key role played by probation officers within the juvenile justice system). An extended project should conduct research studies to collect baseline data about children in contact with informal systems of social control. Additionally, a strong M&E framework should be developed for an extended project. The design process for a next phase of the project should be informed by an assessment of stakeholder requests for support (documented in Annex 6) within the overall project framework. The following specific recommendations are made:

1. The project should use the term Children in Contact with the Law rather than the predominant Children in Conflict with the Law used throughout the project documentation and reports. This permits a wider engagement with child rights and child protection and recognizes that the majority of children coming into contact with the system are victims/survivors rather than offenders. This perspective permits a focus on the rights of all children who come into contact with the system including victims, witnesses and offenders. It also promotes a 'justice for children' approach to children in Myanmar and situates the project in the broader context of protection and rights issues.
2. Review and revise all laws affecting children with a view to bringing them in line with the CRC.
3. Continue to vigorously advocate with the courts and police to have the Child Law 1993 fully implemented – UNICEF needs to be seen as leading advocacy on this issue.

4. Conduct a study of the informal system and its treatment of children's cases in order to ascertain how a system of diversion/restorative justice might be supported keeping in mind principles of child rights, gender equity and local conceptions of dispute resolution. Such a study could also examine issues of fairness to children and whether informal processes are condoning serious cases of abuse against children.
5. Broad based victimization and gender based violence and child abuse and maltreatment studies should be conducted within the context of the family and within the broader context of society. This will make effective use of resources and prove useful to UNICEF Myanmar and other donors as well as to civil society.
6. Target training and TOT on divergences between the protections provided under the law and actual practices: e.g. child friendly interviewing and treatment versus handcuffing and harsh interrogation practices; the need for child friendly practices in court, including the use of screens to separate child victims from offenders.
7. A workshop should be organized by JIAWG to assess progress made by all stakeholders since the last workshop in 2007 and to develop a strategy for dealing with the challenges remaining in achieving the goals of protecting and ensuring the rights of children in Myanmar.
8. Consider providing an adviser to the Department of Social Welfare to develop the capacity of institutional staff and probation officers with the aim of professionalizing social work and probation services to the courts and communities. An adviser could facilitate deinstitutionalization policies and strategies and support data collection and monitoring systems and facilitate FTR. Any proposal for an adviser should be discussed with other donors conducting public-sector/governance reform/support. An adviser should be part of a broader reform project so that UNICEF can share costs and the adviser and DSW can benefit from tapping into wider public-sector support programs.
9. Designate DSW a key stakeholder in project interventions. Professionalize probation officers through capacity development and build an effective probation system for children in contact with the law with adequate resources for transport and community visits. Through regular interaction with stakeholders (police, courts, institutions, lawyers, families and communities) probation officers can play a central role in child protection. See Annex 7.
10. Conduct a baseline study of children in residential care specifically taking into account UNICEF Juvenile Justice indicators.<sup>4</sup>
11. Continue to review the standard operating procedures in collaboration with DSW.
12. Develop an effective M&E framework and plan and allocate appropriate staff resources in the form of a dedicated M&E.
13. The M&E component of the project must focus on more than inputs and outputs. At the beginning of any extension of this project time should be spent on setting the framework and building in activities that can be used to measure outcomes qualitatively.
14. To secure continuity and the transfer of institutional knowledge and build on the achievements made by the project to date, in any further phase a national project officer should be recruited to understudy the work of the current project officer given his key role in establishing relationships and his retirement within the next 2 years. As well, assess the need for a second national project officer tasked with logistics and monitoring. Developing the knowledge and capacity of local staff in child protection activities must be a priority.
15. Creating a cadre of interpreters skilled and knowledgeable in the area of juvenile

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<sup>4</sup> UNICEF advised the evaluator that a baseline survey of children in residential care has been conducted.



justice and Myanmar's legal system (including legal terminology, child protection issues related to child offenders, victims, witnesses, the reasons children come into contact with the law, and gender based violence generally) would benefit the entire justice sector, especially in terms of understanding and adhering to best international practices.

16. Coordinate and harmonize strategies with donors and UN agencies working in the justice sector. The project should be able to show how it is linked to other donor funded projects. UNICEF would then be part of a sectoral collective effort to effect reforms. Consider including in JJIAGW's TORs the development of a consolidated strategy/framework of juvenile justice that reveals the contributions of each donor/civil society working in this area.
17. Link the project more effectively to ASEAN and the ASEAN region in relation to decisions/agreements being made by ASEAN on justice and justice for children. Linking with the 10 ASEAN states would provide Myanmar with a relevant context for comparison on progress. A means to achieve this recommendation is to 1) encourage Myanmar to foster linkages between the Supreme Court and the Office of the Attorney General through the JJIAGW with the Ministry responsible for ASEAN and 2) link UNICEF Myanmar to the UNICEF Regional Office working on ASEAN issues of justice for children including specifically to the ASEAN Commission on the Promotion and Protection of Women's and Children's Rights.
18. One step in achieving the linkages described in recommendation 17 is to arrange international study tours for decision makers and for those working directly with children (line staff) from all stakeholder groups. As well, appropriate professionals could attend regional conferences or training workshops on the topic of child protection and juvenile justice. Engaging international experts in child protection/juvenile justice to conduct workshops in Myanmar for stakeholders would increase awareness of regional models and international standards and best practices.
19. Future evaluations should ensure that adequate time is given to fully investigate all relevant issues affecting the project. In this evaluation insufficient time was allocated to meeting with relevant UNICEF staff overseeing the project including M&E staff. Additionally, no meetings with probation officers were included in the program.

## INTRODUCTION

### *Background and context*

Myanmar's population is estimated at 58.38 million in 2008 and is expected to reach 66 million by 2020. Children under 15 years of age make up more than a third of the population (32.2%, 18.9 million). The country is ethnically highly diverse with more than 100 different languages and dialects being spoken by 130 ethnic groups.<sup>5</sup> A high level of mobility characterizes the population and the urban population proportion has increased from 25% in 1990 to approximately 34% in 2009. The economy is one of the poorest in the South East Asia region being the lowest placed among South East Asian countries in the 2010 Human Development Index (132 of 169 listed states). It is estimated that 1 in 4 household live below the poverty line. An estimated 300,000 monks provide community schools, early childhood centers and much needed relief to the poor. In rural and urban areas the average household size is about 5 persons and one fifth of households are female headed. Over half of the working population is employed in agriculture and the average household spends 70% of their income on food needs.

Myanmar became a party to the *Convention on the Rights of the Child* (CRC) in 1991 and has begun the process of implementing its provisions through the *Child Law 1993*, the *Rules Related to the Child Law 2001* and *National Plan of Action for Children 2006 – 2015*.<sup>6</sup> The Child Law affirms the right of a child to protection and care. While the collective legislation aligns Myanmar substantially with the CRC there remain some divergences including principally: the restricted definition of a child (up to the age of 15 years and not 18) and the low age of criminal responsibility (7 years with conditional responsibility based on a maturity standard up to 12 years). Reports to the CRC indicate an intention to raise the age of childhood to 18 years and the age of criminal responsibility to 10 years.<sup>7</sup> The Child Law 1993 establishes the juvenile justice system but social control of children is also exercised through customary processes which effectively divert children away from the system. Little is known about these informal processes.

Within the Government of Myanmar, the government agency tasked with child protection is the Department of Social Welfare (DSW) within the Ministry of Social Welfare, Relief and Resettlement, which has overall responsibility for social welfare services. Most of Myanmar's public expenditure in the social sector is allocated to education (78%) and health (20%) with only 2% going to social welfare.<sup>8</sup> DSW operates 22 residential institutions in Myanmar. Institutionalized girls are usually orphaned or abandoned while most detained boys are either street children or children who have come into contact with the law.

A study in 2003<sup>9</sup> showed civil society as including an estimated 270 national NGOs and perhaps as many as 200,000 community-based organizations. International NGOs are a recent introduction but their growth increased markedly after Cyclone Nargis made landfall in 2008.

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<sup>5</sup> UNICEF Situation of Women and Children in Myanmar 2007. UNICEF

<sup>6</sup> *National Plan of Action for Children 2006 – 2015*. National Committee on the Rights of the Child. Ministry of Social Welfare Relief & Resettlement. Union of Myanmar. Yangon. January 2006

<sup>7</sup> Third and Fourth National Report on the Implementation of the Convention on the Rights of the Child 2001 – 2006. Union of Myanmar. P. 7.

<sup>8</sup> UNICEF Situation Analysis of Women and Children in Myanmar 2007. UNICEF

<sup>9</sup> A Study on the Situation of Juvenile Justice in Myanmar for the Year 2003.

Child protection is one of the focus areas of the *Myanmar National Plan of Action for Children 2006 – 2015* and the objectives of the child protection programme include: “to protect children .....in conflict with the law” “and to rehabilitate children ...in conflict with the law and reintegrate them into the society.”<sup>10</sup> The chosen *Strategies* of the child protection programme include:

- “(a) To strengthen the organization at different levels on child protection;
- (b) To raise the capacity building on child protection programmes”.<sup>11</sup>

*The Plan of Action* for the period 2006-2015 includes “promoting the capacity building of persons and voluntary organizations, government organizations on child protection”<sup>12</sup> and conducting assessments on children in conflict with the law. Expected outcomes from the programme include a reduction in the number of children in conflict with the law “by means of systematic prevention and rehabilitation.”<sup>13</sup>

AusAid has been a leader in terms of its involvement in supporting juvenile justice and child protection issues in Myanmar within a context where other donors have shown reluctance to cooperate on development assistance due to the political situation and resulting sanctions. AusAid has also recognized the importance of this project and work in building ties and relationships between Myanmar and ASEAN for the greater protection of children and children’s rights in Myanmar.

### ***Juvenile Justice System***

The justice system in Myanmar comprises a hierarchy of courts with the Supreme Court at the apex as described in the diagram below. In relation to the juvenile justice system, a separate Juvenile Court has been established in the Yangon metropolitan area covering 20 townships and in the Mandalay metropolitan area covering 5 townships. In other places jurisdiction over juveniles is exercised by the Townships Courts presided over by Township Judges. In Sub-Townships, (primarily in remote areas) officers from the executive branch of government – the General Administration Department – exercise the powers of a Juvenile Court ex officio. The Juvenile Court has jurisdiction to hear cases involving juveniles between the ages of 7 and 15 (the age of criminal responsibility is 7 years). Juveniles 16 and above are dealt with by adult courts. There is a rebuttable presumption that a child between the age of 7 and 12 is not sufficiently mature to appreciate the consequences of his or her action (the so called *doli incapax*).

The Child Law regulates proceedings in the Juvenile Courts and mandates that cases be expedited and heard within one month or within 3 months in cases where the punishment is death, life imprisonment or whipping. A Juvenile Court has a range of sentencing options including release after administering an admonition, a fine, placing a child on a good behavior bond and placing a child on probation. According to the Child Law, the Director-General of the Department of Social Welfare appoints persons to exercise the functions of a Probation Officer (PO) and a child may be placed under the supervision of a PO. However, there are only 20 POs in the country 4 of whom are located in Yangon Division. A child can be detained in a training school for a minimum period of 2 years and up to the age of 18

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<sup>10</sup> *National Plan of Action for Children 2006 – 2015*. National Committee on the Rights of the Child. Ministry of Social Welfare Relief & Resettlement. Union of Myanmar. Yangon. January 2006. p. 27

<sup>11</sup> Ibid p. 27

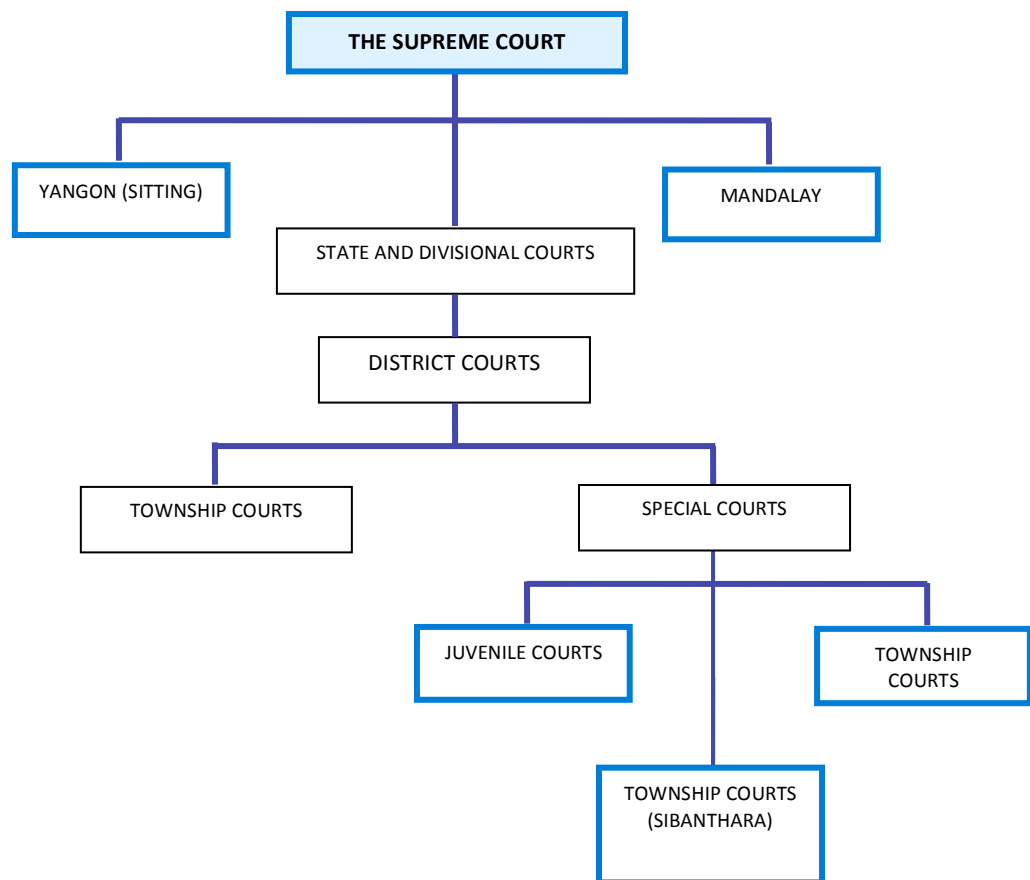
<sup>12</sup> Ibid p. 27

<sup>13</sup> Ibid p. 30

years and may be sentenced to imprisonment for a maximum of 7 years for certain offences. According to UNICEF it is common practice to sentence a child to the minimum 2 years term in a training school, regardless of his or her personal circumstances or the offence committed. This is particularly true for children with no parents or guardians.

Age determination is often an issue in any juvenile court system and there is no comprehensive birth registration system in Myanmar. The Juvenile Court is responsible for determining the age of a child brought before it based on forms of evidence stipulated in the Child Law.

### *Myanmar Justice System*



Source: Report on Juvenile Justice in Myanmar. UNICEF Myanmar Child Protection Section. July 2007.

## PURPOSE AND OBJECT OF EVALUATION

The project partners in the “*Strengthening Juvenile Justice in Myanmar*” project are: the Department of Social Welfare (DSW), the Supreme Court (SC), the Ministry of Home Affairs (Myanmar Police Force)(MPF), Office of the Attorney General, Yangon City Development Committee (the Mayor’s Office), collaborating UN agencies and INGOs and CBO partners. A proposed mid-term evaluation of this project for 2009 was not conducted. Accordingly, UNICEF and AusAID decided instead to conduct an end of term evaluation. In addition to ‘six monthly project progress monitoring reports’ and ‘annual reports’ submitted to AusAID, a more comprehensive and objective evaluation by an external consultant was seen as necessary to validate results reported. This evaluation of Phase 2 of the project is a documentation of the progress, experiences and lessons learned, and identified issues, gaps and challenges. This evaluation also provides recommendations about the continuation and expansion of the project.

The evaluation aims to:

1. Assess the effectiveness of the project (i.e., the extent to which the project’s stated objectives and expected results are being/been achieved or can be achieved);
2. Assess the sustainability of the project (i.e. the likelihood of the project continuing after donor support);
3. Assess the relevance of the project (i.e. appropriateness of the project in relation to the needs and situation); and
4. Identify lessons learnt and past procedures and recommend ways to improve the project design, development monitoring and evaluation.

The evaluation also aims to address 10 evaluation objectives and provide answers to the following specific questions:

|                       |  |
|-----------------------|--|
| <i>Relevance</i>      | <ol style="list-style-type: none"><li>1. Are objectives/expected results of the project in keeping with locally defined needs and priorities?</li><li>2. Should the direction of the project been changed to better reflect those needs and priorities?</li></ol>  |
| <i>Effectiveness</i>  | <ol style="list-style-type: none"><li>3. To what extent have the project’s objectives and expected results been reached?</li><li>4. Are the project components adequate/relevant to realize the objectives?</li></ol>  |
| <i>Efficiency</i>     | <ol style="list-style-type: none"><li>5. Has the implementation of the programmatic interventions made effective use of time and resources to achieve the outcomes?</li></ol>  |
| <i>Sustainability</i> | <ol style="list-style-type: none"><li>6. To what extent does the project establish processes and systems (at community, township, district, regional/state and national levels) that are likely to support the continued implementation of the project?</li><li>7. Are the involved parties (government counterparts, I/NGO/CBO partners) willing and able to continue the project’s activities on their own?</li><li>8. What is needed to further enhance the role of the Department of Social Welfare, of the Ministry of Social Welfare, Relief and Resettlement to further develop child protection systems?</li></ol> |
| <i>Impact</i>         | <ol style="list-style-type: none"><li>9. Have the programmatic interventions produced intended or unintended changes in the lives of beneficiaries and their</li></ol>   |

|  |   |
|--|---|
|  | <p>environment, directly or indirectly?</p> <p>10. Have there been positive or negative impacts from external factors? And how did these external factors influence child protection programming (or not?)</p>  |
| <i>Gender Equality</i>                               | <p>11. Was the project designed to provide equal participation and benefits for boys and girls?</p> <p>12. Is the project promoting equal participation and benefits for women and men, boys and girls?</p>   |
| <i>Monitoring and Evaluation</i>                     | <p>13. Does evidence exist to show that objectives/expected results are on track to being achieved?</p> <p>14. Is the M&amp;E system in place to collect the right information to allow judgment to be made about meeting objectives and sustainability at the next evaluation point?</p> <p>15. Is data gender-disaggregated to measure progress of the project on boys and girls?</p> <p>16. Is the M&amp;E system collecting useful information on cross-cutting issues?</p> |
| <i>Analysis &amp; Learning</i>                       | <p>17. How well was the project design based on previous learning and analysis?</p> <p>18. How well has learning from implementation and previous reviews (self-assessment and independent) been integrated into project development?</p>   |
| <i>Lessons</i>                                       | <p>19. What lessons from the project can be applied to (select as appropriate: further implementation/designing the next phase of the project/applying thematic practices [i.e. working in partner systems/environment/fragile stages] to the rest of the program/designing future activities).</p>   |
| <i>Project Design and Implementation Improvement</i> | <p>20. How can the overall design of the project be improved to better achieve the project objectives?</p>  |

## EVALUATION METHODOLOGY

The evaluator used a triangulated qualitative methodology involving: interviews using a semi-structured qualitative interview instrument with key stakeholders, focus group discussions with all stakeholders, focus group discussions with the child and women beneficiaries of legal aid, participatory body mapping exercise with girls and boys in training institutions, and a comprehensive desk review of all relevant documents. A national consultant was hired to conduct the body mapping exercise (see Annex 5 for her report).

Interviews were conducted with members of the Juvenile Justice Inter-Agency Working Group; selected staff of the Supreme Court; Myanmar Police Force; Office of Attorney General; Department of Social Welfare; Yangon Juvenile Court; Mandalay Juvenile Court; staff and children of the Phaung Taw Thu Ward Girl's Training School, Natmauk Girl's Training School, DSW Nget Aw San Boy's Training School and Mandalay Boys' Training School; Myanmar Council of Churches; UNICEF child protection project staff and the Resident Representative; and AusAid. Focus group discussions took place with girl beneficiaries and boy beneficiaries and with the Myanmar Council of Churches legal aid

lawyers in Mandalay, Yangon and Pyin Oo Lwin. In addition, the evaluator observed juvenile court proceedings in Mandalay; body mapping exercises with girls and boys in DSW training schools in Mandalay and Yangon; and undertook field visits to Kawhmu Township, Pyin Oo Lwin Township, Nay Pyi Taw, Zee Pin Kyi, Mandalay, and Yangon. A complete list of all interviews is attached as Annex 1.






## FINDINGS

This section begins by describing the overall aims and objectives of the project and provides a summary of its achievements and challenges during Phase 2. The data collected during the evaluation is presented and Phase 2 of the project is then analyzed and interpreted by reference to the evaluation questions. The findings follow.

### Project Design

In 2005 UNICEF, Myanmar and AUSAID entered into a partnership framework (2005-2007) with the objective of improving the protection of children in conflict with the law.<sup>14</sup> In May 2008 a second phase to the partnership was agreed, to run from 20 May 2008 to 30 April 2011. Some modifications were made to the second phase based on an evaluation conducted in June 2007<sup>15</sup> establishing the overall goal of the project as *“to improve the protection of children in conflict with the law through the Myanmar juvenile justice system in line with the Convention on the Rights of the Child and other international standard.”*<sup>16</sup>

In Annual Work plans for 2009 and 2010 of the UNICEF Myanmar Child Protection Section the child protection project is named *Justice for Children and Legal Protection* (Project 2). It is also referred to as *“Strengthening Juvenile Justice in Myanmar.”* The work plans describing Planned Activities to be undertaken during the year are attached as Annex 2. The outcomes stated in those workplans are:

-  Child-friendly police procedures developed, institutionalized and implemented
-  Child-friendly court procedures developed, institutionalized and implemented
-  Guidelines for community based dispute resolution of minor offences developed
-  Legal representation and aid provided to children in conflict with the law in Yangon, Mandalay, Sagaing and Ayeyarwaddy Divisions (in 2010 this was changed to refer to legal representation and legal aid provided to children in conflict with the law nationwide)
-  Legal protection – National standards, guidelines and procedures developed in collaboration with partners for the protection of vulnerable children.

### Results up to May 2008

In a Final Donor Report<sup>17</sup> dated 20 March 2008 covering the period January 2005 to December 2007, UNICEF reported on the projects achievements and challenges to date. This information constitutes a baseline from which to evaluate progress in Phase 2.

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<sup>14</sup> The project documents refer to children in conflict with the law throughout. It is recommended that the term children in contact with the law be used instead of conflict given the project takes a justice for children approach that includes children as victims, witnesses as well as offenders and the term children in contact with the law reflects that broader approach.

<sup>15</sup> Evaluation Report: Protection of Children in Conflict with the Law in Myanmar. Claudia Connor June 2007.

