

Evaluation of the reform in the area of Justice for Children in Kazakhstan

FINAL REPORT

Synergies Cooperation

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Disclaimer:

The contents of the report are the responsibility of the consultants and do not necessarily reflect the views of UNICEF

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LIST OF ACRONYMS

CC:	Criminal Code
CPAP:	Country Program Action Plan
CPC:	Criminal Procedure Code
CRC:	Convention on the Rights of the Child
EU:	European Union
GoK:	Government of Kazakhstan
GPO:	General Prosecutor's Office
KII:	Key informant interview
LPRC:	Legal Policy Research Centre
MIA:	Ministry of Internal Affairs
MoES:	Ministry of Education and Science
MoJ:	Ministry of Justice
NGO:	Non-governmental organization
NPM:	National Preventive Mechanism Against Torture and Ill-treatment
OBS:	Observation
OECD-DAC:	Development Assistance Committee of the Organization for Economic Co-operation and Development
OPCAT:	Optional Protocol to the Convention against Torture
PRI:	Penal Reform International
RK:	Republic of Kazakhstan
SICIM:	Specialized Inter-district Courts on Issues of Minors
ToC:	Theory of Change
ToR:	Terms of reference
TSAN:	Center for Adaptation of Minors
UNEG:	United Nations Evaluation Group
UNICEF:	United Nations Children's Fund Country Office in Kazakhstan
UNODC:	United Nations Office on Drugs and Crime

EXECUTIVE SUMMARY

Since the adoption of the Concept of Juvenile Justice System Development in the Republic of Kazakhstan for 2009-2011 (hereafter “the 2009-2011 Concept”), several reforms have been initiated by the Government of Kazakhstan and supported by UNICEF, stakeholders and donors, in the field of Justice for Children. The evaluated object relates to the **reforms in the area of Justice for Children in Kazakhstan**, implemented between 2009 – year of implementation of the Concept – and 2017. The evaluation object is not circumscribed in a specific action or program and is an ongoing process. New activities in this field are planned by Kazakhstani authorities and UNICEF.

The intended outcome of the reform was that, by the end of 2017, the Kazakhstani system of Justice for Children provides an improved and comprehensive justice system for children in conflict with the law and child victims and witnesses aligned with international standards, through the achievement of three related outputs:

- establishing specialized institutions and services in the area of justice for children
- advocating and providing technical assistance to the legal reform
- building capacity and raising awareness of national specialists.

This report is the summative and formative external evaluation of the reform. The evaluation purposes are to reflect on what has been achieved since the adoption of the 2009-2011 Concept, to assess whether the reforms had an impact on children in the justice system and which inputs contributed to the impact and supported the Government of Kazakhstan. The evaluation aims at analyzing the Justice for Children sector component. The report aims to serve as a source of information for the main developers and implementers of the Justice for Children programs at national and local levels to guide future interventions and reform process, and for UNICEF for further programming and scaling up of the program nation-wide.

This **evaluation objective** is to assess the component’s performance and to draw up conclusions, recommendations on key components and lessons learned. The evaluation also seeks to identify, to the extent possible, the attribution of results of the Government and other stakeholders into advancement and development of the Justice for Children in the country. To that end, this evaluation uses the standard OECD-DAC criteria of relevance, effectiveness, efficiency, impact and sustainability, and takes into consideration UNEG’s standards and guidelines for evaluation. Equity, gender and human rights are analyzed as cross-cutting issues.

The evaluation team adopted mixed **qualitative data collection and analysis methods** in order to ensure data reliability and validity through triangulation: review of literature, semi-structured interviews, and observation of several courts, law enforcement offices, NGOs, Center for Adaptation of Minors, special schools and juvenile colony. The executive summary only presents **key findings**.

In terms of **relevance**, the reform was rated as highly relevant considering the needs of children in conflict with the law and child victims and witnesses in criminal proceedings in the country. In 2009, the approach towards juvenile justice was mostly punitive. The number of children involved in criminal proceedings as offenders and the rate of children convicted and deprived of liberty were high. No specialized institutions existed to deal with cases of children in conflict with the law, except two pilot juvenile courts, Specialized Inter-district Courts on Issues of Minors (SICIMs). No legislation protected victims and witnesses during proceedings, which often resulted in secondary victimization of children. The reform in the area of Justice for Children planned to address these bottlenecks, while taking into account international human rights standards and international good practices. The reform was directly aligned with the national justice reform agenda, that aims

towards humanization of the criminal legal system. National authorities in charge of implementing the reform were fully involved in its design. However, gender equality and equity were not taken into consideration at design stage.

In terms of **effectiveness**, several key specialized institutions in the area of Justice for Children have been strengthened or implemented since 2009 as a result of the reform process: SICIMS have been established in all regions of the country; juvenile police have been implemented in cities and villages; special schools, TSANs and juvenile colonies have improved their conditions and are more focused on rehabilitation and reintegration than they used to be; probation officers are in place; community-based support services are tested; NPM is operational. Nonetheless, institutions could still be improved to ensure better protection to children in justice processes. In addition, juvenile specialized prosecutors, juvenile investigators, juvenile consultations units and social services for children in justice processes have not been established throughout the country. There have been considerable improvements in the legislation that resulted in increased protection to children in justice processes. As a result, even though some improvements are still necessary to ensure full compliance of the country with its international commitments, the national legislative and regulatory framework is now more aligned with international standards. Although several capacity building activities have been implemented towards a number of professionals working with children, there was no strategic training plan: most training sessions targeted only a limited number of professionals, were not practice-oriented and/or were conducted only once. The non-mandatory nature of the training for judges dealing with children also remains a challenge. Gender equality and equity were not specifically considered in the reform process, but some activities implemented under the EU-UNICEF Joint Action addressed these elements. There has been both positive and negative unexpected effects.

In terms of **efficiency**, human resources dedicated by the Government to the design of the reform were highly qualified and fully relevant, even though the level of training of professionals in charge of implementing the reform still needs to be improved. Moreover, although there is no operational coordination system at national level regarding the reform of Justice for Children, a Steering Committee was implemented in the framework of the EU-UNICEF Joint Action, to ensure smooth communication between stakeholders. Cost-efficiency could not be assessed considering that the exact amount of funding of the reform is not known, because of the diversity of stakeholders involved in the reform since 2009 and the lack of access to each stakeholder's budget. Moreover, considering that the reform as a whole was not circumscribed in a project or program and that there was no action plan or strategy for the reform, no monitoring system was specifically developed to assess its performance.

In terms of **impact**, there has been an important decrease in the number of child offenders, of children detained at pre-trial stage, of convicted children and of children detained at post-trial stage between 2009 and 2017. These positive evolutions mostly result from the reform, particularly the legislative amendments that developed alternative measures and that brought limitations to post-trial detention of children, the set-up of new institutions and the capacity building activities of professionals. As a result of the reform, children below 14 are not involved in criminal proceedings anymore, which is a positive evolution; and children of 14-15 are less often involved of such proceedings. Nonetheless, the reform had no clear impact on girls and on other vulnerable groups, particularly low-income families. The limited number of social programs for children at risk of offending and child offenders and the lack of legislation on diversion remain a challenge to ensure the effectiveness of alternative measures. Although the number of child victims and witnesses who receive high quality services remains low, the number of children who receive support and services has increased, as a result of improved legislation, involvement of psychologists, supply of audio-visual material and UNICEF's intervention. The lack of disaggregated data regarding child victims

and witnesses has prevented the evaluation team to analyze the situation of girl victims and witnesses. The EU-UNICEF Joint Action is the only external comprehensive program dealing with Justice for Children in the country. It has played an important role in the reform process, by supporting and guiding the authorities, which could however not be achieved without a strong commitment from authorities to improve Justice for Children at country level.

In terms of **sustainability**, the Justice for Children reform process is owned by national authorities, although the level of ownership varies from one institution to the other. Nonetheless, there is no concrete action plan or work plan at national level to sustain the achievements of the reform. It is clear that UNICEF's contribution to system change managed to create long-lasting evolution that will continue to impact children in justice processes, particularly legislative amendments. Regarding training, there have been some positive achievements to scale up and institutionalize Justice for Children in regular training and education curricula for professionals working with children. However, the lack of systematization of such training towards all professionals working with children and the quality and quantity of training programs does not enable children to access to trained professionals throughout the justice process. The evaluation consultants, however, note that discussions are still underway between Kazakhstani authorities and UNICEF, and that new activities are projected in the coming months and years to continue improving child-friendly justice in the country,

In **conclusion**, based on a review of literature, discussions and observation, this report shows that, between 2009 and 2017, the reform has successfully improved the Justice system for children in conflict with the law and child victims and witnesses and that this system is more compliant with international standards, although some important gaps remain.

Key lessons learned

- Legislative amendments must be accompanied by the development of services to ensure their effectiveness and impact
- Without standardized guidelines for professionals in contact with children, all children do not benefit from the same level of protection
- The lack of accurate and disaggregated quantitative data is an obstacle to the in-depth analysis of program's impact

Key recommendations

Reintegration and social support to children in justice processes

- *To Parliament, MoES, MIA, Supreme Court and UNICEF:* Ensure mandatory presence of psychologists and social workers in legal proceedings, using harmonized guidelines, by 2019;
- *To Parliament, MoES, Akimats and UNICEF:* Introduce community-based services for children at risk and children in conflict with the law throughout the country, by 2021;
- *To Supreme Court, Ministry of Justice, General Prosecutor's Office, MIA, MoES, Akimats, local authorities, NGOs and UNICEF:* Improve the protection, recovery and social reintegration for child victims, by 2028;

Strengthening of institutions and stakeholders involved with children in justice processes

- *To Supreme Court, MIA, MoES and UNICEF:* Develop an institutionalized and practice-oriented training plan for professionals in contact with children, by 2019;
- *To Parliament, MIA, Bar association, Ministry of Labor and Social Protection and MoES:* Continue the establishment and the strengthening of specialized institutions and stakeholders throughout the country, by 2025;

- *To Supreme Court, General Prosecutor's Office, and Parliament:* Ensure that all cases involving children in conflict with the law are dealt with by SICIMs, by 2028;

Legislative and policy framework on Justice for Children

- *To Parliament, Child's Rights Ombudsperson and UNICEF:* Develop a comprehensive legislation on Justice for Children, fully compliant with international standards, by 2021;
- *To MIA, MoJ, MoES, Supreme Court, General Prosecutor's Office, Ombudsperson and Child's Rights Ombudsperson, Inter-department committee, NGOs and UNICEF:* Develop a comprehensive inter-ministerial policy on Justice for Children, by 2021;

Situation of children in closed residential institutions

- *To MoES, Ministry of Labor and Social Protection and UNICEF:* Implement alternative solutions to the placement of children in closed residential special schools and TSANs, by 2021;
- *To MIA, Akimats, local authorities and UNICEF:* Develop small-scale residential units for children who are detained in juvenile colony and ensure equity of treatment, by 2021;
- *To Parliament, GPO, MIA, Ministry of Health, Akimats and UNICEF:* Increase reform efforts regarding pre-trial detention, by 2024;

Monitoring

- *To MIA, General Prosecutor's Office, MoES, Ministry of Health, Ministry of Labor and Social Protection, Supreme Court and UNICEF:* Implement a systematic and standardized approach towards data collection, including disaggregation, by 2028.

1. INTRODUCTION

1.1. General context

Kazakhstan is a member of the Commonwealth of Independent States since the declaration of independence from the Soviet Union in 1991. The country is divided into 14 regions and cities Astana and Almaty and has a population of 18.2 million, out of which 30 per cent are under the age of 18.¹ Several nationalities are present in Kazakhstan and children living in the country speak a different language according to their nationality: 76 per cent of children in Kazakhstan are Kazakhstani nationals, 14 per cent are Russian nationals, and 10 per cent are of other nationalities.² The country is almost equally divided across urban and rural areas.³ Kazakhstan is the largest country in Central Asia and the ninth largest in the world.

Since the independence, significant evolutions have taken place at social, economic and institutional levels. In less than 20 years, thanks to the oil-fueled economic growth and macroeconomic management, Kazakhstan has transitioned from lower-middle-income to upper-middle-income status.⁴ Kazakhstan's economic performance was accompanied by strong progress on poverty reduction and social development. The poverty rate has significantly decreased from 46.7 per cent in 2001⁵ to 5.6 per cent in 2013, although it rose to an estimated 7.8 per cent in 2016⁶ due to the fall in global oil price.⁷ The population is nonetheless characterized by important difference in economic growth, unemployment and poverty rate across its regions.⁸

In 2012, President Nazarbayev announced the launch of a national program, Strategy 2050, aiming to make the country one of the 30 most prosperous nations in the world by 2050. The Strategy 2050 calls, among other, for new principles of social policy, including increased protection of children's rights.⁹

Kazakhstan ratified most international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 2006, the Convention on the Rights of the Child (CRC) in 1994, the Convention against Torture (CAT) in 1998 and its Optional Protocol (OPCAT) in 2008, the Convention on the Elimination of All Forms of Discrimination against Women in 1998 and the Convention on the Rights of Persons with Disabilities in 2015.

¹ National statistics (2018), http://stat.gov.kz/faces/mobileHomePage/mobileHomePage3;jsessionid=ele7u6UWwuiuv7aj4xyAw_O8nUuznUgAcBGPgAKWvGabQ-0hiLCI9!1813830452!1849616137?_adf.ctrl-state=1cp6v60x70_25&_afLoop=3838005208590442#%40%3F_afLoop%3D3838005208590442%26_adf.ctrl-state%3D132sya5i8e_4 (accessed in February 2018) and UNICEF, Statistics on Kazakhstan, https://www.unicef.org/infobycountry/kazakhstan_statistics.html (accessed in February 2018).

² Ministry of National Economy's Committee on statistics (2016): children in Kazakhstan. The language spoken by children is important in terms of services available in the framework of the reform.

³ UNICEF (2012), Child Well-being in Kazakhstan, p. 17-19.

⁴ World Bank, Overview of Kazakhstan's context, <http://www.worldbank.org/en/country/kazakhstan/overview> (accessed in January 2018). See also World Bank (2015), Kazakhstan Country Program Evaluation, , https://ieg.worldbankgroup.org/sites/default/files/Data/reports/kazakhstan_cpe.pdf

⁵ UNICEF (2012), Child Well-being in Kazakhstan

⁶ Using the US\$5.5/day international poverty line. *Ibid.*

⁷ World Bank, Overview of Kazakhstan's context

⁸ UNICEF (2012), Child Well-being in Kazakhstan, p. 17-19.

⁹ See 2012 Strategy "Kazakhstan-2050" New political course of the established state, <https://primeminister.kz/enpage/article-101>

Definitions

The terminology **'children in conflict with the law'** refers to anyone under 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence.

UNICEF (2006), Child Protection Information Sheet – Children in conflict with the law

'Child victim or witness' means a person under the age of 18 who is a victim of or witness to a crime, regardless of his or her role in the offence or in the prosecution of the alleged offender or groups of offenders.

UNODC (2009), Justice in Matters involving Child Victims and Witnesses of Crime – Model Law and Related commentary, p. 13

'Children in justice processes' refers to any child who comes into contact with the criminal justice system as a victim, witness or in conflict with the law, and/or any child who comes into contact with the civil and/or administrative justice systems.

UNICEF CEE/CIS, Speaking the same language

Minimum age of criminal responsibility

According to Article 15 of the Criminal Code (CC), the minimum age of criminal responsibility in Kazakhstan is sixteen years of age¹⁰. However, children who have reached fourteen years of age shall be criminally liable if they commit an offence that is listed in Article 15(2). This list of 30 offences includes, among others, murder, rape, sexual assault, kidnapping, theft, robbery, brigandage, extortion, intended destruction or damage to property under aggravated circumstances, terrorism, theft or extortion of arms, vandalism, theft or extortion of drugs or psychotropic substances.¹¹

According to Article 15(3) CC, *"if a juvenile offender has reached the age of criminal liability as specified by the first and second parts of Article 15, but during the commission of the crime of a lesser or medium gravity could not be fully aware of the nature or social danger of his acts (or omissions) due to mental retardation (not a mental disorder) he will not be criminally liable"*.¹²

Children in justice processes in Kazakhstan prior to 2009

Data and statistics on Justice for Children are often incomplete and there are some inconsistencies between institutions. The data must therefore be treated with caution.

➤ Children in conflict with the law

In 2009, the number of children involved in criminal proceedings was high (6,367 children in 2009, including 452 children from 0 to 13 years of age¹³), as well as the rate of children convicted of a criminal offence (2,654 children in 2009¹⁴, which represents 41.7 per cent of children involved in criminal proceedings). Moreover, convicted children were often deprived of liberty and sent to juvenile colonies or closed residential facilities for children with "deviant behaviors" or special regime schools. In 2009, 660 children who were convicted were sentenced to deprivation of liberty¹⁵, which represents 25 per cent of convicted children.¹⁶ In 2009, there were 475 children in pre-trial detention and 427 children in post-trial detention in juvenile colonies at the end of the year. Although 2009 data on re-offending is not available, re-offending rate of children in 2012 was of 15 per cent.

¹⁰ Article 15(1), CC.

¹¹ Article 15(2), CC.

¹² Article 15(3), CC.

¹³ Source: TransMonEE.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ The poor quality of data in 2009 prevented the evaluation team from analyzing in detail the situation of the remaining 75 per cent of convicted children,

➤ Child victims and witnesses of crimes

The number of children affected by criminal assaults was of 5,048 in 2009. Child victims and witnesses of crimes were interviewed many times and were in contact with the defendant during court hearings. Children were subjected to direct cross-examination and did not benefit from any psychological support during the criminal proceedings, which led to secondary victimization. Children had no information on the process and could not fully participate in proceedings. No post-trauma rehabilitation support after the court's decision was provided.

Legal framework relating to Justice for Children prior to 2009

Until the end of the 2000s, the approach toward children in conflict with the law in the justice system in Kazakhstan was predominantly punitive and did not take the best interest of the child into consideration. Even though some activities had been carried out in the field of Justice for Children in terms of training on child protection and children's rights as a result of a project implemented by the Open Society Institute - Soros Foundation Kazakhstan – from 2001 to 2006, there were no specialized institutions working with children in justice processes and the legal corpus dealing with those children was very limited.¹⁷

As mentioned by the Committee on the Rights of the Child in its 2007 concluding observations on the second and third reports of Kazakhstan¹⁸, a reform process existed to improve the system of administration of juvenile justice, but little progress had been made since the ratification of the UN CRC. Justice for Children was not in line with the UN CRC. A revision of the criminal code and criminal procedural code was planned but not implemented yet. There were no juvenile courts throughout the country. Deprivation of liberty was not a matter of last resort and was not based on the best interests of the child and the quality of the detention system was low.¹⁹ The Committee recommended, *inter alia*, the set-up of juvenile courts in the country, the training of judges and law enforcement personnel in contact with children, the use of deprivation of liberty as a means of last resort, the provision of alternative socio-educational measures to deprivation of liberty. In addition, the CRC recommended that adequate legal provisions and regulations are provided to ensure the protection of child victims and or witnesses of crimes.²⁰

In 2007, the Decree of the President that established the first two pilot juvenile courts "specialized Inter-district juvenile courts" (SICIMs) in Astana and Almaty cities was the first important step to increase protection of children in justice processes. In 2008, the "Concept of Juvenile Justice System Development in the Republic of Kazakhstan for 2009-2011"²¹ (hereafter the 2009-2011 Concept)

¹⁷ The justice system for children in conflict with the law until 2007 was based on the 1997 codes (criminal code, code of criminal procedure and criminal execution code), the 1999 Law on procedures and conditions of detention of accused and of committing of offences, the 2001 Code on administrative infractions, the 2002 Law on the rights of children, the 2004 Law on Prevention of Juvenile Delinquency, Child Neglect and Homelessness, the 2004 Law on passing of status of centers for temporary isolation, adaptation and rehabilitation of juveniles, and the 2005 Resolution on the status of the commission of affairs and protection of minors. See Catta (2010), Support to Judicial and Legal Reform in the Republic of Kazakhstan, p. 4.

¹⁸ UN Committee on the Rights of the Child (2007), Concluding Observations of the Committee on the Rights of the Child in Kazakhstan, CRC/C/KAZ/CO/3.

¹⁹ *Ibid*, pp. 69-70.

²⁰ UN Committee on the Rights of the Child (2007), Concluding Observations of the Committee on the Rights of the Child in Kazakhstan, CRC/C/KAZ/CO/3.

²¹ Concept of development of system of juvenile justice in the Republic of Kazakhstan for 2009-2011, Presidential decree of the Republic of Kazakhstan of 19 August 2008, n° 646.

and its Action Plan aimed to strengthen the effectiveness and quality of the juvenile justice system through the establishment of specialized divisions to work with children in the Ministry of Justice, Ministry of Internal Affairs (MIA), Ministry of Education and Science (MoES), Courts, Prosecutor's Office and the Bar. In 2009, no juvenile court was operational in the country.

Prior to 2009, four correctional facilities for juveniles operated in Kazakhstan under the management of the MIA. Moreover, children who had committed minor crimes could be placed in a special school for children with offending behavior or in an institution of education with a special regime of detention (special regime school), also managed at the time by the MIA. No National Preventive Mechanism Against Torture and Ill Treatment (NPM) was established.

1.2. Description of evaluated object

In its 2007 General Comment n° 10²², the Committee on the Rights of the Child emphasized the need for States parties to adopt a comprehensive approach to juvenile justice and to commit themselves to broad reforms of their criminal justice system and social responses to children in conflict with the law. Justice for Children is a critical priority for UNICEF and a core pillar of its child protection work in Kazakhstan. UNICEF Kazakhstan has supported the Kazakhstani government through the implementation of several programs related to Justice for Children.

The evaluated object relates to the **reforms in the area of Justice for Children in Kazakhstan**. It was implemented by the Government of Kazakhstan and supported by UNICEF and numerous public and private stakeholders and donors for more than ten years. This component refers to the Justice for Children reform as a whole in the country and is not circumscribed in a specific action or program. Considering the diversity of stakeholders involved in the reform process, the exact amount of funding of the reform is not known. It must however be noted that from 2014 to 2018, only one comprehensive program was developed by external partners in the area of Justice for Children: the European Union (EU)-UNICEF Joint Action "System for Justice for Children and Child Rights Improved", co-financed by the EU (€ 2,000,000) and UNICEF (€ 400,000). The specific objective of the Action is to support system reforms towards more effective Justice for Children system focusing on the rights of children in conflict with the law and child victims and witnesses of crimes.

No theory of change (ToC) was initially defined by UNICEF or other stakeholders.²³ In order to overcome this constraint, UNICEF retroactively developed a ToC on Justice for children in 2014 that aimed to contribute to the strategic plan 2014-2017 and support the multi-country evaluation that was implemented in 2015.²⁴ Discussions with UNICEF revealed that the ToC that was drafted in 2014 may be too narrow considering the scope of the evaluation. This analysis was confirmed during the inception phase. Particularly, although the ToC was comprehensive and included many elements of the Justice for Children reform, the ToC focused on UNICEF contribution to the reform, whilst the evaluation aims at analyzing contribution of the government and other actors, including the EU, NGOs and other institutions.

²² United Nations Committee on the Rights of the Child (2007), General Comment n. 10, Children's rights in juvenile justice, CRC/C/GC/10

²³ UNICEF Office of research – Innocenti explains the theory of change in the following terms: "A 'theory of change' explains how activities are understood to produce a series of results that contribute to achieving the final intended impacts." Rogers, P (2014), Theory of change, Methodological Briefs: Impact Evaluation 2, UNICEF Office of Research, Florence

²⁴ See visual representation of this ToC in Appendix 5.

