



Fact Sheet #8

Ensuring a smooth return to society after release *Reintegration, Rehabilitation and Aftercare*

Deprivation of liberty has huge impacts on the lives of children. Their return to society therefore needs to be well prepared while in detention and accompanied upon release with adequate care and support. It is important to point out that, to describe this process, the terms aftercare, reintegration and rehabilitation are often used synonymously, despite some differences in their definitions:

- o **Reintegration** involves ensuring smooth re-entry into the community for children who have been in conflict with the law.
- o **Rehabilitation** is a process involving therapy and education for children in conflict with the law who show anti-social behaviours or reactions. Rehabilitation restores the child's place in society and allows the child to move on with his or her life.
- o **Aftercare** refers to the actions of community support and care mechanisms, institutions and individuals that receive children who have been in conflict with the law upon their return to society and that facilitate the process of reintegration and rehabilitation.

WHY IS IT IMPORTANT TO PREPARE AND ACCOMPANY THE CHILD'S RETURN TO SOCIETY AFTER RELEASE?

There is significant societal stigma and prejudice against children who have been in contact with the justice system. Children who have been deprived of their liberty need coordinated care to ensure their positive re-entry in the community after they've been released. They need to learn coping skills for their life outside of detention, be equipped through educational and vocational training, as well as benefit from community support to help them rebuild their lives outside of the institution. Many children require special care and rehabilitation due to their experiences of abuse and neglect before detention (factors which may have led them to come in conflict with the law in the first place). Others require rehabilitation and therapy to modify violent or anti-social behaviours which may be harmful to themselves and others.

WHICH INTERNATIONAL STANDARDS INCLUDE PROVISIONS ON AFTERCARE, REINTEGRATION AND REHABILITATION FOR CHILDREN IN CONFLICT WITH THE LAW?

- UN Convention on the Rights of the Child (Articles 39 and 40)
- International Covenant on Civil and Political Rights (Articles 10 and 14)
- UN Rules for Juveniles Deprived of their Liberty (Articles 8; 27; 32; 45; 54; 59; 67; 79-80)
- UN Standard Minimum Rules for the Administration of Juvenile Justice (Articles 24; 25; 28)
- UN Standard Minimum Rules for the Treatment of Prisoners (Articles 60; 62-64; 67; 75; 80)
- UN Standard Minimum Rules for Non-Custodial Measures (Articles 1.5; 8.1; 16.1)
- Committee on the Rights of the Child's General Comment No. 10 on Children's rights in juvenile justice (Articles III: 10-11 and F: 89)



Ensuring a smooth return to society after release *Reintegration, Rehabilitation and Aftercare (cont.)*

WHAT DO THE INTERNATIONAL STANDARDS SAY ABOUT AFTERCARE FOR CHILDREN IN CONFLICT WITH THE LAW?

Any treatment of children in conflict with the law should have reintegration as a primary goal:

- The design of detention facilities for juveniles and their physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the needs of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities.
- Children deprived of their liberty must be treated in a way which minimizes the difference between life in detention and liberty. Treatment must not emphasize exclusion from the community, but rather, the offender's continuing part in it. Communications with the outside world must be maintained, including contact with friends, family and the community.
- Education should facilitate a return to society, should be provided outside of the detention setting and should be catered to the special needs of children, especially those coming from vulnerable groups.
- Children should have the opportunity to perform remunerated labour as a means of learning skills. Any such labour must be conducted with the aim of providing training and serving as an learning opportunity, rather than as a punishment.

Use detention only as a last resort and for the shortest time possible:

- Conditional release before final release should be used whenever possible as this facilitates reinsertion.
- Non-custodial sanctions lead to the child's better overall reintegration.

Training staff is key:

- Staff trainings should teach responsibilities for facilitating rehabilitation, ensuring the offender's rights and protecting society. Training on the need to cooperate and coordinate with other agencies should also be provided.

Specific provisions concerning rehabilitation:

- Children who have suffered abuse and neglect must receive measures for psychological recovery and social reintegration.
- Sufficient time must be allotted for rehabilitation activities.
- All rehabilitation initiatives must be undertaken in the best interests of the child.
- Juvenile detention facilities should adopt specialised drug abuse prevention and rehabilitation programmes administered by qualified personnel.

Specific provisions concerning aftercare:

- Aftercare initiatives and services should be directed towards lessening prejudice and allowing children to re-establish themselves.
- Children should receive assistance in returning to the community, including lodging, education or vocational training, employment and clothing in order to promote reintegration.