<sup>16</sup> Final Donor Report to the Government of Australia. *Protection of Children in Conflict with the Law*. UNICEF 20 March 2008.

<sup>17</sup> Final Donor Report to the Government of Australia. *Protection of Children in Conflict with the Law*. UNICEF 20 March 2008.

Project activities were coordinated through the *Juvenile Justice Inter-Agency Working Group* (JJIAWG), which met monthly supported by a secretariat supplied by UNICEF. Membership comprises representatives from the Supreme Court, Ministry of Home Affairs, Myanmar Police Force, General Administration Department, Prisons Department) Office of Attorney General, Department of Social Welfare and the Yangon City Development Committee. The project team was given access to government institutions for juveniles, including the Yangon Juvenile Court and all DSW training schools and detention centers. The relationship with JJIAWG facilitated the project objectives and at that stage UNICEF was recording the meeting discussions and setting the agenda. A technical assistance meeting in April 2007 enabled the UNICEF Regional Adviser on Juvenile Justice to share information with the JJIAWG on current international practice on a range of juvenile issues, including child sensitive police and court practices. Strengthening inter-agency cooperation was the chief topic of group work at a *National Workshop on Juvenile Justice and Child Protection* in early August 2007. Recommendations were made for the formalization of the JJIAWG to strengthen its decision making powers and with effect from that date, following a request from UNICEF, the Supreme Court took over responsibility for calling meetings, setting the agenda and leading discussion.

*Training workshops* were continued following approval originally gained in 2005 for UNICEF – MPF cooperation on juvenile justice training. In September 2005, 30 male and 11 women police officers attended a training course on best practices concerning juveniles in contact with the law and the Child Law 1993. 17 training courses were subsequently conducted for 668 government officials from key agencies involved with juveniles and juvenile justice and feedback from participants was gained through a review workshop.

In July 2006, 13 officials from 7 juvenile justice agencies undertook a *study visit to the Philippines* to observe aspects of the system there and each participant presented their observations to the JJIAWG when they returned which were incorporated into a report with recommendations for further activities.

Contacts with the *Supreme Court* seeking greater involvement in the juvenile justice reform process were successful when a technical meeting in April 2007 addressed the need for child sensitive court proceedings and child sensitive techniques to protect child victims/survivors and witnesses.

A *National Workshop on Juvenile Justice and Child Protection* in August 2007 considered a set of key themes in juvenile justice and produced recommendations. The Workshop attracted high level participation from Myanmar and overseas experts. The involvement of senior Judges and officials was a significant acknowledgement of the importance of the issues and of the need to improve child protection.

In December 2006 and February 2007 a series of one-day *arts and recreation events for children in DSW institutions* were organized. This resulted in further weekly activities in a remote training school outside Yangon. Work was also accomplished in participation with an international NGO on a comprehensive vocational training and life skills program in DSW institutions.

In April 2007 work began on a study of *local dispute resolution practices* when a survey questionnaire was developed for ward/village cases involving children. 100 sub-township officials were briefed on the questionnaire and responses were sent in and analyzed



indicating that local officials were dealing with a range of cases involving children informally including cases involving child sexual assault.

In June 2007 an *evaluation of the project* was conducted and a key recommendation of the report for Phase 2 of the project was to focus on efforts to improve the protection of children in conflict with the law through the Myanmar juvenile justice system in line with the CRC. A further recommendation was the accelerated transfer of ownership of the JJIAWG to members.

*Challenges and constraints* during this period included the limited opportunities to visit and conduct activities in the administrative capital of Nay Pyi Taw, and, despite persistent advocacy, DSW reluctance to deinstitutionalize or permit vocational training for detained children, especially after a number of children escaped from the Yangon training school in June 2007.

The report envisaged that Phase 2 of the project would:








- ✚ Strengthen standard practices – UNICEF would continue to provide support to ensure that laws and standards relating to juvenile justice and child protection would be developed and implemented in accordance with the CRC and standards
- ✚ Technical knowledge and skill development would continue to be improved in government agencies with the aim of institutionalizing child friendly procedures and practices
- ✚ Promote community based resolution of disputes involving children in conflict with the law as a means of diverting such cases away from the juvenile justice system with the aim of developing guidelines
- ✚ A key strategy would be to facilitate the development of child friendly standards and procedures and their institutionalization in selected locality.

Notably, the report did not present actual results within the context of a monitoring and evaluation or a results framework and it appears that such a framework did not exist for this stage of the project and was never drawn up for Phase 2. The Funding Proposal of September 2007 contains a brief statement discussing the methodology for M&E but there is no M&E framework as such. However, the Annual Work plans for 2009, 2010 do describe expected results.

### ***Key Results in Phase 2***

During Phase 2 of the project UNICEF reported the following results:

- ✚ A training manual developed by UNICEF on child friendly court procedures was integrated into training courses
- ✚ Training was given to 1900 police cadets and officials
- ✚ On the job training sessions on child friendly interview and investigation methods were conducted for 63 police officials from the anti- trafficking unit
- ✚ Training of trainers (TOT) was conducted for 25 Judges in August 2010 and a refresher course organized in November 2010
- ✚ Mentoring and training was provided to 18 judges in October, November 2010
- ✚ Child friendly police interview rooms are ready to be installed in Yangon and

-  Mandalay once facilities are made available
-  A total of 483 children (96 girls and 387 boys) were legally represented in Yangon, Mandalay and Ayeyarwaddy and lower Sagaing Divisions. Training for additional legal aid lawyers had to be postponed.
-  The development of guidelines for community based dispute resolution of minor offenses involving children was postponed because no expert consultant was identified.
-  CCTV system installed in Yangon and Mandalay Juvenile Courts in October 2010 for child friendly procedures
-  A proposed directive for standard operating procedures for child friendly police interactions was issued nationwide on 1 December 2010
-  100,000 copies of a pocket book for police on child friendly police investigations were printed
-  In 2010 JJIAWG held 5 meetings in Yangon and 3 in Mandalay

UNICEF noted that challenges remained: in harmonizing laws with the CRC; that institutionalizing child friendly procedures was a lengthy and time consuming process because each government agency had to agree on them; and that there was a need to determine if training had been transferred into work practices.

Lessons learned were: all stakeholders in government needed to have the same skill set; networking was essential to ensure speedy trials of juveniles; the lack of probation officers was a causal factor in institutionalization; and CCTV systems were an essential tool for child protection for child victims/survivors and witnesses. UNICEF acknowledged the need for a monitoring system to determine how training was improving the lives of children.

Having noted the achievements and challenges of the project during both its phases, this report will now discuss project issues arising out of data gathered during the evaluation process. There is a considerable overlap between the UNICEF and AusAid evaluation questions and they have been merged in this report.

## Relevance

This section assesses the appropriateness of the project in relation to the needs and situation, whether the expected results and objectives are consistent with locally defined needs and priorities and whether, if continued, the project direction should be changed to better reflect local needs and priorities.

The project is clearly relevant to the needs of Myanmar and with locally defined needs and priorities because child protection, as noted above, is an objective within the *National Plan of Action for Children 2006-2015*. While the National Plan commenced after the start of the project it appears that the project did not take it into account in its approach to protection activities. Aligning project objectives and activities to the National Plan would provide it with a strong foundation in terms of advocacy to government agencies. Specifically, the National Plan references studying provisions of the law as part of the Plan of Action and assessments and studies are included as one of the strategies for child protection. Going forward, if the project is to continue, it should be closely aligned in scope, strategy and objectives to the National Plan.






Local needs and priorities are also associated with the requirements of the CRC and the reporting requirements of the CRC. As a party to the CRC, Myanmar is required to give

effect to the CRC and take account of its associated instruments on child protection. Advocacy efforts should therefore be informed by Myanmar's duty to comply with its international obligations on child protection.

## Effectiveness

This section assesses the effectiveness of the project, that is, the extent to which the project objectives and expected results have been achieved, and whether the project components were adequate and relevant to realize those objectives. An evaluation evaluates outcomes. The evaluator was not able to sight any original design documents for the project and other than reports of project activities was only able to identify a results statement and a set of outcomes in Annual Workplans for 2009 and 2010 – see Annex 2.

As noted above, the outcomes for the project are:

-  Child-friendly police procedures developed, institutionalized and implemented
-  Child-friendly court procedures developed, institutionalized and implemented
-  Guidelines for community based dispute resolution of minor offences developed
-  Legal representation and aid provided to children in conflict with the law in Yangon, Mandalay, Sagaing and Ayeyarwaddy Divisions (in 2010 this was changed to refer to Legal representation and aid provided to children in conflict with the law nationwide)
-  Legal protection – National standards, guidelines and procedures developed in collaboration with partners for the protection of vulnerable children.

To a considerable extent, after the foundation work was accomplished in the first stage of the project, Phase 2 was concerned with consolidating some activities and implementing and finalizing others. The transition between stages was marked by the addition of a project goal - *“to improve the protection of children in conflict with the law through the Myanmar juvenile justice system in line with the Convention on the Rights of the Child and other international standard”* added after the earlier evaluation report of 2007. Up to that point the project objectives do not seem to have been enunciated in any of the documents shown to the evaluator. There seems to be no project design document or logical framework and the project appears as a series of discrete items loosely connected as “child protection.” The apparent absence of any framework, strategic objectives or strategy documents meant that the project lacked an overarching objective until 2007. It has never had a results framework or monitoring and evaluation framework. In spite of a certain lack of coherence, the project has clearly accomplished a great deal in the context of Myanmar where overseas development assistance has always ranked very low compared to the region other than during the aftermath of Cyclone Nargis in May 2008.

The project elements comprised: capacity development in government agencies and with private lawyers, legal assistance to juveniles in contact with the law, general awareness raising on child protection within government, the creation of a coordinating institution for project activities – the JJIAGW, - and child friendly procedures for police interactions with children and for the juvenile courts. All these activities, even without results based management and little monitoring have clearly made a significant difference to the situation of children in contact with the law in Myanmar. While it is difficult to make any precise measurement of that outcome, the base from which the project began was so minimal in terms of child protection that every activity has counted for a great deal in Myanmar.

It is due in large part to the efforts of national staff that UNICEF accomplished so much despite the constraints and challenges. The project is very fortunate to have had a dedicated and committed juvenile justice project officer in U Hang Za Thawn, a retired judge of 30 years, who has been instrumental in establishing and sustaining important relationships with all the stakeholders. It is largely due to his efforts that the level of government cooperation with the project has been so high. The important links developed through U Hang Za Thawn's efforts should be sustained through developing the capacity of other national staff within UNICEF.<sup>18</sup>

Phase 2 of the project can be seen as a consolidation and implementation phase, building on the work accomplished during 2005 to 2007. Working with government, UNICEF established links, built confidence and developed the capacity of government to facilitate child protection. There is no doubt that this was no easy task given the lack of experience of government with development assistance, the general political situation in the country, the top down decision making structures and the consequent caution with which government interacted with UNICEF, in particular on sensitive child protection issues. It seems that Cyclone Nargis may have eased the barriers the project faced somewhat as the government became more accustomed to dealing with international NGOs and donors post May 2008.

Despite all the attention given to it, establishing child friendly procedures in courts and in police and juvenile interactions is still not fully operational and not fully implemented. It is possible, even probable, that had the project had clearly defined objectives and a strategic approach more rapid progress may have been achieved and some of the difficulties and delays minimized. For example, instituting child friendly practices and procedures is but one element of a series of measures needed to bring compliance with the CRC. Law reform on child protection is recognized as necessary in the *National Plan of Action for Children* of 2006 and is an outcome of Myanmar's ratification of the CRC. It would have been preferable therefore, and more strategic, for the project to have used the National Plan and the CRC obligations as the foundation and framework for interventions rather than singling out child friendly practices from an overall matrix of possible measures and leaving it unconnected to an overall set of strategic objectives.

In the absence of adequate monitoring it is difficult to say whether or not the training given to government officials has been transferred to work practices and improved the situation of juveniles in contact with the law. It is crucial that training be monitored in this way because studies have shown that very often there is no effective transfer of training to the workplace. When adult learning methodologies are linked to monitoring of training outcomes actual results can be demonstrated but designing training courses and monitoring systems for this purpose is a lengthy and complex process. Nevertheless, it is a necessary process.

In relation to the training of legal aid lawyers and the provision of legal aid to juveniles in contact with the law, this is clearly a benefit to juveniles and women victims of Gender Based Violence (GBV). The project has provided an extremely valuable short-term benefit to these juveniles and women. However, again there is no strategic framework for this intervention – no linkage of trained lawyers to elements such as legal awareness and access to justice and juvenile rights so that training given was disseminated into the community by trained and aware lawyers. Courts and lawyers with knowledge of child rights can put that

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<sup>18</sup> Consideration must be given to the transfer of the knowledge acquired by U Hang Za Thawn since he will retire within the next two years. This could be achieved by supporting the hire of an understudy to the project officer so he can mentor someone to develop and sustain the important relationships required for the success of the project.

knowledge to work in training institutions and in universities and courses of social work and law. A rights based approach to child protection should link activities to form a holistic framework and approach. Perhaps this could be considered if the project is extended.

### ***The JJIAWG***

The JJIAWG has grown tremendously in its understanding of juvenile justice processes and issues since its inception and should be supported but its structure and roles remain rather undefined. Formed as a kind of steering committee of government officials early on in the project, it has taken some time to strengthen the JJIAWG so that it takes ownership of project activities (if in fact it has done so). There are no terms of reference for this body and its precise role, functions and powers (if any) remain unclear. Project documents suggest that the Supreme Court ‘took over’ the operation of JJIAWG from UNICEF, which had previously kept the minutes, called meetings and set the agenda. JJIAWG does not seem to have established subordinate working groups or thought very much about how to organize itself. It does not approve annual work plans as is usually the case with bodies of this kind. The evaluator was informed by UNICEF that annual workplans are approved by one member of this group, the Supreme Court. While it is valuable to have a coordinating body in government its functions and powers must be ascertainable. This is especially important where law reform is an element of a project because it is often possible to speed the process of departmental approval if members of such a body have decision-making authority. A set of draft TORs ought to have been provided and discussions pursued to formalize this body’s operations. In Myanmar where there is now a parliament with law-making powers, the processes and procedures for changes in the law are still unclear. The JJIAWG, as a high level government body, could play a significant role, for example, in setting up drafting committees or working groups on child protection reform measures and securing departmental and Ministerial endorsement to policy proposals and drafts of new laws.

Another issue with the JJIAWG is its location within the structure of government, that is, the question of who is responsible for its work. One solution is to house it functionally and administratively within the Supreme Court. It has never had any civil society participation but this is clearly desirable. For example, the role of the MCC has been critical in improving the situation of juveniles in contact with the law and MCC participation would clearly benefit the JJIAWG. If the project is to be continued, these issues should be discussed and resolved.

The evaluator attended meetings of the JJIAWG in Yangon and Mandalay. In Yangon, six members<sup>19</sup> attended and in Mandalay 35 attended. Membership comprises representatives from all the government Ministries working with children. Two or three representatives are assigned from each Department, including some decision-makers who are directors, deputy directors and judges. Those who are not decision-makers take the issues back to their departments after meetings for a decision.

JJIAWG identified its principal role to the evaluator as protecting the welfare of children by addressing problems facing children who come into contact with the law, including delays in court, ensuring justice for children, finding solutions to issues children face, helping members better understand the duties and obligations of each department in relation to children, and sharing information and formulating solutions to ensure children’s rights were protected.

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<sup>19</sup> The meeting in Yangon was held at the UNICEF office. It might have been better attended if the meeting had been arranged at the Supreme Court in Yangon as it was in Mandalay. In future evaluations this would be preferable.

The JJIAWG listed its priorities and goals to the evaluator as:

- ✚ developing a better understanding of each other's problems – an example being the transportation of offenders, victims and witnesses to court.
- ✚ information sharing
- ✚ promoting the improvement of the juvenile justice system
- ✚ achieving a standard of juvenile justice that meets international and regional levels including ensuring that rehabilitation is provided to children when they return to society;
- ✚ the provision of legal assistance to all children who come into contact with the law including those wrongly accused and for abused children
- ✚ providing more and continuous training to professionals in the system
- ✚ maintaining the momentum achieved thus far
- ✚ the appointment of probation officers at the state and divisional/regional and township levels
- ✚ finding alternatives for street children including safe houses or temporary shelters in the community for those without parents. Religious groups have opened institutions and children can be sent to these as alternatives.

Given the specificity shown in conveying to the evaluator it's multiple roles and functions, it would seem fairly unproblematic to draft a set of TORs for further discussion between UNICEF and JJIAWG.

The JJIAWG advised the evaluator that, in their view the key successes of the various components of the Strengthening Juvenile Justice in Myanmar project were:

- a) The value of the Family Tracing and Repatriation project for children in contact with the law. For example, two thirds of the 450 boys at the Nget Aw San Training School are street children rather than offenders and the support provided by the project to trace the families of these boys was helpful in reuniting the boys with their families. To date almost 100 children from the Nget Aw San Training School have been reunited with their families under UNICEF's coordination and through its implementing partners.
- b) Judges reported that the attention the project brought to children's cases particularly through providing legal aid to both child offenders and victims as well as the provision of CCTV in the juvenile courts had given children the courage to speak the truth in court. This was helpful in securing their rights and in ensuring that the court process was more effective in deciding the case.
- c) Legal Officers pointed out that as a result of the project, the juvenile justice system had strengthened its systems as professionals became more aware of their roles and responsibilities. For example, where a child is brought into court for pre-trial review the legal officer decides which court is appropriate for the child and the child is assisted by an MCC lawyer. Some children have become more aware of the system and their rights. Legal officers, defense lawyers and judges are all more familiar with the system and more parents are seeking legal assistance as the availability of legal assistance for children becomes better known. Legal officers noted that the child friendly procedures and interviewing practices have ensured that children are interviewed in the presence of parents, legal officers and the judge and that confidentiality is strictly maintained for children.
- d) The CCTV system provided to the two juvenile courts in Yangon and Mandalay produced beneficial results for children coming into contact with the law as

offenders, victims and witnesses because it helped ensure confidentiality and allowed testimony to be given by the children and other witnesses in a safe environment. Children did not have to face offenders in the courtroom or other adult witnesses. In their view this empowered children to safely share their experiences and testimony with the court and gave them more confidence to talk to the judge and lawyers. Members of the JIAWG argued that this technology was vital to protect the identities and rights of children and advocated that the project provide more CCTV systems in the rest of the country. They argued this would be particularly helpful for child witnesses in adult cases in adult court. It is important to note however, that there have been some obstacles in implementing the CCTV systems in Yangon and Mandalay. One problem has been the transfer of the courtroom in Yangon to a building adjacent to the Supreme Court. This has meant the equipment was stored for a period and unused. Another is the transfer of juvenile court judges who have become familiar with the system. The new judges are untrained in CCTV and in child friendly practices and lawyers noted that some of the old behaviors towards lawyers demonstrated in the past have resurfaced in attitudes toward them in juvenile court. Untrained judges often see lawyers' involvement in children's cases as a constraint to their speedy disposal.

- e) DSW representatives argued that UNICEF recreational activity support to the training schools was a valuable contribution to the well-being of boys and girls detained in institutions. It provided children with activities to occupy their time and helped them develop physically through sports, and intellectually through music training and other vocational training. When such activities were conducted, problem behaviours, including running away, were reduced. Without funding and support the training schools cannot provide these activities. DSW wanted the project to consider supporting vocational training for boys because little was available and such training was seen as vital to helping the boys reintegrate into the community equipped with skills to earn a livelihood. Suggested vocational training included skills in bicycle repair training, motorcycle repair training, and mechanics in addition to the more traditional barber training or hairdressing.
- f) The project has supported field trips by children in Training Schools into the community such as a trip organized by the Nget Aw San Training School for boys to a local fishing community. Many of the boys had never seen fishing communities before and the positive gain from the experience was learning about other ways of life within Myanmar.
- g) Members noted project benefits to girls coming into contact with the juvenile system. The security needs of girl victims or offenders exceed those for boys given their vulnerability and need for dignity. Girl's privacy is better secured by the CCTV system because the testimony of girl and boy witnesses is taken in a separate room where offenders are not present. Given that most girls are victims, the provision of legal representation and financial support for transportation to and from the court helped ensure that their rights were respected and could ensure access to justice for their victimization. Members argued that without financial and legal support many girls' cases would not be taken to court or would be ignored altogether.
- h) UNICEF provided training was described as beneficial in raising awareness about the system and child rights. Participants described the training as practical, and as using relevant local case studies and practical exercises when teaching skills and discussing topics. They also noted that to date there had been no follow-up to training to monitor whether trainees were implementing the skills taught.
- i) Members suggested that the treatment of child offenders by police is not as brutal as in the past given that children are not kept in custody by police in Mandalay and

Yangon but are instead sent to training schools. Outside of these two regions where juvenile courts are handled by township police, there is still much more work to be done. To the members this pointed to the need to establish more juvenile courts in larger towns particularly in the capitals of each division/region.

- j) Police members in Mandalay noted that membership in the JJIAWG had benefited police through increasing their knowledge of child friendly practices and had facilitated police working more cooperatively with other justice personnel to ensure children were treated in ways appropriate to their age. As an example of the increased coordination, they cited the fact that at present there was no directive or procedure that required police to inform DSW that a child had been arrested. However, because of the relationships built from the JJIAWG meetings, police now contact DSW when they arrest a child.
- k) Police noted that it would be helpful to conduct another workshop<sup>20</sup> for the JJIAWG so that all stakeholders including police could share their achievements and discuss what still needs to be done moving forward.
- l) Several members of JJIAWG in Mandalay noted that it was important to complete children's cases as quickly as possible. The JJIAWG helped ensure that the lawyers, legal officers and the court could work effectively with police so that the correct age is ascertained and with the forensic doctors and schools to ensure the proper documentation is provided as evidence to the court. Members noted that the project support for the cost of transportation of children and of the medical costs of victims and offenders in sexual assault cases and in determining age was crucial and significant in achieving justice for children.

In light of the benefits gained through the project it was thought beneficial to expand the role of the JJIAWG into all 14 Districts/Regions so that all court professionals could share in the knowledge of child rights and the need for special protections and measures in dealing with children's cases. JJIAWG believed this would increase the networking benefits for justice professionals and would improve general awareness of child rights, international standards and the special needs of children.

The JJIAWG is a key structure for the promotion of child protection. It has the capacity to establish working groups, for example, on specific law reform topics, that could study issues and develop policy and law reform proposals. Its focus on interactions between government agencies and coordination has been very valuable. There must, however, be some concern that its preoccupation with logistics and focus on an efficient juvenile justice system is not at the expense of children's rights. Many stakeholders seemed to focus on procedural and logistic issues rather than substantive rights. It is vital that trials of children are conducted not only with sensitivity to their status as children but also with fairness and an appropriate standard of advocacy. The focus of the project on procedural rather than substantive issues has meant that substantive questions such as the jurisdiction of the juvenile court, harmonization with the CRC on many issues and the mandatory detention of street children in training schools until the age of 18 simply because their parents cannot be located, have been given less prominence. A new project ought to address these substantive issues with deliberation and purpose within an overall strategy. There is for example, potential for test cases to be brought challenging the institutionalization of a child until the age of 18 where no crime has been committed.