The evaluation team re-constructed a ToC, based on a review of documents provided by UNICEF, taking into account the 2014 ToC, the ToR, the 2009-2011 Concept and support documents. This ToC proposes a theory about how to get from the initial situation (2009, starting year of implementation of the 2009-2011 Concept) to the end of 2017 and how the intervention was to trigger this change. The ToC starts by designing activities aiming to address identified bottlenecks. Those designed activities aimed at reaching certain outputs, that aimed to trigger change on the levels of outcome and, ultimately, impact. The proposed ToC follows international standards related to evaluation and research, as developed by UNICEF's Office of Research.²⁵ The ToC has been approved by UNICEF and by government authorities prior to the evaluation. It is briefly detailed below and schematically depicted in Appendix 7.

Three large components were to be implemented in the framework of the reform:

- Firstly, establishment of specialized institutions and services in the area of Justice for Children;
- Secondly, advocacy and provision of technical assistance on legal reform;
- Thirdly, building capacity and raising awareness of national specialists involved into the justice system.²⁶

The **key hypothesis** of the ToC is the following: as a result of establishing specialized institutions and services in the area of justice for children, advocating and providing technical assistance to the legal reform and building capacity and raising awareness of national specialists, the Kazakhstani system of Justice for Children provides an improved and comprehensive justice system for children in conflict with the law and child victims and witnesses aligned with international standards, which ultimately ensures protection and support to child victims and witnesses of crimes and children in conflict with the law for their reintegration into society.

Firstly, by establishing specialized juvenile courts, specialized juvenile prosecutor's office, specialized juvenile police, specialized juvenile Bar, independent monitoring mechanisms (including NPM) and by providing community-based services to children and strengthening coordination between stakeholders, the reform aimed at reinforcing the effectiveness and quality of juvenile jurisdiction, as recommended by international human rights standards and at scaling up the specialization of the justice system at country level. **Secondly**, by advocating and providing technical assistance to relevant legislation and budget allocations, the reform aimed at strengthening a protective environment to children in conflict with the law and child victims and witnesses of crimes, in line with international standards, that promotes participation, protection and reintegration of children and access of children to legal assistance, including girls. Several activities were undertaken and include, but are not limited to, analyses on the situation of children in justice processes, advices and dialogue with relevant national stakeholders. Those activities were more particularly focused on several core elements of a comprehensive juvenile justice approach²⁷: prevention of delinquency, implementation of diversions, restriction on the use of measures which deprive children of their liberty and improvement of the treatment of children in detention and the conditions under which they are held. **Thirdly**, through training and awareness raising of legal and non-legal professionals and through advocacy to introduce Justice for Children

²⁵ Rogers, P (2014), Theory of change, *Methodological Briefs: Impact Evaluation 2*, UNICEF Office of Research, Florence

²⁶ See ToR, p. 14.

²⁷ The Committee on the Rights of the Children identified in its General Comment 10 (2007) several core elements of a comprehensive policy on juvenile justice: prevention of delinquency; interventions / diversion; age and children in conflict with the law; the guarantees for a fair trial; measures; and deprivation of liberty, including pre-trial detention and post-trial incarceration.

in the curricula of national training institutes and universities, the reform aimed at sustainably building capacities of legal and non-legal justice professionals.

As a result of these outputs' combination, the following outcome was expected to be reached: **by the end of 2017, the Kazakhstani system of Justice for children provides an improved and comprehensive justice system for children in conflict with the law and child victims and witnesses aligned with international standards.**

Ultimately, the impact is that **children in conflict with the law and child victims and witnesses of crimes, girls and boys, are protected by the justice system and receive adequate support for their reintegration into society by the end of 2017.**

Location of the reform

The reform takes place at **central level**, and activities have been implemented throughout Kazakhstan.²⁸

1.3. Stakeholders analysis

This section presents stakeholders that have been involved in the planning or implementation of the evaluated objects and outlines their role and contribution. It reflects the list of key stakeholders outlined in the ToR and adds a few stakeholders, based on the program documents: training beneficiaries, training and education providers and other donors.

- The **Supreme Court of the RK** plays a key role in the protection of the rights and interests of juvenile is in the justice system;
- **SICIMs** are juvenile courts with a threefold jurisdiction: criminal, civil and administrative;
- The **Parliament** is the law-making institution at central level. It has a central role in ensuring that child-sensitive legislative framework is aligned with international standards;
- The **National Human Rights Commission** is the national human rights institution in Kazakhstan and is headed by the Human Rights Ombudsperson. The National Commission monitors the implementation of human rights, including the rights of children, and promotes the alignment of the national legal framework with international standards;
- The **National Child Rights Commission** headed by the Child's Rights Ombudsperson was established by a Decree of the President in February 2016. Its function includes, *inter alia*, the monitoring of closed institutions for children;
- The **General Prosecutor's Office** (GPO) ensures the implementation of standardized procedures for children in conflict with the law. The GPO has initiated and implemented the National RoadMap for protection of children from sexual abuse;
- The **MIA** manages law enforcement personnel, including investigators for crimes committed by and against juveniles, juvenile police and probation officers;
- The **MoES** hosts the Commissions on Issues of Minors at both local and central levels and manages Special schools for children with offending behavior, special regime school and oversees youth centers. It also leads the Child Rights Protection Committee;
- The **Ministry of Justice (MoJ)** is the coordinator of the 2009-2011 Concept and of the Action plan for the implementation of the 2009-2011 Concept;

²⁸ It must however be noted that the present evaluation was carried out in parallel with the evaluation on pilot services that were implemented in three regions. Both evaluations were implemented by the same evaluation team. The team recommends reading this report in conjunction with the pilots' evaluation report: Synergies Cooperation (2018), Evaluation of community-based pilots in Kazakhstan.

- **Bar Association** members, including Juvenile Consultation Units;
- **Education and training providers** were involved in the program to ensure sustainability and scaling up of Justice for Children. This includes Academy of Justice, the Academy of Public Administration, Police academy, Prosecutors training institute, Eurasian national University, Kazakh Humanities and Law University and East-Kazakhstan State University;
- Several **legal and non-legal professionals** working with children in justice processes were involved as training beneficiaries: judges, prosecutors, juvenile police officers, probation officers, lawyers, psychologists and social workers;
- The **EU** is the main donor and supporter of RK's legal reform. Its program "Support of Judicial Reform in Kazakhstan" aims to promote protection of individual in the justice system and to foster the implementation of international standards;
- Other **donors** have been involved in the Justice for Children reform since 2009, including bilateral donors (Norway, Switzerland, Germany, etc.);
- **UNICEF's** contribution involves advocating for and providing technical assistance aiming to the alignment of legal and policy framework with international standards and good practices; providing technical assistance and guidance in designing and piloting probation, diversion scheme and alternatives to deprivation of liberty, social rehabilitation and support for child victims and witnesses of crimes; supporting independent assessments on the Justice for Children approach; fostering cooperation and exchange of experience among countries; providing technical assistance to build the capacity of justice professionals and institutions; and ensuring internal controls and risk management;
- **Final beneficiaries** are children in conflict with the law, child victims and witnesses of crimes, their families and local communities.

1.4. Implementation status

At the time of the evaluation field mission in April 2018, sufficient time had passed between the implementation of most activities and the evaluation mission, to enable the evaluation team to analyze some effects of the reform. It must be noted that the reform is ongoing and further activities in the field of child-friendly justice are projected by the government and by UNICEF²⁹.

²⁹ Several activities post-2017 are planned in UNICEF Country Program Action Plan (CPAP) 2016-2010, including *inter alia*, the use by police and judiciary of endorsed diversion, probation and rehabilitation schemes for children in the justice processes which meet international standards. UNICEF 2016-2020 CPAP, p. 31.

2. EVALUATION FRAMEWORK

2.1. Evaluation purpose, objectives and scope

2.1.1. Evaluation purpose

UNICEF, in partnership with the National Child Rights Commissioner³⁰, requested that an external evaluation be conducted to gain insights into the reform results and impacts.

The purpose is to reflect on what has been achieved since the adoption of the 2009-2011 Concept, to assess whether the reforms had an impact on children in the justice system and which inputs contributed to the impact and supported the Government of Kazakhstan. The evaluation aims at analyzing the Justice for Children sector component. Although the ToR specify that the evaluation would pay special attention to the EU-UNICEF joint Action, **UNICEF requested that this evaluation only related to the reform as a whole, without specific focus on this program.**³¹ The evaluation will also have a prospective component and will provide recommendations for future interventions. The evaluation is therefore a summative evaluation³² with some elements of formative evaluation³³.

In accordance with the ToR,³⁴ the report aims to be used as a source of information by several **intended users:**

- As the main developers and implementers of the Justice for Children programs at national and local levels: Parliament, Human Rights Ombudsperson, Child's Rights Ombudsperson, GPO, Supreme Court, MIA, MoJ and MoES. The report aims to support the reflection on the achievements of the reform and to guide future interventions and reform process;
- For further programming and scaling up of the program nation-wide: UNICEF. The report will also support the final reporting to EU under the EU-UNICEF Joint Action "System for Justice for Children and Child Rights Improved."

2.1.2. Evaluation objectives

To respond to the evaluation purposes, this evaluation seeks to assess the components' performance and to draw up conclusions, recommendations on key components and lessons learned. The evaluation also seeks to identify, to the extent possible, the attribution of results of the Government and other stakeholders into advancement and development of the Justice for Children in the country. To that end, this evaluation used the standard criteria of the Organization for Economic Co-operation and Development's Development Assistance Committee (OECD-DAC) of relevance, effectiveness, efficiency, impact and sustainability. The evaluation will also specifically take into consideration the cross-cutting issues of equity and gender equality. Appropriate data collection methods and tools have been developed, as set in United Nations Evaluation Group (UNEG)'s Norms and Standards, and take into account UNICEF Procedure for ethical standards in

³⁰ It must be noted that the National Child Rights Commissioner has changed during the finalization of the report.

³¹ Specific analysis of the EU-UNICEF Joint Action's performance and impact can be found in the pilots' evaluation report: Synergies Cooperation (2018), Evaluation of community-based pilots in Kazakhstan.

³² A summative evaluation is "an evaluation that examines the effects or outcomes of the object being evaluated and summarize it by describing what happened subsequent to delivery of the program." UNICEF (2013), Global Evaluation Reports Oversight System

³³ A formative evaluation is "an evaluation with the purpose and aim of improving the program. Formative evaluations strengthen or improve the object being evaluated by examining the delivery of the program". UNICEF (2013) Global Evaluation Reports Oversight System

³⁴ See Appendix 1, Terms of reference.

research, evaluation, data collection and analysis, UNEG's Ethical Guidelines for Evaluation and United Nations Office on Drugs and Crime (UNODC)'s manual on Criteria for the design and evaluation of juvenile justice reform programs.

The following table details Key Evaluation Questions (KEQs). The evaluation team has done in-depth review of the originally proposed KEQs of the ToR and proposed several amendments or additions. These include specifying general questions, basing questions on outputs and corresponding outcomes developed in the framework of the ToC in accordance with UNEG's Norms and Standards, adding new questions on equity, and repositioning questions across the criteria. Questions dealing specifically with the EU-UNICEF Joint Action have been removed and are analyzed in the report related to the evaluation of the pilots³⁵. Changes to the initial ToR are indicated in italics.

Table 1: Key Evaluation Questions

Relevance
<i>To what extent has the need for reform been grounded in evidence-based problem analysis and to what extent does it correspond to the needs of the target groups and of children in justice processes in terms of protection by the justice system and reintegration into society?</i>
<i>To what extent were Justice for Children interventions relevant to the broader justice sector reform agenda?</i>
<i>To what extent have national authorities in charge of implementing the reform been involved in its design (through all the process)?</i>
<i>To what extent have the reforms taken into account international standards and good practices on Justice for Children, as enshrined in UN CRC and international and regional policy documents?</i>
<i>To what extent has the reform integrated gender equality and equity into its design?</i>
Effectiveness
<i>To what extent has the reform contributed to establishing specialized institutions in the area of justice for children (output 1)?</i>
<i>To what extent has the reform contributed to improving the legal framework through advocacy and provision of technical assistance on legal reform, in line with international standards, enshrined in the UN CRC (output 2)?</i>
<i>To what extent has the reform contributed to sustainably enhanced capacities of legal and non-legal professionals on child-friendly justice (output 3)?</i>
<i>To what extent has the reform integrated gender equality and equity?</i>
<i>Has the reform resulted in unexpected effects (positive or negative) on beneficiaries or other stakeholders?</i>
Efficiency
<i>How efficiently were used the human resources allocated by the Government and partners/actors?</i>
<i>Did the reform system include a coordination system to encourage synergy and avoid overlaps?</i>
Impact
<i>To what extent has the result been achieved over the period 2009-2017 in terms of decreasing the rate of offenders among children and which internal and external factors positively or negatively contributed to this result?</i>
<i>To what extent has the result been achieved over the period 2009-2017 in terms of reducing the rate of pre-trial and post-trial detention among children in conflict with the law and which internal and external factors positively or negatively contributed to this result?</i>
<i>To what extent has the result been achieved over the period 2009-2017 in terms of decreasing the rate of convictions among juveniles and which internal and external factors positively or negatively contributed to this result?</i>
<i>To what extent has the intervention increased the number of child victims and witnesses of crimes receiving support and services?</i>
<i>To what extent have different stakeholders, and particularly the EU-UNICEF Joint Action, contributed to those results? What strategies of stakeholders had the most important impact in influencing improvement of situations for children in conflict with the law and child victims and witnesses?</i>

³⁵ Synergies Cooperation (2018), Evaluation of community-based pilots in Kazakhstan.

To what extent the reforms in the area of Justice for Children done by the Government of Kazakhstan and supported by partners/actors differently affected (1) boys and girls; (2) various age groups (<14, 14-15, 16-18); and (3) the most vulnerable groups of children, including those from ethnic minorities or from families with lower income or in difficult life circumstances?
Sustainability
To what extent the Government owned the Justice for Children reform process and is committed to sustain it, <i>including through an evolution of budget allocations on justice for children?</i>
Will UNICEF's contribution to system level changes continue to impact children in conflict with the law, child victims and witnesses of crimes after its support is withdrawn?
<i>To what extent is child-friendly justice and justice for children integrated into regular training and education curricula for professionals working with children?</i>
<i>Is there a work plan or action plan to sustain the positive achievements for children in conflict with the law, child victims and witnesses of crimes?</i>

An evaluation matrix has been specifically designed, including indicators and data collection methodology.³⁶ Tools have been specifically designed for the evaluation.³⁷

2.1.3. Evaluation scope

As mentioned in the ToR, the evaluation analyzes the period 2009 (starting year of implementation of the 2009-2011 Concept) to December 2017. The evaluation analyzes the three main components of the reform on Justice for Children: establishment of specialized institutions and services; advocacy and provision of technical assistance on legal reform; and building capacity and raising awareness of national specialists involved into the justice system.

The reform took place at central level and had impact throughout the country.

2.2. Ethical principles

The evaluation team strictly followed UNEG's standards, UNICEF Procedures for Ethical Research Involving Children and UNICEF Procedure for Ethical Standards in Research, Evaluation, Data Collection and Analysis. The guiding principles are as follows: principle of respect, of beneficence, of non-maleficence and justice. The methodology was approved by HML Institutional Review Board – Ethical Review Board during inception phase. The following section highlights the main principles implemented during the study. Additional information is provided in Appendix 4.

Data collection methods took into account the **respondents' age and personal capacities**. The purpose of the evaluation was explained to all respondents. Consent forms for adults and assents forms for children were specifically designed and were signed by all respondents.³⁸ For children, the assent forms were explained with words that they can easily understand. These forms include information on the scope of the evaluation, the voluntary nature of the respondents' participation (no remuneration), their rights to refuse to participate, to withdraw from the study at any time and to refrain from answering to certain questions, without having to justifying him/herself, without consequence. Data storage and protection procedures were implemented to ensure confidentiality and to protect participants' identities. The evaluation team assessed potential negative risks on children when designing the methodology and decided that child victims and

³⁶ See Appendix 8.

³⁷ See Appendix 3.

³⁸ See Appendix 5.

witnesses should not be directly involved in the evaluation process.³⁹ **Only children in conflict with the law were interviewed** (14-17 year of age). Younger children were not interviewed for ethical reasons. All interviews with children and families were individual interviews and took place in quiet and separate locations to ensure anonymity and to guarantee that the children or their families feel comfortable and talk in confidence.

The evaluation team is composed of four complementary team members⁴⁰: two international Human Rights consultants with a strong experience in evaluating Justice for Children programs, one national consultant with a strong background in Political Research in Kazakhstan and one international evaluation consultant to ensure quality control of the methodology. The team is composed as to **avoid any potential conflict of interest or partiality**. No team member had been involved in the design, implementation or monitoring of the program component that was evaluated. All evaluators are experienced in research, with ample application of ethics standards in previous assignments. Moreover, the international consultants have a strong understanding and practice of Human Rights instruments and will refer to international instruments throughout the evaluation. The international evaluators hold **more than 15-year experience** and have been specifically trained **to work with vulnerable population**, including child and adult survivors of sexual violence, children in institutions and child and adult victims of trafficking. They maintained integrity and strive to ensure that data is reported accurately, fairly and in ways that are not discriminating or misrepresentative of children's voice, experiences and circumstances. The international evaluators conducted the interviews and were accompanied by a local consultant or an interpreter. A specific awareness-raising session was conducted with the local consultant and interpreter about the specificity of engaging with children in research. The local consultant conducted interviews without the international evaluator only after ten days of on-site training with the team and did not meet children.

Special attention was paid to **equity dimensions** throughout the evaluation, including gender equality (boys/girls) and equity (rural/urban, children with/without disabilities, socio economic status). Specific questions were included in all tools, so as to understand the extent to which these target groups were taken into consideration during design and implementation.

All methodology, including the ethical section, was revised by UNICEF and the local member of the evaluation team, to ensure **cultural appropriateness**. Moreover, the methodology was also revised by an external independent consultant, who holds a strong experience in evaluation theory and practices, in order to ensure quality control.⁴¹

The usefulness of every evaluation relies on local ownership by the institutions involved. Particular attention was therefore paid to the **involvement of the Government and UNICEF team** at each phase of the consultancy. The ToC on the reform and the geographical scope of the evaluation have been reviewed and approved by the national authorities and UNICEF. Observations were regularly shared with UNICEF team throughout the evaluation, and a debriefing was held at the end of the data collection to discuss the field mission. In addition, the results of the evaluation and the preliminary recommendations will be discussed and validated during a workshop conducted

³⁹ The risks of secondary victimization are considered high for child victims and witnesses, considering their specific vulnerability. Their participation in the evaluation appears not to be in their best interests and contradicts the objective of the project that is to strengthen their protection. The impact on the increased protection of child victims and witnesses was therefore assessed through secondary sources. In order to mitigate a potential bias in this regard, the evaluation team multiplied sources. Limitations are further elaborated in Section 2.5.

⁴⁰ See presentation of the team in Appendix 12.

⁴¹ See Internal quality control checklist and results in Appendix 9.

with Kazakhstani authorities and UNICEF. Once validated, the results will be presented during a conference involving all stakeholders, including national authorities, NGOs and UNICEF experts.

2.3. **Data collection methods and sampling**

The evaluation team adopted mixed qualitative methods of data collection and analysis, in order to ensure reliability and validity of data through triangulation, as set *inter alia* in UNEG's Norms and Standards⁴²; review of literature, semi-structured interviews and observation.⁴³ All tools are presented in Appendix 3 of the report.

The consultants adopted a **participatory approach** to data collection. The evaluation adopted mixed **qualitative data collection methods**.

2.3.1. **Review of literature**

The evaluation consultants consulted available policy documents and literature relevant to the reform throughout the evaluation.⁴⁴ The literature includes *inter alia*:

- National legislation and policy documents;
- UNICEF work plans and strategies;
- Program monitoring tools and progress reports;
- Reports, evaluations and analyses on the situation of Justice for children in the country and at regional level;
- National statistics;
- Training material and reports;
- Notes of meetings between UNICEF and relevant stakeholders;
- General observations and general comments of UN Committees;
- Any other documents considered relevant for the evaluation.

2.3.2. **Semi-structured interviews with key informants**

Semi-structured interviews were preferred over other type of interviews because they are qualitative research methods that provide enough space to the interviewee to express himself/herself freely, while following a set of structured themes set out in a previously established interview guide. This type of method is used to guarantee that all the questions of interest to the person doing the analysis are covered, and to compare results between the different persons questioned. When during the interview a question was not understood, consultants rephrased the question without altering the initial meaning.⁴⁵

The evaluation team collected data in five regions to meet a wide range of stakeholders: Astana city (central level), Almaty city, Kyzylorda region, East-Kazakhstan region and Mangystau region.

The evaluation team spent time **in Astana** to guarantee that the evaluators meet with national institutions and institutions at central level (Supreme Court, SICIM, Members of the Parliament,

⁴² See more information on data analysis methods below, Section 2.4.

⁴³ Observation was not outlined as data collection methods in the evaluation's ToR. For more information on the rationale for adding this method, see Section 2.3.3. Focus group discussions were suggested in the ToR but were not selected as a data collection method, to ensure confidentiality of responses. This was decided jointly with UNICEF.

⁴⁴ See full list of documentation consulted in Appendix 2.

⁴⁵ See more information, Appendix 3.

Ombudsperson, GPO, MIA, MoES and MoJ), education and training institutions, trained professionals, NGOs and UNICEF team.

The evaluation team was also deployed in **four other regions** to meet with local stakeholders. Kyzylorda, East-Kazakhstan and Mangystau regions were selected to analyze the effects of the innovative community-based services that were implemented under the EU-UNICEF Joint Action in these three regions. To ensure cost-efficiency and to guarantee the credibility and the validity of data through triangulation, priority was given to interviews conducted with a **variety of stakeholders** in each region. The evaluators interviewed police officers, probation officers, social workers, psychologists, local authorities, judges, prosecutors, NGOs, children in conflict with the law and families of children in justice proceedings. In addition, the evaluation team traveled to Almaty to meet with the Police Academy.

In addition, several online and phone interviews were conducted with UNICEF experts, who were not based in Kazakhstan, and NGOs staff who were not located in the cities where the evaluation team was deployed.

127 respondents were interviewed – 79 female respondents and 48 male respondents⁴⁶ -, as shows the following table:

Table 2: Sample of respondents by category

Category of respondents	# respondents per category
Judicial authorities	9 Judges / SICIM professionals
Parliament	2 representatives of the Parliament
Ombudsperson	2 representatives of the Ombudsperson
Ministry of Justice	2 representatives of the MoJ
Ministry of Education	8 representatives of the MoES; 7 representatives of special schools and TSANs
Ministry of Internal Affairs / GPO	3 representatives of the General Prosecutors Office; 7 representatives of the MIA (including juvenile police); 2 representatives of the juvenile colony; 5 probation officers
Regional / Local authorities	5 representatives of the Akimat / commission of minors
NGOs	20 NGO representatives
Bar Association / lawyers	8 lawyers
Training institutions	17 representatives of universities and training institutions
Children benefiting from pilots and families	8 children and 7 families of children in justice processes
UNICEF staff and experts	1 Country Director, 1 Deputy Director, 4 UNICEF staff / protection team, 2 UNICEF staff / M&E team, 1 UNICEF regional consultant, 6 UNICEF international experts

2.3.3. Observation

Although observation was not included in the ToR as a data collection method, the evaluation team considered important to visit several children's institutions:

- In Kyzylorda region: visit of a special school;
- In East-Kazakhstan region: visit of a center of adaptation of minors;

⁴⁶ See detailed list and gender of interviewees per location in Appendix 11.