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<sup>20</sup> A workshop was last conducted in 2007.



### ***Office of Attorney General***

The evaluator was able to obtain some useful insights into the thinking of Myanmar government officials concerning law reform.<sup>21</sup> The Child Law 1993 is the responsibility of the DSW and any amendments to this law would be proposed by DSW and submitted to OAG who would, in turn, send a draft bill to the relevant committee of the Parliament for debate and decision. OAG administrators and Law Officers told the evaluator that, in their view, the Child Law met international standards with the exception of the age of a child under the law. In their opinion, there was a clash of values between the CRC and Myanmar culture. They explained that the age of criminal responsibility of 7 years was not in conflict with the CRC because the Child Law includes an exemption from responsibility for children under the age of 12 years who are assessed by the court as not mature enough to understand the effects and impact of their actions. They also noted that in Myanmar those defined as youth (between 16 and 18 years) were more developed intellectually and were sometimes involved in serious crimes and could be held accountable for their actions in a different way than those under 16 years. However, they noted that they were still not treated the same as adults under the provisions of the Myanmar Child Act.

In relation to training, administrators pointed out that prosecutors (Law Officers) learned about the Child Law when they joined the OAG as part of their normal training. 20 Law Officers had attended the UNICEF sponsored training in child friendly practices. They noted that Law Officers worked at the center of children's cases playing a key role in all stages from pre-trial, working with the police to collect the evidence for the case; during the trial; and after the trial in relation to reviews of sentences. Because of this central role they believed there was a need for continued training of Law Officers in the application of international standards through the Child Law and in child friendly court practices and interviewing skills. They suggested that the project take account of their central role in any plans for future training workshops.

OAG respondents believed the principal value of the project thus far had been the knowledge gained from learning about international standards. They argued that because of this exposure children who come into contact with the law were receiving treatment that met international standards particularly in the two regions where juvenile courts had been established. Because of this exposure the OAG had included training on child friendly practices with the project in their action plan for next year.

Law Officers who prosecute children's cases are a key group and exposing them to best international practice on procedural matters such as child friendly courts and practices has been critical in view of Myanmar's relative isolation from exposure. Building on that training, perhaps by looking more closely at the relationship between police and prosecutors could benefit children who suffer harsh treatment in police custody. Delays in bringing cases to trial can also be examined through a mapping and analysis of the police and prosecutor interaction.

### ***Supreme Court and Juvenile Courts***

Separate meetings were held with Supreme Court administrators in Nay Pyi Taw, Mandalay Juvenile Court, Yangon Juvenile Court and judges who attended the JJIAWG meeting in Mandalay and Yangon. Two juvenile court cases were observed in Mandalay Juvenile Court.

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<sup>21</sup> The OAG interview respondents seemed somewhat nervous about responding to questions and after each question was put to them would discuss their response collectively in hushed tones only answering once they had come to an agreed reply.

The Supreme Court is the principal government partner in the project. It is worth emphasizing again that UNICEF has developed strong links with the judiciary largely because of the relationships established by the Juvenile Justice Project Officer, U Han Za, a former judge with 30 years of service. His role and relationship with the judiciary has been key as have his efforts in building relationships with the other stakeholders to the overall benefit of the project.

The Supreme Court noted that Justice Kellam, a former judge of the Supreme Court of Victoria, Australia, had trained 43 judges in child friendly procedures, children's rights, and the application and analysis of the Child Law in 2010. According to the administrators at the capital in Nay Pyi Taw, as a result of the training judges have become sensitized to child rights and the special needs of children who come before their courts. They thought continued training was necessary so that all judges became aware of child rights and child friendly procedures in implementing the provisions of the Child Law. The administrators were satisfied that those who had undergone training were implementing that learning in court. They said that judges are required take examinations every year to maintain their knowledge and status and that promotions are dependent upon their performance in these exams.

Asked about monitoring the implementation of training, administrators cited their existing reporting process, which involves a monthly report prepared at the District level and submitted to the Supreme Court in Nay Pyi Taw. In their view, the procedures are being applied according to the international standards and if there is any deviation in applying the Child Law particularly in relation to age, then corrective action will be taken through over-rulings. Judges will be warned and advised to ensure they are using the correct laws and procedures in the determination of age. The Judiciary has prepared a directive to be sent out to all judges but dissemination has been delayed due to recent changes in decentralizing the government and the judiciary as well as the appointment of a new Chief Justice and recent transfers. These changes will require renewed advocacy with the Supreme Court to promote the issuance of this directive. This also means that if it continues, the project must establish a relationship with the new Chief Justice.

Administrators welcomed the provision of CCTV equipment in the two juvenile courts in Mandalay and Yangon. They noted the value of the CCTV equipment in preventing further trauma for child victims and witnesses and requested future support in the project for more CCTV equipment to be installed in other courts in other Districts.

Representatives of the judiciary observed that the Child Law provided adequate provision for alternative sentences and that whether they were applied properly depended on the experience and level of skill of the judge. In their view this was more a matter of exposure to training and monitoring than showing any need for changes in the law. In relation to alternative sentencing, the evaluator's experience in a number of countries is that most juvenile laws, even if outdated, often have sufficient flexibility in their sentencing provisions to develop diversion schemes and measures. For example, the evaluator was able to establish the first community work scheme for juveniles in Bangladesh using provisions allowing probation orders to be made with conditions. A study of the sentencing provisions of the Child Law 1993 would probably reveal similar possibilities. In any event, one of the significant successes of the project has been a reduction in institutionalization because many more children are now being released on bond to the custody of their parents.

Respondents acknowledged that most children's cases did not reach the juvenile court

either in the Townships or the District level because they were dealt with informally in the community. However, given that little is known about how these cases are disposed of it would be beneficial to conduct a study of informal social control mechanisms and look at relations between the formal and informal. A study should include the advantages and disadvantages of applying informal mechanisms. One Township judge at JJIAGW in Mandalay pointed out that parents and community members “correct” and reprimand children informally and that this is based on cultural practice and Buddhist traditions that require elders and respected community members to correct and discipline children when they misbehave. He noted that only when these attempts fail or where the parties involved believe that the leaders have been biased and unfair, do the parties involve police and courts. In the evaluator’s view a study of informal social controls over children would be very valuable not only for the basic knowledge that would be gained but also for what it was able to reveal about the fairness of informal processes involving children. Questions such as the extent to which child rights are protected and whether serious offenses such as child sexual abuse are being informally disposed instead of being reported to police also need to be addressed in any such study. The project has not been able to report any results on this component.

CCTV technology was introduced into Yangon and Mandalay juvenile courts one year ago. After an initial lead in period during which the courts gained familiarity with the equipment and the associated process it was used for 5 months in 2011. Yangon Juvenile Court has had to vacate its previous location due to the sale of the building. The court is now located in a building adjacent to the Supreme Court in Yangon and the CCTV equipment has only very recently been installed. The recent transfer out of the juvenile court judge and an incoming judge who has yet to be trained in child friendly practices has impacted the ability of the court to apply the child friendly procedures. In Mandalay also, the trained juvenile court judge has recently been transferred out and a new inexperienced judge appointed.

During the evaluator’s visit, the juvenile court judge in Mandalay conducted two juvenile cases, which the evaluator observed. In one case a police investigator was questioned about documentation concerning the age of the alleged offender and in the other, a witness was questioned about his knowledge of the accused and his whereabouts on the day of the alleged offense. In both cases the evaluator observed that witnesses were carefully questioned and cross-examined by the Law Officer and the defense lawyers. Observing the application of training in court proceedings involving children is a useful way of monitoring training skill transfer into work practices and should be incorporated into any future monitoring and evaluation planning.

While transferring trained juvenile court judges has an impact on the efficiency and effectiveness of the juvenile justice system in light of the loss of knowledge and experience it also provides an opportunity to increase the numbers of judges (and other court personnel) who are aware of child rights and child friendly practices. However, experience shows there is a transitional period during which an incoming judge becomes sensitized to the needs of children in court. Lawyers interviewed in Mandalay and Yangon during the evaluation thought the outgoing judges had been receptive to them in children’s cases and had understood their role in children’s defense. However, they thought incoming judges saw their presence as an impediment to completing cases efficiently and rapidly. The project intended that training be continued using trainers given TOT training and there seems to be no clear statement about judges actually conducting internal training. Ideally, the judges would formulate a training plan showing how ongoing child rights training was being incorporated into their other judicial training.

The evaluator observed that the child friendly court includes two adjacent spaces with two separate entrances so that victims and witnesses do not have to face offenders. In one room the cameras show the judge, law officer and lawyers. A microphone is used by the Law Officer and the lawyers when questioning the witnesses. The child offender sits to the side of the room out of camera range and the child witness/victim/survivor cannot see the offender on the monitor screen. The witnesses are located in an adjacent room with a separate entrance where they are interviewed in turn by the Law Officer and lawyers located in the judge's chamber along with the judge, depending on whether they are witnesses for the defense or the prosecution using the monitor and microphone. A court clerk goes back and forth between the rooms carrying documents and statements for signature as required.

The Mandalay juvenile judge reported that in 2011 the court heard 43 children's cases and that there were only 5 pending cases as of July. The judge believed the CCTV equipment was very beneficial to children who come to the court particularly as victims and witnesses. She felt that the fact that they could not see the offender made them "more relaxed" and more confident to speak and to tell the full story more comfortably and truthfully. Previously, children were intimidated by the presence of the offender and other adults and it was difficult to get their full testimony. The CCTV equipment was also seen as a training aid because it could be used to demonstrate where lawyers or police witnesses in actual cases had made errors in child friendly interview techniques. It was also used to show cases in which best practices had been followed that could be highlighted as models.

Other benefits from the project included the training in child friendly practices that taught the judge, lawyers and police the negative effects of asking questions of a child repeatedly and in a harsh voice.

The judges thought that legal representation of children in the juvenile court was beneficial because lawyers were able to explain the process to families and children and this improved the efficiency of the court. Lawyers could also organize witnesses and arrange their attendance at court on the right day. This greatly assisted in the management of the court trial. However, the judges noted that lawyers can also be the cause of delays when they themselves were unavailable on certain dates. Issues of concern to the judges were:

1. Children continue to be given institutional sentences or periods of detention for minor status offenses such truancy, vagrancy, begging or being on the street.
2. There continue to be delays in disposing of children's cases due to lengthy investigation periods (largely because of skill deficiencies) and court delays caused by the failure of witnesses to attend. In Mandalay, several girls interviewed at MCC said their hearings had been adjourned between 6 and 11 times for lack of witnesses or because many witnesses were required to come to court on different hearing dates.

As noted above, there is a preoccupation with procedural issues and logistics and less emphasis on the need for fair trials conducted by competent and zealous advocates and judges. Issues such as excessive institutionalization could usefully be studied by working groups established by the JJIAGW, possibly using expert technical assistance. The work done by the project on CCTV installations and child friendly courts, even if not finalized, is a significant contribution to child rights in the country.

### ***Myanmar Police Force***

Meetings were held with the Myanmar Police Force in Nay Pyi Taw and at the Police Academy at Zee Pin Kyi.

Sixteen trainings of 411 police officers (station commanders and line police officers; 2000 cadets have also been trained) have been conducted for police on the Child Law, international standards and child friendly practices and procedures including child friendly interviewing techniques. Administrators were very pleased with the assistance provided by the project for training and wished to continue collaborating with the project to ensure that police officers at all levels were trained to deal with children as offenders, victims and witnesses under the Child Law and according to international standards. There are 4 training centers in the country that provide basic and more advanced police training.

UNICEF has cooperated with MPF on child friendly training materials for police, a police handbook on the Child Law, international standards and child friendly practices and the MPF explained that it has itself prepared a procedures manual for interviewing and investigation practices and procedures in children's cases. A TOT manual has been prepared and 60 trainers have been trained to date. However, as was the case in all government agencies consulted for this evaluation, there have been a considerable number of transfers of trainers and only 3 remain at the Zee Pin Kyi training academy.

One important outcome of the project is that the Chief of Police issued a directive in December 2010 to all police to implement child friendly practices, child friendly interviewing techniques and apply the provisions of the Child Law. This standing order has been included in 100,000 copies of the Police Handbook sponsored by the project and has been distributed throughout the MPF.

Police thought a major contribution of the project had been to significantly increase police exposure to international standards and practices through the preparation of appropriate materials and training. It was also suggested that police had been unfamiliar with the provisions of the Child Law 1993 and that the project had increased police knowledge of national laws related to children and provided appropriate knowledge and skills for handling children's cases according to the law and international standards.

Although the project has provided support for child friendly interview rooms for the police in Mandalay and Yangon they have yet to be set up. The privatization policy of the Myanmar government has resulted in the sale of the planned space for interview rooms to private enterprises and new locations have yet to be identified. One possible location in Yangon in the new Parliament building was rejected because it is surrounded by armed guards and for that reason is inappropriate for children. Another property is being investigated currently. The property identified in Mandalay for the child friendly police interview rooms was operational for 5 months but had to be vacated because the building has now been renovated and opened as a children's hospital. The CCTV equipment is in storage waiting for an appropriate venue to be identified.

A new Chief of Police has been appointed and a new Minister for Home Affairs. This means that if it continues, the project must establish relationships with the new decision makers.

Asked about monitoring any changes in police attitude and behavior toward children after training, administrators responded that monitoring is conducted by Heads of departments who visit the Districts to see how police are applying the training and to provide guidance.

They explained that it was a regular practice of the Anti-Trafficking Task Force to visit the field to monitor practice. They noted this same procedure would be applied to the issue of child rights and the child friendly interview rooms. Any wrongdoing would be referred to Central Office for reprimand and appropriate action.

Of all government agencies, police appear to have had the most exposure to donors and INGOs having received support from UNDOC, Save the Children, World Vision, AFXP, IOM and under a long standing project with AUSAID and the Australian Police. They cooperate with UNICEF on trafficking and juvenile justice.

Police reported that the training component of the project had helped change police attitudes and practices, particularly amongst cadets, but that changes in more experienced police were a greater challenge. They thought that ongoing training would be required to sustain changes in police culture. They considered that training in topics such as child development, psycho-social support and counseling for women and children would assist in changing police culture. They also suggested that international exposure particularly within the region would be valuable for administrators as well as line police to observe best practices in relation to police practices with children and women.

Police considered the project successful but emphasized that changing police culture is a lengthy process. They recommended the establishment of a child friendly task force to monitor existing and additional training in the field. They suggested that child friendly practices should be introduced into townships for the benefit of children. To assist in this goal, administrators suggested that UNICEF provide communication materials such as child friendly posters on children's rights and child friendly police practices. These could be placed in township police stations.

### ***Police Training – Zee Khin Pyi Police Training Academy***

Zee Pin Kyi Police Academy is an academy for male police officers with 89 women staff and 300 male staff. Under the project UNICEF trained 36 police trainers in child friendly procedures and child friendly interviewing techniques in a five-day training course. Only two of the trainers were female. These trainers are expected to train other officers to become police trainers in child rights and child friendly practices. Recent transfers have resulted in a loss of trainers leaving only 3 trainers who can teach child friendly practices at Zee Pin Kyi.

Under the project, in 2008 a Canadian consultant worked with police in developing appropriate training materials. He drew on adult learning principles and with police counterparts prepared a TOT manual and a police handbook, which is provided to each trainee. The handbook was disseminated to police in December 2010 and includes a directive to police on child friendly practices issued by the then Chief of Police.

Police at Zee Khin Pyi say they have trained 700 male police, mainly new police cadets, but also police station commanders, sergeants and corporals. Women cadets are few in number and were trained through attendance at UNICEF courses. The training comprised 8 forty-minute sessions over an 8-week period covering the CRC, the Child Law 1993 and international standards required under the CRC. This training is incorporated into the curriculum for the 50-week cadet-training period. Cadets and other levels of trainees are reported to find the material very interesting because it is different to the other topics normally covered in training. Trainees are tested on their knowledge of the Child Law 1993 and child friendly practices as part of the examination they take at the end of their cadet

training.

Institute administrators worked closely with the UNICEF consultant in the development of the training materials. The curriculum includes a practical exercise in an interview room, which is located adjacent to one of the classrooms. On the wall of the interview room is a two-way glass mirror where trainees can watch the exercise. Staff said they have children of staff participate in the interview. One police trainer explained to the evaluator the procedures and interview skills taught to the trainees. He appeared competent in child friendly interview techniques and in the provisions of the Child Law.

When asked how the academy and administrators monitor the implementation of training on child rights and procedures in the field, police said that station commanders meet weekly with subordinates and question them to ensure practices are implemented. Required changes in police behavior toward children were signaled by the Chief of Police directive issued in December 2010 but it was noted that work on changing police attitudes remained. Staff thought that the project had improved police knowledge of international standards and that the training in how to deal with children and how to interview them had resulted in behavioural changes in police practice in the field.

In terms of law reform, police interviewed believed the age ranges in the Child Law were appropriate to the Myanmar situation and culture. They wanted to review the provision that required police in rural areas to keep child offenders in their home during the pre-trial investigation. They suggested that this was a burden on the police officer and his family and that the child's needs would be better served in a temporary shelter through the Department of Social Welfare.

A majority of children interviewed for this evaluation in institutions or as beneficiaries of legal aid reported having experienced harsh treatment from the police. Boys reported having been handcuffed and beaten and interrogated without their parents or a woman police officer being. A body mapping exercise, a participatory tool, conducted by the national consultant, caused a few boys to say they had been interrogated in a dark room with a single light while they and others had been beaten on the shins with sticks until they confessed. Most girls were victims/survivors and while some had committed minor crimes none described being beaten or treated harshly by police. The victims/survivors described being treated gently by the police when questioned about what had happened. Children said they were nervous and frightened of the police. For most, it was their first experience of the police and they did not know what would happen to them.

Children's responses to the evaluator suggest that although a considerable amount of training has been conducted with police in child friendly practices and a directive on such practices disseminated to all police, police culture on police and child interactions has resisted change.

The TOT work, manuals and the directive to police on child friendly practices are concrete outcomes and the police component has produced impressive results. However, it must be acknowledged that in all countries (including in developed countries) changing police culture is an enormously challenging task. Adequate monitoring and evaluation are critical elements in trying to understand and assess the process of change. If the project is continued the possibility of establishing linkages with other donor projects involving police such as the Ausaid project with Australian police should be closely examined. Finding the most appropriate strategy for culture change would benefit from such exchanges of information and links.

### ***Department of Social Welfare***

Meetings were held with the Deputy Director General (DDG) and Directors in Nay Pyi Taw; at Mandalay Boy's Training School; at Phaung Taw Thu Ward Girl's Training School; at Natmauk Girl's Training School; and at Nget Aw San Boy's Training School.

The DG explained that 230 of the 300 staff had received training in family tracing, awareness of the CRC and child friendly practices and procedures since 2009 under another UNICEF project. In his view, staff were now better informed about international standards and the need to address issues that created delays in the court process for pre-trial children. Staff now understood the importance of ensuring that detained children returned to school as soon as possible, either within the institutions or outside. The project had provided legal representation for pre-trial children and this had reduced delays in the court process and children's cases were dealt with more rapidly.

The DDG pointed out that prior to the provision of legal aid for pre-trial children, judges were unaware of child friendly practices. As an outcome of the project judges have come to understand these practices and to implement them in the juvenile courts. This has had the effect of allowing children to continue their development and education with no or less interruption instead of being detained for lengthy periods in a training school while awaiting trial.

He thought the situation of children in contact with the law would be improved by building the capacity of probation officers to provide professional services to the court in the form of reports on the background of a child, the reasons the child has come into contact with the law, and recommendations for sentence based on the Child Law 1993. He believed the courts had begun to take these reports seriously and release on probation was an effective means of preventing institutionalization in training schools.

The DDG noted that training school staff had learned child friendly practices and their treatment of children in detention had become more caring and friendly. Previously, when children misbehaved staff treated them harshly and roughly and used severe discipline. Now staff had changed their approach to children and relied more on communication skills to understand children's problems rather than relying on punishment. He noted that a directive had been issued to all institutions that corporal punishment was not to be used against children and that this practice was now forbidden. Staff were now better equipped to work with children and one outcome that showed this was that fewer disciplinary actions were being taken against children in institutions.

During the body mapping exercises with children at three of the training schools children told the evaluator they were sometimes punished by staff for breaches of discipline with sticks or by hitting their head and buttocks with their hands.

The DDG advised that all training schools displayed complaint boxes where children could place anonymous complaints about staff treatment. Complaints were reviewed by the Directors of the institutions and sent to the DDG who provided his own response. If staff were found to be abusing a child the action taken depended on the nature of the staff act. If the incident giving rise to the complaint was considered minor, the Principal of the institution would issue the staff a warning and advise the staff person how to change his or her behavior. If it were more serious in nature, the matter would be referred to the Central Department of Social Welfare who would conduct an investigation and decide punishment.



Punishments include reprimand, salary deductions, and loss of salary increment or discharge. Respondents in all 4 institutions visited during the evaluation period confirmed this was the process. One principal of a boy's training school reported that warnings had been issued to a few staff during the project for using corporal punishment. He noted that staff who used corporal punishment had often lost control and reacted in anger to misbehavior. He had counseled these staff to use other ways of responding to misbehavior. All principals stated that children were permitted to raise issues of concern during evening meetings with caretakers and sometimes with the principal and could put their concerns in writing and submit them. They noted that sometimes children complained about the bullying behaviors of other children but otherwise made requests to participate in programs or to have visits with their parents.

The DDG suggested a JJIAWG be created in the capital Nay Pyi Taw if the project were continued. He believed this would be helpful because it would facilitate obtaining decisions for the implementation of improvements to the system.

The DDG argued that CCTV systems were very effective in protecting the rights of children in contact with the law and that more courts should be established with CCTV systems particularly in Shan state and Ayeyarwaddy Region. He also believed the project should expand its training component to include training all juvenile justice professionals, including judges, police, Law Officers, lawyers and DSW probation officers and caretakers in institutions. The needs of children in contact with the law required professionals to have a broad knowledge base of the causal factors including trafficking, gender based violence including sexual assault, substance addiction and abuse, poverty and parental abuse and neglect. Other suggested training needs included disciplinary methods, health issues, nutrition, first aid, report writing, and child friendly interviewing skills. To date there had been no follow-up to training courses and only 3 or 4 staff from each institution had attended training courses. Although staff trained are asked to share with others the DDG and other DSW interviewees thought that direct training of all staff would have greater impact.

The DDG noted most judges lack awareness of child friendly procedures in dealing with children's cases, particularly at the township level. More training would help address this deficiency. This training should be combined with advocacy aimed at the local authorities and other local organizations to raise awareness about child rights and needs. Project partners should share information at the community level. Judges at the township level were often unaware of child rights and ignored the Child Law when dealing with cases involving children. This resulted in sentences being imposed that violated the Child Law 1993 and the CRC.

Developing the capacity of probation officers (PO) was a topic raised by the DDG and all training school principals. The DDG wanted POs to be professionalized as in the Thailand juvenile justice system. Currently probation officers serve at the Division/Regional level and social workers and CRC Committee members served the lower levels. DSW staff believed more use could be made of POs in the system not only within the court but also in reviews of children's cases after one year in a training school for recommending possible release and for family tracing to help more street children and status offenders reunite with their parents and secure release from custody. POs required training in counseling skills, interviewing skills, case management and report writing.

The project provided training to only a few DSW staff and focused more on other juvenile

justice professionals such as lawyers, JJIANG members, and law officers. The DDG and the principals of the training schools argued that the effectiveness of POs and other institutional staff could be improved if training could be expanded to POs and other caretaker and administrative staff in training schools at the regional level. DSW does not have a training academy of their own with ongoing training for its staff year round. They would like to develop an academy with a 2-year training program but lack the funds. The DDG would welcome assistance from the project to develop training handbooks and TOT materials as well as training for trainers within DSW.

The DDG acknowledged that the present staffing level of 20 POs was an insufficient number for the entire country. He had requested more positions and was waiting for a decision to be made. In the meantime he envisaged using Volunteer Probation Officers (VPO) at the township levels. The system recognizes VPOs by giving them a certificate and an ID card. One impact has been that VPOs now notify CRC Committees and DSW if they discover a case of child abuse.

The DG reported that data was collected monthly within DSW by age, gender, participation in programs, and reason for being detained (offender, orphan, street children etc.) and were submitted to the Minister. DSW data in summary form has been shared with UNICEF during their MidYearReview and EndofYear Review. Each principal of the 4 institutions visited for this evaluation was able to report the number of child offenders compared to status offenders and orphans. The DDG would welcome training and support in data collection.

A specific concern mentioned by staff at the 4 training schools visited during the evaluation in relation to training opportunities was that care should be made to ensure that line staff who work directly with children were given priority for selection for training courses rather than the current situation where higher officials with no direct dealings with children are selected to attend.

DSW staff argue that DSW should be a central focus of attention for any UNICEF juvenile justice child protection project given its key role in assessing children and in preparing children for reunification and reintegration back to their families and communities.

On law reform, the DDG noted that DSW had recommended a minimum age of 10 years for criminal responsibility and an increase in the punishment for adults who abused children. Also, he noted that minimum standards for DSW institutions had been issued in Standing Orders in 2008 and a directive to observe these standing orders had been issued to all institutions in November 2010.<sup>22</sup>

In the evaluator's view DSW is a key institution because it manages the Training Schools and administers probation through the limited number of POs. It is also responsible for the Child Law 1993. There is potential for probation to be developed and to be actively engaged in diversion schemes and in family tracing. Maltreatment of children in institutions as well as in police custody is a significant concern and while training seems to have had some impact on institutional staff, reports from the children suggest there is still much to be done. Again, monitoring strategies need to be put in place to ensure that training knowledge is embedded in workplace systems.

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<sup>22</sup> According to UNICEF, the Minimum Standards have never been issued as a directive.

## ***Juvenile Training Schools***

A discussion of interviews at the four training schools visited can be found in Annex 4. In discussions with each institution similar issues were raised (according to whether it was a girl's or boy's institution). The voices of the children are particularly important given that they are the main beneficiaries of any future project. The fact that institutional staff and children highlight similar issues shows a pattern of practice. The children's voices identify the issues as: poor treatment by police at their entry point into the system and during their detention; confusion about the court process - those fortunate enough to be provided lawyers were less confused and less fearful of the process; the children's anxiety over perceived lengthy sentences; and that they continue to see their strongest support in family and community despite having some exposure to vocational and educational programs. Additionally, at each institution, the children revealed that they received corporal punishments from staff for misbehavior. It is informative to compare the responses of children in DSW training schools with the experiences of child beneficiaries of legal aid.

## ***Myanmar Council of Churches***

UNICEF has a PCA Agreement with Myanmar Council of Churches for provision of legal assistance to children under the age of 18 years and to women victims of gender based violence. Children and women survivors of GBV receive benefits through legal aid and social support services. Gender Based Violence is a new intervention.

Legal aid is provided to any child under 18 following the CRC and has been extended to women survivors of GBV since 2010. Children (including victims, offenders and witnesses) as well as survivors of GBV over 18 years receive free legal representation. Cases are identified through requests, attending court to find out about upcoming cases, and through word of mouth.

Training has been provided to participating lawyers on the Child Law and legal issues; on child friendly communication skills for lawyers when interviewing children; and on child rights and the CRC.

In Mandalay cases are assigned after a complaint is filed and according to a roster. Most cases involve minor theft, motorbike accidents, and victims of sexual offenses.

The MCC component of the project also provides social support to children in contact with the law through family tracing; assisting with reintegration; and extending social and educational support based on a budget allocation for assisting with formal and vocational education. For example, while in Pyin Oo Lwin the evaluator met with three 15 year old child victims of a very serious sexual assault. The offender had been sentenced to 30 years for these offences. These girls were clearly traumatized by their victimization. All had left school and two of them said they had no interest in returning although one girl wanted to continue in school but her family had no money to pay for her schooling. After the UNICEF Project Officer informed the local lawyer contact for the MCC project and the MCC project office in Mandalay, arrangements were made to provide the family with the tuition for the girl's schooling costs and the lawyers were asked to find out what could be done to assist the other two girls with vocational training.

The project also provides travel costs to and from court for CCWL as well as accommodation costs and support for vocational training. Children receive school support and children who are released from the armed forces receive income generation/livelihood support training.

This component of the project has the most reach given that lawyers from across the country participate in the legal aid component of the project. There are 11 hub offices located across the country, including Yangon and Mandalay but 966 lawyers from 254 out of 304 townships participate. In Yangon 116 lawyers, 81 of them women, participate in the legal aid. Lawyers are selected on the basis of their willingness to defend women and children and following an interview with the MCC project manager. The lawyer must have 2 – 3 year's experience as an advocate. A majority of lawyers are women – the Mandalay project manager estimated a 2 – 1 ratio of women to men and the majority are Buddhists. The lawyers said that all lawyers had received some training offered through UNICEF or DSW and they had been trained in international children's rights by an Australian judge in November 2010. The topics covered in the training included child friendly interviewing techniques and child friendly procedures in the courtroom. They had also received training on human trafficking from a retired police officer.

The lawyers considered the training valuable because it had changed their approach toward child victims and defendants. Previously they had always attempted to bring cases to a quick conclusion by encouraging the child to admit the offense charged. They had learned to be kind to children, compassionate and to refrain from harsh questioning and treatment. They also learned children should not be ignored, that they should explain the nature of the offense to the child, interview children in a gentle manner so they would feel safe to speak the truth, and, when asking questions, pose them in a way that encouraged the child to express him or herself, such as by asking about the child's family or school, and then gradually moving to ask about the offense.

Lawyers thought their training had helped them understand child rights. Before the training they had not realized that children should be treated differently to adults. Then, their attitude toward children had been shaped by the lawyer-client relationship but now they had learned to treat the children as though they were their own. Now they understood that children also had rights and they focused on providing the child with representation in court. They also suggested that the training had increased their confidence in Court to advocate more strongly for the child even when it meant disagreeing with the judge. They had learned how to talk to a child to help him or her understand not to commit similar offenses in future. They had learned about children's emotions and how to observe them to better understand their situation.

They explained they had observed changes in court since the introduction of the legal aid component of the project, in that previously, without legal representation, judges had simply read the charges to the child without asking the child his/her version of the events and proceeded to sentence. Now with legal representation judges spend more time on children's cases.

Their experience with the outgoing juvenile court judges in Yangon and Mandalay had been positive because those judges had been trained in child friendly practices and were receptive to lawyers defending children's cases. The incoming judges had no such training and were much less tolerant of defense lawyers. They believed that the new judges perceived their presence in court as an annoyance, as meddling by UNICEF, and causing cases to last much longer than necessary. The lawyers' presence in court put pressure on judges and those without the child friendly training resented it. They suggested that the solution was to provide more training to judges, government lawyers, prosecutors, as well as to the police.

In Mandalay the MCC project had developed a system for identifying cases. Each Friday an MCC project officer attended court and collected details from the court clerk of any pending

juvenile cases. On Mondays lawyers were assigned to attend court and represent individual cases. Lawyers are selected from a roster kept by the project office based on the needs of each case depending on the charge, complexity and experience of the lawyer. Parents and guardians have become more aware that free legal aid is available and lawyers are now being approached at court and sometimes in the project office directly by parents for help.

In Yangon there is no system as in Mandalay for identifying cases. Other lawyers refer cases to MCC lawyers, some hear about cases, DSW and the police inform them of cases, and some parents come directly to them. Lawyers also attend the police station, law courts and DSW training schools to see if there are any cases that need their attention. They also ask women's groups for referrals. Generally female lawyers are assigned to female victims although not always.

The project manager in Yangon said that when lawyers are appointed they are advised that no payment is to be accepted from the family or from the children. If there is evidence of this practice their appointment will be revoked and that lawyer will no longer participate in the project.

The lawyers said that most cases were dealt with fairly quickly and that the average number of court dates per case was five with a week in between court appearances.

MCC lawyers described the key objectives of the project as follows:

1. To provide legal aid to children who cannot afford it
2. To provide legal aid to women victims of gender based violence
3. To provide support for the education of children clients so they can go to school
4. To pay medical and transportation fees for clients
5. To provide support for vocational training for children
6. To provide livelihood assistance to former child soldiers
7. To implement the CRC
8. To work for child rights in the courts
9. To work for the best interests of the child.

In their view, some of the benefits of the legal aid component include:

- a) According to the Project Manager of the legal aid project based in the Yangon MCC office, previous to the project, judges believed that when a lawyer represented a child offender, the case would be prolonged and that this representation was seen as an inconvenience. As a result of the project he thought that judges were now aware that defence attorneys understood the Child Law 1993 and children's rights and consequently judges were more likely to release children into the community rather than follow the previous practice of sending children automatically to a training school. The outcome was that more children were being released into the custody of parents and guardians rather than being detained in institutions.
- b) Previously only government advocates were permitted in court to defend victims but after the introduction of the legal aid component of the project, the court now permits private lawyers to represent child victims and offenders.
- c) Previously children were unaware of the court process and had no conception of what they were expected to do in court. Following the introduction of legal representation for children by private lawyers children understand the system better.
- d) Previously police treated children harshly by handcuffing them. Now more police treat children better although there are still challenges to overcome. MCC lawyers

were aware of the changes because they talked to other lawyers in court and shared experiences with them. However, when the evaluator met with the child beneficiaries of legal aid, most offenders said they had been handcuffed and treated harshly when questioned. Most victims said they had been treated kindly when the police questioned them.

- e) MCC lawyers described cases in which they had effectively represented children. One case in Mandalay involved a 13 year old boy accused of theft. However, the police claimed he was 19 years old and he was locked up in a township police station with adults. An MCC lawyer became aware of the case and collected evidence from the parents concerning the boy's age. The police still refused to release the boy so they took the case to the adult court and presented the evidence there. The judge ruled that the boy was under 16 years old and transferred the case to the Mandalay Juvenile Court.
- f) Children had benefited from the legal aid component particularly in age determination because lawyers were able to locate the evidence required by collecting documents or interviewing family, schools, midwives, elders etc.
- g) Due to the legal aid project, lawyers can apply for a child's release on bond, which did not occur much in the past. Now most children are released on bond into the care of their parents or guardian.
- h) Children and their families are becoming more aware that free legal services are available and know to come looking for lawyers from the project.
- i) Children have gained knowledge of their rights and have more awareness.
- j) Because project lawyers are participating in townships, lawyers are requesting that cases involving victims of sexual assault be referred to District courts where the judges have more powers and can ensure that convicted offenders receive more serious punishments and victims receive justice.
- k) The number of children being institutionalized has decreased because more children are being released to their parents and guardians after being reprimanded
- l) Before the project, children had to be taken out of school during their trial. Now lawyers argue in court that the child is innocent until proven guilty and can remain in school during the trial period.
- m) Before child friendly practices were taught to judges, lawyers, prosecutors and police, children were handcuffed or tied in court and now they are not handcuffed or tied in court. There has been a behavioral change in the police treatment of children's cases
- n) Before the project, for a child to secure bail he or she had to produce 2 witnesses and submit documents showing ownership of property. Now lawyers help children to be released on a promise to return to court.
- o) Beatings of children by the police have been reduced in frequency.
- p) The benefit for girl victims is that expenses for medical costs and compensation are provided.
- q) Offenders of GBV are given harsher penalties than before.
- r) Girls wrongly accused of crimes are discharged because of effective legal representation.
- s) Legal representation has helped in cases of sexual assault where offenders previously bribed officials to stop the case. Now because of the legal representation cases continue.
- t) Previously, some judges believed that legal representation simply served to prolong the case and that lawyers were a nuisance. Some judges would ignore lawyers but since the child friendly training, judges now ask for an available lawyer to represent children.

Lawyers said that the project deals only with children in conflict with the law. They believed many children had not broken the law but were picked up by the police as street children and institutionalized. The project is not able to support MCC in helping such children but they regarded this as an area of need into which the project could expand. This would increase the reach of the legal aid component to vulnerable children who have no parents or have lost touch with them and are living on the streets.

Lawyers also noted the special needs of girls, particularly girl victims of sexual abuse, who require special procedures and special protections including a separate room where a girl can be questioned with her parents and guardians present. These protections were better implemented using the new CCTV system in their view. They noted that these protections were not given to girl victims who had to attend adult court to give evidence and that this was a significant gap in protecting girl's rights. They suggested that more training for judges, prosecutors and police from adult courts could help address this problem as well as the addition of CCTV systems in adult courts.

Other problems raised by Yangon lawyers concerning children and women victims of GBV were:

1. Difficulties in persuading police not to treat children harshly by tying them up or beating them. At first it was difficult to negotiate with the police but after lawyers began explaining the provisions of the Child Law to police a gradual change in police conduct has occurred.
2. Children in contact with the law who are unable to attend school also need support. UNICEF included this kind of support within the PCA agreement.
3. Some witnesses are difficult to locate and transporting them raises issues of cost. In such cases lawyers will sometimes pay transportation costs out of their own pocket.
4. Transportation for child offenders – lawyers have to hire a taxi for child offenders to get to court and pay themselves.
5. There is significant need for temporary shelters for victims and offenders who have no place to stay so they can avoid detention. Institutions are not appropriate for victimized children. Lawyers contact NGOs (World Vision, Save the Children, Myanmar Women's Association, nuns and monks) and sometimes look after the child themselves.

Child victims of sexual violence are given financial support through the project of the equivalent of USD\$5 – USD\$10.<sup>23</sup> This amount is considered insufficient because lawyers argued that girl victims should receive assistance with training for livelihoods.

Lawyers saw a need to increase awareness in the community about the availability of legal aid and to increase the knowledge of legal officers and administration officers in the townships of child friendly practices.

MCC lawyers thought that there was need to revise the *Child Law* 1993 as follows:

- The age of adult responsibility should be raised to 18 years
- Child friendly procedures should be required in adult court when children appear before the court

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<sup>23</sup> According to UNICEF, the financial support is: one time school support up to \$20; travel costs up to \$30; and vocational training, \$150 per child.

- More sentencing alternatives should be included, such as community work service
- The minimum sentence in institutions for offences should be significantly shortened.

The legal aid component of the project is one of its most important contributions to child rights. As noted above, lawyers also seem to focus more on the efficiency of the system rather than issues of fairness and competency although they now suggest there is a need to improve their advocacy skills. Providing legal assistance to juveniles has resulted in a fundamental improvement in children's status and situation and seems to have had the added effect of getting the courts more accustomed to lawyers arguing cases before them. It has also reduced the number of children being institutionalized and opened the minds of the judges to alternative sentencing options. Nevertheless, challenges remain - with judges less accustomed to lawyers, with the administrative aspects of the legal aid arrangements and with issues of quality and monitoring. The main issue on legal aid is sustainability (see later).

## Efficiency

The issue for evaluation here is the effective use of time and resources to achieve outcomes. Phase 2 of the project covers the period May 2008 to April 2011. Given the context of Myanmar where the project has been working with government agencies with little exposure to development assistance and where decisions often cannot be made quickly, the project appears to have satisfied these criteria. Resources in Phase 2 were essentially deployed in building on the work done in the first stage of the project and no new initiatives other than legal aid assistance to GBV survivors were developed in Phase 2.

In terms of management and administrative issues, the transition period between phases and delays at that time impacted the legal aid component. MCC lawyers told the evaluator of a gap in funding for the legal aid component of 5 months when the project cycle had ended and was being renewed. They believed the renewal process was not completed in a timely fashion. They attributed this gap to absence of the section chief was on leave and to UNICEF bureaucracy but there was also a problem internally because MCC was in the process of electing a new General Secretary of MCC and the PCA agreement could not be signed until a new Director was elected.

In Pyin Oo Lwin there was an administrative problem in making claims to the Mandalay office. Lawyers complained of having to travel to Mandalay 3 times to submit one claim and of the costs of transportation and hotel accommodation are not refunded.<sup>24</sup> They had to travel first to inform the MCC office of the case, a second and third time to submit the paperwork once the case was submitted, and then had to wait until the Yangon office released the funds to Mandalay before they could receive payment. This issue was raised with the Mandalay office the next day and the MCC project manager noted a misunderstanding about the process for submitting claims. There was no need to travel to Mandalay 3 times for one claim and lawyers in Pyin Oo Lwin would be updated on the required process and documents and needed to travel only once. The lawyers in Pyin Oo Lwin thought this was an inconvenient system for them as well as costly, and requested transportation costs be included in their compensation or a local office to be opened in Pyin Oo Lwin. Perhaps one focal person could be identified that all Pyin Oo Lwin lawyers could submit their documents to and that person could travel to Mandalay to carry out the administrative requirements. This would seem a more efficient use of everyone's time and would eliminate travel costs for participating lawyers.

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<sup>24</sup> UNICEF advised the evaluator that travel costs and accommodation for lawyers were not reimbursable.



The gap in project renewal was said to make some lawyers unwilling to participate while others carried on without compensation. It also meant that some lawyers were not paid for the services they had provided in cases that were not yet complete when the gap occurred. One lawyer argued that the Mandalay office required another project assistant in addition to the manager and current project assistant because the workload had increased so much that it was too much for the current staffing arrangement.

In Yangon, MCC noted that there have been some delays from UNICEF in supplying cameras for collecting evidence from victims and they also referred to the 5 month gap when no funds were provided to MCC. This caused difficulties when cases were still ongoing during the period. During the gap period lawyers had to pay costs from their own pocket. When MCC did not receive funding it could not pay rent for office space and this caused problems. Overall, despite these issues of management and administration, the project can be rated satisfactory for efficiency.

## Impact

This section attempts to assess whether program interventions have produced intended or unintended changes in beneficiaries' lives and their environment and whether any external factors have produced negative or positive effects.

While an effective monitoring framework would have assisted in evaluating impact, interviews with stakeholders generally confirmed that the project had produced changes in the lives of children in contact with the law. While there is no actual baseline study of the juvenile justice system prior to project interventions, the available evidence indicates that police, juvenile courts and institutions unfairly and harshly dealt with children. Lack of knowledge of the *Child Law 1993* and of international standards of treatment by police lawyers, judges and managers of training schools impacted children adversely. Discussions with children indicate that those fortunate enough to obtain legal representation were able to identify positive outcomes in court proceedings including being allowed to remain in the community during their trial. The same cannot be said of their experiences with police where much remains to be done to change perceptions of childhood in police culture. In institutions there seems to have been some beneficial impact but unacceptable punishments are still being imposed when children misbehave.

### ***Child Legal Aid Beneficiaries***

The evaluator interviewed 47 child beneficiaries of legal aid through focus group discussions – 25 boys and 22 girls in Mandalay, Yangon and Pyin Oo Lwin. Ninety percent of the girls (20) were victims while all boys were offenders. Children described their experience with legal aid lawyers as positive and expressed gratitude. Lawyers were kind to them, explained the court process, advised them to tell the truth about their offense and to not feel pressured to admit guilt if they were innocent and generally helped them to “keep calm”. All of the beneficiaries in the focus groups had been released to their parents with a bond during the court trial once they obtained a lawyer. Many had first met their lawyers at court or at the police station. They were grateful to the lawyers because their parents did not have to pay the lawyers.

They described their experiences with police in largely negative terms. Many boys had been handcuffed and beaten by police during questioning. A few boys said they had been kept at the police station for up to a year. Most had been kept in police lock up with other adults and were not given food except food brought to them by their families. The majority

described being pressured to pay money to the police. Some said the police asked for money for required forms. Boys explained that police hit them with hands or sticks if they did not admit the offense.

Girl victims generally described the police treatment of them as kind and gentle. Those who attended adult court for their case described having to be in the same room as the victim and feeling frightened. A few girls described lengthy trial processes with many delays and attributed the delays to the fact that there were many witnesses. One girl said they the police had come to get her from school and took her away for questioning in front of all the students and teacher. This made her feel very embarrassed and ashamed.

The children's advice to police was:

- ✚ do not beat children;
- ✚ do not handcuff children;
- ✚ treat children nicely like your own children;
- ✚ be compassionate;
- ✚ keep children separate from adult prisoners;
- ✚ listen to us when you take the report;
- ✚ examine the case and don't jump to conclusions;
- ✚ don't be too eager to take money from us.

Their advice to lawyers:

- ✚ thank you;
- ✚ provide the same treatment to other children.

Their advice to judges:

- ✚ be just
- ✚ give a right judgment.

### ***Body Mapping at Boys' Training Schools***

Four *body mapping exercises* were conducted with offenders and victims at 2 boy's and 2 girl's training schools in Mandalay and in the Yangon Region.

For boys, questions were asked about their experience of the juvenile system starting from arrest, detention, court and of any legal assistance offered to them. The boys said that following their arrest, generally they were not provided with food by the police but their families brought food for them. A significant percentage said they had been held in police detention for lengthy periods – up to 9 months and one boy said he had been kept for 2 years. Many had been handcuffed and were not told why they were being taken to the police station. They were kept with adults who sometimes took their food although some helped them.

Boys complained that police hit them on their feet and shins, sometimes with a stick, others with their hand, and sometimes police rolled a bottle on their shins. A few boys were forced to kneel on sharp edged stones while they were questioned while two older boys said they had been forced to kneel all night and were prevented from sleeping. One boy said he had been interrogated in a dark room with a single light shining on him and had been beaten. One said he had been subjected to electric shock when he did not answer police questions. Another said police had allowed water to slowly drip on his head as a form of torture.