- In Almaty: visit of a special school and visit of the only remaining colony for juveniles in the country.

Moreover, courts, law enforcement offices and community-based services were visited to observe the use of child-friendly rooms and audio-visual equipment for interviewing minors.⁴⁷

2.3.4. Validation workshop

One international consultant participated in a restitution workshop to present results and recommendations to several key stakeholders. In order to ensure strong ownership of the evaluation's results and recommendations, this workshop aimed at sharing and validating findings and finalizing recommendations, involving major stakeholders of the Justice for Children sector in Kazakhstan, using a participatory approach. Small working groups were conducted with the authorities to identify the appropriate and feasible deadline for each recommendation. Once the results and recommendations were validated, they were presented to a wider audience, during the closing conference of the EU-UNICEF Joint Action program.

Moreover, a policy brief is also being developed. This policy brief sets out main results and recommendations, and will be understandable by all end users.

Therefore, all stakeholders involved in the strategy or implementation of the reform were **fully involved in the implementation of the evaluation and will play an active decision-making role in the validation of its findings and final design of the recommendations.**

2.4. Data management and analysis

All data was analyzed according to each evaluation criteria and KEQ. In accordance with UNEG's Norms and Standards, in order to ensure credibility and validity of data, multiple sources of data and methods were utilized following the triangulation principles.⁴⁸ Gender and equity dimensions have been analyzed using the same techniques. Three triangulation methods were used:

- triangulation of sources by examining the consistency of different data sources from within the same method (for example, between different interviews);
- methods triangulation by analyzing the consistency of findings generated by different data collection method (for instance, data from interviews cross-referenced with observation);
- investigator triangulation by confronting the views of several researchers involved in data collection.

2.5. Limitations of the evaluation and mitigation measures

The evaluation achieved the objectives set out in the ToR. A few obstacles were encountered but do not challenge the validity of the evaluation's analysis.

Limitation	Comments and mitigation measures
The reform was not circumscribed in a project	The ToC was reconstructed and shared with UNICEF at the beginning of the evaluation. ⁴⁹ The ToC was validated by national authorities during inception phase. The lack of complete budget and monitoring mechanism relating to

⁴⁷ See more information on this equipment in Synergies Cooperation (2018), Evaluation of community-based pilots in Kazakhstan.

⁴⁸ The evaluation matrix is presented in Appendix 8

⁴⁹ See Section 1.2.

of program and no formal ToC was drafted	the reform of Justice for Children nonetheless prevented the evaluation team from fully analyzing the efficiency of the reform.
Not all quantitative data is reliable	Indicators of the justice system's performance with respect to children in justice processes are essential to measure progress toward child protection goals. In accordance with the Committee on the Rights of the Child's General Comment n°10, the evaluators collected data on the use of pre-trial detention, the number of children convicted, etc. However, the analysis of data showed inconsistencies between sources. The evaluation team analyzed the reliability of data with UNICEF and cross-checked the information contained in several reports and in UNICEF's TransMonEE website ⁵⁰ to ensure that the data used for the evaluation is as reliable as possible. When inconsistencies have been noted, they are clearly indicated as such in the content of the report. It must however be noted that, in most cases, inconsistencies do not represent obstacles to the emergence of clear trends. Moreover, several quantitative data were inconsistent in the framework of the EU-UNICEF Joint Action. This has been specifically analyzed in the content of the report, Section 3.2.
Not all quantitative data can be disaggregated by gender, age, socio-economic status (<i>identified in ToR</i>)	Disaggregated data was collected if/when available from national statistics or internal monitoring reports.
Bias may raise during interviews	In order to avoid bias, the team made sure that the respondents understand the objective of the evaluation and the confidentiality process. Consent/assent forms were signed by all respondents to emphasize the confidentiality process. Interview guides were drafted. All data has been triangulated.
Child victims and witnesses were not involved in the evaluation process	In accordance with UNEG's standards, and for ethical purposes, this target group was not interviewed. The impact on the increased protection and support to child victims and witnesses was therefore assessed through secondary sources, namely judicial professionals, NGOs, social workers and children's parents.
Some stakeholders were not available during the field mission	In order to ensure participation of all stakeholders, the evaluators and UNICEF contacted the selected respondents in advance to confirm their availability. Nonetheless, some meetings could not take place due to the unavailability of the respondents. Phone interviews were organized with several respondents. Out of all projected interviews, only five could not take place: one with the Child's Rights Ombudsperson, one with the Justice Academy, one with the Prosecutor of Ust-Kamenogorsk, one with the Prosecutor of Aktau and one with the EU. Mitigation measures included: data collection from secondary sources, triangulation between other sources and review of literature.

⁵⁰ TransMonEE.

3. FINDINGS

The report is structured around the main evaluation criteria, following OECD-DAC: relevance, effectiveness, efficiency, impact and sustainability.

3.1. Relevance

The section on relevance aims at assessing the extent to which the reform related to Justice for Children is consistent with needs and priorities on different levels. In order to do so, this section assesses the evaluated object's alignment with needs of children in justice processes and of professionals who work with them, the relevance of UNICEF's interventions regarding the justice sector reform agenda, the level of involvement of governmental authorities, the consultation with international standards and practices and the consideration of gender and equity dimensions in the design of the reform.

3.1.1. To what extent has the need for reform been grounded in evidence-based problem analysis and to what extent does it correspond to the needs of the target groups and of children in justice processes in terms of protection by the justice system and reintegration into society?

Children in conflict with the law

Analysis of literature and discussions with national stakeholders revealed that the reform was based on a number of national and international analyses and reports on juvenile justice.⁵¹ Reports indicated that national practices and the lack of consideration of children's needs did not comply with the core principles of child-friendly justice set out *inter alia* in the CRC and the General Comment n°10 of the Committee on the Rights of the Child, that provide that deprivation of liberty of children is a matter of last resort and for the shortest appropriate period of time⁵², and with the principle of that treatment for children in conflict with the law must promote the child's reintegration and the child's assuming a constructive role in society.⁵³

⁵¹ See among others, Concept of development of system of juvenile justice in the Republic of Kazakhstan for 2009-2011, Presidential decree of the Republic of Kazakhstan of 19 August 2008, n° 646; UN Committee on the Rights of the Child (2007), Concluding Observations of the Committee on the Rights of the Child in Kazakhstan, CRC/C/KAZ/CO/3; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2009), Mission to Kazakhstan, A/HRC/13/39/Add.3; Catta (2010), Support to Judicial and Legal Reform in the Republic of Kazakhstan.

⁵² Article 37(b), CRC. United Nations Committee on the Rights of the Child (2007), General Comment n. 10, Children's rights in juvenile justice, CRC/C/GC/10.

⁵³ See also the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules 1985) – its article 5 provides that: "*The juvenile justice system shall emphasize the well-being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.*"; the UN Rules for the Protection of Juveniles deprived of their liberty (Havana Rule 1990) – its paragraph 12 provides that "*Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programs which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society*"; and the UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines 1990) – its article 10 provides that "*Emphasis should be placed on preventive policies facilitating the successful socialization and integration of all children and young persons, in particular through the family, the community, peer groups, schools, vocational training and the world of work, as well as through voluntary organizations. Due respect should be given to the proper personal development of children and young persons, and they should be accepted as full and equal partners in socialization and integration processes.*".

The need for reform on Justice for Children was also highlighted at international level, to ensure that the country meets its international human rights obligations. The 2007 Concluding observations of the Committee on the Rights of the Child provide that *"little progress has been made to implement the previous concluding observations (CRC/C/15/Add.213) in the area of juvenile justice, in particular, the lack of specialized judges and juvenile courts throughout Kazakhstan and the low quality of the current system of detention."*⁵⁴ In 2009, the Special Rapporteur noted that *"beatings of minors by the police with fists and police truncheons upon apprehension were common, mostly before detention was formally recorded."*⁵⁵

Child victims and witnesses

According to interviewed psychologists and UNICEF, the protection of child victims and witnesses was not taken into consideration until recently and children faced secondary victimization during criminal proceedings, at the police stations and in courts. Respondents that the evaluation team met with indicated that the need for reform in this matter was obvious considering that there was no protection for child victims and witnesses in justice processes. Child victims and witnesses were questioned several times – one respondent reported that children were sometimes questioned 30 times. The need for reform to protect children victims and witnesses was also specifically mentioned in the CRC's 2007 Concluding observations. The CRC recommended that adequate legal provisions and regulations are provided to ensure the protection of child victims and or witnesses of crimes.⁵⁶

3.1.2. [To what extent were UNICEF's Justice for Children interventions relevant to the broader justice sector reform agenda?](#)

The objective of the EU-UNICEF Joint Action was "to support system reforms towards more effective Justice for Children system focusing on the rights of children in conflict with the law and child victims and witnesses of crimes". The analysis of policy documents revealed that UNICEF's support to reform on Justice for Children was consistent with the larger Justice reform implemented by Kazakhstani authorities.

The Concept of Legal Policy 2010-2020⁵⁷ developed by Kazakhstani authorities provided for new directions in the development of national criminal law and policy, for children and adults. These directions included *"humanization for first time offenders that committed minor and medium gravity offences, as well as to socially vulnerable groups, such as pregnant women and single women with dependent children, minors, or elderly people."* The Legal Policy Concept calls for the de-criminalization of some crimes and indicates the will to introduce *"greater criminal liability for crimes committed against minors, their rights and legitimate interests"*.⁵⁸ This Concept is fully aligned with the 2014-2020 Plan on Enhancing the Work of Law Enforcement Bodies⁵⁹, that considers humanization of criminal law as a key issue in the law enforcement system of Kazakhstan.

⁵⁴ UN Committee on the Rights of the Child (2007), Concluding Observations of the Committee on the Rights of the Child in Kazakhstan, CRC/C/KAZ/CO/3.

⁵⁵ Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2009), Mission to Kazakhstan, A/HRC/13/39/Add.3

⁵⁶ UN Committee on the Rights of the Child (2007), Concluding Observations of the Committee on the Rights of the Child in Kazakhstan, CRC/C/KAZ/CO/3.

⁵⁷ Concept of Legal Policy 2010-2020 (2009), Decree of the President of the Republic of Kazakhstan, 24 August 2009 n°858,

⁵⁸ *Ibid.*

⁵⁹ Plan on Enhancing the Work of Law Enforcement Bodies 2014-2020 (2013), Decree of the President.

Moreover, discussions with UNICEF team and experts and analysis of project documents revealed that UNICEF aimed to build on the existing reform framework. This includes the 2007 Decree that established the first two juvenile courts (SICIMs) in Almaty and Astana, the 2012 Decree that established SICIMs in all regions, and the 2009-2011 Concept and its Action plan, that defines 16 activities to be carried out within two years to improve Justice for Children in the country, ranging from the establishment of specialized institutions, to the reorganization of the 'Centers for Temporary Isolation, Rehabilitation, and Adaptation of Minors' (TSANs) and to the introduction of training curricula for judges and other legal professionals on justice for children. UNICEF assessed the level of implementation of the 2009-2011 Concept and advocated to implement the assessment's recommendations.

3.1.3. [To what extent have national authorities in charge of implementing the reform been involved in the reform's design \(through all the process\)?](#)

According to institutions met at central level, to UNICEF and to the review of 2009-2011 Concept and minutes of meetings, reform activities have been designed following a participatory process and took into account, among others, the opinions of MoJ, the MIA, the MoES, the General Prosecutor's Office, the Supreme Court and Ombudsperson. The 2009-2011 Concept specifies that all these institutions have been involved in the reform's initial design. Thereafter, discussions with national authorities revealed that institutions remained fully involved and guided the reform efforts. In this regard, the implementation of a Steering Committee by UNICEF from 2015 to 2017 to coordinate the EU-UNICEF Joint Action played an important role in the discussions around the design of reform activities as a whole. . The Steering Committee was composed of UNICEF, the EU, the Parliament, the Supreme Court, Astana SICIM, the General Prosecution's Office, the MoJ, the MIA, the MoES, the National Commissioner for Human Rights, the Bar association, academic institutions, local authorities, NGOs and other diplomatic missions.⁶⁰

3.1.4. [To what extent has the reform taken into account international standards and good practices on Justice for Children, as enshrined in UN CRC and international and regional policy documents?](#)

National institutions met at central level and UNICEF staff indicated that the consideration of international standards was at the center of the reform and is still at the center of the future strategy regarding children in justice processes. The great majority of stakeholders that the evaluation team met at central level insisted on the importance of aligning legislation, policy and practices with international standards, to ensure that Kazakhstan respects its international commitments.

This was confirmed by several national documents, such as, for instance, the 2010-2020 Legal Policy Concept according to which some crimes, including crimes committed by children, will be de-criminalized to bring the criminal law in accordance with international treaties.⁶¹

In addition, discussions with national stakeholders and review of documents revealed that international practices have been taken into consideration during the design and implementation of the reform. The 2009-2011 Concept specifically states that international practices have been taken into account when developing the juvenile court models. Moreover, exposure to

⁶⁰ See more information on working groups in Section 3.3.

⁶¹ The components that were implemented and their alignment with international standards will be analyzed in Section 3.2.

international practices were part of UNICEF's strategy to strengthen the protection of children in Kazakhstan. A visit organized in Germany in 2015 in cooperation with UNICEF enabled a range of Kazakhstani institutions to assess the benefits of having a diversion system in line with international standards, and of establishing specialized institutions for children in justice processes, including specialized prosecutors, a juvenile criminal chamber for serious crimes and services for provision of judicial assistance to children. Subsequently, the visit of authorities to Norway in June 2016 aimed at ensuring a stronger political commitment towards the strengthening of the Children's Rights Ombudsperson and at developing a more appropriate support system for children exposed to violence or sexual abuse.

3.1.5. [To what extent has the reform integrated gender equality and equity into its design?](#)

According to the analysis of the documentation and discussion with stakeholders, no specific attention was paid to gender equality or to equity in the design of the reform. The Concept 2009-2011 does not include any reference to girls, children with disabilities, children from low-income families or different age groups. Moreover, although boys and girls were already separated during detention, no indication was provided regarding the consideration of girls' specific needs during judicial processes or when deprived of liberty.

3.2. Effectiveness

This section assesses the level of achievement of the reform's outputs and outcome. As mentioned above, a ToC was reconstructed by the evaluation team in collaboration with UNICEF, with three outputs being formulated: establishment of specialized institutions and services in the area of Justice for Children; advocacy and provision of technical assistance on legal reform; building capacity and raising awareness of national specialists involved into the justice system.⁶² In order to analyze the effectiveness, this section compares the 2009 situation with 2017 situation and highlights main achievements in the area of Justice for Children.

Each of the first three following sub-sections addresses one output. The fourth sub-section is a cross-cutting issue: the integration of gender equality and equity. Unexpected effects are considered in the sixth sub-section.

3.2.1. [To what extent has the reform contributed to establishing specialized institutions in the area of justice for children \(output 1\)?](#)

The Committee on the Rights of the Child's General Comment n°10 states that a comprehensive juvenile justice system requires the *"establishment of specialized units within the police, the judiciary, the court system, the prosecutor's office, as well as specialized defenders or other representatives who provide legal or other appropriate assistance to the child. [...] In addition, specialized services such as probation, counselling or supervision should be established together with specialized facilities."*⁶³

To ensure compliance with international standards, the 2009-2011 Concept and its Action plan provided that several specialized institutions for children in justice processes were to be considered for implementation: SICIMs throughout Kazakhstan; specialized divisions in the Prosecutor's Offices, specialized juvenile police, specialized institutions for juveniles accused of committing offences, specialized establishments for juveniles sent to special schools, specialized legal consultation services for juveniles and social support for juveniles. Discussions with national and local institutions and analysis of reports revealed that several major institutions have been introduced and/or strengthened regarding children in justice processes between 2009 and 2017. It is worth noting that probation services and monitoring of closed facilities were not initially targeted in the 2009-2011 Concept but have also been introduced.

Specialized Inter-district Courts on Issues of Minors

In 2007, the first two SICIMs were set up in Astana and Almaty. Since 2012⁶⁴, 19 SICIMs are operational, one in each region of Kazakhstan. All Kazakhstani institutions that the evaluation team met with consider that the establishment of SICIMs is the most important step regarding the implementation of a child-friendly justice system in the country in the past ten years. According to the 2009 Law of jurisdiction and competence of courts, SICIMs' mandate include criminal, civil and

⁶² See Section 1.2.

⁶³ United Nations Committee on the Rights of the Child (2007), General Comment n. 10, Children's rights in juvenile justice, CRC/C/GC/10, paras 92-94.

⁶⁴ Decree on Establishment of Specialized Interdistrict Juvenile Courts and Introduction of Amendments in Certain Decrees of the President of the Republic of Kazakhstan, Decree of the President of the Republic of Kazakhstan n°266, 4 February 2012.

administrative cases.⁶⁵ However, pursuant to Article 307(1) CCP,⁶⁶ SICIMs have no jurisdiction over particularly serious crimes, which are under the jurisdiction of Specialized inter-district criminal court. These cases represent 1 to 2 per cent of all criminal cases.⁶⁷

Two to five judges exercise jurisdiction in each SICIM, depending on the region. Some judges also indicated that they go beyond their judicial role and provide lectures in schools to raise awareness of children regarding offending behaviors, for prevention purposes.

All SICIMs that the evaluation team observed are equipped with child-friendly rooms to enable children to benefit from a more child-friendly environment. As indicated by judges and other stakeholders, children are less “stressed” when being interviewed. In addition, several SICIMs’ courtrooms are provided with audio-visual material to ensure that child victims and witnesses are not present in the same room than the defendant, in order to avoid secondary victimization. The judge, who is in the courtroom with the defendant, asks questions on a microphone that is connected to the room where the child is placed. This material has been funded and provided by UNICEF in the SICIMs of Ust-Kamenogorsk, Kyzylorda and Aktau in the framework of the EU-UNICEF Joint Action. In other SICIMs, such as Astana, the material has been funded and provided by the GoK. The audio-video equipment has however not been provided to all SICIMs. Moreover, the presence of social pedagogue and psychologists has been introduced in the legislation, to support the child during justice proceedings.⁶⁸

Picture 1: Child-friendly rooms in SICIMs

Astana



Aktau (Mangystau region)



Discussions with judges and review of literature revealed that some challenges remain. Firstly, several crimes are not under the jurisdiction of SICIMs.⁶⁹ As mentioned above, particularly serious crimes, which are more likely to be followed by a custodial sentence considering the gravity of the crime, are under the jurisdiction of courts that do not include specifically trained judges or

⁶⁵ Administrative cases include a variety of offenses, such as children outside their home at night unaccompanied by a legal representative (Administrative Offences Code, Art 442) or minor hooliganism committed by minors of 14 to 16 years (Administrative Offences Code, Article 435). The mandate of the SICIMs continues to expand, and includes, since 2017, divorce and alimony cases.

⁶⁶ Former Article 290-1 CCP.

⁶⁷ Sources: Hamilton and Raoof (2015), Development of specialized inter-district courts on issues of minors in Kazakhstan and General Prosecutors’ Office (2018). See raw data in Appendix 10.

⁶⁸ Article 538(1), CPC.

⁶⁹ See more information on the level of training of judges in Section 3.2.3.

comprise a child-friendly environment. According to discussions with stakeholders, there are currently discussions at national level to expand the jurisdiction of severe crimes under the SICIMs. In addition, criminal cases within the jurisdiction of the SICIMs may be transferred to the court of general jurisdiction to ensure the *"fastest, comprehensive and objective consideration of the case"*, or if circumstances *"prevent all judges of the court to participate in the proceedings"*⁷⁰. In such cases, criminal cases are dealt with by ordinary courts.

Secondly, reports revealed that many juvenile judges are at the early stages of their careers. Several judges who have acted as juvenile judges in the SICIMs have changed position in 2017 and have left the juvenile court system. This is all the more important since training of juvenile judges on child-friendly justice is not mandatory before working in SICIMs. Not all SICIM judges working in the courts are specialized, as well be further elaborated in Section 3.2.3.

Thirdly, considering the vast geographic size of each region, and the fact that there is only one SICIM in each region, the physical access to SICIMs is a barrier to children's access to justice. Discussions with judges and analysis of reports revealed that some judges travel to the regions to take decisions on children's cases, so that children and parents do not need to come to the court. In some instances, cases are judged without the defendant, the victim or the witness being present.⁷¹

Fourthly, the presence of social pedagogues or psychologists is not mandatory in all criminal cases involving minors. Their participation is mandatory in proceedings involving *"a minor suspected, accused, defendant, who have not attained the age of sixteen, as well as those who attained that age, but with signs of mental retardation"*.⁷² If the child is older than sixteen, a pedagogue or a psychologist is allowed to participate at the discretion of the investigator or the court, or at request of the defense counsel or the legal representative.⁷³ The presence of a pedagogue is however mandatory during interviews of all child victims and witnesses.⁷⁴ In addition, the legislation does not require the presence of social workers in criminal proceedings.

"If this is a criminal case, the presence of psychologists depends on the condition of the minor. Psychologists are present when the minor is very nervous and feels very stressed." SICIM judge

According to judges and analysis of reports, the presence of psychologists and social workers remain low in SICIMs.⁷⁵ Moreover, judges that the evaluation team met with indicated that the work of non-legal child professionals is not harmonized, which results in differences in how children are supported.

⁷⁰ Articles 307(4), 317(1) and 317(2), CPC.

⁷¹ See also Sub-section 3.4.6 on unforeseen negative impact.

⁷² Article 538(1), CPC.

⁷³ A psychological and psychiatric evaluation is, however, required to decide whether the accused has the capacity to realize the meaning of and control of his/her action. All quotations are from the people who were interviewed by the team. Quotations have been included to illustrate or summarize some ideas that are shared by several people. They do not represent the opinion of only one person. To keep confidentiality, the evaluation team did not include the respondents' names or cities.

⁷⁴ Article 371(1), CPC. However, Article 215 (1), CPC provides that the presence of teacher or psychologists is not mandatory for police questioning of child victims or witnesses older than fourteen.

⁷⁵ See Hamilton and Raoof (2015), Development of specialized inter-district courts on issues of minors in Kazakhstan

Specialized juvenile prosecutors

Discussions with national and local stakeholders, NGOs and UNICEF team and experts revealed that specialized juvenile prosecutors' units have not been established throughout the country. Local stakeholders reported that prosecutors are not always specialized when they deal with cases regarding children in conflict with the law or child victims or witnesses of crimes. Nonetheless, some regions include juvenile prosecutors' units, as a result of a local commitment to scale up Justice for Children in the region, but this is not a standardized practice.

Specialized juvenile police

Discussions with the MIA, local authorities and juvenile police revealed that there is a specialized juvenile police in Kazakhstan, but its role is mostly preventive: **juvenile officers** maintain a registry of children who have committed offences and children considered at risk of offending and discuss with children to improve their behavior.⁷⁶ In addition, **school inspectors**, who have been established in 2005, are assigned in school settings to prevent offending and are nowadays represented in most Kazakhstani schools.⁷⁷ Several child-friendly rooms have been equipped in a few juvenile police offices.