A large majority of the boys complained that the police had asked them for money and they had to pay them. They did not receive anything in exchange for the money. Generally, boys said they were allowed to meet their parents only after police questioned them. They generally felt threatened by police and were frightened.

Some boys had been assisted by defense lawyers while others had not. All boys who had received help from lawyers said the lawyers were nice to them and explained the court process to them. A negative experience with a lawyer was shared by one boy who said his lawyer (a female) had offered him 1000 Kyats and told him to just say he did it and get it over with because the case was taking too long. Boys said that the parents of those who did not have lawyers had to pay the court expenses.

About half of the boys said the judge was friendly while the other half said the judge spoke harshly to them, did not explain the process, and did not ask for their side of the story.

In one of the body mapping exercises with boys the institutional staff were present and the boys responses about their experience with the staff were all positive mainly consisting of comments that the caretakers offered them help and care whenever they needed it. Many had visits from their families but some boys' families lived far away and could not visit. In the other body mapping exercise staff were not present. They said they were well treated by staff unless they misbehaved and fought with one another when they were beaten on their palms with a bamboo stick. They described activities including gardening, boxing, dancing, and singing.

When asked what message they would send to the police, judge, lawyer and institution they stated the following:

#### Police

- ✚ "Don't beat us when questioning us?
- ✚ Don't use torture
- ✚ Don't beat us on the shin.
- ✚ Be honest with us
- ✚ Don't take money from us and our families.

#### Court

- ✚ Be lenient in your sentences

#### Lawyers

- ✚ You are good to us.
- ✚ Thank you

#### Training Schools

- ✚ Work to prevent children from having to suffer as we have by telling them not to commit bad acts

### ***Body Mapping at Girls' Training Schools***

13 girls in Mandalay were interviewed. All but 2 girls were handcuffed by police when they came to pick them up. These two were taken to the police station by their employers. The majority (8) were beaten on their hands and legs with truncheons by police when they were

questioned. The rest said they were threatened but not beaten. They were kept separate from the men but with the older women at the police station. Their families provided them with food. A woman police officer was present while a male officer questioned them. They had experienced threats and abuses at the police station. The police had used bad language against them.

The majority had been to court and found the judge to be kind and tolerant of them especially the female judges. Legal aid was provided for them and the lawyer explained to them the process and what to expect. One girl was told that when her mother came to court she could go home with her but her mother died suddenly and she was sent to the institution. Lawyers helped them by telling them what to say to the judge. For example, they were told to tell the truth and that if they committed the crime to admit it, but if not, they should plead not guilty to the charge. Their cases were delayed when witnesses failed to attend court and in some cases the change of the juvenile court judge caused a delay in their case.

Girls said they referred to the principal of the training institute as 'mummy' and that staff were kind to them. They explained that while at the institution they had learned to obey the rules and had learned new things through the vocational training. They worry about their families at home and confide in each other when they feel sad.

Message to police

- ✚ Treat us nicely, don't handcuff us.
- ✚ Treat us with compassion and warmth

Message to judge

- ✚ if we are not guilty we want to be released immediately

Message to lawyers

- ✚ act as quickly as possible so our cases are not prolonged. Some lawyers delay things

Message to institution:

- ✚ main thing is for normal girls not to suffer like we have. We were sent here and not allowed to return home with a reprimand.

At Natmauk Girl's Training School 14 girls participated in body mapping while no staff were present. Girls said they would like karaoke equipment so they could sing.

Project lawyers assisted half the girls but the rest were from remote areas and did not receive legal aid assistance and their parents had to hire lawyers and pay their fees.

6 girls had been handcuffed by the police while the rest were not tied. The police did not explain why they were being taken away and two said they were beaten during the police interview. One girl was slapped on her face and the other was beaten with a cane. Some were forced to kneel on sharp stones during their questioning. One girl was made to sit with her legs out straight in front of her and the police rolled a club on her shins, which she said hurt a lot. One girl was given an electric shock on her ear and now could not hear out of that ear. Police shouted at others while some said they were treated nicely. One girl said she was forced to kneel down while police kicked her on the chest and slapped her. They were kept in a police lock up with other women. Some girls were locked up at the police station for between 5 and 8 months.

Children said lawyers were helpful, explained things to them and brought food for them. However, some of the girls did not seem to understand the role lawyers played and felt that they were intentionally delaying the court case. Some thought the sentence was not fair arguing that they did not commit the offence but they were still sentenced to the training school.

The girls noted that they had gained knowledge of vocational skills while detained in the institution and one girl proudly noted that she had earned 10,000 kyats in the last 9 months.

The girls said staff beat them on their buttocks, shins and hands with small sticks when they misbehave and that staff hit them on the legs when they talk too much. This type of punishment usually occurred when they fight with each other.

They are expected to work in the kitchen to learn how to cook and are taught literacy classes for 3 hours a day. Other activities include sewing, embroidery and shoe cobbling. If they behave well the caretakers will give them privileges such as taking them on an excursion. Staff tell them that 20 girls who behave best will be selected for a planned excursion.

Message to police

- ✚ They would tell the police to make sure they committed the offense.
- ✚ Give us fair and just treatment.

Message to judges

- ✚ They would tell the judge to ask us about our environment before sentencing us
- ✚ Make sure the sentence is just and fair.

Message to lawyers

- ✚ They would tell their lawyers they want to be sentenced justly according to the offence committed
- ✚ Most of all they want to be reunited with their families.
- ✚ Their offences should be examined and given a fair and just treatment and sentence.
- ✚ The sentence they are given should be equal to the seriousness of their offenses.

### **JJIAWG**

Impact should also be assessed in relation to the role of the JJIAWG. If that body had acquired ownership of the project as a collective of government agencies this would have been demonstrated through a change in the environment for child protection. The mandate of the JJIAWG does not seem to be fully connected with the National Plan of Action for Children even though, strategically, that Plan provides the domestic framework for its activities. There is some doubt about the degree of ownership actually taken by JJIAWG but an indirect and very beneficial impact of the project has been the coordination and knowledge sharing that has taken place within the JJIAWG. Discussions with members revealed this change indicating that previously these agencies had operated in silos and by providing examples of interactions to exchange information and resolve logistic issues.

The JJIAWG meets once every two or three months and is chaired by the Supreme Court, which sets the agenda for meetings and invites the attendees. In Mandalay, department representatives will also meet outside of the JJIAWG meetings to solve particular problems, for example, a meeting was arranged with the forensic doctor on the issue of gathering

evidence in rape cases. The doctor advised that an immediate medical examination of the victim and offender is required for the collection of the best evidence. However, in children's cases permission must be sought from the parents and the court before the examination can take place. Members therefore noted that the doctor, court, and police must work closely together in order to ensure that consent and approval is obtained in a timely manner. The JJIAGW is therefore a valuable tool for bringing department representatives together to share knowledge on child issues.

Attendees of both JJIAGW meetings noted the role of meetings in expediting pending juvenile cases as a significant achievement because it is a forum for problems resolving logistical issues. Members observed that all agencies in the juvenile system work together to ensure that a child enjoys his or her rights by employing child friendly practices. One example provided concerned the problem of ascertaining the age of a child. Members advised that the court carefully considers evidence about age and specific procedures are followed to make such an assessment such as examining various documents (National Registration card, Birth Certificate, School records etc.). If these are not satisfactory or available, a medical examination and X-ray of the child is required as evidence and the working group discusses the case and in turn requests the allocation of necessary resources from the UNICEF project as needed to pay for the examination and X-ray and sometimes transportation to and from court. Members noted that it is very important for the law officers to coordinate with the police and doctors to ensure that proper medical documentation is provided to the court. This is particularly important in cases of orphans and street children who do not have parents available to provide other forms of evidence on age. This group of children was seen as the main group in need of attention given their lack of guardians and that their situation required more coordination between juvenile justice personnel to ensure the question of age was legally satisfied. Support from UNICEF was seen as crucial for this purpose.

The members cited the benefit gained by increased sharing of information between all the relevant Ministries about juvenile justice issues, problems and solutions due to their ability to network. Other benefits include professionals learning from each other their respective roles in the juvenile justice process and the problems each faces. This has facilitated the building of strong relationships between the agencies and a cooperative approach to problem solving. The meetings have had the effect of raising awareness for members about the entire system and the best ways for addressing any issues that arise. They also have benefited by the training on child friendly practices provided by UNICEF through their various Ministries although some had not yet undergone the training and were interested in doing so as soon as it was offered again.

So far as the courts are concerned the project has resulted in the speedier processing of children's cases and technology, in the form of CCTV, has been an asset not only in protecting victims/survivors and witnesses but also as a training tool. While police see some benefits, the impact is only gradual and a more comprehensive strategy will be needed for police interventions if the project continues. For example, if specialized police units for juveniles are created, one of their principal functions should be educating other police units in child sensitive practices. The project has not viewed training school institutions as playing a central role in the juvenile justice system and only few training school staff have undergone training. However, there have been some improvements in their treatment of the children detained. Generally speaking, the lives of children in institutions do seem to have changed for the better. However, again, there is no real baseline information from which to make a definitive judgment.

## Sustainability

Generally speaking, in capacity development interventions, those most likely interventions to achieve sustainability are those which utilize methodologies such as training of trainers, production of manuals and guides for internal use within government agencies, and which institutionalize systems and practices within government structures, especially training agencies, so they continue as staff come and go. The project has clearly been aware of this and has attempted to implement all these strategies. Agencies have issued, or hopefully, will be issuing, directives on child protection issues that will endure and instruction manuals have been designed and delivered. Police have been issued with pocket books on how to treat children.

The training materials for police are comprehensive, professional and practical although making them more visual would be helpful. The judicial training package is more problematic as a training tool comprising a series of verbose powerpoint slides. It is general in scope and includes some material more relevant to Australia and New Zealand. The evaluator was informed that a presentation of local and regional practices within a context of international standards would be seen as more culturally appropriate and of greater relevance. The training materials developed for lawyers duplicate the judicial training package and are in need of revision. All training should be practical and based on national laws with local case studies while international standards and best practices provide a wider context within which to view national laws. Training should be visual and participatory with the overall goal being transfer of the skills and knowledge into working practices.

The situation on TOT is rather unclear due to lack of monitoring. It seems unlikely that judges have been undertaking any internal training on CCWL and lawyers appear also not to be doing this. Police have included protection material in their training courses. In any future project links with training units within government agencies need to be established to advocate for internal training plans to be prepared and executed. As noted above, transferring training directly into workplace practices is problematic. Adult learning principles should be applied and courses designed with government staff to ensure that they feel a high degree of ownership of the content. Much depends on supervisors monitoring implementation post training and interventions can only assist to a limited degree. The critical element is to design courses collaboratively and have their application in the workplace firmly at the forefront of discussions. 'How will this training be implemented' should be the first question to be asked.

The legal aid project is of course of the most concern in terms of sustainability. How is it sustainable? Clearly it is not. It seems unlikely that there are private resources e.g. within the legal profession to sustain anything similar and pro bono representation would not replace the scale of representation currently provided. Lawyers working under the scheme with MCC receive payment according to court appearances and completed cases and are reimbursed travel expenses. The possibility of a government legal aid scheme exists but has not seriously been addressed. Presently, the state provides legal aid only to children charged with death penalty or life sentence offenses. If the project is continued, a study should look at options for sustaining the present scheme that do not depend on donor financial support and at options for alternative arrangements for legal aid.

In relation to the JIAWG, it is difficult to assess its sustainability. However, as the end of the project approached, meetings have occurred less frequently and this is an adverse sign for the future. While members have enjoyed the benefits of cooperation and knowledge sharing this may not be enough to sustain the JIAWG beyond the project. If it were to be

incorporated into the structure of government, for example as a unit of the Supreme Court this would assist but still might not be enough.

Sustainability planning should be a pivotal issue if the project is continued especially in relation to legal aid. For example, the government has saved money through accelerating the number of children released on bond, savings have accrued in reducing the detainee population in institutions, and efficiencies gained in court proceedings. Gathering information about these kinds of cost savings will help to build a case for alternatives to donor funded legal aid.

## Gender Equality

Did the project advance gender equality, promote equal access by women, promote women's rights, promote equality of decision making and did it assist in developing the capacity of stakeholders to understand and promote gender equality?

These questions have to be reviewed in the context of Myanmar where although the law mandates gender equality and there is considerable equality in the private sphere, the gender division of labor operates in the public sphere. No gender analysis or gender strategy preceded the project and there is no evidence that gender was a central element of project interventions.

Because of its association with children and welfare, juvenile justice tends to attract a high level of female participation in many countries and Myanmar is no exception. A high proportion of women work in the juvenile justice function within government. Women were well represented on the JJIAWG, in the judiciary, in institutions and to a lesser extent in the police. Some women appeared to have decision-making powers and some institutions had female principals. In the legal aid scheme women lawyers were in the majority and in the training interventions women seem to have been well represented. Again, there is an absence of baseline information and few, if any, gender studies have been conducted in Myanmar. There is scope for a gender strategy in any project renewal that would promote equality of decision making in particular.

## Monitoring and Evaluation

This section assesses whether the M&E system effectively measured progress towards meeting objectives, and specifically whether:

- Evidence exists to show that objectives were achieved;
- There are features of the M&E system that represent good practice and that improved the quality of the evidence available;
- Gender-disaggregated data were used to measure the progress of the project on boys and girls
- The project M & E system collected useful information on cross-cutting issues.

UNICEF acknowledges that the project never developed an M&E system or framework and this evaluation objective must be assessed at less than satisfactory.

Data collection is an area where government agencies are not ready to share information with development partners and this presents a challenge for the future. Data collection in Myanmar is seen as very sensitive and difficult to obtain from government ministries. The Nargis crisis paved the way for data on family tracing and reunification to be collected and



the government has been more open in this area. UNICEF works with DSW on family tracing and cooperation is given for data collection in this area.

In the Supreme Court, administrators said that data on pending and completed cases is collected and disaggregated by gender and age. However, this data is not shared within government or with UNICEF. Administrators said they would share data if UNICEF made such a request. The Court has a unit which prepares statistical summary reports but it is under resourced. They would welcome assistance from the project for software to help them collect and analyze the data but believe they do not require any other form of support in data collection.



Police have a data collection and statistics unit and collect data according to gender and age. They have been collecting data since 2007 but are still in the process of analyzing it. Relevant data is collected at each police station based on the First Information Report (FIR) and summary reports are submitted to the station commanders who in turn submit them to Central Office. To date, data is not shared with other Ministries or with UNICEF. Administrators would welcome any training in data collection and analysis.

The M&E function within the project is exercised by a staff person who has other duties, a data entry staff person full time and occasional temporary data entry staff are hired as needed. Since Cyclone Nargis, data has been recorded for vulnerable children, street children through YCDC, Children Associated with Armed Conflict and Family Tracing and Reunification. MCC submits data monthly to UNICEF but not in the expected format. UNICEF has provided training and support to MCC in its data collection processes and MCC is producing regular data from across the country disaggregated by age, sex, offence and court outcome.

If the project is continued UNICEF plans to design an M&E program and build in qualitative measures for behavioral changes to assess results of project components. UNICEF will utilize the UNICEF juvenile justice indicators. It would be crucial to the monitoring and evaluation success of this project to provide funding for another M&E staff person at UNICEF so that attention can be given to M&E for juvenile justice and to the monitoring requirements through staff visits to the field.

## Analysis and Learning

This section assesses whether the project design was based on sound technical analysis and continuous learning, and specifically:

-  How well the design was based on previous learning and analysis; and
-  How well learning from implementation and previous reviews (self-assessment and independent) was integrated into the activity.

No analysis was undertaken to inform the design of the project and the only review carried out was an evaluation completed in 2007. In light of the lack of knowledge of almost all aspects of juvenile justice in the country at the commencement of the project it would clearly have been helpful to conduct studies and secure baseline information. No doubt there would have been constraints and challenges in attempting this in 2005 given the closed political environment. In light of the experience gained of government and of the justice sector, any studies conducted in the future might encounter less resistance. It is a positive sign that the National Plan recognizes the need for such studies and that the Supreme Court has endorsed studies on the informal sector. The 2007 evaluation report did

result in the adoption of an overall objective to the project. That report makes a large number of recommendations, including advocacy for reforms of the sentencing provisions of the Child Law 1993 to ensure the proportionality principle was utilized in sentencing, implementing child centered procedures, creating specialized police units for juveniles, developing probation, and advocacy for diversion programs. Only child friendly procedures and training have been actively promoted.

Any future project should include built-in measures that encourage the development of a culture of analysis and learning within the project. Staffing constraints and lack of technical expertise have impeded this process in Phase 2 but in Myanmar where so much remains to be known about juveniles and juvenile justice, learning and analysis must be fully integrated in the project design. Integrating learning into the project should be a coherent and systematic process so that for example, all capacity building interventions are fully understood and evaluated, all partnerships fully documented and justified and all intervention options thoroughly analyzed.

## Lessons

This section proposes lessons that can be applied to a possible next stage. They are evident from the discussion above:

1. An effective project design should adopt a strategic approach to the juvenile justice sector
2. Training that is intended to be applied in the workplace should be designed using adult learning principles and techniques and in full collaboration with partners after need assessments have been undertaken
3. Studies and analyses should be conducted during the course of the project and the learning gained applied in an iterative manner; baseline information should be collected on all new project interventions
4. Coordinating bodies should have a clear documented understanding of their roles, responsibilities and decision making powers in relation to the project
5. Best international practice should continue to be applied as the guiding principle in interventions in the juvenile justice sector
6. Both the National Plan of Action for Children and the CRC should be key elements in any new project framework
7. A thorough gender analysis in the design phase is a key building block and provides the foundation for a gender strategy and should be undertaken
8. Networking between government agencies should continue to be promoted to ensure the speedy trial of children in contact with the law.
9. The importance of establishing and sustaining relationships between UNICEF and government decision-makers and stakeholders cannot be underestimated.
10. M&E has not been enough of a priority in the project and in order to assess its impact and effectiveness, baseline and ongoing data collection and monitoring is crucial.
11. In the same vein of building local capacity, it is important to make more use of local consultants in any future research projects.

## Project Design and Implementation Improvement

This evaluation question asks how the overall project design can be improved to better achieve objectives. As noted throughout this report, the project design needs to be carefully

considered and a strategic approach adopted. Linkages with other projects in the justice sector should be made where this is possible so that the overall approach is holistic and joined up. Thus, as noted, linkages with police projects such as those supported by Australia could be key to changing police culture. Links with community-based projects would be important in terms of diversion out of the system. There are many possibilities to connect and interact with other UNICEF interventions.

In discussion UNICEF saw the following as the priorities of any new project:

- ✚ Reform of the Child Law, Criminal Procedure Code, Evidence Act and others as a continuation of discussions over the last 3 to 4 years with DSW, Supreme Court, Attorney General's Office, MPF, Ministry of Home Affairs. Given the change to a parliamentary system with a policy of decentralization, UNICEF is hopeful that Ministers will act on their new authority and make decisions for reform.
- ✚ Examine whether the compounding offenses in the Penal Code can be effectively utilized to divert juveniles out of the juvenile justice system.
- ✚ Support the empowerment of judges within a new system that confers greater status on the Chief Justice. The Speaker of the house and the Chief Justice are placed on the same status level and this is being read as conferring a higher status on the judiciary. This is a significant development within a system where the judiciary is not independent of the executive. Empowering the judges means measures such as bringing in high level outside expertise to provide international exposure inside the country and including judges in regional exposure outside the country.
- ✚ Incorporate more advocacy training and skill development into training for lawyers.
- ✚ Advocate and promote a proposal for District and Regional courts to exercise juvenile court jurisdiction with similar status to the Yangon and Mandalay juvenile courts. This will require resources (human and capital). The Ministry of Justice would need to consult possible partners and take up any proposal with regional parliaments.
- ✚ Advocate for and facilitate the formation of a Parliamentary Committee for Children – government is currently resistant to this proposal.
- ✚ Work with university law departments to include and update children's rights and international standards in curricula.
- ✚ Transfer ownership of the project to Ministers – this is agreed in principle and would involve joint monitoring with judges from Supreme Court Central level, DSW, and with police. Monitoring of training in all institutions.
- ✚ Finalize the implementation of child friendly interview rooms.
- ✚ Introduce monitoring of DSW training and develop 2 – 3 year training courses.
- ✚ Facilitate recreational activities in institutions because of the positive flow on in terms of discipline and less resort to punitive disciplinary measures. Escapes from institutions have dropped dramatically but when escapes do occur the principal is punished. This in turn leads to harsher discipline in the institution. Recreational activities are helpful in building children's self-esteem.
- ✚ In terms of strategy it is necessary to make progress gradually. Government has been receptive to improving legal systems but too much pressure engenders government resistance. Constraints include the top down decision process, insufficient budget for juvenile justice, logistical issues and the centralized decision making structure. There is an increasing and growing concern among civil service officials about how Myanmar is perceived internationally.