Review of literature as well as national and local institutions, lawyers and NGOs revealed that there

"[Unexperienced investigators] psychologically break children already at pre-trial stage. They interview without a psychologist, without any relatives of the child. [...] There should be specialized investigators for minors." Lawyer

are no **specialized juvenile police investigators** to deal with cases of children in conflict with the law or child victims or witnesses. Stakeholders met at regional level regret the lack of such investigators. Cases of children detained alongside adults in police detention or temporary detention facilities and physical and/or verbal ill-treatment by police officers during questioning have been described by several recent institutions, including by the UN Committee of the Rights of the Child and international NGOs.⁷⁸

In order to overcome the lack of specialized investigators, guidelines ("Towards a Child-friendly police force") have been prepared by UNICEF. These guidelines deal, *inter alia*, with principles of communication with children, arrests and interviews of children in conflict with the law and treatment and interview of child victims and witnesses. These guidelines are currently under discussion at national level in order to be include in the police training curricula. However, according to discussions held at national level, they have not been approved as standard operating procedures.

⁷⁶ Article 5 of the Rules for Organizing the Activities of Juvenile Police District Inspectors of the Internal Affairs Bodies (2010) provides that the tasks of juvenile police is: "1) To ensure the protection of juvenile rights, freedoms and lawful interests; 2) To prevent illegal activity, neglect and homelessness among minors; 3) Social rehabilitation of minors that have found themselves in difficult life circumstances; 4) Cultivating law-abiding behavior among minors; and 5) Detecting and preventing cases where minors are involved in illegal activity."

⁷⁷ According to discussions with the MIA, more than 2000 juvenile school inspectors are deployed in the country.

⁷⁸ See, *inter alia*, Committee on the Rights of the Child (2015), Concluding observations on the fourth periodic report of Kazakhstan, CRC/C/KAZ/CO/4, para 26. PRI's 2015 study reported that 65 per cent of children respondents were held with adults at the police station and 17 per cent indicated that they were badly treated by the police. PRI (2015), Voice of the Child Report: Findings from a survey of children detained in closed institutions in Kazakhstan, Kyrgyzstan and Tajikistan.

Closed institutions where children in justice processes may be placed

Review of reports and discussions with MIA and MoES representatives, judges and UNICEF team and experts revealed that there is a variety of closed institutions where a child in conflict with the law may be placed before, during or after criminal proceedings: at pretrial stage, police stations, temporary detention centers and pre-trial detention centers; Centers for Adaptation of Minors (previously known as 'Centers for Temporary Isolation, Rehabilitation, and Adaptation of Minors' - TSANs); special schools or special regime school; and juvenile colony. Child victims and witnesses may also be placed in TSANs. This section focuses on closed institutions after pre-trial stage.⁷⁹

TSANs are short-term residence centers, that welcome children aged 3 to 18, who are neglected or homeless, deprived in parental care, referred to special schools or in difficult life situations due to abuse. Maximum length of stay is three months. According to discussions held with TSAN's staff and the visit of Ust-Kamenogorsk's TSAN, **children in conflict with the law** awaiting their placement in special schools and **child victims and witnesses** may reside in TSANs for a short term. Before 2010, TSANs were operated by the MIA. They are currently managed by the MoES. 18 TSANs exist in the country. Discussions with TSAN's staff and observation in Ust-Kamenogorsk revealed that children reside in a more child-friendly environment since the responsibility for operating the TSANs was transferred to the MoES in 2010: there are no bars on windows; the staff does not wear any uniform⁸⁰ and is experienced to work with children; psychologists are present and aim to provide individual programs and support to children; there is no overcrowding; children attend community schools, sport and medical services outside the premises of TSANs, provided that they are accompanied by staff member. However, according to the TSAN's staff, TSANs do not have the financial capacity to work with the children's environment (parents, extended family, school, friends) during the time they reside in the TSAN. Therefore, in many instances, the child will go back to the exact same situation, which limits the impact of these institutions⁸¹, or will be placed in an orphanage or with foster parents. In addition, it must be noted that the conditions observed in Ust-Kamenogorsk are not widespread. NPM monitoring reports revealed that most of the TSANs do not have libraries, gyms or children's playgrounds.⁸²

Seven special schools for children with deviant behavior and one special regime school exist in the country and receive children from 11 to 18 years of age for periods of one month to one year. **Special schools** receive children who systematically commit *"offences entailing administrative measures, willfully evades primary, primary middle and secondary education, systematically commits unauthorized withdrawal from family and children of educational organization who commit other antisocial actions"*⁸³. According to the special schools' staff that the evaluation team met with, the main reasons of placement in special schools are that children walked alone at night, ran away from home or do not go regularly to school. Those are administrative offences, considered as "deviant behavior". It must be noted that, in practice, some **children who committed minor criminal offences**, such as theft, are in practice also placed in these schools. Moreover, the length of stay may go beyond one year. **Special regime school** receives children who have committed a socially dangerous act, but the child is under the minimal age of criminal

⁷⁹ For information at pre-trial stage, see previous sub-section on the lack of juvenile investigators and see below, sub-section on NPM.

⁸⁰ The staff is part of the MoES since the 2010 transfer.

⁸¹ This is linked to the lack of comprehensive social services at country level. See below, Sub-section on social support programs for children in judicial processes.

⁸² See National Preventive Mechanism (2016), Consolidated report, p. 63 and National Preventive Mechanism (2015), Consolidated report, p. 70.

⁸³ Article 13(1), Law on prevention of juvenile delinquency and prevention of child neglect and homelessness.

responsibility or the child has been convicted but is exempted from criminal responsibility and punishment.⁸⁴ Although the conditions of placement differ between special school and special regime school, local stakeholders indicated that children may be sent to one or the other for the same offence committed in the same circumstances.

Special schools are mostly closed institutions: children are not free to leave. In most instances, education takes place within the special school premises. Schools include a wide range of services and educational activities – sport, music lessons, art and craft, etc. Thus, in practice, children only rarely go outside the school. Visits from the families are restricted. Nonetheless, discussions with staff of special schools and MoES revealed that the conditions have positively evolved in a few special schools, where children go to community schools outside special schools and children are allowed to visit their parents during holidays.

According to several MoES representatives, special schools' staff, psychologists and experts who were interviewed, the presence of children in special schools is mostly caused by difficult life and family circumstances: they explain that the main difficulty is not the child's behavior but the need for social support to families. This has been confirmed by discussions with several stakeholders, who explained that some parents are even unable to accept their children back home after their time in the school because of a lack of financial means. In this regard, several stakeholders expressed that the placement of such children and their isolation from their community are often not in their best interests.

"We had a boy who was placed in a special school, 3,000 km from his family. He missed his family very much; he was not able to correct his behavior."
Department of education representative

To respond to these needs, and in support to the de-institutionalization, discussions have recently taken place at national level to transform special schools into opened child-friendly facilities, oriented towards rehabilitation. A draft legislation has been prepared to revise the mandate of special schools, but it has not been approved yet.⁸⁵ In addition, a community-based pilot aiming to prevent offending has been tested by UNICEF in order to propose an alternative to special schools, but the model is yet to be approved and replicated.⁸⁶

Lastly, a child may be sent to a **juvenile colony**. Boys and girls are separated, as is provided by international instruments. Boys are detained in the Almaty juvenile colony, which is a prison for male detainees, that received boys from 14 to 21 years of age⁸⁷. The female minors are detained in a unit in the women's colony. There is only one remaining colony in the country, located in Almaty. The colony receives children from all regions who have committed serious crimes and who have been sentenced to deprivation of liberty by a court. At the time of the evaluation mission, 49 boys were detained: 55 per cent for rape (27 children), 43 per cent for murder (21 children) and 2 per cent for terrorism (1 child). Four of them are serving a 12-year sentence. Juvenile colony's staff indicated that 150 staff members are working in colony, which, according to them, enables the

⁸⁴ According to Article 83 CC.

⁸⁵ In addition, the revision of mandate of the special schools has been incorporated in the 2015 National plan on child safety in education facilities 2015-2016, but there has been no modification in this regard.

⁸⁶ See below, Section on Community-based services. See also Synergies Cooperation (2018), Evaluation of community-based pilots in Kazakhstan.

⁸⁷ When a child becomes 18 years of age, his case is referred to judge. The judge decides if the child going to be placed into the regular prison, or he stays in the colony until 21 years old. Institutions report that the majority of children wants to be transferred the regular prison, as it is closer from their relatives. See Interview with the head of the Penal department of the Department of Interior of Almaty city https://tengrinews.kz/kazakhstan_news/kakih-usloviyah-soderjatsya-nesovershennoletnie-prestupniki-297646/

implementation of an individual approach towards child detainees. Juvenile colony's staff indicated that children are allowed to receive 2-day visits and 2-hour visits from their families several times per year.⁸⁸ During the 2-day visits, children are allowed to stay with their families in separate furnished rooms in the colony, that the evaluation team could observe. School, sport and vocational training activities are provided in the colony. The evaluation team was allowed to visit the colony, including dormitories, classrooms and the temporary isolation quarter, which, according to the juvenile staff, has not been used for at least 5 years, although a report indicates that several boys were placed in temporary isolation in 2014.⁸⁹ The temporary isolation room was empty during the visit of the evaluation team, which demonstrates a positive evolution in the past years. According to interviewed respondents, the colony's conditions have very much improved since 2009.

Picture 2: Juvenile colony (Almaty)

Outdoor sport activities



Dormitories



Nonetheless, the link between children and their families remains an important challenge, bearing in mind that there is only one colony in Kazakhstan. Children come from all regions in Kazakhstan. According to discussions with several stakeholders and to the analysis of UN Committee on the Rights of Child's 2015 report, this situation limits the contact of children with their families, which may negatively impact their reintegration.⁹⁰

"Those who experience colonies are aggressive. It is important not to isolate them from the society." Probation officer

Juvenile legal consultation units

According to analysis of reports and discussions with lawyers, international experts and NGOs, specialized juvenile legal consultation units have only been established in a few cities since the 2009-2011 Concept: Astana, Almaty and Karaganda. In other cities, the juvenile consultation units have not been set up. One project currently implemented by an NGO and funded by UNICEF aims at establishing such units in three other regions (East Kazakhstan, Kyzylorda and Mangystau), but according to lawyers met in these regions, the units have not been implemented yet. Moreover,

⁸⁸ The number of visits depends on the category of children: the first category concerns children who have been in the colony for more than 6 months and who present a good behavior (12 2-day meetings, 24 2-hour meetings with families); the second category concerns other children (6 2-day meetings and 12 2-hour meetings with families)

⁸⁹ PRI (2015), Voice of Child Report, p. 17.

⁹⁰ See Committee on the Rights of the Child (2015), Concluding observations on the fourth periodic report of Kazakhstan, CRC/C/KAZ/CO/4, para. 60. This also results in discrimination based on income, as poorer families are less able to come to visit their children to maintain contact. See below, sub-section on Gender and equity.

existing units reported challenges in terms of funding. The evaluation team notes that there is no specific legislation related to the creation of such units.

The legislation provides for the right of child victims of crimes to receive qualified legal assistance, which shall be provided free of charge. In addition, children who have been arrested on suspicion of committing a crime are entitled to a lawyer free of charge both during interrogation and court proceedings.⁹¹

Discussions with lawyers and analysis of reports also revealed that there are concerns in relation to the quality of representation of children in conflict with the law. Most cases relating to children

"Let's be honest, you get what you pay, even when it comes to minors. Average compensation for one case is \$50 to \$100. Lawyer will spend more on transport costs related to the case. In comparison, the private lawyer will earn \$600 to \$2500 for the same case. [...] Lawyers from free legal aid do not really get involved in the process. It is a formal participation for the sake of providing free legal aid. Just to put signature where lawyer should sign."
Lawyer

in conflict with the law are legal aid cases because those children often come from poor or vulnerable families. Statistics show that 35 per cent of children who were convicted in 2017 are orphans or come from families with one single parent.⁹²

While it must be positively noted that free legal aid is already in place in the country, lawyers and UNICEF experts indicated that lawyers that are assigned for legal aid often only provide a passive mandatory representation, without defending the child before court, due to the low fees provided to lawyers for such cases.

Probation services

The establishment of probation services was not initially planned in the Concept 2009-2011. Probation services have begun to be established in 2012. They are currently operating under the 2014 Rules of Organization of the Activities of the Probation Service and the new 2016 Law on probation, with the tasks of correcting the behavior of the suspect or accused, re-socializing the convict and ensuring social adaptation and rehabilitation of persons released from the penitentiary system.⁹³ Probation officers are part of the MIA. The purpose of the probation service is to reduce re-offending through the establishment of positive relationships with offenders and to reintegrate them in society.

In 2015 and 2016, a pilot project was implemented in one region, coordinated by NGO Penal Reform International (PRI), under the funding of UNICEF, to test pre-trial probation and sentencing probation for children in conflict with the law before the draft Law on probation was approved. This pilot involved strong links between the probation officer, social workers and psychologists. Probation officers that the evaluation team met with expressed their wish for a stronger presence and support from psychologists because they remain a law enforcement body and do not know how to provide such

You should understand that the probation officer is not a psychologist, but we need to work based on the recommendation of psychologists. The uniform is mandatory, even when we work with children. Uniforms are scary, even for adults." Probation officer

⁹¹ Article 75, CC and Legal Aid Act.

⁹² General Prosecutors Office, 2018.

⁹³ Article 1(2), Law on probation n° 28-IV of 30 December 2016.

support. Moreover, the lack of nation-wide community-based services is a limitation to the effective implementation of probation services.

Some experts questioned the mobilization of law enforcement personnel for those tasks and explained that probation officers should be social workers instead of MIA staff.

National Prevention Mechanism

In July 2013, the government adopted a Law designating the Human Rights Ombudsperson as NPM in cooperation with NGOs and public monitoring commissions, which are based throughout the country.⁹⁴ According to the legislation and to several reports, the juvenile colony, TSANs, special schools, pre-trial detention facilities and temporary detention facilities are all subject to mandatory monitoring. Reports indicate that discussions are taking place to broaden the NPM mandate, pursuant to the UN Committees' recommendation.⁹⁵

NPM reports, UN Committees' report⁹⁶ and discussions with national institutions and closed facilities revealed that the system is currently operating. Nonetheless, several challenges have been reported, such as the fact that the NPM cannot hold private meetings and cannot undertake ad hoc visits due to bureaucratic constraints, which reduces the impact of the mechanism.⁹⁷

Social support programs for children in justice processes

According to the great majority of respondents that the evaluation team met with, there is an important lack of social support programs for children in justice processes, that negatively impacts the work of many institutions.

The Law on Special Social Services⁹⁸ sets out an exhaustive list of target persons who are to receive specific support by the State. The law provides *inter alia* support to neglected minors, children with deviant behavior, persons released from places of detention and persons registered with a probation service.⁹⁹ Children in conflict with the law who do not fall in these categories and child victims and witnesses are thus excluded from the legislation. Moreover, respondents indicated that child care and social services are generally weak, due to a lack of dedicated resources: lack of social workers, lack of clear guidelines on social work, lack of training and lack of funding.

In practice, according to respondents, the vast majority of **children at risk of offending or children in conflict with the law** have not been supported by social institutions to establish the conditions to prevent (re-)offending. As indicated by most stakeholders, children at risk of offending and children in conflict with the law often face difficult life and family situations: lack of

⁹⁴ Law on Introduction of Changes and Addenda to Certain Legislative Acts of the Republic of Kazakhstan on Establishment of the National Preventive Mechanism to Prevent Torture and Other Cruel, Inhumane or Degrading Types of Treatment and Punishment, No. 111-V, 2 July 2013.

⁹⁵ See Committee against Torture (2014), Concluding observations on the third periodic report of Kazakhstan, CAT/C/KAZ/CO/3, para. 13.. This includes for instance orphanages and facilities for children with disabilities. See also Human Rights Commissioner of Kazakhstan (2016), 2016 report, p. 96.

⁹⁶ See Committee against Torture (2014), Concluding observations on the third periodic report of Kazakhstan, CAT/C/KAZ/CO/3, paras. 13-14; Human Rights Committee (2016), Concluding observations on the second periodic report of Kazakhstan, CCPR/C/KAZ/CO/2, para. 31.

⁹⁷ See Committee Against Torture (2014), Concluding observations on the third periodic report of Kazakhstan, CAT/C/KAZ/CO/3, paras. 13-14. See also Consolidated Reports of the National Preventive Mechanism members on the preventive visits published on the Ombudsman's website <http://www.ombudsman.kz>.

⁹⁸ Law on Special Social Services, No.114-IV, 29 December 2008.

⁹⁹ Article 6(1), *Ibid*.

financial means, families with one single parent, orphans, sick parents, use of alcohol / drug at home, etc.¹⁰⁰ According to many institutions, psychologists, NGOs and UNICEF experts, this lack of support results in anti-social behavior, which cannot be prevented solely by a discussion with the Commission of minors¹⁰¹ or the juvenile police or by the implementation of alternative and/or educational measures, considering that such rehabilitative and educational services are *de facto* missing. Indeed, as a result, respondents indicated that parents and children in conflict with the law are often blamed by institutions, but there is no work done to improve the child's environment, and the child remains or returns in the same difficult family or life contexts.

Nonetheless, since 2010, a few community-based pilot programs have been implemented in several cities of Kazakhstan to support children first offenders and children at risk of offending. These programs are run by NGOs and generally include short-term social and psychological support to children, mainly leisure activities, psychosocial support and counselling. From 2016 to 2018, UNICEF has supported pilots under the EU-UNICEF Joint Action, one for children in alternative measures (initially "diversion" pilot), and one for children at risk of offending (initially "alternative measures" pilot). The evaluation of these services is specifically detailed in the evaluation dealing with the pilots.¹⁰² The main result of the pilots' evaluation reveals that, despite several shortcomings, most children first offenders and children at risk have not (re-)offended in the first year of the implementation of the pilot. According to children and their families, this is mainly due to their participation in the programs. National stakeholders indicated that, considering these positive results, scaling up of the pilots is under consideration. It must also be noted that, since the 2010s, NGO Chance has been developing services to target the same categories of children in a few regions. According to respondents, these initiatives are particularly welcome but should be expanded to all categories of children, including children who have already committed an offence. Several respondents indicated that the State should play a more important role to support children and families and not only rely on NGOs in this regard.¹⁰³

Discussions with national institutions, NGOs and UNICEF experts also revealed that **child victims and witnesses** do not receive any specific social support to improve their psychological state or deal with the trauma they suffered. In the EU-UNICEF Joint Action, UNICEF has supported another pilot project, specifically dedicated to providing psychological community-based services to child victims and witnesses during questioning and interviewing and after the court's decision. Parents and children expressed their appreciation towards this program that provided strong psychological support to children and facilitated their rehabilitation.

3.2.2. [To what extent has the reform contributed to improving the legal framework through advocacy and provision of technical assistance on legal reform, in line with international standards, enshrined in the UN CRC \(output 2\)?](#)

This sub-section is divided in two parts: legislation regarding children in conflict with the law and legislation regarding child victims and witnesses.

In its General Comment n°10, the Committee on the Rights of the Child identified six core elements of a comprehensive juvenile justice approach, aiming toward the protection of **children in conflict**

¹⁰⁰ See also above-mentioned statistics: 35 per cent of convicted children in 2017 come from families with one single parents or are orphans.

¹⁰¹ This institution is headed by the local administrative authority Akimat.

¹⁰² See Synergies Cooperation (2018), Evaluation of community-based pilots in Kazakhstan.

¹⁰³ For more information on the pilots, see *ibid.*

with the law: prevention of delinquency; interventions / diversions; age of criminal responsibility; guarantees for a fair trial; measures; and deprivation of liberty.¹⁰⁴

Discussions with the Parliament, judges, NGOs, UNICEF and analysis of legislation, regulations and reports revealed that the legal and regulatory framework on children in conflict with the law has taken into consideration several core elements of a comprehensive juvenile justice approach since 2009. The following table presents the main milestones since the development of the Concept 2009-2011:

Table 3: Milestones regarding the legislation for children in conflict with the law¹⁰⁵

Year	Main evolutions
2010	Children of 14-15 years may not be prosecuted for simple theft, robbery or extortion. Prosecution is allowed only when there are aggravating circumstances ¹⁰⁶ Charges against children may be dropped due to reconciliation for serious offences, if death or serious injury did not result from the offence ¹⁰⁷
2011	Children first offenders may not be sentenced to prison unless they committed a serious criminal offence ¹⁰⁸ Children convicted of a serious offence may be placed in a special school rather than juvenile colony ¹⁰⁹
2014	A child convicted of a minor criminal offence, or who has committed an offence of average gravity for the first time, may be released from his/her criminal responsibility, if his/her correction is possible ¹¹⁰ A child convicted of an offence of low or average gravity may be released from his/her punishment, if his/her correction can be reached by the implementation of compulsory educational measures ¹¹¹
2016	A 4-stage probation system is established and includes specific consideration to children to reduce re-offending behavior ¹¹²
2017	Pre-trial detention for children before appearing before a judge is reduced from 72 hours to 24 hours ¹¹³

All respondents that the evaluation team met with praised the positive evolution of the legislation which provides increased protection to children in conflict with the law: children under 16 may not be prosecuted for crimes of minor gravity, children may be released from their criminal responsibility; children are less likely to be sent to the juvenile colony.¹¹⁴ Moreover, as mentioned above, a draft legislation is currently under consideration to reinforce the social and psychological support to children in conflict with the law who benefit from alternative measures.

Despite those important achievements, the legislation is not yet fully aligned with international standards. Reconciliation is allowed at pre-trial stage, but it cannot be considered as “diversion” as

¹⁰⁴ United Nations Committee on the Rights of the Child (2007), General Comment n. 10, Children’s rights in juvenile justice, CRC/C/GC/10, para 15-89.

¹⁰⁵ This table only presents the main milestones. Other legislation has been adopted regarding children in conflict with the law.

¹⁰⁶ Amendment to Article 15(2), CC.

¹⁰⁷ Amendment to Article 68(2), CC (former Article 67(1)).

¹⁰⁸ Amendment to Article 81(7), CC (former Article 79(7)).

¹⁰⁹ Former Article 83(5), CC.

¹¹⁰ Article 83(1), CC.

¹¹¹ Article 83(2), CC.

¹¹² Law on probation n° 28-IV of 30 December 2016.

¹¹³ Article 14, CPC. The reduction of the existing maximum period of detention before appearance before a judge from 72 to 24 hours for juveniles was a recommendation from the Human Rights Committee in 2016. Human Rights Committee (2016), Concluding observations on the second periodic report of Kazakhstan, CCPR/C/KAZ/CO/2.

¹¹⁴ The impact of the legislation on the number of detained children is analyzed in Section 3.4.

it is understood under international standards and the current scheme raises some fair trial issues.¹¹⁵ UNICEF is currently advocating to include a diversion system compliant with international standards and practices. In addition, the legislation does not provide that the deprivation of liberty of children must be only used as a measure of last resort and for the shortest time possible, as it provided in Article 37(b) of the CRC. Another point of concern is the lack of participation of children under 10 years of age in proceedings: The Law on Marriage and Family only provides for the consideration of the opinion of children above 10 years of age *"in all matters affecting their interests"*¹¹⁶. The consideration of opinion of younger children is not provided for in the legislation.

Finally, it must be noted that the legislation regarding juvenile justice is scattered across several documents. The need for a comprehensive legislation on children in conflict with the law has been highlighted by NGOs and UNICEF experts during the evaluation mission and has been raised by the Committee on the Rights of the Child in its 2015 concluding observations.¹¹⁷

Review of literature and discussions with Supreme court, Parliament, judges and UNICEF revealed that the Kazakhstani legislation has evolved to provide increased protection to **child victims and witnesses** to avoid secondary victimization. The 2014 CPC included new provisions on the use of remote interrogation through video equipment in the case of interrogation of a minor or under-age witness or victim, although the number of interviews for child victims and witnesses is not precisely set out in the legislation.¹¹⁸ In addition, the presence of a psychologist or pedagogue is mandatory for interrogation of victims or witnesses under the age of 14 and possible for interrogation of victims or witnesses from 14 to 18 years of age.¹¹⁹ While respondents consider that this is a very positive evolution, several stakeholders indicated that they regret that there are no clear guidelines on the roles and responsibilities of psychologists and social workers in these proceedings, and question the fact that the presence of a psychologist is not mandatory for all child victims and witnesses. It must also be noted that the scaling up of psychosocial support system for child victims is under consideration.¹²⁰

In addition, the 2014 CC and subsequent legislations intensified criminal punishment for crimes committed against children. This is the case for instance for sexual crimes against children, kidnapping or trafficking of children and for violence perpetrated against children. For instance, the 2016 Decree of the President added chemical castration as a possible punishment for pedophiles.

¹¹⁵ Under international standards, diversion is a measure for dealing with children alleged as, accused of or recognized of having infringed the penal law without resorting to judicial proceedings. International standards provide that diversion should be used only when there is a compelling evidence that the child committed the alleged offence, that he/she freely and voluntarily admits responsibility, that no intimidation or pressure has been used to get that admission, and that the admission will not be used in subsequent legal proceedings (General comment n° 10, para 27). No such safeguards are present under Kazakhstani law. In addition, criminal proceedings continue until the case is closed. It shall also be noted that the law does not differentiate between alternative sanctions and diversion measures.

¹¹⁶ Article 62, Law on Marriage and Family.

¹¹⁷ Committee on the Rights of the Child (2015), Concluding observations on the fourth periodic report of Kazakhstan, paras. 60-61.

¹¹⁸ Article 213(3), CPC. As mentioned in Section 3.2.1., reports indicated that not all SICIMs were equipped with such material.

¹¹⁹ Article 215(1), CPC

¹²⁰ In this regard, the 2017 Roadmap for protection of children from sexual abuse includes the possibility to consider the creation of psychosocial support system for children victims of sexual abuse. See Roadmap for protection of children from sexual abuse (2017), activity 3.5.

3.2.3. [To what extent has the reform contributed to sustainably enhanced capacities of legal and non-legal professionals on child-friendly justice \(output 3\)?](#)

According to discussions with Supreme Court, universities, UNICEF experts and review of activity reports, several awareness-raising sessions, training activities and international visits to exchange positive experiences have been implemented since 2009 to enhance capacities of professionals working in the field of Justice for children.¹²¹ In addition to training sessions, several manuals and training tools have been drafted, validated and disseminated towards judges and probation officers.¹²²

Training activities towards **judges** have been implemented by a variety of stakeholders, including the Academy of Public Administration, the Academy of Justice¹²³, and NGOs and UNICEF experts.¹²⁴ Judges that the evaluation team met with indicated that they have increased their knowledge regarding the principles of child-friendly justice and the legislation to implement when dealing with a child in justice processes. According to respondents, judges' new knowledge includes the need to avoid detention, including pre-trial detention; how to talk to children; or how to avoid contact between child victims and witnesses and the offender. Nonetheless, the legislation does not impose mandatory training for SICIM judges or judges working on child-related cases.¹²⁵ Some judges are therefore exercising jurisdiction over cases including children in conflict with the law and child victims and witnesses without having received specific training.¹²⁶ Some discussions are currently taking place between the Supreme court and UNICEF to increase the number of trained judges.

Apart from judges, a number of training sessions, training of trainers and other capacity building activities have also been conducted at national and regional level toward institutions involved in child-related criminal cases, such as **juvenile police, prosecutors, probation officers, penitentiary officers** and other representatives of the Department of interior. These activities have been mainly led by Universities, NGOs and UNICEF experts. Most interviewed respondents indicated that they have learned to focus on an approach that is individualized according to each child and is rehabilitation-oriented. For instance, the Eurasian university has conducted several training sessions in the regions towards law enforcement officers and judges concerning children in justice processes. Similarly, a specific project was implemented by NGO PRI to train probation officers throughout the country on probation, including on services for children. Discussions with several training beneficiaries revealed, however, that there is still an important need for training. Beneficiaries indicated that they were trained only one or twice and needed continuous learning.

¹²¹ For instance, UNICEF funded visits to Norway and to Germany in the framework of the EU-UNICEF Joint Action.

¹²² See, among others: UNICEF and Academy of Public Administration (2013), Manual and resources for training on Children's rights; UNICEF and Academy of Public Administration (2014), Distinguishing characteristics of criminal and civil proceedings with the participation of children in the Republic of Kazakhstan: International Standards and National Practices; PRI (2015), Methodology to work with minors-clients of probation; Popa (2015), Guide for probation officers of the Republic of Kazakhstan.

¹²³ The Academy of Justice emerged from the Institute of Justice of the Academy of Public Administration and is directly supervised by the Supreme Court. This transition has been initiated to enhance effectiveness of learning processes and orientation of judges. The Academy of Public Administration still does exist.

¹²⁴ For more information on the impact of the training on the change of practices, see Section 3.4.

¹²⁵ Such as judges in ordinary courts dealing with child victims and witnesses or judges of Specialized inter-district criminal court dealing with serious offences.

¹²⁶ In 2014, a study revealed that 77 per cent of SICIM judges involved in juvenile criminal cases who responded to the questionnaire had not received pre-service professional training and that 77 per cent of SICIM judges had not received any specialist training for criminal cases involving children in the past 12 months. Hamilton and Raoof (2015), Development of specialized inter-district courts on issues of minors in Kazakhstan, p. 29.

Some respondents also explained that there is a need for more interactive and practice-oriented training sessions, to ensure a higher level of evolution of practices. Despite their participation in training, the observation of police offices and discussions with psychologists revealed that there is still a gap between the acquired knowledge and practices. For example, the evaluation team visited one location, where a juvenile officer, who explained that she learned a lot on how to approach children from a

'We receive recommendations, some training, but it is not enough. The trainers come once, but it is not possible to implement all that we learn. We need more training.' Probation officer

psychological perspective, was sitting behind a desk, wearing a uniform, while the child remains in a corner of the room on a chair. Psychologists, lawyers and experts indicated that children are often only lectured by the juvenile police, without receiving any support from this institution. Moreover, according to discussions with respondents, capacity-building activities only concern a limited number of professionals and is neither systemized nor mandatory at national level.

Respondents also indicated that training on child-friendly justice and how to discuss with children in justice processes was provided to **psychologists and social workers** from the State authorities, NGOs and UNICEF. Training was generally appreciated by respondents but was considered too limited in terms of content and duration.

One project to train **lawyers** on child-friendly justice and how to build trust and behave with children in justice processes is currently being implemented by the Legal Policy Research Centre (LPRC). To date, this project concerns 75 lawyers working in the regions and does not specifically target legal aid lawyers.

3.2.4. [To what extent has the reform integrated gender equality and equity?](#)

As mentioned in Section 2.5., there is general lack of consistent and accurate **data on Justice for Children**. This challenge has been also reported regarding data disaggregation. This is true for children in conflict with the law and for child victims and witnesses. For instance, data is gender - disaggregated for the number of children involved in criminal proceedings as offenders but not the number of children in pre-trial detention. Data is not gender-disaggregated for child victims so far. This lack of disaggregated data along gender lines results in girls being an invisible and forgotten group and in the absence of specific consideration for their protection or support. The same lack of disaggregated data is generally noted regarding age group, disability status, socio-economic conditions, rural/urban, etc. It must however be noted that a specific activity aiming to support the national statistic's office of the Ministry of National Economy to improve this situation has been included in EU-UNICEF Joint Action, to ensure a better disaggregation. This activity is ongoing.

In terms of gender equality, statistics revealed that girls represent 7 to 10 per cent of children involved in criminal proceedings, as shows the following table:

Table 4: % Girls in conflict with the law¹²⁷

	2009	2010	2011	2012	2013	2014	2015	2016	2017
% Girls involved in criminal proceedings as offenders	9.7%	10.2%	9.9%	9.5%	10.3%	10.6%	9.2%	8.3%	7.0%

The evaluation team observed that girls and boys are separated during the night in all closed facilities it visited. Nonetheless, several challenges have been reported regarding gender equality:

- The special regime school welcomes only boys, which raises a problem of enforcement of decisions regarding girls. It is not clear where girls are placed when they should be sent to this facility. Although this challenge has been raised by the 2014-2020 Plan on Enhancing the Work of Law Enforcement Bodies¹²⁸, no specific activity has been implemented to overcome this situation during the reform process;
- The juvenile colony in Almaty only welcomes boys. Female minors are detained in a unit in the women's colony and benefit from poorer conditions of detention than those for boys as far as education and vocation training are concerned. This practice is in contradiction with UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.¹²⁹ This issue has not been specifically considered by the reform;
- Discussion with professionals and analysis of reports revealed a general lack of awareness on gender equality among professionals due to a lack of training and capacity building.¹³⁰ In 2016, one study was conducted during the course of the EU-UNICEF Joint Action to analyze the knowledge, attitudes and practices of the general public as well as several child professionals on justice for children.¹³¹ This study specifically assessed the consideration of gender discrimination in punishment and revealed that 13.5 per cent of child protection and justice officials support harsher punishment for girls who commit crimes, even minor offences. Another study conducted in 2017 regarding the mental health issues of children in conflict with the law revealed that girls seem to be at greater risk for mental health problems than boys, while boys seem to report more physical aggressive behaviors than girls.¹³²

As mentioned above, statistics and discussions with stakeholders revealed that **children from low-income families** are more likely to be in contact with the law. However, children and their families are not equal in terms of the access to SICIMs and closed facilities, due to a lack of financial resources:

- Cases of children from low-income families who live far from the SICIMs are more likely to be judged by a non-child-friendly court;
- These children are less likely to be visited by their relatives during their time in special schools or in the juvenile colony, which may have a negative impact on their future reintegration;

¹²⁷ Own elaboration. Source of 2009-2014 data: TransMonEE; Source of 2015-2016 data: Ministry of National Economy's Committee on Statistics (2017), children of Kazakhstan; Source of 2017 data: General Prosecutor's Office. See raw data in Appendix 10.

¹²⁸ Plan on Enhancing the Work of Law Enforcement Bodies 2014-2020 (2013), Decree of the President

¹²⁹ UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), A/RES/65/229, 16 March 2011. Rule 37 provides: "*Juvenile female prisoners shall have equal access to education and vocational training that are available to juvenile male prisoners*".

¹³⁰ See for instance, Hamilton and Raoof (2015), Development of specialized inter-district courts on issues of minors in Kazakhstan, p. 63.

¹³¹ Haarr (2017), Justice for Children in Kazakhstan: 2016 survey on knowledge, attitudes and practices.

¹³² Sarchiapone (2018), Mental health conditions and vulnerable adolescents: adolescents in conflict with the law (Pre-meeting Powerpoint Presentation).

- Review of literature revealed that several mechanisms that enable SICIMs to release a child from responsibility require that the offender compensated the victims, which discriminates children from low-income families.¹³³

Discussions and analysis of reports revealed that these issues have been raised in several reports in the framework of the EU-UNICEF Joint Action, but no specific activity has been implemented to address this situation so far.

Moreover, the evaluation team observed separation of dormitories based on **age groups** in TSANs and special schools. Moreover, as mentioned above, the legislation has evolved to ensure that children below 14 years of age are not criminally responsible and has restricted the conditions under which children of 14-15 may be prosecuted.

In addition, all the institutions that the evaluation team visited provide for classes in **Kazakh and Russian**, depending on the language spoken of the child.

3.2.5. [Has the reform resulted in unexpected effect \(positive or negative\) on beneficiaries or other stakeholders?](#)

Both positive and negative unexpected effects have been noted on beneficiaries:

- Positive unexpected effect: Discussions with stakeholders revealed that the audio-video equipment provided to SICIM is sometimes also used in civil cases.
- Negative unexpected effect: Article 217(1) of CPC provides that a suspect or his/her lawyer may request that the interrogation is conducted by the investigating judge in order to avoid the interrogation of minor witnesses and victims, to exclude traumatic effects. This provision has been included in the legislative framework to avoid secondary victimization. SICIM judges who were interviewed indicated that this practice has been used and that they also sometimes go to the child's school to talk to him/her so that the child does not provide any testimony during the hearing, with or without video-link. This practice raises questions in terms of right to a fair trial, considering that the defendant does not have the possibility of cross-examining the child.¹³⁴ Judges indicated that this concerns only rare cases.

No unexpected effect has been noted on other stakeholders.

¹³³ Hamilton and Raoof (2015), Development of specialized inter-district courts on issues of minors in Kazakhstan, p. 64.

¹³⁴ Article 14(3)(e) of the International covenant on civil and political rights states: "*In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: ... (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.*" General comment 32 of the Human Rights Committee (2007) CCPR/C/GC/32 also provides that "*As an application of the principle of equality of arms, this guarantee is important for ensuring an effective defence by the accused and their counsel and thus guarantees the accused the same legal powers of compelling the attendance of witnesses and of examining or cross-examining any witnesses as are available to the prosecution.*"

3.3. Efficiency

The efficiency section assesses whether the reform's effects were obtained with the least possible resources. It analyzes the mobilization of human resources and the existence of a coordination system. As mentioned in Section 1.2., cost-efficiency could not be assessed considering that the exact amount of funding of the reform is not known, because of the diversity of stakeholders involved in the reform since 2009 and the lack of access to budgets. Moreover, considering that the reform as a whole was not circumscribed in a project or program and that there was no action plan or strategy for the reform, no monitoring system was specifically developed to assess its performance.¹³⁵

3.3.1. How efficiently were used the human resources allocated by the Government, partners/actors?

Discussions with Kazakhstani authorities and review of documents revealed that human resources involved in the reform process were high level representatives of their national institution, who played a key role in the reform. Institutions involved include:

- the Supreme Court, highest judicial court of the country, also in charge of training judges (SICIMs, general courts, etc.);
- the Parliament, legislative body of the country that has a central role in ensuring that child-sensitive legislative framework is aligned with international standards;
- the Ministry of Justice, initially in charge of the coordination of the 2009-2011 Concept;
- the MIA, that manages law enforcement personnel, including the Penitentiary committee and the juvenile police;
- the GPO, that supervises the uniform application of the law, including regarding children;
- the MoES, in charge of special schools and TSANs;
- the Ombudsperson, in charge of monitoring the human rights situation in the Kazakhstan;
- the Child's Rights Ombudsperson.

All these highly relevant institutions have been fully involved in the reform process.

However, as mentioned above, professionals in charge of implementing the reform were not always trained on child-friendly justice and rehabilitation: this is the case of law enforcement officials, lawyers, psychologists, social workers, and to a certain extent, judges. The frequent turn-over of professionals is also a challenge in terms of sustainability of training.¹³⁶ Thus, human resources dedicated by the Government to the design of the reform were highly qualified and fully relevant, even though the level of training of professionals in charge of implementing the reform still needs to be improved.

Several other partners and stakeholders have been supporting the authorities in the design and implementation of the reform. Review of literature and discussions with national institutions demonstrated that the most significant external donor in the field of Justice for children in the past ten years is the EU, and that the main key partner in this field is UNICEF, which has played a role at many levels: advocacy to ensure that the legislation aligned with international standards, international visits to share experiences from other countries, piloting and testing, capacity-building, etc. Analysis of literature and interviews demonstrated that several human resources

¹³⁵ It shall be noted that a monitoring system was designed in the framework of the EU-UNICEF Joint Action. This monitoring system however does not deal with the reform process as a whole. Its performance is analyzed in Synergies Cooperation (2018), Evaluation of the community-based pilots in Kazakhstan.

¹³⁶ See more information in Section 3.5.4.

were mobilized to ensure the implementation of the reform and the monitoring of its progress.¹³⁷ The involvement of these actors has been considered essential to the implementation of the reform by high level authorities.

Several international and national NGOs have also been involved in the implementation of projects to support children in justice processes since the 2010s, among which International NGO PRI and national NGOs Chance, Phoenix, Meyrim, Syr Ulandary and Legal Policy Research Centre. Some of these NGOs had a very important previous experience in the field of Justice for Children, but others implemented their first project on children in justice processes in the framework of the EU-UNICEF Joint Action. It must be noted that this lack of experience mostly results from the general lack of interest of NGOs in the area of Justice for Children in the country. Discussions with NGOs and review of documentation revealed that, even though they were not all experienced in working with these target groups, all staff members were qualified as psychologists, social workers or lawyers. Discussions with them also shows that most NGOs improved their knowledge in the area of Justice for children, rehabilitation and – to a more limited extent – project management, as a result of the implementation of the community-based services for children in justice processes, although their capacities could still gain from further training and coaching.¹³⁸

3.3.2. [Did the reform system include a coordination system to encourage synergy and avoid overlaps?](#)

Respondents from Kazakhstani institutions indicated that a coordination body was implemented before 2009, comprising key stakeholders at national level from all involved institutions and external partners, to ensure a common understanding of the objectives of the reform process and a unified approach towards Justice for Children, aligned with international standards. Several reports indicate that this coordination system stopped functioning in 2006, prior to the design of Concept. Even though there is an Inter-government Commission on Issues of Minors at national level led by the MoES, national stakeholders indicated that this coordination system did not include all stakeholders – particularly non-governmental actors – and was not fully operational. Similarly, although Commissions on issues of minors exist at local level, under the responsibility of deputy akims, these Commissions do not include all relevant stakeholders. It must however be noted that the implementation of a Steering Committee by UNICEF from 2015 until 2017 in the framework of its program fostered cooperation between representatives of national and local public institutions, Bar Association, NGOs and external donors and partners. It is clear from the discussions with respondents that the implementation of the coordination system ensured that there would be no duplication of activities.

¹³⁷ See more details on the human resources mobilized in the framework of the EU-UNICEF Joint Action in Synergies Cooperation (2018), Evaluation of the community-based pilots in Kazakhstan.

¹³⁸ See Synergies Cooperation (2018), Evaluation of the community-based pilots in Kazakhstan.

3.4. Impact

This section addresses the extent to which the reform of the justice system has contributed to the protection of children in justice processes. The first two sub-sections deal with the impact on children in conflict with the law. The third sub-section deals with the impact on child victims and witnesses. The fourth sub-section concerns the attribution of these results to stakeholders. Gender equality and equity are specifically analyzed in the fifth sub-section.

As mentioned above, there are significant gaps in data collection, and several inconsistencies in the data produced, particularly data from 2009 to 2013.¹³⁹ All data indicated in the following sub-sections have been cross-checked through several sources, including TransMonEE website and the statistics from the Ministry of National Economy's Committee on Statistics. All remaining inconsistencies are clearly indicated. As indicated in Section 2.5., data disaggregation was not always available.¹⁴⁰

3.4.1. To what extent has the result been achieved over the period 2009-2017 in terms of decreasing the rate of offenders among children and which internal and external factors positively or negatively contributed to this result?

As indicated by General Comment n° 10, *"it is obviously not in the best interests of the child if he/she grows up in circumstances that may cause an increased or serious risk of becoming involved in criminal activities."*¹⁴¹ Prevention of juvenile delinquency, through the implementation a set of specific measures, is considered as one of the core elements of a comprehensive juvenile justice policy.

Analysis of statistics revealed several inconsistencies in the data provided by sources. The data of TransMonEE's indicator "registered juvenile offenders" seems to refer to the indicator "children who committed crimes" of the statistics of Ministry of National Economy. This indicator is in some instances exactly similar to TransMonEE's indicator "children involved in criminal proceedings"; in other instances, it is slightly different. This raises some questions regarding the definition that have been used for these indicators. The evaluation team based its analysis on the "registered juvenile offenders" / "children who committed crimes" indicator, that seems to take in consideration all child offenders.

In Kazakhstan, analysis of data revealed a decrease of 53 per cent in the rate of children who committed crimes from 2009 to 2017. This decrease is almost continuous, as shows the following table:

Table 5: # Children who committed crimes (during the year)¹⁴²

2009	2010	2011	2012	2013	2014	2015	2016	2017
6,651	6070	6,362	5,879	5,311	4,209	3,338	3,343	3,148

¹³⁹ As mentioned above, this has led UNICEF to consider improving national data on Justice for Children as one activity of the EU-UNICEF Joint Action.

¹⁴⁰ All available data, including available disaggregation, can be found in Appendix 10.

¹⁴¹ United Nations Committee on the Rights of the Child (2007), General Comment n. 10, Children's rights in juvenile justice, CRC/C/GC/10, para. 16. See also the 1990 UN guidelines for the prevention of juvenile delinquency (Riyadh guidelines).

¹⁴² Source of 2009-2014: TransMonEE; Source of 2015-2016 data: Ministry of National Economy's Committee on Statistics (2017); children of Kazakhstan; source of 2017 data: General Prosecutor's Office.

The evaluation team analyzed to which extent the decrease in the number of children who committed crimes was related to the evolution of demographic. This analysis demonstrated a decrease of 24 per cent in the number of children aged 14 to 17 years in Kazakhstan from 2009 to 2015.¹⁴³ Considering that the decline in the number of children who committed crimes (-53 per cent) is much faster than the decline in the number of children of 14-17 (-24 per cent), the evaluation team considers that demographic changes can only partially explain this decrease and that other factors shall be analyzed.

The first factor is that there is a decrease in the number of children considered as “offenders”, and registered as such. Several crimes have been de-criminalized since 2009. Statistics also demonstrate that children from 0 to 13 years of age represented 7 per cent of children who committed crimes in 2009, while they have represented 0 per cent since 2015.¹⁴⁴ According to stakeholders, the decrease is thus a result of improved data collection and legislative amendments.

According to respondents at national and regional level, a second factor is that activities and institutions have been initiated on prevention of offending and re-offending. Respondents explained that establishment and training of juvenile and police schools and lectures from SICIM judges in schools have played a role in preventing criminal behaviors. Moreover, several institutions indicated that the conviction of children without detaining them in the juvenile colony, the increased “mentoring” role of special schools, juvenile colony and probation officers, have ensured a decrease in the rate of (re-)offending behavior. In this regard, the initiation of community-based services in several regions of the country where children at risk of offending or first offenders benefit from psychosocial support and counselling has been praised by all institutions, who wish for their further development in all regions of Kazakhstan. The results of the evaluation of the community-based services revealed that the number of children who participated in the pilots and who re-offended is very low.¹⁴⁵ The limited number of such programs is considered as a negative factor regarding prevention of offending.

The following table indeed shows a slight decline in the re-offending rate of children. These rates should be however considered with caution, as it is unclear whether they include children who turned 18 and who have re-offended.

Table 6: % re-offending children¹⁴⁶

2009	2010	2011	2012	2013	2014	2015	2016	2017
-	-	-	15%	-	-	13.4%	12.2%	12.7%

¹⁴³ Source of 2009 data: TransMoNEE (children aged 14-17: 1,171,657 people); Source of 2017 data: Ministry of National Economy's Committee on Statistics (children aged 14-17: 892,870 people).

¹⁴⁴ Nowadays, it is unclear where the number of children who are below the age of minimum responsibility and who have committed offences that could be characterized can be found.

¹⁴⁵ These results must however be treated with caution considering that many children are still supported by these institutions, and because the assessment took place only few months after the end of the funding.

¹⁴⁶ Source of 2012 data: UNICEF CPAP 2016-2020, p. 28; Source of 2015-2016 data: Ministry of National economy (2017), Committee on Statistics of the Ministry of National economy; Source of 2017 data: General Prosecutor's Office (2018), Committee for Legal Statistics and Special Records. Data indicated with “-” are not available. Own elaboration. Raw data in Appendix 10.