## ***Annex 1: List of Organizations and Interviews***

| Location  | Organization   | Interviewees  |
|-----------|--|---|
| Yangon    | <b><i>JJIAWG Working Group, JPG Hall<br/>UNICEF Yangon (11 July)</i></b> | Daw Myat Myat Kyaw Yangon Regional Law Officer<br>Daw Than Than Aye, Juvenile Judge, Yangon<br>Daw Dolly Varma, Asst. Regional Law Officer (Juvenile Prosecutor)<br>U San Myint, Township Law Officer<br>U Than Aung, DSW<br>U Ngai Sak, Project Manager, MCC Legal Aid   |
| Naypyidaw | <b><i>Supreme Court (12 July)</i></b>                                    | U Mya Theinn, Director General<br>U Aung Win, Dy. Director General<br>U Sein Than, Head of Office, Deputy Director General<br>Daw Khin Thidar Kyaw, Director (Training)<br>U Paw Khaing Thant, Director (Research)  |
|           | <b><i>Myanmar Police Force (13 July)</i></b>                             | Police Brigadier Khin Maung Si, Chief of General Staff, Myanmar Police Force<br>Police Colonel Soe Myaing, Head, Dept. Against Transnational Crime<br>Police Lt Colonel Rallyan Mone, Deputy Head, Department Against Transnational Crime   |
|           | <b><i>Department of Social Welfare (13 July)</i></b>                     | U Aung Tun Khaing, Dy. Deputy Director General<br>U Myo Set Aung, Director<br>U Tun Oo, Dy. Director (Planning and Training)<br>U Tun Tun Naing, Asst. Director (International Relations)   |
|           | <b><i>Office of Attorney General (13 July)</i></b>                       | U Myint Win, DG<br>U Kyaw Sann Lwin, Dy DG<br>Daw Lwin Lwin Than, Dy. Director  |
| Mandalay  | <b><i>DSW Mandalay Boys Training School (14 July)</i></b>                | U Aung Soe, Principal<br>Body Mapping exercise with boys  |
|           | <b><i>Legal Aid Lawyers - MCC Mandalay Office (16 July)</i></b>          | U Shwe Hla, Advocate<br>U Kyaw Myint, Higher Grade Pleader<br>U Thuya Win, HGP<br>U Thein Tun, Advocate<br>U Maung Maung Aye, Advocate<br>U Ko Ko Lay, Advocate<br>U Yar Kyaw, HGP<br>U Kyaw Win Than, HGP<br>Daw Myint Myint Nwe, HGP<br>Daw Su Thidar Kyaw, HGP<br>Daw Win Min Aye, HGP<br>Daw Wai Wai Tun, HGP<br>Daw Nang Su Hlaing Hlaing Thein, HGP<br>Focus Groups with Beneficiaries – 1 with girls and 1 with boys |
|           | <b><i>DSW Phaung Taw Thu Ward Girls' Training School (16 July)</i></b>   | Daw Naing Naing Aung, Principal<br>Body Mapping Exercise with girls   |

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|------------------------------|--|--|
|                              |  |  |
| <b>Pyin Oo Lwin Township</b> | <b>Legal Aid Lawyers - MCC Pyin Oo Lwin Office (17 July)</b>   | U Htwe Naing, HGP<br>Daw Phyo Thuzar Lin, HGP<br>Daw Sabai, HGP<br>Daw Than Than Oo, HGP<br>Daw Hnin Wint Lwin, HGP<br>Daw Su Yee Phyo, HGP<br>Nang Hnin Hnin Khaing, HGP<br>Daw Khin Mya Moe, HGP<br>Daw Ni Ni Myint, HGP<br>Daw Aye Nyein Nyein Thu, HGP<br>Daw Phyo Pa Pa Win, HGP<br>Focus Groups with Beneficiaries – 1 with boys and 1 with girls  |
| <b>Zee Bin Gyi</b>           | <b>Police Academy (18 July)</b>                                | Police Brigadier Thein Oo, Principal<br>Police Lt.Colonel Zaw Win Aung, Dy Principal<br>Police Major Thit Hsann, Head of Training Dept.<br>Police Major Kyaw Zeya, Head, Technical Dept.<br>Police Captain Naw Doreen, Head, English Dept.<br>Police Win Aung Sein, Training Officer<br>Police Captain Htay Htay Tun, Tutor  |
| <b>Mandalay</b>              | <b>Office of the Chief Justice – Mandalay Region (20 July)</b> | Chief Justice <i>U Soe Thein</i>   |
|                              | <b>JJIANG Working Group, Mandalay (20 July)</b>                | Representatives from Mandalay region, district and township judges and law offices, Police dept., Prisons dept., City Development office, Dept. of Social Welfare, DSW Training Schools, Forensic medicine numbering about 40  |
|                              | <b>Juvenile Court – Mandalay (20 July)</b>                     | Daw Khin Myint Myint, Juvenile Judge   |
| <b>Yangon</b>                | <b>Legal Aid Lawyers - MCC Yangon Office (21 July)</b>         | U San Lin, Advocate<br>U Kyaw Phyu, HGP<br>U Myat Min Htun, HGP<br>Daw Khin Khin May, HGP<br>Daw Hla Myo Su, HGP<br>Daw May Oo Khine, Advocate<br>Daw Myat Su Htwe, HGP<br>Daw Thidar Soe, HGP<br>Daw Thinn Thinn Wai, HGP<br>Daw Ohnmar Aye, HGP<br>Daw Aye Aye Aung, HGP<br>Daw Htar Nwe Khin, HGP<br>Daw Theint Theint Soe Han, HGP<br>U Maung Maung Nyo, HGP<br>Daw Moe Thidar Aung, HGP<br>Daw Phyo Wai Kyaing, HGP<br>Daw Win Htay, HGP<br>Daw Thi Thi San, HGP<br>U Soe Soe Kyaw, HGP<br>Focus Groups with Beneficiaries – 1 with girls and 1 with boys |
|                              | <b>Office of the Chief Justice - Yangon Region (22 July)</b>   | Chief Justice U Win Swe<br>Regional Judicial Officer Daw Lwin Aye Than   |

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|-----------------------------------|---|--|
|                                   |   | Kyaw   |
|                                   | <b><i>Juvenile Court – Yangon (22 July)</i></b>               | Daw Than Than Aye, Juvenile Judge<br>Daw Dolly Varma, Asst. Regional Law Officer<br>(Juvenile Prosecutor)  |
|                                   | <b><i>DSW Natmauk Girls Training School<br/>(22 July)</i></b> | Daw Mar Mar Myint, Principal<br>Body Mapping Exercise with Girls   |
| <b><u>Kawhmu<br/>Township</u></b> | <b><i>Nget Aw San Boys Training School (23<br/>July)</i></b>  | U Lwin Oo, Principal<br>U Than Aung, Deputy Principal<br>Body Mapping Exercise with boys 30  |
| <b>Yangon</b>                     | <b>Meetings with UNICEF</b>                                   | Ramesh Shrestha, Representative UNICEF<br>Khin Aye Yee, Child Protection Officer (M&E<br>and Data Management)<br>U Hang Za Thawn, Child Protection Specialist<br>(Juvenile Justice)<br>Hagar Russ, Child Protection Specialist |
|                                   | <b>Meeting with AusAid</b>                                    | Jillian Ray, Humanitarian Assistance Officer,<br>Australian Agency for International<br>Development  |
|                                   | <b>Local Body Mapping Consultant</b>                          | Daw Si Si Aye  |
|                                   | <b>Local Interpreter</b>                                      | Brian Pe Tin Thein   |

**Annex 2: UNICEF ANNUAL WORKPLANS FOR 2009, 2010**

**2009**

| Output   | Activity Description   | Planned Results  |
|--|--|--|
| <b>2.1 Child-friendly police procedures developed, institutionalized and implemented</b> |  |  |
| 2.1.1  | Undertake review and refresher of child friendly police training at the police training academy for in-service officials and pre-service cadets.   | Refresher trainings conducted for at least 63 trainers and police from Yangon, Mandalay and CP systems townships at the police academy and feedback provided on lecture methodology.   |
|  | Undertake child friendly police training for anti-trafficking task forces and border liaison officials.  | At least 1000 in service and pre-service officials trained on child friendly police procedures by training academy throughout 2009.  |
| 2.1.2  | Develop child friendly police procedures and collaborate with MPF to issue as directive.   | Child friendly police procedures developed and issued as directive to all mainstream police.   |
|  | Develop pocket book of child friendly police procedures.   | Pocket book developed and disseminated. Dissemination plan developed.  |
| 2.1.3  | Pilot child friendly police investigation procedures in Yangon and Mandalay units as well as 6 anti-trafficking task force areas; and support MPF to develop system to monitor implementation of child friendly investigation/practices. | Child sensitive police investigation procedures piloted in 6 anti-trafficking task force areas as well as Yangon and Mandalay Police Units (on juvenile justice and protection).<br><br>Monitoring team and mechanism set up within MPF. |
| 2.1.4  | Undertake professional exchange visit on child friendly police procedures.   | Knowledge and skill of at least 8 MPF officials enhanced through a professional exchange visit to an ASEAN country.  |
| <b>2.2 Child-friendly court procedures developed, institutionalized and implemented</b>  |  |  |
| 2.2.1  | As per agreement with Supreme Court develop training program (in-service, TOT) for judges and lawyers on juvenile justice and CP – including child friendly court procedures.  | Training materials for child friendly court procedures developed and integrated into training for judges and lawyers.<br><br>At least 200 judges and lawyers have enhanced knowledge and skills.   |
| 2.2.2  | Support Supreme Court and partners to implement child friendly court procedures in Yangon and Mandalay.  | Child sensitive court procedures implemented in Yangon and Mandalay juvenile courts.   |

| Output  | Activity Description   | Planned Results  |
|---|--|--|
| <b><i>2.3 Guidelines for community based dispute resolution of minor offences developed</i></b>   |  |  |
| 2.3.1   | Building on current traditional community based dispute resolution practices, follow up on data collection exercise initiated and develop guidelines for community based dispute resolution and restorative justice.   | Guidelines for community based dispute resolution developed in collaboration with key stakeholders.  |
| <b><i>2.4 Legal representation and aid provided to children in conflict with the law in Yangon, Mandalay, Sagaing and Ayeyarwaddy Divisions</i></b>                   |  |  |
| 2.4.1   | Continue and expand provision of technical guidance and coordinate with NGO partners and counterparts on the implementation of legal representation for at least 400 children from Yangon city to Yangon division, Ayerwaddy Lower Sagaing and Mandalay divisions. | At least 400 children have access to legal aid and benefitted from legal representation/protection.  |
| 2.4.2   | Conduct 2 trainings for legal aid lawyers in Yangon and Mandalay.  | 100 legal aid lawyers trained on CP and JJ through at least 2 training courses.  |
| <b><i>2.5 Legal protection – National standards, guidelines and procedures developed in collaboration with partners for the protection of vulnerable children</i></b> |  |  |
| 2.5.1   | Undertake coordination meetings with key stakeholders for the protection of children in contact with the law.  | Enhanced collaboration, consensus on key issues and implementation of recommendations from the national JJ workshop in 2007 through at least 8 JJIAGW meetings in Yangon and Mandalay. |



## 2010

| Output   | Activity Description   | Planned Results  |
|--|--|--|
| <b>2.1 Child-friendly police procedures developed, institutionalized and implemented</b> |  |  |
| 2.1.1  | Undertake review and refresher of child friendly police training at the police training academy for in-service officials and pre-service cadets. Support materials to the child friendly police training conducted by MPF for anti-trafficking task forces and border liaison officials. | Refresher trainings conducted for at least 70 trainers and police from Yangon, Mandalay and CP systems townships, including border liaison officials at the police academy and feedback provided on lecture methodology. At least 1000 in service and pre-service officials trained on child friendly police procedures by training academy throughout 2010. |
|  | Advocate with MPF to issue as directive. Disseminate pocket book of child friendly police procedures.  |  |
| 2.1.2  | Develop child friendly police procedures and collaborate with MPF to issue as directive.   | Child friendly police procedures developed and issued as directive to all mainstream police. Dissemination plan developed.   |
| 2.1.3  | Implement child friendly police investigation procedures in Yangon and Mandalay units and support MPF and support MPF to develop system to monitor implementation of child friendly investigation/practices.   | Child sensitive police investigation procedures in place in Yangon and Mandalay Police Units (on juvenile justice and protection). Monitoring team and mechanism set up within MPF.  |
| <b>2.2 Child-friendly court procedures developed, institutionalized and implemented</b>  |  |  |
| 2.2.1  | As per agreement with Supreme Court develop training program (in-service, TOT) for judges and lawyers on juvenile justice and CP – including child friendly court procedures.  | Training materials for child friendly court procedures developed and integrated into training for judges and lawyers.<br><br>At least 100 judges and lawyers have enhanced knowledge and skills.   |
| 2.2.2  | Support Supreme Court and partners to implement child friendly court procedures in Yangon and Mandalay.  | Child sensitive court procedures implemented in Yangon and Mandalay juvenile courts.   |
| <b>2.3 Guidelines for community based dispute resolution of minor offences developed</b> |  |  |
| 2.3.1  | Building on current traditional community based dispute resolution practices, follow up on data collection exercise initiated and develop guidelines for community based dispute   | Guidelines for community based dispute resolution developed in collaboration with key stakeholders.  |

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|  | resolution and restorative justice.   |  |
| <b>2.4 Legal representation and aid provided to children in conflict with the law nationwide</b>   |   |  |
| 2.4.1  | Continue and expand provision of technical guidance and coordinate with NGO partners and counterparts on the implementation of legal representation for at least 500 children nationwide. | At least 500 children have access to legal aid and benefitted from legal representation/protection.  |
| 2.4.2  | Conduct at least 2 trainings for legal aid lawyers in Yangon and Mandalay.  | Approx. 100 legal aid lawyers trained on CP and JJ through at least 2 training courses.  |
| <b>2.5 Legal protection – National standards, guidelines and procedures developed in collaboration with partners for the protection of vulnerable children</b> |   |  |
| 2.5.1  | Undertake coordination meetings with key stakeholders for the protection of children in contact with the law.   | Enhanced collaboration, consensus on key issues and implementation of recommendations from the national JJ workshop in 2007 through at least 8 JJIAWG meetings in Yangon and Mandalay. |
| 2.5.2  | Organize workshop on children in conflict with the law with S/D JJ and Law Officers, police from ATU/ATTF S/D stationed police (local) and legal aid lawyers.                             | Approx. 60 participants from various govt. departments exchanged information and gained knowledge on CCWL; Recommendations to follow up at the township level.                         |

**Annex 3: Progress Made on Recommendations made by the Committee on the Rights on the Child on the Administration of Justice since 2004**

| Issue Identified   | Recommendation of Committee on Rights of the Child             | Progress   | Evaluation Recommendations  |
|--|--|--|---|
| The absence of juvenile courts; Sect. 40 Child Law<br>The lack of social workers and teachers specialized in juvenile justice and child protection | Establish juvenile courts in all regions                       | <ul style="list-style-type: none"> <li>Two juvenile courts have been established in Yangon and Mandalay Regions.</li> <li>300 Township Court Judges have the powers to hear juvenile cases</li> <li>CRC Committees have been established at the national, regional, district and township and levels to work on child protection needs</li> <li>A Diploma in Social Work has been established in the Yangon university and has produced 230 Graduates. DSW has been encouraged to appoint DSW personnel to work (30 DSW personnel are selected to attend the Diploma in Social work program every year, most are already employees of DSW) with children in the District, Township levels but there is a lack of resources and capacity to use them effectively at this stage.</li> <li>DSW transfer some staff to the township level to participate in CRC Committees as secretaries of the committees</li> </ul> | <ul style="list-style-type: none"> <li>Support the Supreme Court to establish two more juvenile courts in areas where there are most numbers of CCWL</li> <li>Support the Supreme Court to develop a strategy for the expansion of juvenile courts in the 14 Districts</li> <li>Support more training of Township and Sub-township officers in General Administration Department</li> </ul>                             |
| An over use of and the lengthy periods of pre-trial detention with no established limits.  | Limit length of pre-trial period                               | <ul style="list-style-type: none"> <li>Advocacy on law reform is ongoing</li> <li>Advocacy is being conducted with Minister of DSW – the draft law is drafted by relevant agency (in this case DSW) and is sent to the Office of Attorney General. A draft law was sent to the Office of Attorney General in 2008</li> </ul>   | <ul style="list-style-type: none"> <li>Support technical skills in investigative skills, case management to police, prosecutors and judges to reduce period of pre-trial necessary</li> <li>Issue can be raised at JJIAWG meeting for discussion</li> <li>Support DSW training of probation officers in report writing to ensure high quality reports are provided to the court in a timely manner</li> <li></li> </ul> |
| Poor conditions of detention   | Protect the rights of children and include child sensitive and | <ul style="list-style-type: none"> <li>The project has provided recreational activities and</li> </ul>   | <ul style="list-style-type: none"> <li>Support DSW trainers to conduct training on</li> </ul>   |

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|  | accessible independent complaints system; separate child offenders from those needing protection; Ensure children remain in contact with families; introduce regular medical examination; | <p>training for children in detention to several institutions through the NGO GRI who provides music and singing lessons to children; other activities include boxing, soccer, and other sports</p> <ul style="list-style-type: none"> <li>• Training on child rights, international standards and child sensitive procedures has taken place in 2008 but trained staff have been transferred and inductive and ongoing training is needed</li> </ul>   | counseling skills, developing rehabilitation plans for each child, report writing for case management and reviews, effective and positive disciplinary system and techniques of dealing with discipline without use of force, gender based violence, health needs for boys and girls, nutritional needs etc.  |
| The length of time before cases are heard  | Provide children with legal assistance  | <ul style="list-style-type: none"> <li>• UNICEF Partnership with MCC provides legal representation for children up to 18 years and women victims of gender based violence in 2010, as of 2011 this program covers 245 Townships (out of a total of 324) in 13 out of 14 States and Divisions. They now have 966 volunteer lawyers working on such cases when they arise across country.</li> <li>• Lawyers have been trained in the CRC and child friendly interview techniques and child friendly processes in court.</li> <li>• UNICEF is working on the preparation of a lawyers handbook on the Child Law and Child Friendly Practices</li> <li>• In partnership with UNICEF, MCC provides Support for transportation to and from court is provided; education, vocational training and life skills. Lawyers identifying children's needs without proper formal training</li> </ul> | <ul style="list-style-type: none"> <li>• Support technical skills in investigative skills, case management to police, prosecutors and judges to reduce period of pre-trial necessary</li> <li>• Support DSW training of probation officers in report writing to ensure high quality reports are provided to the court in a timely manner</li> </ul> |
| Lack of assistance provided towards rehabilitation and reintegration of children | Establish rehabilitation and reintegration programs for children after court sentence   | <ul style="list-style-type: none"> <li>• UNICEF provides support to DSW for Family Tracing Reunification</li> <li>• Support was provided for music and sports activities within training schools up until May 2011 when</li> </ul>  | <ul style="list-style-type: none"> <li>• Support DSW to enhance capacity of probation officers to conduct community investigations prior to review of sentences after 1 year</li> <li>• Support DSW to enhance</li> </ul>   |

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|  |  | <p>funding for the project was temporarily renewed (but only in part)</p> <ul style="list-style-type: none"> <li>• No other rehabilitation and reintegration programs have been introduced in institutions</li> <li>• Some of the 20 Probations Officers who are located only in regional offices have been trained in child friendly practices. The capacity of probation officers and the appropriate resources required for them to perform effectively is severely lacking. At the moment when the court requests a report on the background of a child DSW assigns any available staff person at the relevant Regional Office. Some POs have been trained in child friendly procedures but are not involved in the training institutions in conducting reviews of children's sentences after one year or in family tracing</li> <li>• UNICEF has provided recreational material support for training schools but funding was stopped in May 2011</li> </ul> | <p>the capacity of probation officers to do family tracing to assist in the release of more children to their parents/guardians or families</p>  |
| <p>The sporadic training of judges, prosecutors and prison staff</p> | <p>Train judges, prosecutors, lawyers, probation officers and prison staff in all regions on international standards</p> | <ul style="list-style-type: none"> <li>• Educational materials have been produced for police, judges and lawyers.</li> <li>• TOTs have been trained on child friendly practices and procedures within police, and the Supreme Court</li> <li>• Handbook for Police, child friendly procedure manual for police, child friendly rights posters have been produced for child friendly court rooms</li> <li>• Professionals have been given access to training on child rights and international standards for the treatment of CCWL</li> </ul>   | <ul style="list-style-type: none"> <li>• Prepare laminated pocket size checklist for police with steps and guidelines required for child friendly treatment of CCWL based on Myanmar law and international standards</li> <li>• Train more Trainers for police, courts and DSW</li> <li>• Professionalize probation officers by provide professional training on CCWL on topics such as report writing for probation officers, case management; counseling, child protection, family tracing and psycho-social support</li> <li>•</li> </ul> |

|  |   |   |  |
|--|---|---|--|
| Minimum age of criminal responsibility is too low at 7 years     | Raise minimum age to 12 years and offenders under 18 years should receive special procedures and not same sanctions as adults         | Advocacy on law reform is ongoing<br>With DSW, Attorney General, law makers,<br>Plan to hold national workshop this fall for all stakeholders | <ul style="list-style-type: none"> <li>• Continue advocacy</li> <li>• Provide workshop on child development and children in need of protection for law makers</li> <li>• Work with the Supreme Court to develop a Bench Book for Judges, Prosecutors and Lawyers on Children in Contact with the Law based on national laws and international standards</li> </ul>                                       |
| Lack of provision in Child Law for securing legal representation | Review Child Law and add provision to ensure legal representation is provided to those without resources                              | Advocacy on law reform is ongoing   | <ul style="list-style-type: none"> <li>• Continue advocacy</li> <li>• Seek other NGO partnerships for legal representation</li> <li>• Government requires that only registered NGOs can work in the country. They have registered only religious NGOs. Therefore the selection of NGOs that can partner with UNICEF is limited both in scope and in capacity.</li> </ul>                                 |
| Legal sanctions on children for status offenses such as begging  | Review procedure concerning quasi-judicial decisions to send children under 18 years to training schools without provision for appeal | Advocacy on law reform is ongoing   | <ul style="list-style-type: none"> <li>• Advocate for alternative sentencing options for status offenders</li> <li>• Support safe houses for children without families</li> <li>• Conduct study on diversion and traditional dispute resolution, how it works and its links with the formal system</li> <li>• Conduct study of street children with the aim of developing effective solutions</li> </ul> |

#### ***Annex 4: DSW Training Schools***

##### ***Mandalay Boys Training School***

The school was under its capacity of 200 with 154 boys in residence. There are 3 categories of boys – orphans who are kept until they are 18 years old; street children; pre-trial boys (22 at time of visit) and sentenced offenders (54). Efforts are made to find the parents of street children through family tracing. If the tracing is not done or if the tracing does not locate anyone boys will stay at the institution until 18 years old.

Children who are sentenced by the court are given the minimum sentence of 2 years under the Child Act. The average stay is 2 to 3 years. A ‘disciplinary committee’ comprising the Principal, Deputy Principal, vocational teachers and caretakers from the institution reviews boys cases after 1 year of their sentence is served and based on their assessment, a review report may recommend an early release of the child to the court. The recommendation is based on the committee’s assessment of the child’s behavior.

The training schools have limited resources available for family tracing and for transportation. Children whose parents live in remote areas are unlikely to be reunited with their families given that adequate family tracing cannot be carried out. These children will therefore remain in the institution until they are 18 unless the parents travel to the institution themselves or the institution receives assistance from UNICEF or World Vision in FTR. Most of the children whose parents were located through family tracing have been released. Staff said that due to their limited resources most of the children released come from Mandalay.

The length of stay for pre-trial children depends on the seriousness of the alleged offense. Minor cases are usually finalized in court within one month while more serious offenses can take 3 months and sometimes up to 9 months. The time kept in custody before sentence is not taken into account in the sentence with the resulting sentence for most boys being the minimum period allowed by law of 2 years and some boys with more serious charges for three years or more up until age 18 years.

The most prevalent offenses were theft (29) for stealing motorcycles; rape (5), murder (3), assault causing harm (6); for joyriding; and gang fighting. The school has set up different barracks to separate offender children from orphans and street children.

All institutions reported that parents could visit their children each week with specific days being allotted for such visits. According to the principal, visits are recorded in a visitor’s register and caretakers take the opportunity when visits occur to talk to parents or guardians about the child’s behavior and in relevant cases, their willingness to accept the child back if the court agrees to early release. According to the principal these discussions are recorded in the child’s file so that an assessment can be made about whether the parents are able to accept the child back or not.

According to the principal, staff discuss their interests with children before placing them for training or activities such as sports, boxing, hair dressing training, sewing, computer training (in Mandalay boy’s training school only), formal education etc. The Mandalay Boys training school receives assistance from Save the Children for life skills training, vocational training and literacy. Assistance is received from World Vision for sewing, hair dressing and they provide the institution with trainers for these programs. They have approximately 10 local donors one of which provided them with 10 computers but there is no trainer available so

the computers are currently not being used.

UNICEF has provided training on psycho-social support and child protection in 2003 but most of the trained staff have been transferred. Staff wanted training on the CRC and international children's rights, psycho-social support and child protection. However, the principal argued that the priority for staff training should be psycho-social support so that caretakers can better address the boys' needs for counseling and rehabilitation and reintegration. The Minister has expressed interest in psycho-social support and the principal had already prepared a brief for him. The principal noted that there was need for follow-up on any training provided.

Female staff comprise 6 out of 16 staff and mainly work directly with the boys as caretakers. Administrators from both boy's training schools thought the benefit of having female staff was that they were like mothers to the boys and they were meticulous in keeping the barracks clean and tidy. The disadvantages were they could not lead the boys in agricultural activities and the female wardens could not work at night because it would be culturally inappropriate for women to be around the boys at night.

### ***Nget Aw San Boys' Training School***

This school is in an isolated location in Kawhmu Township, about a 2-hour drive south of Yangon. The school currently detains 449 boys and has a capacity of 500.<sup>25</sup> It houses 2 categories of boys: street children (244) and children in contact with the law (205). The main offences are theft, murder, fighting, and causing injury.

There are 17 professional staff with training as social workers (1 holds a Diploma of Social Work while the others have received DSW training) out of a total of 36. Of the 17, 11 are women who work as caregivers and work directly with the boys. 3 women are wardens (2 supervising the street children barracks and 1 supervising offender children). There is no doctor at the institution and 2 male nurses look after the boys. Voluntary doctors come to the institution every 2 months and are sponsored by the Total Oil Company, which also provides free medication. A primary school teacher from the Ministry of Education teaches the boys up to the 4<sup>th</sup> grade. Boys who do well and wish to continue their education can continue starting at grade 5 in the community middle school. At present a total of 116 boys are in primary school while 13 boys attend middles school in the community. 2 boys are attending high school in the community.

The Ministry of Education and UNICEF sponsor non-formal education. Currently, 64 boys participate in primary vocational programs including sewing (15), drawings on glass, barbering (10), motorcycle repair (3), and the remaining boys are in agriculture.

The institution has received assistance from UNICEF in family tracing over the last 2 years during which time about 100 boys have been reunited with their families.

Staff provide guidance to boys who misbehave by fighting. The boys are expected to participate in what was referred to as civic lessons during weekdays. A recreational and arts program was offered by GMI and sponsored by UNICEF up until March 2011 when funding was cut. The Principal and Deputy Principal said they did not know why but thought it was

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<sup>25</sup> Previously, the population of boys at the school was significantly over capacity until recently when a large number of boys were released. Their release followed a tragic incident where a staff person was murdered and DSW had assessed a contributing factor to the incident was over population.



lack of budget support. In fact, the program funding was stopped when the activity was not renewed for funding during the extension period sought with AusAid. They argued there was significant value for both the boys and the institution by this program. The range of activities taught by GMI teachers included guitar lessons, keyboard, and sports, including football. The Principal said that because boys were focused on the activities, incidents of misbehavior reduced dramatically as well as attempts at escape. Now the only recreation the school can offer is watching television and movies. The administrators specifically asked that it be reinstated in any extension of the project.

They described the benefits of training to include staff treating children “more gently” due to improved communication skills and better management of behavioral problems. Instead of relying on strict punishments, staff now engage with boys to identify problems. Boys now seem more relaxed and become involved in fewer behavioral problems. Children also participate more in school and vocation training and when there was a sports/recreational program this too created a more peaceful atmosphere in the institution. Before excursions were made more available many boys would try to run away causing problems for staff who faced punishment from their superiors.

Children’s family visits are recorded in registers. Staff take the opportunity to discuss the boys’ behavior with their parents especially those boys they are being considered for early release. This institution has a complaints system similar to other DSW institutions and once a month they permit boys to express their concerns in writing to the warden and principal. The most frequent complaints concern their interest in particular vocational programs or in sports such as football or the lack of parental visits. There have been no complaints against staff according to the principal. The principal inspects each barrack every Friday and this is considered another opportunity for the boys to express any concerns.

If there are behavioral problems, especially fighting, the guilty boys are called to speak with the principal. If found guilty, a boy is punished by being required to carry water, to chop wood or for the most serious cases, the boy’s release can be delayed. The caretakers deal with minor issues within the barracks through verbal reprimands.

The principal and deputy have been receiving visits from UNICEF staff twice a year.<sup>26</sup> They would welcome more visits and involvement so UNICEF can see first hand how they are using their support and so they can become more aware of the institutions needs. They suggested that it would be beneficial for UNICEF to see first hand the impact of their support on staff and the boys. They felt it is important that the UNICEF project be extended and expanded to work more closely with DSW and the training schools.

### ***Natmauk Girls Training School, Yangon***

139 girls were detained in this School which has a capacity of 150, including offenders 35, Victims 0, orphans 40 and 64 street children. Street children are kept until they can locate their parents or until 18 years old. These girls can then be transferred to a woman’s vocational training school where they can work for their livelihood sewing, embroidery, weaving or in a factory. This option was described as voluntary.

Most victim girls are trafficked girls returned from China and kept in the Phaung Taw Thu Ward in Mandalay. If girls are trafficked in the south they are kept at the Natmauk Girls

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<sup>26</sup> UNICEF informed the evaluator that UNICEF staff had visited 6 or 7 times during 2007, twice in 2009 and 4 times in 2010 and that the current principal has held the position for only a month or two.

School until their parents are found.

Offender girls are from Yangon and are sentenced for theft, prostitution, pick pocketing, drug trafficking and human trafficking<sup>27</sup>. The average stay is the minimum sentence allowed of 2 years although if their behavior is good the court can give them an early release after 1 year. The process involves a disciplinary committee with members from the caretakers, the principal and deputy principal. If released early a girl can return to her family. The principal reported cases where a family had requested that the institution keep a girl for the full 2 years so she can benefit from vocational training (gold leaf production, embroidery, sewing, paint brush production, cobbler). Families are said to be motivated by the fact that a girl earns money from these activities and the parents benefit financially from the income their daughter earns at the training school. When the girl completes her sentence parents believe she will be better equipped to open her own business and earn an income. The products produced by the girls are sent to CitiMart (market) for sale. The girls are also trained in dressmaking and make uniforms for the girls at the institution. A shoe factory sends materials to the institution and a girl can make 50 Kyats a day making shoes after she is trained. Girls are given 25% of their earnings for pocket money while 75% is kept in a bank account for them when they are released.

No formal education is offered at the school. Instead there are 3 R Classes offered to teach literacy. There are no specialized teachers and thus the caretakers teach the girls. Staff also act as vocational trainers.

Staff have attended training on child friendly practices supported by UNICEF, as well as on trafficking, health and nutrition by UNFPA and on life skills. The principal stated that before the training caretakers treated the girls more harshly. She used an example of staff referring to a child who was convicted of stealing as 'thief' prior to the training and that since then there had been no more name calling because staff had learned not to bring up a child's past. She believed they had also become more skilled in developing relationships with the girls. In her view, the behavior of the girls had also changed because there was now less fighting amongst the girls. However, when they misbehaved they were ordered to clean toilets or to cut the grass.

There is no classification system in the institution – all girls live together.

Some staff have received training on child friendly practices and computer training. Recreational training was provided through GMI, which organized music, drawing and dancing every Saturday. GMI is a local NGO which received support from UNICEF to provide this training although recently this has been stopped after the extension of the project was sought from AUSAID in May. As mentioned earlier it was decided not to fund GMI during the extension. UNICEF also provided assistance to another NGO, EMDH, for family tracing.

The principal, who is soon to retire, said she did not monitor staff closely but had noticed that the training had improved the staff's ability to create a more positive relationship with the girls. When staff return from training courses they are asked to share their knowledge with the rest of the staff and if the principal feels that there are good ideas she encourages other staff to implement the new ideas.

Girls receive family visits on Monday or Fridays and the visiting parents sign a register.

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<sup>27</sup> Some girls at the Natmauk Girls' Training School noted in the body mapping exercise that they had been accused of collaborating with their parents in trafficking other children.

According to the principal, the greatest benefits received from the UNICEF project include the financial support for family tracing, the training opportunities for some staff, the recreational training and activities. The recreational activities are a source of enjoyment for the girls and staff and provide an outlet to the daily routine.

The principal would like UNICEF to purchase motorized sewing machines to help train the girls since this could help them get jobs in factories where they could earn up to \$70 per month.

### ***Phaung Taw Thu Ward Girls' Training School in Mandalay***

The Phaung Taw Thu Ward Girls' Training School currently houses 67 girls while the school has a capacity of 100. There are currently only five girl victims/survivors at the institution. Three categories of girls are housed at the school: homeless girls; trafficked girls and girl offenders sent from the juvenile court. The largest category is made up of trafficked victims/survivors brought to the institution by various agencies and departments (Department of Health, Department of Social Welfare, Religious Affairs, Department of Information, Department of Education, UNICEF, UNIPF, IOM, World Vision, Save the Children, Women's Affairs) who take custody of the girls in the border areas when they are returned from China. These girls are required to stay at the institution for a minimum of 2 weeks during which time attempts are made to locate their families. Even when the families are located before the 2-week period is up; the girl's must stay at the institution for 14 days.

There were only 13 sentenced girl offenders or those waiting for trial. Most girl offenders were there for prostitution or petty theft. Only one girl employed as a domestic servant was there for a serious theft charge relating to the theft of jewelry from her employer. Girl offenders were sentenced to the minimum 2 years while many of the victim girls stay at the institution until either their family is located or until they turn 18 years of age.

The principal reported that most girls behaved well and therefore she submitted review reports to the court recommending early release. She noted that because of the relationships built at the JJIAWG group the courts had become more cooperative with her staff and generally released girls they recommended for release. Another benefit attributed to the JJIAWG meetings is that fewer offender girls are now detained in the institution due to the increased cooperation between the police, court and institution. Most are released to the custody of their parents or guardians.

Staff prepare a 2 page form and send it to the judge who regularly approves the release based on the reports. The recommendation for release is dependent on the girl's place of residence. Most releases are ordered for girls from the Mandalay region because their parents can be found easily. However, the parents of girls from more remote areas are often not located due to lack of resources for staff to travel to locate them. The principal attributed the swiftness of the review process to the work of the JJIAWG and reported that appeals are usually accomplished within one day. The principal argued that it would be better if JJIAWG met more frequently and if professionals who have direct contact with the children and the system could also attend.

The institution has 2 barracks and there is no classification system used. Staff noted that problems arise between the trafficked girls and the offender girls when mixed together. This is because the trafficked girls, who are mostly sent back from China, share their sexual experiences with their (often rich) Chinese captors, and in the principal's view, the offender

girls get ideas from them. In order to reduce this negative influence the principal has submitted a plan to DSW for the construction of another barrack so she can separate offender girls from trafficked girls.

Programs offered to the girls include embroidery, sewing, production of gold leaf, and hair dressing. A common problem according to the principal is that the girls are often uninterested in participating in these programs and the staff therefore try to motivate them and pressure them to participate.

Girls are introduced to the rules of the institution and to the programs available upon their arrival by the staff. For many, it takes time for them to adapt. Staff explain the different programs available and try to discover what the girls are most interested in and place them in a relevant program. They observe their performance and if a girl is not performing well will place her in another program.

There are 10 staff at the institution, all women, and all live on site. Staff comprise the principal, a deputy principal and various levels of social workers. The principal has earned a Diploma in Social Work. The institution lacks maintenance workers, a gardener and trainers. There are no medical staff at the institution but volunteer doctors come twice a month and provide required medicines at their own expense. There is no formal education at the institution but local manufacturers who train the girls in the skills necessary to produce their products and then sell them for profit. For example, one manufacturer teaches girls (currently 10) to produce gold leaf and pays them for production. Hairdressing is taught by JICA while professionals who bring the necessary supplies and pay the girls for their labor teach embroidery. These arrangements with local businesses provide skills to the girls, which they can later use to earn a living in the community once they are released.

UNICEF provides material assistance to the institution for transportation, camera and computer equipment as well as expenses related to returning the girls to their families. No training has been provided to institutional staff as part of the project. Staff thought that training in child friendly practices would be beneficial in working with the girls. The principal has undertaken training in life skills, trafficking, CRC, CEDAW, psycho-social support, child soldiers and has shared the knowledge and skills with her staff. Gaps in staff training include psycho-social support, child friendly practices, discipline, nutrition, and the medical needs of girls.

Few people visit the institution so there are no days assigned for visits. A visitor can visit any time and these visits are recorded in the visitor's book.

## ***Annex 5: Body Mapping Report on Children in Institutions***

### **Report**

#### **Body Map and Focus Group Discussion with**

#### **Children in Conflict with the Law**

**(Evaluation for UNICEF Child Protection and Aus AID Project)**



## Daw Si Si Aye

### National Consultant

31<sup>st</sup> July 2011

#### 1. Evaluation Tools

The conducted evaluation tools are body map and focus group discussion with 13-24 girls and boys in contact with the law at DSW institutions age 12-18 years.

#### 2. Findings

In body map exercise, (42) boys and (27) girls, altogether (72), age about between (12-18) years took part as follows : -

| Sr.   | Date    | Training Schools     | Places                             | No   |       | Age Range     |
|-------|---------|----------------------|------------------------------------|------|-------|---------------|
|       |         |                      |                                    | Boys | Girls |               |
| 1.    | 14/7/11 | Boy Training School  | Mandalay (12 <sup>th</sup> Street) | 21   | -     | (13-16) Years |
| 2.    | 16/7/11 | Girl Training School | Mandalay (Phaung Taw Thu Ward)     | -    | 13    | (14-17) Years |
| 3.    | 22/7/11 | Girl Training School | Yangon (Natmauk)                   | -    | 14    | (14-16) Years |
| 4.    | 23/7/11 | Boy Training School  | Yangon (Nget Aw San)               | 24   | -     | (12-18) Years |
| Total |         |                      | 4 Places                           | 45   | 27    |               |

When I met with the children in contact with the law at DSW institutions, it was found out that they are polite and alert. They discussed about their experiences openly.

The body Map was used to find out the protection issues affecting girls/boys in the institutions. It was also used to explore how effectively the stakeholders (parents, relatives, polices, caregivers, doctors, lawyers, judges) were preventing and protecting girls/boys from protection issues that affect them.

First of all, the girls/boys in contact with the law were asked to consider the peoples who helped and protected them. It was found out that the persons who helped and protected them in homes, communities, institutions, courts and police stations as follows: -

| Sr. | Gender | Persons who helped & Protected  |
|-----|--------|---|
| 1.  | Boys   | <ul style="list-style-type: none"><li>- Parents * * *</li><li>- Teacher who taught them boxing * * *</li><li>- Relatives * * *</li><li>- Friends in institutions * *</li><li>- Lawyers from Legal Aid * *</li><li>- Judges * *</li><li>- Inspection of Police *</li><li>- Neighbor *</li><li>- Caregivers *</li><li>- Head of Institution *</li></ul> |

| Sr. | Gender | Persons who helped & Protected   |
|-----|--------|--|
| 2.  | Girls  | <ul style="list-style-type: none"> <li>- Parents * * *</li> <li>- Relatives * * *</li> <li>- Head of Institution * *</li> <li>- Caregivers * *</li> <li>- Lawyers from Legal Aid * *</li> <li>- Judges * *</li> <li>- Inspection of Police *</li> <li>- Policewomen *</li> </ul> |

**Note :** \*\*\* Persons often help.  
\*\* Persons sometimes help.  
\* Persons rarely help.

To find out the impact on children of the juvenile justice system, we used the body shape and explored their own experiences from police station, court, and institution. The results from body mapping exercises were as follows: -

| Sr. | Body Map     | Findings   |
|-----|--------------|--|
| 1.  | Head         | <ul style="list-style-type: none"> <li>- They can think and decide to earn on good job in the future.</li> <li>- They think that they would learn a profession while they stay at institution.</li> <li>- They come to know the parents' gratitude.</li> <li>- They become disciplined and good</li> </ul>         |
| 2.  | Eyes         | <ul style="list-style-type: none"> <li>- They come to see that institution is not like home.</li> <li>- They see a lot beating at the Police Station.</li> <li>- They are allowed to watch TV and Videos at the institutions.</li> </ul>   |
| 3.  | Ears         | <ul style="list-style-type: none"> <li>- The words spoken by the judge and policemen were not heard before for them.</li> <li>- Abusing, beating and crying were heard at the Police Station.</li> <li>- Many kinds of cases were heard at the institutions.</li> </ul>  |
| 4.  | Mouth        | <ul style="list-style-type: none"> <li>- Own feelings and sufferings cannot be expressed at the Police Station and the Court.</li> <li>- Own wills and sufferings can be rightfully told to caregivers at the institution.</li> </ul>  |
| 5.  | Heart        | <ul style="list-style-type: none"> <li>- Even though there is differentiation at the Police Station and Court, it is not the same in the institutions.</li> </ul>  |
| 6.  | Stomach      | <ul style="list-style-type: none"> <li>- Breakfast, lunch and dinner are fed for 3 times.</li> <li>- Medicine is given during illness if needed, taken to hospitals and clinics.</li> </ul>  |
| 7.  | Hands & Arms | <ul style="list-style-type: none"> <li>- They were beaten at the institutions because of their bad behaviors.</li> <li>- They have to make grass removing, sanitation, dressing hair, paintings, sewing, boxing, reparation of cycles, stitching shoes and maintaining institution owned cows and oxen.</li> </ul> |
| 8   | Feet & Legs  | <ul style="list-style-type: none"> <li>- It was known that although can go within school compound, when go outside of institution have to go other with caregivers.</li> </ul>   |

When Children are caught, the policemen handcuffed them or tied them. Children are beaten and roughly handled during case investigation, for example : beaten with round iron rods, wooden rods. Moreover, they were kept in dark rooms, investigated by using

magnetos, treated harshly and water drops are dropped on the heads. The policemen do not accept the children's explanations.

The accused children are kept together with the adults in custody and they are not fed. The female accused is investigated and a female policeman stays nearby. It was taken that some girls have been investigated without presenting female at the Police Station. It was found out that in investigating at police station took for five to eight months.

The judges listen to the explanation of the children but do not accept long explanations. The child cases are tried at the Yangon & Mandalay Juvenile Court. The trial at the Court lasts from three to eight months and it takes such a long time. It is lengthy because the Judge is not free and witnesses do not appear.

The needed lawyers for most of the children are lawyers from Legal Aid Project. Some are given by the Government and some are hired by the parents and relatives.

Even though the lawyers from Legal Aid Project behave well towards children and gives good protection, it is found out that a female lawyer from Legal Aid Project from Pyinmana gave K 1000 to the child let him made the confession because the case lasted so long. It was known that lawyers from Legal Aid Project could not perform as per their promises.

There are male and female caregivers who look after the children in Boy Training Schools but there are only female caregivers who look after the children in the Girl Training Schools. It was found out that children did not happy at the training schools.

The wishes of children in institutions are that not to torture in investigating at police station, do not claim money fraudulently to examine the case rapidly and ask environments to order judgment.

Children said that they shall not wish to meet with policemen and judges again and they shall live cleverly. They said the most wish of them is that they have been allowed to depart from training schools quickly and to stay with their parents and family and relatives.

### **3. Recommendations**

By using the research tools of the body map and FGD, the following points are recommended to improve the protection of children in conflict with the law through the Myanmar juvenile justice system in line with the CRC.

1. It was found that street children and child offenders were mixed in the boy training schools and also child prostitutes and child offenders were mixed in the girl training schools. It should be clear that the distinction between children in need of protection and child offenders. These street children and child prostitutes require protection and support to reintegrate into the communities and to empower to make the best of their difficult circumstances.
2. It was found that even though a child from the boy training school was sentenced in 2 years, the child had to stay there for more than 4 years, because the parents did not come. Therefore, it should be performed family tracing and reintegration of children from institutions systematically.



3. Police, prosecutors, lawyers and courts should order rapidly on child cases without delay and punishment and offence fairly because it was known that a child was detained at police station for (1) year and (9) months under theft and the court punished for (3) years imprisonment so that such child was taken for nearly total (5) years of punishment.
4. It was known that the investigation on a child at police station was carried out from (8) PM to (6) A.M without sleeping. Policemen should perform according to Myanmar Child Law in arresting and investigating case in respect of children and need to practice child friendly police procedures.
5. Investigation and trial proceedings are generally designed for adults. Process can be intimidating to children and lead to further stress and trauma. Police, Prosecutors, Lawyers and Courts should develop positive and friendly relationship with child offenders and should be a positive role model for the children, combining authority and friendliness.
6. Children in contact with law have been dealt with discrimination at the police stations and courts. Therefore, police, and prosecutors, lawyers and courts should allow children in contact with law to participate and hear the words of such children.
7. Lawyers from Legal Aid Project should be trained about the code of practices to be performed in relationship with children in contact with law, the nature of DSW institutions, CRC and Child Protection.