3.4.2. [To what extent has the result been achieved over the period 2009-2017 in terms of reducing the rates of pre-trial and post-trial detention among children in conflict with the law and in terms of decreasing the rate of convictions among juveniles? Which internal and external factors positively or negatively contributed to those results?](#)

According to the CRC, States must ensure that, whenever appropriate and desirable, “*measures for dealing with [children in conflict with the law] without resorting to judicial proceedings*” are in place.¹⁴⁷ The Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) also require that “*the police, the prosecution or other agencies dealing with juvenile cases [are] empowered to dispose of [cases of children in conflict with the law], at their discretion, without recourse to formal hearings.*”¹⁴⁸

Pre-trial detention

Analysis of data revealed that there has been an important decrease in the number of children in pre-trial detention. Although there is a logical link between the decline in the number of children offenders and the decline in the number of children in pre-trial detention, the following table shows that the rate of children in pre-trial detention has also slightly decreased, even though this decrease is not constant: 7.1 per cent in 2009 versus 5.3 per cent in 2017. In other words, the decrease in the number of children in pre-trial detention is logical considering that less children are considered as criminal offenders. Nonetheless, data also demonstrate that institutions tend to detain children less often than they used to.

Table 7: # and % Children in pre-trial detention (during the year)¹⁴⁹

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017
# pre-trial detention	475	268	207	153	149	156	144	33	166
% pre-trial detention / children who committed crimes	7.1%	4.4%	3.3%	2.6%	2.8%	3.7%	4.3%	1.0%	5.3%

National and regional institutions indicated that the establishment and scaling-up of juvenile police and awareness-raising and capacity building activities towards legal professionals, resulted in some institutions preferring to place children in their families with or without measures to restrict their liberty and imposing educational measures, instead of detaining them in pre-trial detention centers. It must nonetheless be noted that there has been no evolution of the legislative and regulatory framework aiming to limit the number of children in pre-trial detention.

Regarding pre-trial detention, the only legislation that was drafted concerns the length of pre-trial detention before being brought to the judge. Considering that this legislation was adopted in December 2017, a few months before the evaluation, its impact could not be assessed. In terms of length of pre-trial detention, several stakeholders also indicated that the average length of children in pre-trial detention has decreased. This decrease, however, could not be triangulated with quantitative data.

The evaluation team notes that, except for the NPM mechanism and UNICEF's continuing attempt to ensure the adoption of guidelines for police when dealing with children, the reform has generally

¹⁴⁷ Article 40(3)(b), CRC.

¹⁴⁸ Article 11(2), Beijing Rules.

¹⁴⁹ Source of 2009-2013 data: Hamilton and Raoof (2015); Source of 2014-2017 data: Ministry of Internal Affairs. 2016 data is cited in UNICEF progress report year 3. As the 2016 data is very different from the other years, the evaluation consultants consider that this data may be an inconsistency.

put less emphasis on children in pre-trial stage, although ill-treatment during pre-trial detention has been reported by several documents.¹⁵⁰

Convicted children

Analysis of statistics revealed that the rate of convictions of children has significantly decreased since 2009 and has stabilized below 15 per cent of all child offenders since 2015. The following table shows the number and rate of convicted children, regardless of their sentence (deprivation of liberty, custodial sentences, probation, public work, fine, etc.), among children involved in criminal proceedings.

Table 8: # and % Convicted children¹⁵¹

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017
# convicted children	2,654	1,940	1,355	1,152	1,006	653	451	378	443
% convicted children / children involved in criminal proceedings as offenders	41.7%	33.5%	22.7%	19.6%	18.9%	15.5%	13.5%	11.3%	14.0%

Respondents explained the decline in rate of convicted children by the several reasons. Firstly, according to them, SICIMs are in place and understand the need to focus on rehabilitation instead of punishment as a result of capacity building. Secondly, the legislation has evolved and enables children to benefit from a wider range of measures to close their cases before conviction (reconciliation through mediation, release from criminal responsibility, educational measures, etc.). 2016 statistics for instance demonstrates that 72.4 per cent of cases of children who committed crimes were closed before trial, and that 90 per cent of these cases were closed as a result of reconciliation procedures.

Therefore, the number of cases that reach the court and the number of cases closed at an early stage decline, which results in a decrease in the number of children who are convicted. Nonetheless, institutions, NGOs and experts indicated that a diversion system compliant with international standards does not exist yet in Kazakhstan, and that the integration of this mechanism could further increase the number of cases closed at pre-trial stage, and thus reduce the number of convicted children.¹⁵²

As mentioned in Section 3.2., despite the relatively limited rate of convicted children, many respondents have expressed their concerns regarding legal assistance of children. According to them, the quality of representation remains very poor, and lawyers often play a purely representation role. In addition, psychologists and NGOs explained that children who are convicted of crimes, even though they do not serve a custodial sentence, are recorded for life on a registry for convicted people. Psychologists and NGOs indicated that these criminal records have a

“Children who commit a crime are registered in the system. If he looks for a job, he needs to show that he did not commit a crime.”
NGO representative

¹⁵⁰ See for instance Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2009), Mission to Kazakhstan, A/HRC/13/39/Add.3 or PRI (2015), Voices of children.

¹⁵¹ Own elaboration. Source of 2009-2014 data: TransMonEE; Source of 2015-2016 data: Ministry of National Economy's Committee on Statistics (2017), children in Kazakhstan; Source of 2017 data: General Prosecutor's Office. Raw data in Appendix 10.

¹⁵² See more information on diversion in Section 3.2.

negative impact on their future reintegration in society and suggested that specific attention is paid to this issue.

Post-trial detention

Analysis of data revealed a significant decrease in the number of children detained in the juvenile colony:

Table 9: # Children in juvenile colony (at the end of year)¹⁵³

2009	2010	2011	2012	2013	2014	2015	2016	2017
449	179	222	116	126	95	69	44	49

Respondents mostly explain this decrease by amendments to the legislation. Only serious offences can in principle lead to detention in a juvenile colony. Moreover, penalties have been made less severe and the time spent in a juvenile colony by convicted children has decreased over time. In addition, several SICIM judges and law enforcement officers indicated that, even though judges are allowed to send children to colony, they try to avoid detention in colony (through educational measures, non-custodial sentences, suspended sentences, etc.).

“According to the law, we can send children to the colony, but we are trying not to. In most cases, there is a limitation of freedom.” SICIM judge

This has been made possible by the development of alternative measures in the legislation, training and awareness-raising of judges and set up of a few rehabilitation and community-based services to ensure the effectiveness of alternative measures. Nonetheless, as mentioned above, the effectiveness of alternative measures remains an issue, considering the limited number of community-based services for children involved in criminal proceedings.

Convicted children may also be placed in special schools and special regime school, as a result of their conviction (educational measure). Even if special schools are not prisons as such, they remain places of deprivation of liberty.¹⁵⁴ The following table shows that the number of children who committed crimes placed in special schools has also declined over the years. It must however be highlighted that it is unclear whether this data includes only convicted children or all children in conflict with the law:

Table 10: # Children who committed criminal offences placed in special schools and special regime school (total per year)¹⁵⁵

2009	2010	2011	2012	2013	2014	2015	2016	2017
-	65	46	11	13	8	19	8	-

¹⁵³ Source of 2009-2011 data: Ministry of National Economy's Committee on Statistics (2016), children in Kazakhstan; Source of 2011-2016 data: Ministry of National Economy's Committee on Statistics (2017), children in Kazakhstan; Source of 2017 data: General Prosecutor's Office

¹⁵⁴ Rule 11 of the UN Rules for the Protection of Juveniles Deprived of their Liberty defines: “the deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.”

¹⁵⁵ Source of 2010-2011 data: Ministry of National Economy's Committee on Statistics (2016), children in Kazakhstan; Source of 2011-2016 data: Ministry of National Economy's Committee on Statistics (2017), children in Kazakhstan.

3.4.3. [To what extent has the intervention contributed to increase the number of child victims and witnesses of crimes receiving support and services?](#)

As mentioned in Section 3.2., analysis of legislation and discussions with UNICEF and national and local institutions demonstrated that child victims and witnesses have received increased protection since 2009. As several stakeholders highlighted, the consideration of child victims and witnesses has been more recent than for children in conflict with the law. Therefore, child victims and witnesses were, until recently, largely set aside in terms of support system and services.

This positive evolution results from the amendments to the legislation – such as the mandatory presence of a psychologist of children below 14 years of age –, the provision and use of audio-visual equipment to interview child victims and witnesses, and increased training of judges. According to judges and psychologists, this has led to a reduction in the number of interviews of children and a more important use of video-equipment. However, the video equipment is not yet widespread around the country. Moreover, despite important advocacy, there is no standard guidelines for police officers on how to deal with child victims nor guidelines for psychologists and social workers when dealing with these children. Respondents indicated that very few programs exist at regional level to provide psychological support and trauma rehabilitation to child victims and witnesses. One program, supported by UNICEF, has been providing support while following international good practices, others are providing support without any specific guideline. In particular, several programs include working on trauma with victims before going to court, which shall be avoided according to international standards to reduce negative effects on the memory of children. Discussions with persons responsible of these support programs revealed that they were not aware this was an issue.

3.4.4. [To what extent have different stakeholders, and particularly the EU-UNICEF Joint Action, contributed to those results? What strategies of stakeholders had the most important impact in influencing improvement of situations for children in conflict with the law and child victims and witnesses?](#)

According to all stakeholders that the evaluation team met with, there is a strong commitment from the authorities to improve the protection of children in justice processes. This has been confirmed by the important evolutions related to Justice for Children in the country, that could not have been possible without the commitment of the country authorities at the highest level. This is the case for instance regarding the establishment of new institutions, such as SICIMs and probation offices – which require mobilization of funds and human resources – or the improvement of the legislative system for all children in justice processes (alternative measures, pre-trial detention, presence of psychologists, etc.).

Discussions with national stakeholders revealed that the reform process is a joint effort that has been supported by international actors, especially the EU-UNICEF Joint Action. Even some activities have been conducted by other stakeholders in the field of the Justice reform, those activities were targeting the Justice reform as a whole, and not Justice for Children. The EU-UNICEF program is the only comprehensive program dealing with Justice for Children in the country. UNICEF is therefore considered by the authorities as the country's key partner in this regard. The examples provided by stakeholders are numerous since the implementation of this program in 2015. The following list is not exhaustive:

- Advocacy from UNICEF ensured that the new legislation was more compliant with international standards, such as the recent amendment to decrease the pre-trial detention of children from 72 to 24 hours;

- Training workshops implemented by UNICEF experts and/or NGOs funded by the EU-UNICEF Joint Action (Phoenix, Meyrim, PRI, LPRC) have increased the capacity of judges, police, psychologists, lawyers and probation officers;
- Provision of audio-visual equipment to SICIMs under the EU-UNICEF Joint Action has led to increased protection of child victims and witnesses. It is important to point out that, before the program, child victims and witnesses were not considered as an important group to target. UNICEF thus played a major role in the consideration of this target group.

Most stakeholders consider that the impact of policy advice and technical assistance of the program was high, particularly regarding the evolution of the legislation, which is considered the most important success since the establishment of the SICIMs. Indeed, several national stakeholders noted that it is mostly impossible to implement activities if there is no legislation to support them.¹⁵⁶ In this regard, high level advocacy towards amendments of legislation has had the most significant success. The piloting has not yet showed impact, since the pilots are currently being assessed, before potential replication. If one considers each of the main outputs considered in the framework of the reform:

- Decrease in the rate of child offenders is closely related to legislative amendments, establishment of institutions aiming at prevention, increased training of law enforcement professionals, and, to a more limited extent, the implementation of community-based services for children in conflict with the law and children at risk of offending;
- Decrease in the rate of pre-trial detention is related to the establishment of juvenile police and capacity building activities;
- Decrease in the rate of convictions is related to reforms in criminal procedure, allowing the development of measures that enable the case to be closed at an early stage in the process, mostly pre-trial;
- Decrease in the rate of post-trial detention is closely related to legislative reform, training and awareness-raising of judges and set up of a few rehabilitation and community-based services;
- Increase in the number of children accessed services is linked to the legislative amendments, to the supply of equipment and provision of community-based services.

3.4.5. [To what extent the reforms in the area of Justice for Children done by the Government of Kazakhstan and supported by partners/actors differently affected \(1\) boys and girls; \(2\) various age groups \(<14, 14-15, 16-18\); and \(3\) the most vulnerable groups of children, including those from ethnic minorities or from families with lower income or in difficult life circumstances?](#)

As mentioned above, the lack of disaggregated data at national level is a challenge in assessing the effects of the reform towards different groups. Nonetheless, the analysis of quantitative data and discussions with stakeholders revealed some differences in impact regarding children in conflict with the law. It must however be noted that there is no disaggregation of data regarding child victims and witnesses, which rendered the analysis impossible to achieved.

Girls and boys

As mentioned in Section 3.2.5, no specific activity was implemented to ensure that girls detained in the women's prison benefit from the same conditions than those of boys. Consequently, the

¹⁵⁶ This challenge has been noted by most stakeholders, and had resulted in many important difficulties for the pilot on diversion as diversion as such does not exist in the legislation. See Synergies Cooperation (2018), Evaluation of community-based pilots in Kazakhstan.

reform did not have an impact on reducing the equity gap regarding the detention conditions of girls.

Nonetheless, the EU-UNICEF Joint Action implemented several activities to address this challenge. Firstly, some activities have been conducted to increase the quality of disaggregated data. The analysis of data nevertheless revealed that there are important remaining gaps in this regard. Moreover, gender equity has been considered in several reports and surveys, such as the KAP survey and mental health study. According to discussions with stakeholders, although these activities have not had an impact so far, UNICEF indicated that new activities are being tailored based on those results.

Age groups

According to stakeholders, the evolution of legislation has resulted in positive evolutions for younger children. Before 2010, children beyond 16 years of age could be prosecuted for simple crimes, such as theft. Since the amendments in legislation, the minimum age of criminal responsibility in Kazakhstan is 16 years of age, although children who have reached 14 years of age shall be criminally liable if they commit a serious offence.¹⁵⁷ Statistics revealed that the increase of age of minimal responsibility has led to a significant decrease in the number of children below 14 involved in criminal proceedings. Available data demonstrated that 452 children from 0 to 13 were involved in criminal proceedings as offender in 2009, while they were 3 in 2014. It is not clear, however, why some children under 13 years of age were involved at all in criminal proceedings, as these cases shall be closed pre-trial, according to the law.

Available data also revealed that the rate of children of 14-15 years of age involved in criminal proceedings has reduced over the years: children of 14-15 years represented 25% of all children involved in criminal proceedings in 2010, while they represented 21% in 2015 and 2016. In other words, children involved in criminal proceedings tend to be older than before:

Table 11: % children of 14-15 years in conflict with the law¹⁵⁸

	2009	2010	2011	2012	2013	2014	2015	2016	2017
% children of 14-15 years / children involved in criminal proceedings	-	25.5%	-	-	-	-	20.6%	20.7%	-

Other groups

The lack of disaggregated data prevented the evaluation team from specifically assessing the impact of the reform along other equity lines. However, considering the fact that no activity was conducted to deal with children from different ethnic minorities, low-income / high-income families or vulnerable family situation, the evaluation team considers it unlikely that the reform had an impact on these groups. However, it must be noted that some SICIM judges traveled to enable children of low-income families to participate in proceedings, while their financial means are limited. Those are however limited initiatives.

¹⁵⁷ See the full list in Section 1.1.

¹⁵⁸ Own elaboration. Source of 2010 data: Ministry of National Economy's Committee on Statistics (2016), children in Kazakhstan; Source of 2015-2016 data: Ministry of National Economy's Committee on Statistics (2017), children in Kazakhstan; Source of 2017 data: General Prosecutor's Office. Raw data in Appendix 10.

3.5. Sustainability

The section on sustainability analyzes the existence of a plan to sustain the positive achievements of the reform, the level of commitment of public stakeholders towards child-friendly justice, the potential continuation of change after UNICEF's withdrawal and the level of integration of child-friendly justice in justice professionals' training and education curricula.

3.5.1. Is there a work plan or action plan to sustain the positive achievements for children in conflict with the law, child victims and witnesses of crimes?

Analysis of documents revealed that several policy documents refer to child-friendly justice:

- The Concept of Legal Policy 2010-2020 calls for the humanization for children in conflict with the law and for increased criminal liability for crimes committed against minors.¹⁵⁹ This Concept has clearly guided the implementation of reform process over the past 8 years;
- The 2014-2020 Plan on Enhancing the Work of Law Enforcement Bodies clearly states the improvement of juvenile justice as one of the program objectives¹⁶⁰;
- The 2030 Family and Gender Policy of the Republic of Kazakhstan¹⁶¹ sets out a target of 50 per cent decrease of all violence acts against children by 2030, as well as improved assistance for victims of violence including counselling.

Nonetheless, the content of those documents is vague: they do not include clear activities, targets, human and financial resources. The evaluation team thus considers that they cannot be considered as action plan as such. Moreover, the 2010-2020 Concept and the 2014-2020 Plan will come to an end in 2020, no further action plan is being developed. In addition, there is no strategical plan specifically drafted on Justice for Children. The evaluation team considers that scattering of plans and concepts dilutes child-friendly justice among other issues. It must however be noted that UNICEF is developing a strategy in this regard for the next following years. This document is currently being drafted by UNICEF international consultant and is not final yet.

3.5.2. To what extent the Government owned the Justice for Children reform process and is committed to sustain it, including through an evolution of budget allocations on Justice for Children?

As mentioned in Sections 3.1. and 3.4., the reform process has been possible because of a strong commitment of authorities to scale up Justice for Children and to ensure that national legislation and practices are more compliant with international standards. The establishment of new institutions, the evolution of the legislation and several training activities have been implemented by national authorities, with a support from international stakeholders. This approach ensured a strong ownership of governmental authorities and decision-makers. This has been confirmed by the discussions with Supreme Court and Parliament, who currently analyze and discuss new strategies to continue improving the framework regarding Justice for Children. This includes the replication and scaling-up of community-based services, the possibility for SICIMs to exercise its jurisdiction over all crimes committed by children, including very serious crimes, and the expansion of the NPM mandate. It must however be noted that the specialization of prosecutors and investigating police officers or the establishment of juvenile consultation units, does not seem to

¹⁵⁹ Kazakhstan (2009), Concept of Legal Policy 2010-2020, Decree of the President of the Republic of Kazakhstan, 24 August 2009 n° 858.

¹⁶⁰ Plan on Enhancing the Work of Law Enforcement Bodies 2014-2020 (2013), Decree of the President.

¹⁶¹ Kazakhstan (2016), Family and Gender Policy of the Republic of Kazakhstan, Decree of the President of the Republic of Kazakhstan, 6 December 2016, n° 384.

be on the agenda yet. In this regard, discussions revealed some reluctance from law enforcement authorities to implement activities to guide their activities regarding children. The guidelines “Towards a Child-friendly police force”, that were initially envisaged as standard operating procedures, have not been approved at national level despite the implementation of numerous advocacy activities.

The evaluation team has not been able to access information on budget allocations regarding Justice for Children. It is not clear whether Justice for Children is clearly identified in the national resources. Although, there has been no indication of a future decrease of financial resources, it must be noted that the current budgetary moratorium for unplanned activities until 2019 may limit the implementation of new activities, including the development of diversion schemes and improvement of community-based services, despite the fact that such measures are reported cost-effective in the long-term.¹⁶²

3.5.3. [Will UNICEF’s contribution to system level changes continue to impact children in conflict with the law, child victims and witnesses of crimes after its support is withdrawn?](#)

As mentioned in Section 3.4., UNICEF has supported the reform process, that resulted in strong improvements in the field of Justice for Children. Those improvements have been made at the highest level: changes in legislation, set-up or reinforcement of institutions dealing with children, advocacy, capacity building, etc. According to all stakeholders, it is clear that those improvements have set the framework for a sustainable change in approach to Justice for children and will continue to result in positive impact for children in justice processes, even after UNICEF ends its support.

It must be noted that needs are nonetheless still important, particularly regarding the change in social norms. Some stakeholders noted that the changes are too fast and need to be accompanied by increased training to change behaviors and practices. According to a 2016 UNICEF KAP survey, 52.9 per cent of child protection and justice officials and 40.7 per cent of general public adults consider that children are sometimes or often at fault or to blame for their own victimization.¹⁶³ Moreover, 79 per cent of general public adults and 46 per cent of child protection and justice officials supported the use of corporal punishment in the home.¹⁶⁴ In addition, 21.6 per cent of general public adults thought it is very important that children who commit crimes be punished severely.¹⁶⁵ Changing the social norms to ensure the understanding of the general population and institutions remains a challenge. Discussions with UNICEF revealed that communication activities are planned in the coming months to address this issue.

Moreover, the UNICEF Country Program Action Plan (CPAP) 2016-2010 also envisages new activities, including *inter alia*, the use by police and judiciary of endorsed diversion, probation and rehabilitation schemes for children in the justice processes which meet international standards

¹⁶² Nowak (2015), Multi-country evaluation of the impact of juvenile justice system reforms on children in conflict with the law (2006-2012).

¹⁶³ Haarr (2017), Justice for Children in Kazakhstan: 2016 Survey of knowledge, attitudes and practices, for UNICEF.

¹⁶⁴ Haarr (2017), Violence against children in families in Kazakhstan 2016 Survey of knowledge, attitudes and practices, for UNICEF.

¹⁶⁵ Haarr (2017), Justice for Children in Kazakhstan: 2016 Survey of knowledge, attitudes and practices, for UNICEF.

3.5.4. [To what extent is child-friendly justice and justice for children integrated into regular training and education curricula for professionals working with children?](#)

According to discussions with respondents, the number of education courses and training programs on Justice for Children developed by universities and public institutions has increased. Respondents indicated that this topic has emerged over the past 10 years, and is currently being taught in a number of institutions, either as a specific course (for instance at the Academy of Justice) or as a part of a larger course (Academy of law enforcement). In addition, some universities have included new courses in their curricula. The institutionalization of training and education courses, that was strengthened in the framework of the EU-UNICEF Joint Action, seems sustainable.

Nonetheless, as indicated in Section 3.2., capacity-building activities only concern a limited number of professionals and is neither systemized nor mandatory at national level, even for personnel who decide to specifically work in the field of Justice for Children. In addition, several training programs have been implemented by UNICEF and/or NGOs towards a number of legal and non-legal professionals, but discussions revealed that these training are mostly not practice-oriented and ad-hoc training with no follow-up on the change of behaviors and practices. Respondents indicated that these training sessions are less likely to demonstrate a sustainable change of practices towards children.

In addition, as mentioned in Section 3.3.1, the frequent turn-over of judges has been reported by several respondents as a challenge according to several respondents, most judges who were trained left the SICIMs and have been replaced by new judges. This challenge has also been noted in other institutions.

4. CONCLUSION

This section provides additional information on the reform's main strengths and weaknesses and further reflections on child-friendly justice in Kazakhstan.

The reform was highly **relevant** to the national context. Before 2009, there were no specialized institutions working with children in justice processes, except two juvenile courts implemented in 2007. The number of children involved in criminal proceedings and children deprived of their liberty was high. Child victims and witnesses were re-victimized as a result of their participation in justice proceedings. The reform was led by national authorities, which have been fully involved in its design and implementation. The reform was relevant to the broader justice sector reform agenda, that aimed at humanization criminal proceedings in the country. Moreover, the reform took into consideration international standards and practices. Gender equality and other equity lines were not taken into consideration during the design of the reform.