## ***Annex 6: Stakeholders Proposed Interventions***

### **JJIAWG**

1. In Yangon, the continued need for legal representation for children. The MCC lawyer's representation was seen as key to ensuring that children's cases are dealt with in a timely manner because they organize witnesses for the defense and ensure they attend court, which was the major cause of court delays cited.
2. Support for victims especially in rape cases. In such cases medical and legal support is crucial to the success of the court case. Although the project provides support through its partnership with MCC, much more is needed in this area given that there are many more cases of GBV than is being dealt with by the system at present. Awareness of gender rights is limited and awareness of the representation provided to children and women victims of gender-based violence is also limited.
3. The establishment of temporary shelters in every division/region so that children without parents or who have been victimized can be assisted without putting them into training schools or orphanages.
4. Continued work on building awareness of the Myanmar Child Law, Rules, international standards and on child friendly practices and procedures is necessary given that most judges, police, legal officers, probation officers and other professionals are unfamiliar with child rights. As part of this awareness, members argued for more exposure to best international practices especially within the ASEAN region.
5. Legal Officers noted that training to date had provided knowledge of the basic principles of child protection but that there was need for more advanced training in advocacy and relevant laws. They also thought that only a small group of judges, lawyers and legal officers had been trained thus far and that there needed to be additional training courses to include all judges, legal officers and lawyers so they can be exposed to the special needs of children in contact with the law. This is necessary because many courts deal with children as co-offenders and as victims.
6. DSW pointed out that the project focused on assisting pre-trial and trial children but that there existed a significant need to train institutional staff on child friendly practices, psycho-social support and counseling skills; assistance with family tracing to ensure that children with families are reunited with their families; assistance with court reviews of the minimum 2 year sentences for children sent to training schools when they demonstrate good behavior; and support for recreational and vocational training programs for children in institutions to help them develop and learn skills that will help them earn a livelihood once released.
7. JJIAWG noted that it has been 7 years since the first workshop for JJIAWG held in 2004 and that there was a need for a review of developments in juvenile justice since that time. They thought a review workshop could be organized where members could report and share the accomplishments during the 7-year period and identify the priorities and objectives for moving forward. In Mandalay it was suggested that it would be more beneficial to hold two regional workshops: one in Upper Myanmar and one in Lower Myanmar so that more could attend and benefit. JJIAWG members had gained a great deal of experience during the 7 year period and it would be an important milestone for them to compare the progress made since the last workshop and then decide together what their priorities would be for the future of juvenile justice. In Mandalay it was suggested that a future workshop should include topics of child protection, gender based violence, and human trafficking as well as juvenile justice given that children in contact with the law includes child victims as well as child offenders and witnesses. Members pointed out that by adding these topics, girls would benefit because they are

mainly victims usually of trafficking or sexual assault and professionals would understand the needs of girls and address them more effectively. It was also noted that girl offenders who were usually convicted of prostitution would also benefit from this discussion in that that juvenile justice professionals would be able to provide rehabilitative and counseling support to help ensure these girls did not return to prostitution on their release from training schools. Generally members thought that this way the connections between these issues would be better understood and participants would be better equipped to understand and deal with issues that brought children into contact with the law.

### *Office of Attorney General*

In addition to further and continued training opportunities DAG noted the need for the following:

1. Training in investigations incorporating child friendly practices for police investigators and Law Officers to enhance skills and avoid unnecessary delays. In addition specialized training in gender based violence investigation techniques for girls and women was essential.
2. Regional international exposure to juvenile justice systems and best practices.
3. Continued material support in the form of additional CCTV systems particularly for Nay Pyi Taw, Ayeyarwaddy and other cities.

### *Supreme Court*

The judiciary perceived the following components of the project as having been most beneficial:

- a) The training conducted by Justice Kellam was very beneficial in exposing judges to international standards and experiences of juvenile justice. New knowledge of appropriate techniques and procedures was considered valuable in light of the efforts of the judiciary to sustain an ongoing training curriculum for judges on child rights and child friendly procedures. More support in training, TOT, and curriculum as well as more international exposure would be beneficial and welcome.
- b) The provision of CCTVs in the Mandalay and Yangon juvenile courts were seen as a significant contribution to the efforts of the judiciary to apply international norms and procedures for child offenders, victims and witnesses in juvenile cases. The equipment helped to ensure the confidentiality of the victims and witnesses and permitted a safer environment for the children to share their experiences with the court without fear. Supreme Court officials and juvenile court judges believed it would improve the situation of child rights for the project to support the installation of additional CCTV equipment in other districts where children's cases were numerous. This would be particularly appropriate in areas where there were large numbers of child victims of sexual assault and human trafficking.

### *Myanmar Police Force*

Police administrators wanted to establish specialized child friendly units within the MPF

throughout the country. They envisage assigning women police officers specially trained in child friendly laws, practice and standards to these units. They would like to cooperate with the project on the establishment and support of these specialized units in the form of technical assistance and material support. They see a model for this in the support UNICEF provides to police for their human trafficking police project in the border areas. Assistance would include technical support for training and TOTs as well as material support in terms of computers and publications.

### *Police Training Academy*

Academy staff wanted to continue cooperating with the project because they saw training police and changing police culture as an ongoing process. They would welcome the following additional assistance:

1. Training more trainers given the recent transfer of trainers out of the academy
2. Training equipment for the academy in the form of two projectors and 2 large monitors for the 2 training rooms. Currently they have only a small monitor. This will ensure that trainees can easily see the material presented.
3. In order to hear the trainer and the materials being presented it is necessary to shut the classroom doors making the training room very hot. Air conditioners for the two training classrooms would overcome this problem.
4. Desks and chairs for one of the training rooms adjacent to the practice interview room where 20 cadets stood while being instructed by a trainer.
5. Refresher courses to ensure continued implementation of the procedures and practices being taught.
6. Training on data collection and analysis so that police administrators and managers would be better able to report and analyze monthly statistics.
7. Advanced training on international standards, child rights and child friendly procedures and interviewing techniques would be beneficial for upper administrators.
8. An assessment of the needs of other academies not visited during the evaluation would also need to be made.

### *Department of Social Welfare*

DSW staff stressed their key role in addressing the needs of detained children and in assisting with rehabilitation and reintegration in the community. DSW needs in any continuation of the project were identified as:

1. training materials, handbooks, TOTs and training for trainers courses for POs officers, caregivers and administrative staff
2. specialist training for POs with the aim of professionalizing their role in the juvenile justice system
3. training and materials for VPOs who can support probation staff in the community
4. training for caregivers and DSW administrators on the needs of children in institutions including: medical needs, gender issues including gender based violence, counseling skills, child development, disciplinary procedures and approaches and report writing
5. training on data collection and analysis as well as computers and software
6. material support for probation officers in FTR work and to visit children and families

- in the community when assessing and supervising children
- 7. vocational training equipment for children including trainers for boxing, motor cycle repair, bicycle repair, mechanics, carpentry, recreational equipment etc.
- 8. A specific adviser assigned to DSW to undertake capacity building of all DSW staff in institutions, and POs at the regional and township levels, a data collection system and address the issue of the most effective use of institutions
- 9. support to DSW in developing a system for follow-up and monitoring after training so that skills learned in training are transferred to the workplace

### *Training Schools*

#### **Boys**

UNICEF has provided training on psycho-social support and child protection in 2003 but most of the trained staff have been transferred. Staff wanted training on the CRC and international children's rights, psycho-social support and child protection. However, the principal argued that the priority for staff training should be psycho-social support so that caretakers can better address the boys' needs for counseling and rehabilitation and reintegration. The principal noted that there was need for follow-up on any training provided.

1. More vocational training particularly motorcycle repair, welding, carpentry, masonry and automotive mechanics.
2. Training for staff on child development, psycho-social support, case management, and child friendly practices
3. Computer training for data collection as well as software
4. Support for the return of the NGO GMI to provide training for music, art and sports to provide variety in activities for the boys and to reduce behavioral problems.
5. Desks, benches and equipment for formal and non-formal education because more boys are participating (last year 13 and this year 64) and the institution lacks the resources to buy these necessities.

#### **Girls**

The principal would like UNICEF to purchase motorized sewing machines to help train the girls since this could help them get jobs in factories where they could earn up to \$70 per month.

There are few recreational activities for the girls. They can play in the compound, watch tv, listen to music and participate in religious events. The principal highlighted the need for recreational equipment such as swings, see saw slides and outdoor tables and stools.

1. Staff in children's institutions undergo training from DSW and UNICEF on child protection and child friendly practices but feel their training through the project has been insufficient. Some explained that staff had been trained in 2003 but that since then many had been transferred while current staff had not yet had the opportunity to undergo training supported by the project. They also noted that frequently few line staff were selected for training while those who did not work directly with children were selected to attend the training workshops.
2. Institutional staff noted that corporal punishment continued to be used on occasion although they described it as light and rare and often the result of a staff person

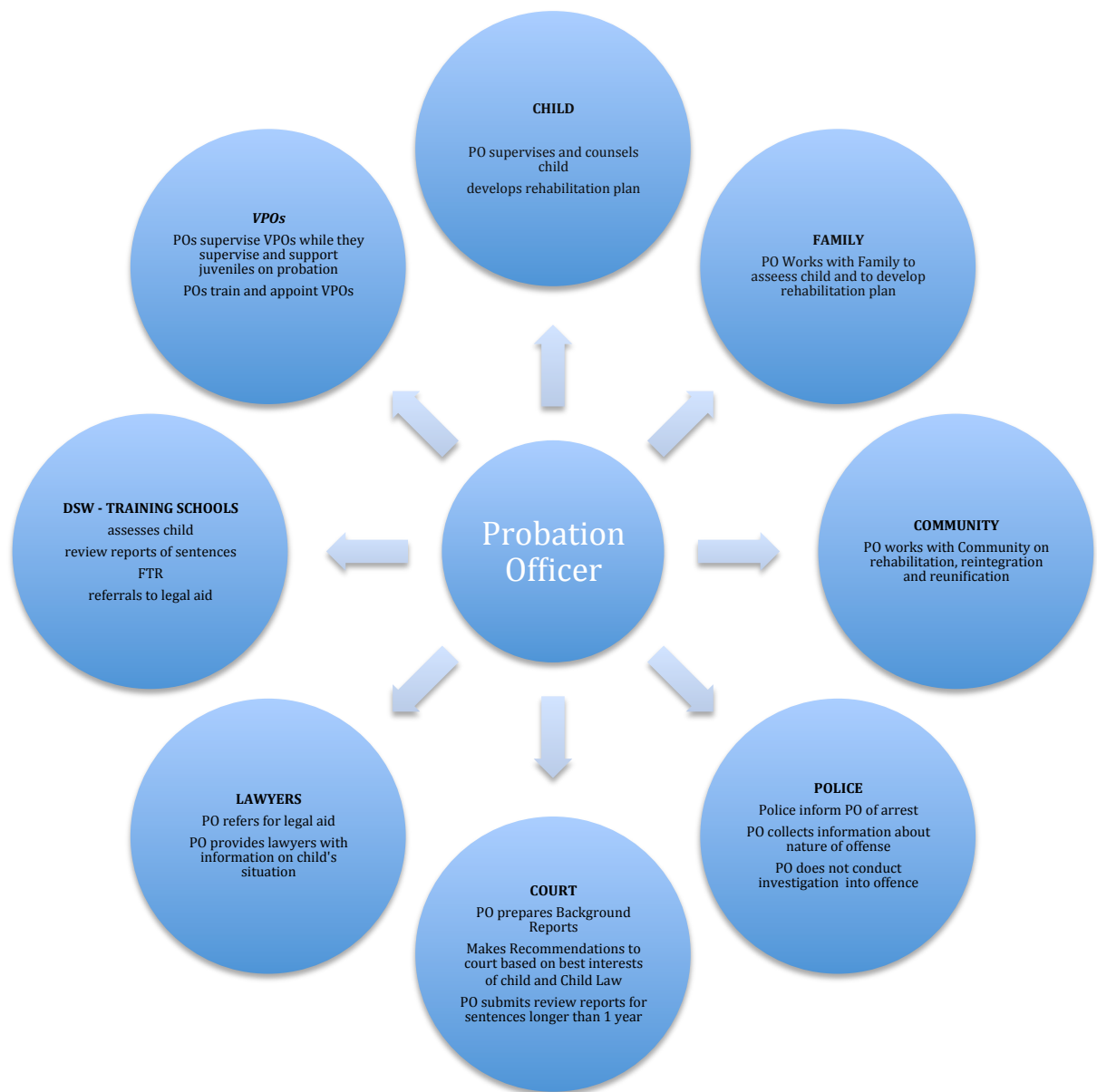
losing his or her temper over the misbehavior of children. This is in spite of a directive from the Ministry that corporal punishment was not to be used at all. However, this is a significant improvement over the previous situation reported in 2007 that staff “rigidly apply traditional systems of discipline.”

### *Myanmar Council of Churches*

Priorities for the future included:

- a) Strengthen the advocacy skills of MCC lawyers
- b) Strengthen lawyers interviewing skills
- c) Strengthen intervention skills for lawyers at the pre-trial stage
- d) Encourage lawyers to act as appeal lawyers for sentenced children
- e) Provide advocacy support in DSW institutions
- f) Advocate with the Supreme Court for a directive to be sent to all judges about the Child Law 1993 and child friendly practices and procedures.
- g) Provide training on child development, psychology and psycho-social support, gender based violence and other relevant issues facing child victims and offenders. Lawyers in Pyin Oo Lwin wanted training courses to be offered in smaller townships so that more lawyers could attend.
- h) Provide international exposure both regionally through study visits and by bringing experts in to Myanmar to provide workshops and to share experiences.

## ***Annex 7: Role of Probation Officer in Juvenile Justice***



### ***Annex 8: Evaluation Itinerary***

#### **Field Itinerary for International Consultant, conducting Evaluation for UNICEF Child Protection and Aus AID Project (Strengthening Juvenile Justice in Myanmar)**

**Dr. Cyndi Banks**

To be accompanied by U Hang Za Thawn, Child Protection Specialist (095018764) and U Brian Pe Tin Thein, interpreter (09 5101172)

| Date & Time                      | Activity & Theme   | Details   |
|----------------------------------|--|---|
| <b>Day-1, Friday 8 July</b>      |  |   |
|                                  | Arrive Yangon by flight  | By air  |
|                                  | Check in Hotel   |   |
|                                  | Night Stay at Yangon   | <b>Chartrium Hotel</b> (Tel:544500)   |
| <b>Day-2, Saturday 9 July</b>    |  |   |
|                                  | Night Stay at Yangon   | <b>Chartrium Hotel</b> (Tel:544500)   |
| <b>Day-3, Sunday 10 July</b>     |  |   |
|                                  | Night Stay at Yangon   | <b>Chartrium Hotel</b> (Tel:544500)   |
| <b>Day-4, Monday 11 July</b>     |  |   |
| 9.00 – 09:30                     | Introduce at Office morning meeting  | Coffee meeting  |
| 09.30 – 10.30                    | Meet with Officer in Charge, Child Protection Section and focal person, U Hang Za Thawn  | Briefing on progress  |
| 10.30 -11.00                     | Meeting with Child Protection team   | Briefing on the design and tool for the review  |
| 11.00 – 12.00                    | Meet with interpreter and briefing   |   |
| 12.00 – 13.00                    | Lunch  |   |
| 13.30 – 16.30                    | Meeting with Juvenile Justice Inter-Agency Working Group (JJIAWG) members- Myanmar Police Force, Judges, Department of Social Welfare, Prison Department, Law Officer, General Administration Department and Forensic Doctor | JPG Hall, UNICEF Yangon   |
|                                  | Night Stop at Yangon   | <b>Chartrium Hotel</b> (Tel:544500)   |
| <b>Day-5, Tuesday 12 July</b>    |  |   |
| 08.00 - 12.00                    | Travel to Nay Pyi Taw by car   | 4 hour drive,   |
| 12.00 – 12.30                    | Check in at hotel  | Amara Hotel   |
| 12.30 – 13.30                    | Lunch  |   |
| 14.00 – 16.30                    | Meeting with Supreme Court<br><br>Da Thawdar Sein 067-430335   | Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter ( |
|                                  | Night stop at Nay Pyi Taw  | Amara Hotel   |
| <b>Day-6, Wednesday, 13 July</b> |  |   |
| 09.30 – 12.00                    | Meeting with Myanmar Police Force<br><br>Pol Lt Col Rallyan Mone 067-412269  | Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter   |
| 12.00 – 12.40                    | Lunch  |   |
| 13.00 – 14.30                    | Meeting with Department of Social Welfare<br><br>U Myo Set Aung 067-404379   | Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, Interpreter   |
| 15.00 - 16.30                    | Meeting with Attorney General's Office<br><br>U Khin Maung Oo 067-4044051  | Accompanied by U Hang ZaThawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter    |
|                                  | Night Stop at Nay Pyi Taw  | Amara Hotel   |



| Date & Time  | Activity & Theme   | Details  |
|--|--|--|
| <b>Day-7, Thursday, 14 July</b>  |  |  |
| 08.00 – 12.00  | Travel to Mandalay by car  | 3-4 hour drive   |
|  | Check in at Hotel (Tel: 02-39805, 65586)   | <b>Sedona Hotel, Mandalay</b>  |
| 14.00 – 17.00  | Visited boy training school and meet with children in conflict with law. 12 <sup>th</sup> Street, Mandalay.<br><br>U Aung Soe 02-60476                                 | Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter and Daw Si Si Aye for body mapping exercises.                            |
|  | Night Stop at Mandalay   | Hotel Queen Mandalay   |
| <b>Day-8, Friday, 15 July ( UN &amp; Government Holidays- Full moon day)</b> |  |  |
|  | Rest and report writing  |  |
|  | Night Stay at Mandalay   | <b>Sedona Hotel Mandalay</b>   |
| <b>Day-9, Saturday, 16 July</b>  |  |  |
| 8.30 – 10.30   | Meet with MCC- Legal aid Mandalay office staff and lawyers   | Legal Aid Office, Corner of 26th and 63th Street . Thuya Win : 0949240873.   |
| 10.30 – 12.30  | Meet with beneficiaries of legal aid project   | Place to be identified by MCC Legal  |
| 12.30-13.30  | Lunch  |  |
| 14.00 – 17.00  | Visited girl training school and meet with children in conflict with law, Phaung Taw thu Ward, Mandalay Hill<br><br>(Naing Naing Aung. 02-60475)                       | Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter and Daw Si Si Aye for body mapping exercises.                            |
|  | Night Stop at Mandalay   | <b>Sedona Hotel Mandalay</b>   |
| <b>Day-10, Sunday, 17 July</b>   |  |  |
| 08.00 – 10.00  | Travel to Pyin Oo Lwin by car  | 2 hour drive   |
| 10.00 – 12.00  | Meet with MCC- Legal aid Pyin Oo Lwin office staff and lawyers<br><br>Phyu Thuzar Lin 0947129048   | Accompanied by U Han ZaThawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter  |
| 12.00 – 13.00  | Lunch  |  |
| 13.00 – 17.00  | Meet with beneficiaries of legal aid project   | Place to be identified by MCC Legal  |
|  | Night stop at Pyin Oo Lwin   | <b>Sweet Land Hotel</b>  |
| <b>Day-11, Monday, 18 July</b>   |  |  |
| 08.00- 09.00   | Travel to Police Academy at Zee Pin Kyi  | One hour drive   |
| 09.00 – 12.00  | Visit Police Training Academy, Zee Pin Kyi<br><br>Meet with commander, principal, instructors, police officers   | Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter. Police Training Academy is in middle of Mandalay and Pyin Oo Lwin road, |
| 12.00 – 13.00  | Lunch  |  |
| 13.00 – 14.00  | Return to Mandalay by car  | One hour drive   |
| 14.00 – 17.00  | Meet with beneficiaries of legal aid project . Pol Brig Gen Thein Oo.02-50020, 092044517   | Place to be identified by MCC Legal  |
|  | Night Stop at Mandalay   | <b>Sedona Hotel Mandalay</b>   |
| <b>Day-12, Tuesday, 19 July (Martyr day- Government Holiday)</b>             |  |  |
|  | Rest   |  |
|  | Night Stop at Mandalay   | <b>Sedona Hotel Mandalay</b>   |
| <b>Day-13, Wednesday, 20 July</b>  |  |  |
| 9.30 – 12.30   | Meeting with Juvenile Justice Inter-Agency Working Group (JJIAWG) members- Myanmar Police Force, Judges, Department of Social Welfare, Prison Department, Law Officer, | Regional High Court, Mandalay, Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin  |

| Date & Time                           | Activity & Theme  | Details   |
|---------------------------------------|---|---|
|                                       | General Administration Department and Forensic Doctor   | Thein, interpreter<br>(Tin Htay, Tel:02-33424)  |
| 12.30 – 13.15                         | Lunch   |   |
| 13.30 – 17.00                         | Visit Juvenile court- Mandalay and meet with police, judges and law officers<br><br>Observe case hearing using child friendly system. Khin Myint Myint , Juvenile Judge (Tel:092018315) | 65 <sup>th</sup> Street, Mandalay<br><br>Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter  |
|                                       | Night stop at Mandalay  | <b>Sedona Hotel</b> Mandalay  |
| <b>Day-14, Thursday , 21 July</b>     |   |   |
| 09.00 – 11.00                         | Return to Yangon by air   | Possible earliest flight and to check the flight time   |
| 12.00 – 13.00                         | Lunch   |   |
| 13.30 – 14.30                         | Meeting with AusAID representative in Yangon. Jillian Ray Tel: 251810   | confirmed at UNICEF Office  |
| 14.30- 14.45                          | Travel back to MCC-legal aid office   | U Ngai Sak, 398397, 095160784   |
| 14.45 – 17.00                         | Meet with MCC- Legal aid Yangon office staff and lawyers  | Corner of Pansodan and MahaBandoola Street  |
|                                       | Meet with beneficiaries of legal aid project  | Children from Yangon Peri urban area will gather at MCC-Legal Aid office, Pansodan. Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter U Ngai Sak, 398397, 095160784 |
|                                       | Night Stop at Yangon  | <b>Park Royal Hotel</b>   |
| <b>Day-15, Friday, 22 July</b>        |   |   |
| 08.00 – 8.30                          | Meeting with Khin Aye Yee, Child Protection Office  |   |
| 08.30 - 09.20                         | Meeting with U Hang Za Thawn, Child Protection Specialist   |   |
| 09.20 – 9.30                          | Travel to Juvenile court  |   |
| 09.30 – 12.00                         | Visit Juvenile court- Yangon and meet with police, judges and law officers Observe case hearing using child friendly system Daw Than Than Aye 370793, 095049102                         | No. 55 MahaBandoola Garden Street, Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter  |
| 12.00 – 13.00                         | Lunch   | Working lunch: Debriefing with OIC, U Hang Za Thawn and Khin Aye Yee  |
| 13.00- 14.00                          | Meet with Ramesh Shrestha, Representative, UNICEF   | At UNICEF Office  |
| 14.00 – 14.15                         | Travel to training school   |   |
| 14.15 – 17.00                         | Visit girl training school (Natmauk) and observe and meet with children in conflict with law<br><br>Daw Mar Mar Myint, 554282   | No. 18 Natmauk Road, Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter and Daw Si Si Aye for body mapping exercises.  |
|                                       | Night Stop at Yangon  | <b>Park Royal Hotel</b>   |
| <b>Day-16, Saturday, 23 July 2011</b> |   |   |
| 7:00 – 9:00                           | Travel to Kawhmu by car   | 2 hour drive  |
| 9:00 – 12.00                          | Observe Nget Aw San training school and meet with children in conflict with law<br><br>(U Lwin Oo, 098602040, 098617958)  | Accompanied by U Hang Za Thawn, Child Protection Specialist and U Brian Pe Tin Thein, interpreter and Daw Si Si Aye for body mapping exercises.   |

| Date & Time   | Activity & Theme        | Details      |
|---------------|-------------------------|--------------|
| 12:00 – 12.30 | Lunch                   |              |
| 12.30 – 14.30 | Return to Yangon by car | 2 hour drive |
| 19:45         | Depart from Yangon      |              |