The reform process was mostly **effective**. Between 2009 and 2017, a number of institutions aiming to protect children in justice processes were set up or strengthened: establishment of SICIMS in all regions of the country, implementation of juvenile police in cities and villages, improvement of conditions of special schools, TSANs and juvenile colony, participation of psychologists in proceedings, and set up of probation officers and NPM mechanism. Community-based support services have been tested by NGOs and UNICEF, although not yet replicated. However, there is still room for improvement in these institutions. High-quality community-based services are strongly lacking to support children at national level. Moreover, some specialized institutions have not been established or implemented at national level yet, such as juvenile specialized prosecutors, juvenile investigators and juvenile consultations units. Although several improvements are still necessary to ensure that the country respects its international obligations, the legislative and regulatory framework dealing with children in conflict with the law and child victims and witnesses has also very positively evolved and is more aligned with international standards. Several training and other capacity building activities have been implemented towards professionals in contact with children since 2009 by a number of stakeholder, among which national institutions, UNICEF and NGOs. Despite the fact that a wide number of institutions have benefited from training activities, most training sessions targeted only a limited number of professionals, were not practice-oriented and/or were conducted only once. Even though little attention has been paid gender equality and equity in the reform process, several activities implemented under the EU-UNICEF Joint Action addressed these issues.

The reform process was generally **efficient**. The human resources dedicated by the Government to the reform design were highly qualified and fully relevant, but the level of training of institutions in charge of implementing the reform can be improved. No operational coordination system was in place including national institutions, universities and training institutions, donors, NGOs, and UNICEF, except the Steering Committee implemented by UNICEF from 2015 until 2017. This Steering Committee ensured a high level of collaboration between institutions and partners, and the absence of overlap in activities, in the absence of a national coordination system. Cost-efficiency could not be assessed considering that the exact amount of funding of the reform is not known, because of the diversity of stakeholders involved in the reform since 2009 and the lack of access to each stakeholder's budget. Moreover, considering that the reform as a whole was not circumscribed in a project or program and that there was no action plan or strategy for the reform, no monitoring system was specifically developed to assess its performance.

The **impact** of the reform was important. There has been a significant decrease in the number of child offenders between 2009 and 2017 (- 53 per cent), that is closely related to legislative changes,

establishment of SICIMs and of institutions aiming at prevention, increased training of law enforcement professionals, and, to a more limited extent, implementation of community-based services for children in conflict with the law and children at risk of offending. The decline in the rate of detained children is also very important. At pre-trial stage, there is a decrease of 65 per cent of the rate of children detained pre-trial out of all children involved in criminal proceedings as offenders between 2009 and 2017. This decrease is linked to the establishment of juvenile police and capacity building activities. At post-trial stage, this decrease is related to legislative reform, training and awareness-raising of judges and set up of a few rehabilitation and community-based services. As a result, only 49 children were detained in the juvenile colony at the end of 2017, versus 449 in 2009. It must however be noted that a few children in conflict with the law are also detained in other institutions, such as special schools. The rate of convicted children out of children involved in criminal proceedings as offenders has also significantly decreased between 2009 and 2017 (-66 per cent), due to reforms in criminal procedure, allowing the development of measures that enable the case to be closed at an early stage in the process, mostly pre-trial. The reform has also enabled child victims and witnesses to receive increased support, even though these equipment and services are not widespread, and the quality of support remains poor. Moreover, to avoid secondary victimization of children, some defendants are not provided with the possibility of cross-examining children, which raises fair trial issues. Although positive achievements could not have been achieved without a strong commitment from the authorities to improve Justice for Children, it is also clear that the EU-UNICEF Joint Action has played an important role since 2014 to strengthen the reform process regarding Justice for Children, and that UNICEF is considered as the most important external partner of this reform. The evaluation found that policy advice had the strongest impact. The reform has demonstrated that children below 14 are not involved in criminal proceedings anymore and that children of 14-15 years of age are less involved than they used to be. Nonetheless, the reform had no clear impact on girls or vulnerable groups, such as children from low-income families.

Although there is no concrete action plan or work plan at national level to sustain the achievements of the reform, the reform process is generally owned by national authorities and the achievements appear very **sustainable**, particularly the evolution of the legislation, the set-up or reinforcement of institutions and the integration of some courses on Justice for Children in training and education curricula. Nonetheless, challenges remain to ensure the sustainability of professionals' training and the level of change in their practices. However, further activities are already planned by national institutions and UNICEF to continue improving child-friendly justice, such as the replication and scaling-up of community-based services, the possibility for SICIMs to exercise its jurisdiction over all crimes committed by children and the extension of the NPM mandate.

In conclusion, based on a review of literature, discussions and observation, this report shows that, between 2009 and 2017, the reform has successfully improved the Justice system for children in conflict with the law and child victims and witnesses and that this system is more compliant with international standards. Results demonstrated great sustainable achievements: children are less often involved in criminal proceedings, convicted and/or detained, and child victims and witnesses are better protected. The issue of child-friendly justice has clearly been scaled up in the country and remains a priority at the highest level. The replication of community-based services in the future years, that are envisaged by national institutions and UNICEF, will most probably sustain the positive achievements of the reform. The evaluation team considers that the reform has brought Kazakhstan closer to its international commitments and to the achievements of Sustainable Development Goal 16 on Promotion of Rule of Law and Access to Justice, even though several gaps remain, and children are facing a number of barriers in their access to justice.

Although the evaluation focuses on criminal justice, the evaluation team considers it important to note that most special schools and special-regime schools remain places of deprivation of liberty for children, and highlights that the number of children in such schools is five times more important than the number of children in juvenile colony: 230 children were detained in those schools in 2016, including 113 girls. As indicated in the report, some of these children have committed administrative offences, that are likely to be caused by difficult family or life situations. There are no suitable child care facilities. The consideration of deprivation of liberty of children is a major challenge and a pressing issue, that has been recognized as such by the 2015 UN General Assembly Resolution 69/157. The evaluation team welcomes UNICEF's initiative to develop a pilot community-based program to test a more cost-efficient and effective system to divert these children from these closed residential institutions.

5. LESSONS LEARNED

The evaluation team identified three main lessons learned.

- Legislative amendments must be accompanied by the development of services to ensure their effectiveness and impact

In Kazakhstan, several alternative measures have been developed in the framework of the reform, to close cases of children at pre-trial stage or to avoid custodial sentences, to ensure that the legislation and practices are more compliant with international human rights instruments. Nonetheless, no “diversion” program, as is understood by international standards, exists in the country. Moreover, children whose cases are closed often go back to the exact same situation than before the proceedings, because of a lack of social and psychological community-based services to support them and their families. Although some programs have been tested, they are not scaled up yet at national level. Moreover, the families of the children are largely isolated from these programs, while offending behaviors are closely linked to their family situation. As a lesson learned from this reform, in any reform, services must be implemented to ensure the effectiveness of changes in the legislation. Community-based services must be implemented to support children, their families and environment, to ensure that the situation of children effectively improves in practice.

- Without standardized guidelines for professionals in contact with children, all children do not benefit from the same level of protection

Although there is a specific reference on psychologists in the legislation to support some children, there are not clear guidelines about their extent of their role and mandate before, during and after the proceeding. Moreover, the participation of psychologists is only mandatory in proceedings involving minors in conflict with the law below 16 years of age, but not for children above 16 years of age. In addition, the presence of social workers is not required by law in criminal proceeding. This lack of standardized guidelines has also been noted regarding law enforcement officers, particularly investigative officers. Some initiatives have started under the EU-UNICEF Joint Action to support the development of standardized guidelines, but they have not been approved so far. Studies and discussions have revealed that some children receive a good quality support, other not. As a lesson learned from this reform, in any reform aiming to protect children in justice proceedings, specific attention should be paid to ensuring that there are clear procedures and guidelines for professionals in contact with children, and actions must be taken to ensure the quality of training of all professionals involved in these proceedings.

- The lack of accurate and disaggregated quantitative data is an obstacle to the in-depth analysis of program's impact

In Kazakhstan, data regarding Justice for Children have been often inaccurate or inconsistent between different sources. In order to improve this situation, specific attention has been paid by UNICEF to the improvement of statistics regarding Justice for Children. Although this situation has improved in the last few years, confusion seems to remain on the terminology employed. Moreover, there are still important gaps, particularly regarding gender and other equity lines. For instance, the lack of gender-disaggregated data on children who were involved in criminal proceedings as victims results in girls being largely invisible as a group, and their needs not taken into consideration. As a lesson learned from this reform, in any reform regarding Justice for Children, specific consideration should be paid, as early as possible, to the quality and disaggregation of quantitative data, so as to ensure the existence of clear baselines and the analysis of the impact on different groups. Disaggregation should not be limited to gender equality.

6. RECOMMENDATIONS

The evaluation team considers that the criminal justice system for children has very positively evolved in Kazakhstan in less than ten years, and that it should be strengthened to ensure full compliance with international standards. The evaluation team believes that this evaluation's findings, lessons learned, and recommendations can be useful planning tools to guide the design of the future reform process. The evaluation team notes that UNICEF is currently planning its future interventions on Justice for Children.¹⁶⁶

The recommendations are based on the evaluation findings. All findings are fully aligned with discussions with key stakeholders and beneficiaries and reflect international practices. The report and its recommendations have been presented and validated during a participatory workshop that was held in May 2018, with UNICEF, NGOs and several other public stakeholders. This workshop was followed by a national conference on Justice for Children, towards all involved national and local stakeholders, during which findings and recommendations were presented and approved. The resolution of the conference includes recommendations that are based on this presentation. It notes, *inter alia*, that an action plan is projected to be developed by all involved stakeholders based on the evaluation's recommendations.

The following recommendations are classified according to their level of priority, indicating to whom they are primarily directed. Some stakeholders that were not initially considered in the reform have been targeted, based on the positive role they could play in the reform process.¹⁶⁷ Deadlines for implementation have been set jointly between authorities, NGOs, UNICEF and the evaluation team during the participatory validation meeting organized in May 2018.

R1. Develop an institutionalized and practice-oriented training plan for professionals in contact with children by 2019

To Supreme Court, MIA, MoES and UNICEF:

Training of SICIM judges is considered of very high quality, but the training is not mandatory before they exercise jurisdiction. Therefore, cases of children are sometimes dealt with by judges with no specific training on child-friendly justice. Training of law enforcement officers, particularly juvenile police, investigative judges that are likely to be in contact with children and probation officers, prosecutors and legal aid lawyers remains dispersed and is mostly provided by NGOs and UNICEF, without a strategic plan. In addition, these training sessions generally include only rare interactive learning methods, do not include work on individual representations towards children in justice processes and do not provide for follow-up plan, to ensure that the acquired knowledge results in a sustainable change of practices. Efforts to institutionalize training shall be further strengthened. UNICEF could play an increased role through policy advice and technical assistance in terms of strategic planning. It could also enable knowledge exchange among countries that have already used interactive learning methods for law professionals, such as Croatia.

R2. Ensure mandatory presence of psychologists and social workers in legal proceedings, using harmonized guidelines by 2019

To Parliament, MoES, MIA, Supreme Court and UNICEF:

¹⁶⁶ A new Justice for Children strategy, that deals with UNICEF's programming for the next few years, is currently being developed by UNICEF with the support of an international consultant. Considering that this strategy will be *inter alia* based on the present report and that it will include specific programming elements for the next years, the recommendations do not detail UNICEF's future programming. Nonetheless, specific recommendations were drafted regarding UNICEF's contribution, based on UNICEF Kazakhstan's core roles.

¹⁶⁷ This concerns the Ministry of Health, Ministry of Social Labor and Social Protection and Inter-department committee.

There are no guidelines regarding the roles and tasks of psychologists when dealing with children in conflict with the law and child victims and witnesses before, during and after court proceedings. Moreover, the presence of psychologists and social workers is not mandatory in all cases involving children. This creates differences of quality of treatment and access to justice of children, based on their age or status. Clear guidelines must be implemented to ensure a high quality of support to children. Mandatory and interactive training of these professionals on these guidelines must be implemented. The evaluation team also recommends that the Law on Special Social Services considers all children in justice processes as target groups. The evaluation team recommends that the responsibility of probation for children transfers from the MIA to social services. UNICEF could play a strategic role in supporting the authorities through policy advice and technical assistance.

R3. Develop a comprehensive inter-ministerial policy on Justice for Children by 2021

To MIA, MoJ, MoES, Supreme Court, General Prosecutor's Office, Ombudsperson and Child's Rights Ombudsperson, Inter-department committee, NGOs and UNICEF:

There is no action plan, policy or strategy specifically on Justice for Children in Kazakhstan since the 2009-2011 Concept. A few action plans have been drafted but each action plan concerns a specific area and does not address Justice for Children in a comprehensive way. Moreover, these action plans do not provide for specific information on the human, technical and financial resources necessary for their implementation, nor do they contain a comprehensive monitoring mechanism. A comprehensive strategy on Justice for Children involving all stakeholders, including UNICEF for technical assistance, would ensure a harmonized approach towards Justice for Children at the highest level by all actors. This involves the operationality of an inter-ministerial coordination mechanism at national level. This policy should be disseminated at regional level and transformed into concrete action plans for each region. Special attention should be paid to the issue of access to justice of children in justice processes in terms of equity and equality (level of income, rural/urban, gender, etc.): girls should have an equal access to justice compared to boys, in terms of education when deprived of liberty¹⁶⁸; children living far from the SICIMs and children from low-income families should be able to access child-friendly court¹⁶⁹; families of children deprived of liberty should be able to visit their children, even though they live far from special schools and juvenile colonies.¹⁷⁰ UNICEF could play a key role in advising the authorities and supporting the development of this policy.

R4. Develop a comprehensive legislation on Justice for Children, fully compliant with international standards by 2021

To Parliament, Child's Rights Ombudsperson and UNICEF:

There is no comprehensive legislation regarding Justice for Children in Kazakhstan. Legal provisions are scattered among a wide number of documents. A comprehensive legislation and a comprehensive strategy would ensure that Justice for Children is cared about at the highest level by all actors. Furthermore, although Kazakhstan has ratified several international conventions, and as such has to respect its human rights obligations, the Kazakhstani legislative framework is not yet fully in line with international standards. Some discussions have been initiated regarding the modification of legislation on diversion, as the reconciliation mechanism cannot be considered as diversion. The mechanisms that enable SICIMs to release a child from responsibility require that the offender compensates the victim, which discriminates children from low-income families. This constitutes a barrier in the children's equal access to justice. In addition, convicted children remain on the registry of convicted persons for life, while international standards recommend that criminal records of the name of the child who committed an offence are automatically removed

¹⁶⁸ See also recommendation 7 below.

¹⁶⁹ See also recommendation 11 below.

¹⁷⁰ *Ibid.*

once they reach the age of 18, or, in the case of serious offences, that the records are removed at the request of child, if necessary under certain conditions.¹⁷¹ Moreover, the lack of participation of children below 10 years of age in legal proceedings is contrary to the UN CRC. Ensuring the participation of such children shall be accompanied by the support from specialized social services at all times and the implementation of a comprehensive support social system.¹⁷² UNICEF could play an important role in terms of policy advice and technical assistance to ensure the legislation's full compliance with international standards.

R5. Introduce community-based services for children at risk and children in conflict with the law throughout the country by 2021¹⁷³

To Parliament, MoES, Akimats and UNICEF:

Children at risk of offending and children in conflict with the law often face difficult family or life situations, but the social support provided to them remains poor. Reports indicate that they are lectured, but that no psychological support is provided to them or to their family and environment. Two pilots have been tested by UNICEF in the EU-UNICEF Joint Action and need to be scaled up, based on the lessons learned from the pilots' evaluation. This is already under consideration by national authorities, with the support from UNICEF. The evaluation team recommends that specific attention is paid to the full involvement of the children's families and to the support to families. UNICEF should continue to facilitate the national dialogue between government and civil society stakeholders on the implementation of such services and advocate for the implementation of a revised model.¹⁷⁴

R6. Implement alternative solutions to the placement of children in closed residential special schools and TSANs by 2021

To MoES, Ministry of Labor and Social Protection and UNICEF:

Since the beginning of the EU-UNICEF Joint Action, several activities have been implemented to transform residential institutions for children with "deviant" behavior and special regime school, under the management of MoES, into non-residential services for children. Special schools in Kazakhstan remain places of deprivation of liberty that shall be avoided to ensure the well-being of children. The evaluation team recommends that the legislation be amended to find an alternative solution to the placement of these children, who often end up in these schools because of difficult family or life situations. A solution oriented towards psychosocial support services to children and their parents may be more effective than the isolation of the child from his family, considering that he/she will go back to the same situation after he/she leaves the institutions. A change of name of the Special rooms is also recommended, to avoid stigmatization. UNICEF shall continue advocating in this direction, through research and policy advice.

R7. Develop small-scale residential units for children who are detained in juvenile colony and ensure equity of treatment by 2021

To MIA, Akimats, local authorities and UNICEF:

Children are placed in juvenile colonies that are often very far from their families. This results in children meeting less frequently with their families and this creates discrimination based on the financial resources of their families. The development of small-scale residential units for boys and girls will allow them to be closer from their relatives and will facilitate their reintegration. Authorities shall ensure that girls have access to the same education services to those available in facilities for boys. UNICEF should provide policy advice to the authorities on this matter.

¹⁷¹ General Comment n. 10, Children's rights in juvenile justice, CRC/C/GC/10, para 67.

¹⁷² See recommendation R7 the participation of psychologist and social workers in proceedings.

¹⁷³ For more recommendations on community-based services, see Synergies Cooperation (2018), Evaluation of community-based pilots in Kazakhstan.

¹⁷⁴ *Ibid.*

R8. Increase reform efforts regarding pre-trial detention by 2024

To Parliament, GPO, MIA, Ministry of Health, Akimats and UNICEF:

Reforms efforts have focused on many directions, including development of institutions, alternative measures, probation, community-based services or training, but little has been done regarding the pre-trial stage. Ill-treatment has been reported in several instances, as well as practices of children being mixed with adults (boys and men; girls and women). The legislation has recently limited the length of pre-trial detention before being brought to a judge, which is a positive evolution. Nonetheless, there is no other specific legislation regarding the length of detention for children and no provision stating that deprivation of liberty, including pre-trial detention, is only as a measure of last resort and for the shortest time possible.¹⁷⁵ The evaluation team recommends that more emphasis is put on the pre-trial detention, through research, training, changes in legislation and development of specialized investigative police and prosecutors. UNICEF could provide technical assistance to the authorities and implement additional research on pre-trial detention for advocacy purposes,

R9. Continue the establishment and the strengthening of specialized institutions and stakeholders throughout the country by 2025

To Parliament, MIA, Bar association, Ministry of Labor and Social Protection and MoES:

Despite very positive evolutions, a number of stakeholders are still not specialized to deal with cases of children in conflict with the law and child victims and witnesses. This lack of specialization is an obstacle to the improvement of the situation of children in justice processes. This concerns prosecutors, investigative police and lawyers. Moreover, several already existing specialized institutions need to be further strengthened. The development of organizations, including juvenile consultation units, shall be based on a law, to ensure its operationality and funding. The evaluation team also recommends shifting the responsibility of probation to a social-oriented institution that is not part of the law enforcement system. UNICEF's role could include technical assistance and policy advice.

R10. Improve the protection, recovery and social reintegration for child victims by 2028

To Supreme Court, Ministry of Justice, General Prosecutor's Office, MIA, MoES, Akimats, local authorities, NGOs and UNICEF:

Child victims of crimes are numerous in Kazakhstan. Although a number of provisions have been adopted to increase their protection, there is no legislation that makes the use of audio-video equipment mandatory for all cases of children victims and that limits the number of interview of child victims during police interview or before court. In addition, the audio-visual equipment is not yet available in all SICIMs. In 2016 and 2017, UNICEF has funded a community-based program specifically targeting child victims, providing psychological support and trauma recovery at each stage of the legal proceedings and beyond. There are also a few additional programs, which however remains generally of poor quality. These programs need to be strengthened, supported and replicated at national level, based on the lessons learned from the evaluation of the UNICEF pilots. In this regard, special attention must be paid to the training of implementing NGOs, social workers and psychologists, to ensure that trauma recovery is not implemented during proceedings, to avoid tampering with the court's proceedings. Discussions are already taking place with national authorities to this aim. UNICEF could enable knowledge exchange with other countries that have already implemented such programs.

¹⁷⁵ As provided in Article 37(c), CRC, and in the General Comment n. 10, Children's rights in juvenile justice, CRC/C/GC/10, para 80.

R11. Ensure that all cases involving children in conflict with the law are dealt with by SICIMs by 2028

To Supreme Court, General Prosecutor's Office, and Parliament:

The legislation provides that cases of children in conflict the law are dealt with by the SICIMs, except for the most serious crimes, that are dealt with by specialized criminal courts. Although these cases are more likely to result in custodial sentence, considering that they are the most serious crimes, those specialized courts are not child-friendly and the likelihood of judges being trained on child-friendly justice is lower than for SICIM judges. Moreover, children from low-income families, who live far from SICIM, are more likely to be judged by courts other than SICIMs, that are not child friendly. Ensuring that all children in conflict with the law are dealt with by SICIMs would lift the barrier in the children's access to justice. It shall be noted that this issue is already being considered by national authorities. UNICEF could continue providing policy advice on this matter.

R12. Implement a systematic and standardized approach towards data collection, including disaggregation by 2028

To MIA, General Prosecutor's Office, MoES, Ministry of Health, Ministry of Labor and Social Protection, Supreme Court and UNICEF:

The lack of consistent data has been a challenge when assessing the impact of the reform, as there were important doubts about the accuracy of the baselines and the level of harmonization of definitions. Moreover, the lack of disaggregated data prevents the analysis of the impact on specific groups of children, including girls. Data should be disaggregated along gender and other equity lines for children in conflict with the law and child victims and witnesses. UNICEF shall continue to support statistics' offices to scale up the system regarding indicators and data disaggregation.

Appendix 1: Terms of reference

UNITED NATIONS CHILDREN'S FUND in KAZAKHSTAN

TERMS OF REFERENCE

For an international institutional or individual consultancy to conduct 2-component evaluation of the (1) results of the reforms in the area of Justice for Children in Kazakhstan for 2009-2017, and (2) Child-friendly Justice system models for 2014-2017

1. Programme information:

Programme (Outcome WBS & Name): Children, especially those in difficult life circumstances, suffer, witness and practice less psychological and physical maltreatment, including all forms of harm, abuse, neglect, and exploitation at home, in school, in care, in custody and in public spaces.

Project (Output WBS & Name): Output 2.4: The quality and use by police and the judiciary of diversion, probation and rehabilitation schemes for children in justice processes is increased.

Activity: 8.a An evaluation is conducted of the Justice for children system in Kazakhstan; findings and recommendations are disseminated and presented to key stakeholders.

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. Guided by the Convention on the Rights of the Child, UNICEF strives to establish children's rights as international standards of behaviour towards children.

UNICEF, in partnership with the National Child Rights Commissioner is looking for an international institutional or individual consultancy to conduct **summative evaluation of 2 components of the Justice for children**.

2. Background:

2.1. Background of the 1st component of the evaluation of the results of the reforms in the area of Justice for Children in Kazakhstan

In accordance with the Convention on the Rights of the Child children in conflict with the law "should be treated in the manner ... which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in the society"¹⁷⁶. In order to achieve this, specialised juvenile justice system should be in place.

Kazakhstan has made a number of reforms in the area of Justice for Children. In 2008, A Decree on 'Approval of the Juvenile Justice System Development in the Republic of Kazakhstan for 2009-2011' (hereinafter the Concept) was signed by the President of the RK. The purpose of the Decree was to change the procedure of the criminal justice system in relation to juveniles through staged implementation and development of juvenile justice components with the aim of strengthening the effectiveness and quality of the juvenile justice jurisdiction. In order to achieve this aim, the Concept included the establishment of specialized divisions to work with juveniles in the Ministries of Justice, Interior, Education and Science,

¹⁷⁶ Article 40(1) of the UN CRC. Kazakhstan ratified UN CRC on 12 August 1994.

Courts, Prosecutor's Office and the Bar. Since expiration of the Concept in 2011, no other policy document in the area of Justice for Children was adopted. As a result of adopted Concept and as part of its commitment to implementing the UN Convention on the Rights of the Child established pilot Specialized Inter-district Courts on Issues of Minors (hereinafter SICIM) in Astana and Almaty cities.¹⁷⁷ As of today, 19 SICIMs function in Kazakhstan.

In Kazakhstan, there were four correctional facilities for juveniles until 2011, but three were closed due to changes in law and policy that led to a sharp decrease in the number of juveniles serving sentences. Consequently, the number of children in juvenile colony significantly decreased over the years, from 449 in 2009 to 47 children in 2017.^{178 179} However, there are a number of institutions in Kazakhstan where children who have committed a minor crime might be placed. They are the Special schools for children with offending behavior and the institution of education with a special regime of detention. The number of children in special schools for children with 'offending' behavior reduced from 484 in 2006 to 308 in 2015¹⁸⁰. Convictions of juveniles fell from 1,940 in 2010 to 451 in 2016,¹⁸¹ while rates of pre-trial and post-trial detention decreased by almost half.¹⁸² In 2016, the number of children reported to have stayed in pre-trial detention was 33¹⁸³ significantly decreasing from 185 in 2013. Diversion of children at pre-trial stage is practiced mainly in the form of victim-offender reconciliation and mediation through monetary compensation of harm with no structured programmes in place to support diversion. In 2006 the number of crimes committed by children were 8,799, in 2013 fell to 4,284. Between 2015 and 2016, the number of crimes committed by children remained steady: 3,343 cases were registered in 2016, compared to 3,338 in 2015.¹⁸⁴ Statistics for 2016¹⁸⁵ show that the number of crimes committed against children significantly dropped from 3,820 registered cases in 2015 to 2,605 cases in 2016 (-32%). However, during a certain period of time, an increase in the number of reported crimes committed against children was observed, in 2008 5,769 cases were registered, and 8,991 in 2013¹⁸⁶.

Policy and legislation in the area of Justice for Children

In 2014, new Criminal code (CC) and Criminal Procedure Code (CPC) were adopted and kept special chapters concerning children. The Codes came into force in January 2015. New CC intensified criminal punishment for crimes committed against children. The CC and the CPC enhanced the scope for probation of children as an educational measure appointed by the court and for cases of early conditional release of children in conflict with the law from detention facilities. Participation of pedagogue during interview of child victims and witnesses of crime, audio and video recording for purposes of reducing their traumatization were introduced by CPC. However, a number of criminal provisions remain as non-compliant with international standards. Specifically, 72-hours police custody, lack of police and prosecutor discretionary powers for diversion, lack of social support services.

The Law 'On Probation', adopted in December 2016, introduced pre-trial, conditional sentencing, as well as penitentiary and post-penitentiary probation, including for children. Pre-trial probation is a new type of probation for Kazakhstan, covering children, pregnant women and women with children under the age of 3 years, as well as all adults of retirement age. Nevertheless, the legislation related to administration

¹⁷⁷ Presidential Decree on the Establishment of Specialised Inter-District Children's Courts, 23 August 2007, para 1

¹⁷⁸ Data on the population of the juvenile colony on 1 January provided by the General Prosecutors' Office and the Ministry of Interior to UNICEF upon requests

¹⁷⁹ As of 1 May 2017, data provided by the Penitentiary Committee of the Ministry of Interior

¹⁸⁰ Ministry of Education and Science, 2015

¹⁸¹ Ministry of Interior, 2014.

¹⁸² Ibid.

¹⁸³ Response to UNICEF from the penitentiary system committee, January 2017

¹⁸⁴ Official GPO statistics

¹⁸⁵ Official GPO statistics

¹⁸⁶ Legal Statistics and Special Records Committee of the General Prosecutor's office of the RK, Official reply to UNICEF, January 2014

of juvenile justice remains fragmented. In particular, in its 4th periodic report, the CRC recommended that Kazakhstan adopt a comprehensive law that will regulate all aspects of the juvenile justice system.¹⁸⁷

Multi-country Evaluation of the Impact of the Juvenile Justice System Reforms on Children in Conflict with the Law covering CEE/CIS countries for 2006-2012 has been completed, the Report will be available to contractors to understand findings and progress made, including in Kazakhstan. According to the multi-country evaluation Report all countries covered by the evaluation in CEE/CIS region have shown significant decrease in the number of children in detention pre and post-trial, fell by almost 60% between 2006 and 2012. Certain improvements were also observed in the legislative and regulatory framework due to amendment and improvements to existing legislation, making them more compliant with international standards related to juvenile justice. There was little or no positive change in management and coordination within government entities on juvenile justice, or consolidation and expansion of national and sub-national multi-stakeholder coordination mechanism. Reduction in the rate and length of juvenile detention is closely related to changes in social norms and access to services such as the existence of trained juvenile justice practitioners, particularly judges, prosecutors and police, in a context of practitioner awareness of, and support of, and support for, juvenile justice reform.

In view of conducting the Justice for Children sector evaluation, a contribution from different actors that have supported reforms of the juvenile justice in Kazakhstan over the last ten years should be assessed. As indicated above, the Government of Kazakhstan has made a significant progress in development of the juvenile justice in terms of legislation adoption, establishment of the specialized institutions and provision of the services. The progress made by key stakeholders outlined below should be also reviewed when conducting evaluation on the 1st component. Besides, during 2009-2017, UNICEF has been supporting juvenile justice system reform in Kazakhstan with support of a number of partners such as the EU (including through the EU-UNICEF Joint Action "System for Justice for Children and Child Rights Improved"), bilateral donors, the international organisations (Penal Reform International in Central Asia, Council of Europe, EU Project Enhancing Criminal Justice in Kazakhstan), and Embassies in Kazakhstan (the Kingdom of Norway, Switzerland, Germany, etc.).

As a result of reforms undertaken by the Government in cooperation and support from UNICEF, other actors/partners and international organizations, numerous laws have been adopted aiming at strengthening the criminal justice system and humanize criminal law and procedure concerning both juveniles and adults. However, what policies and measures have been the most efficient in triggering change in justice for children and what has been Government's, UNICEF's and other actors/partners contribution to such change has not been assessed nor evaluated so far.

2.2. Background of the 2nd component of the evaluation on Child-friendly Justice system models for 2014-2017

Pilot projects are activities designed to test the feasibility and/or the effectiveness of an intervention. Piloting is a significant strategy for UNICEF programme cooperation, especially where UNICEF resources are limited and small compared to national budgets or resources. It is often UNICEF's niche to test strategies and interventions for replication. Under the EU-UNICEF Joint Action, UNICEF initiated interventions on Justice for Children models in the following areas:

- Demonstrating the use of alternative justice programmes and psychological and social services for children in East-Kazakhstan, Mangystau and Kyzylorda Oblasts;

¹⁸⁷ UNCRC, CRC/C/KAZ/CO/4 dd.30.10.2015

- Demonstrating child-friendly environment in selected law enforcement offices and juvenile courts;
- Establishment of an inter-agency coordinating mechanism on Justice for Children on central and local levels;

Brief summary of 3 components of the pilot:

1) Community-based integrated rehabilitation services for children in justice processes

The rehabilitation of children suspected, accused or convicted of a crime ('children in conflict with the law') is a fundamental principle of international child justice standards, which is set out in the UN Convention on the Rights of the Child (the 'UNCRC').¹⁸⁸ The CRC Committee therefore states that the 'traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives' when handling cases concerning children in conflict with the law, which can still be achieved 'in concert with attention to effective public safety.'¹⁸⁹

There are a number of different international instruments that provide general guidance on protecting child victims and witnesses of violence, including in justice settings. The principle instrument is the UN CRC saying that "all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse..."¹⁹⁰ Together with other international instruments¹⁹¹ they call for a holistic, child rights-based approach to child caregiving and protection that respects and promotes the child's, agency, human dignity and physical and psychological integrity, rather than perceiving them as powerless objects of aid.

In Kazakhstan, there are very few social support programmes run by NGOs and mainly supported by UNICEF, therefore EU-UNICEF Joint Action aimed at creating pilots to provide rehabilitation community-based services. Following services are being provided under the pilots.

- 1) prevention services for children at high risk of offending in Kyzylorda city of Kyzylorda Oblast;
- 2) diversion of children in conflict with the law in Ust-Kamengorsk and Zyryanovsk of East-Kazakhstan Oblast;
- 3) probation of children in conflict with the law in Ust-Kamenogorsk;
- 4) social and legal support of child victims and witnesses of crime in Aktau city of East-Kazakhstan oblast;

2) Coordination mechanism

In order to oversee the implementation and progress of the community-based services in three piloting regions, to address any difficulties, strengthen relationships and referral mechanism between all involved stakeholders, UNICEF aimed at designing and advocating for the establishment of multi-disciplinary, cross-sectoral body. The link between the justice system and social services including in prevention, diversion, alternatives to detention, reintegration into the community was strengthened on the ground. In 3 piloting regions attempt to establish such advisory boards were undertaken.

3) Child-sensitive environment in police, court and probation offices

Apprehension and delivering of the juveniles to the police station, attendance of court hearings can be a daunting environment for any person being apprehended and interrogated and even more alienating and intimidating for a child. As such it is crucial that in proceedings, children should be treated with respect for their age, their special needs, their maturity and level of understanding. Instituting child-friendly environment space helps children to share and thereby participate effectively in judicial proceedings. Therefore, in 3 piloting regions, it was planned to conduct equipment for juvenile

¹⁸⁸ Article 40(1) of the UN CRC. Kazakhstan ratified UN CRC on 12 August 1994.

¹⁸⁹ General Comment No.10 (2007), CRC/C/GC/10, para 10

¹⁹⁰ Article 19 of the UN CRC.

¹⁹¹ Other international standards, such as the Committee on the Rights of the Child's General Comment No. 13 (2011) on the 'Right of the Child to Freedom from all Forms of Violence', and the UN Guidelines on Justice Matters involving Child Victims and Witnesses of Crimes

courts, police, and probation offices to ensure adequate interviewing procedures through video and recording equipment as well as the creation of child-friendly rooms within the law-enforcement and judiciary premises. Equipping of child-friendly rooms in juvenile courts, police and probation is complete in Aktau, Kyzylorda, Ust-Kamenogorsk, and Semey cities.

Designing and demonstration of a model follows UNICEF policy and procedures. Costing of the community-based services for children in justice processes has been completed, the model is not costed yet.

Project timeframe and direct beneficiaries:

Piloting of models has commenced around September-December 2015. Direct beneficiaries are children in conflict with the law, children victims and witnesses of crimes, their parents, referring bodies (police, juvenile courts, probation, prosecutors, and local akimats), as well as the Government of the Republic of Kazakhstan.

3. KEY STAKEHOLDERS AND THEIR CONTRIBUTION, INCLUDING UNICEF's FOR 2 COMPONENTS:

Main stakeholders include all those involved in ensuring that the rights of children in contact with the justice system as offenders, victims or witnesses of crime are protected, as well as those ensuring a protective environment to children, focusing on prevention of reoffending, community support and closing of inequity gaps.

1. The Supreme Court of RK and Specialized courts on Issues of Minors (SICIMs) – are one of the key national stakeholders representing an independent system of justice administration in Kazakhstan. The Supreme Court plays a central role in the protection of the rights and interests of juveniles in the justice system. The SICIMs currently have a threefold jurisdiction: civil, criminal and administrative.
2. The Parliament of RK - have a key role in developing new legislation and, therefore, represent important stakeholders in ensuring an adequate, child-sensitive legislative framework in line with international standards.
3. National Commissioner for Human Rights - is the national human rights institution mandated to independently monitor implementation of human rights including those of children as well as to promote bringing human rights legislation into compliance with international norms and standards.
4. National Commissioner for Child Rights – the post established in February 2016 by a Decree of a President. The function of the NCCR was enhanced by amendments to the Law on Child Rights signed by the President in April 2016, which outlined the functions of the NCCR, including the monitoring of closed institutions for children.
5. General Prosecutor's Office oversees the exact and uniform application of laws, decrees and regulations. It is a critical actor in ensuring standardized procedures for children in contact with the justice system. GPO has initiated and implementing National Roadmap on protection of children from domestic violence.
6. The Ministry of Internal Affairs (MIA) manages various bodies (Bodies of Internal Affairs) of direct relevance to juvenile justice, including police inspectors, criminal police staff, and investigators of crimes committed by and against juveniles. It also provides for penal enforcement inspection, including probation officers.
7. The Ministry of Education and Science (MoES) The Ministry of Education and Science hosts the Commissions on Issues of Minors both on central and local levels, manages Special schools for children with offending behavior and oversees youth centres.

8. Ministry of Justice – coordinator of the Juvenile Justice System Development Concept and Plan of Action for the implementation of the Concept
9. European Union is one of the main donor and supporter of the Government of Kazakhstan in advancing judicial reforms in Kazakhstan under Rule of Law Agenda. The Umbrella Programme ‘Support of Judicial Reform in Kazakhstan’, signed by the European Union and the Government of Kazakhstan in December 2013, which aims to promote protection of individual rights in the criminal justice system and to foster European and internationally agreed standards is being currently implemented. The EU-UNICEF Joint Action is part of this Umbrella Programme.
10. Local level akimats in East-Kazakhstan, Kyzylord and Mangystau oblasts are key stakeholders on the ground assisting to pilot Child-Friendly Justice system, in some regions administrative functioning of the established advisory boards of the pilots in 3 regions.
11. NGOs: Penal Reform International in Central Asia (PRI), EUCJ Project, Council of Europe, NGO Chance in Astana, Phoenix in EKO, Syr Ulandary in KZO, and Meyrim in MO run community-based services for children in conflict with the law and children victims and witnesses of crimes.
12. UNICEF contribution: through its core roles and specific activities listed below, UNICEF has been supporting the Government of Kazakhstan in further advancement of the juvenile justice system.
 - **Policy advice and technical assistance & being a voice for children and adolescents:** Advocating for and providing technical assistance to the alignment of national legal and policy frameworks (including both primary and secondary legislation) with the international standards and good practice. To facilitate this work, UNICEF provided technical expertise and supported multi-disciplinary platforms to coordinate reform planning and implementation.
 - **Modelling/piloting:** Providing technical assistance and guidance in designing and piloting probation, diversion schemes and alternatives to deprivation of liberty, social and rehabilitation support for children victims and witnesses of crimes using the international experience built by UNICEF in this respect globally.
 - **Monitoring and evaluation:** Supporting independent assessments of the juvenile justice system reforms, their achievements and challenges. UNICEF has also heavily invested in developing and maintaining the TransMonEE database (www.transmonee.org), a unique tool to track a series of child rights indicators, including pertaining to juvenile justice.
 - **Enabling knowledge exchange:** fostering horizontal cooperation and exchange of experience among countries and regions on “what works” for enhancing child well-being and equity.
 - **Capacity development:** Extensive technical assistance has been provided to building the capacity of juvenile justice professionals and institutions, including through the development of material to be included in national curricula.
 - **Ensuring proper internal controls and risk management:** Managing the accountabilities for the proper stewardship, custody, and reporting on UNICEF resources, including staff, inventory and assets, with proper risk management and quality assurance practices.

4. Purpose of the evaluation:

The main purpose of the evaluation of the 1st component is to assess whether the reforms in the areas of Justice for Children had an impact on children in justice system, specifically on (a) decreasing the rate of offending among children; (b) reducing the rate of pre-trial and post-trial detention; (c) decreasing the rate of convictions among juveniles, and to evaluate to which extent inputs from other involved partners/actors, including the EU-UNICEF Joint Action contributed to the impact on children and

supported the Government of Kazakhstan in establishing child-friendly system in line with international standards.

The purpose of the 2nd component of the evaluation is to assess relevance, efficiency, effectiveness, sustainability and preliminary impact of the pilot of the Child-Friendly Justice system models in 3 regions of Kazakhstan (East-Kazakhstan, Mangystau and Kyzylorda Oblast) specifically on establishment of the coordination mechanism, creation of the child-friendly environment and provision of the community-based services, in order to develop evidence-based policies and advocate for its scaling-up.

Intended users of the Evaluation: Parliament, Child Rights Ombudsperson, Human Rights Ombudsperson, the National Human Rights Institution, General Prosecutor's Office, Supreme Court, Ministry of Interior, Ministry of Justice, Ministry of Education and Science, regional governments, NGOs involved in piloting services should use the results of the Evaluation as the main developers and implementers of the justice for children programme at the local level (in other regions of the country) as well as UNICEF for further scale up of the programme nationwide.

5. Objectives and scope of evaluation:

In Concluding observations on the fourth periodic report of Kazakhstan, UN CRC welcomed significant reduction in the use of deprivation of liberty against children and the establishment of 19 juvenile courts in the country, including establishment of the specialized rooms for interviewing children.¹⁹² However, a number of gaps in administration of justice remain present.

Therefore, the utmost objective of the 1st component of the evaluation will aim at identifying progress made in Kazakhstan on justice for children sector, identify policy implementation, and reveal missing opportunities and remaining challenges; and contribution of the EU-UNICEF Joint Action for advancement of the Justice for Children area in Kazakhstan.

More specific objectives of the evaluation on the 1st component will look at following:

1. To assess how far the reforms in (a) establishing specialized institutions in the area of justice for children; (b) bringing national legislation in line with international standards; (c) capacitating and sensitizing national specialists involved into justice system is developed, to review system level changes happened during the period of 2009-2017. To assess whether the reforms in area of Justice for Children were in line with international standards.
2. In terms of EU-UNICEF Joint Action contribution, evaluation will look at impact on (a) decreased number of children in pre-trial and post-trial detention nationally; (b) increased number of children victims and witnesses of crimes receiving support and services; (c) increased number of children diverted from court proceedings; (d) increased number of children benefited from child-friendly justice system, as identified in Results Framework under the EU-UNICEF Joint Action.
3. To identify, to the extent possible, attribution of results of the Government, other partners/actors, and EU-UNICEF Joint Action into advancement and development of the Justice for children area in Kazakhstan, in particular, in (a) development of policies and legislation; (b) development of best practice services and its piloting; (c) capacity development of specialized legal professionals and governmental institutions; will assess whether the contribution indeed triggered the system changes.
4. To provide key stakeholders with existing gaps and future vision of the system development.

The main objective of the 2nd component is to evaluate the final results and achievement of the Child-friendly justice models in relation to the theory of change.

¹⁹² UNCRC, CRC/C/KAZ/CO/4 dd.30.10.2015

Objectives of the evaluation on the 2nd component:

1. To identify extent to which Justice for children models in 3 regions of Kazakhstan (on services, coordination mechanism and child-friendly environment) have achieved its objectives, outputs and outcomes identified in Results framework under the EU-UNICEF Joint Action, any intended or unintended results;
2. To identify the opportunities and constraints that were faced by the pilot models and draw lessons and good practices from them;
3. To identify the extent to which cross-cutting strategies such as human rights-based approach, results-based management and gender equity have been mainstreamed in the design and implementation of the piloting.

The knowledge generated by the evaluation should be used by:

- Implementing institutions – the Government, Supreme Court, Ministry of Interior, Ministry of Education, Human Rights and Child Rights Ombudspersons, as well as civil society and international organisations, as an important source of information for the development of justice for children system (protection of children victims and witnesses of crimes, and children in conflict with the law).
- UNICEF in Kazakhstan for future programming and support to final reporting to EU under the Action “System for Justice for Children and Child Rights Improved”.

Period to be covered:

- Evaluation of the entire juvenile justice system (1st component) shall be done for the period of 2009-2017 (from the moment of adoption of the Juvenile justice Development Concept);
- Evaluation on 2nd component on models in the regions shall cover period of June 2014 until present time.

Geographical coverage: The evaluation will cover three piloting regions, which are East-Kazakhstan Oblast, Kyzylorda and Mangystau Oblasts, plus South Kazakhstan Oblast, Astana and Almaty cities. Interviews with key government informants in Astana, and visit to juvenile colony in Almaty are also expected.

The evaluation will be summative with consideration of possible impact of the Justice for children on children (as defined above). It will provide recommendations for UNICEF's further involvement in Justice for Children, protection of children victims and witnesses of crimes, and children in conflict with the law. The Monitoring Results for Equity System (MoRES) determinant analysis framework (enabling environment, supply, demand and quality of services and goods) will be used explicitly to identify which bottlenecks were removed and how change was achieved.

POTENTIAL EVALUATION QUESTIONS

The evaluation will therefore focus on, but will not be limited to the following issues:

On evaluation of the Component 1:

A. Impact

- a. To what extent have the results of (a) decreasing the rate of offending among children; (b) reducing the rate of pre-trial and post-trial detention among children in conflict with the law; (c) decreasing the rate of convictions among juveniles been achieved in Kazakhstan over the period 2009-2017?
- b. To what extent the reforms in the area of Justice for Children done by the Government of Kazakhstan and supported by partners/actors differently affected (1) boys and girls; (2) various

age groups (under 14, 14-15, 16-18), and (3) the most vulnerable groups of children, including those from ethnic minorities or from families with lower income or in difficult life circumstances?

- c. To what extent the Government and partners/actors interventions contributed to decreasing the number of convicted children and children deprived of the liberty? Were there external factors that have influenced positively or negatively the number of convicted children and children in detention?
- d. To what extent the Government and partners/actors interventions contributed to reducing the rate of pre-trial and post-trial detention of children in conflict with the law?

B. Relevance

- a. To what extent were the Government policy and programmes relevant to achievement of the impact for children in conflict with the law, and children victims and witnesses of crimes?
- b. To what extent were UNICEF's Justice for Children interventions relevant to the broader justice sector reform agendas?

C. Effectiveness

- a. To what extent have the reform process in (a) establishing specialized institutions in the area of justice for children; (b) bringing national legislation in line with international standards; (c) capacitating and sensitizing national specialists involved into justice system of the Government and support of UNICEF; contributed to development of specialized juvenile justice system in Kazakhstan in line with international standards?
- b. To what extent the national system guarantees and ensures fundamental principles for children alleged as, accused of, or recognised as having infringed the penal law, as stated in the Article 40 of the Convention on the Rights of the Child?
- c. To what extent partners/actors Actions were effective in bringing impact (as defined above) on children in conflict with the law, and children victims and witnesses of crimes? What were the main factors influencing the achievement or non-achievement of the results under the EU-UNICEF Joint Action?
- d. Were the activities, planned under the EU-UNICEF Joint Action necessary and sufficient to achieve the impact (as defined above) on children in conflict with the law, children victims and witnesses of crimes?

D. Efficiency

- a. What strategies of Government, partners/actors were the most efficient in influencing improvement of situations for children in conflict with the law, and children victim and witnesses of crimes?
- b. Which policies and legislation have been the most efficient in meeting the needs of the children in conflict with the law, including children victims and witnesses of crimes?
- c. How efficiently were used the financial and human resources allocated by the Government, partners/actors including the EU-UNICEF Joint Action?

E. Sustainability

- a. Will UNICEF's contribution to system level changes continue to impact children in conflict with the law, children victims and witnesses of crimes after support is withdrawn?
- b. To what extent the Government owned the juvenile justice reform process and committed to sustain it?
- c. What should be the next steps for the Government of Kazakhstan for sustaining the identified by the evaluation positive achievements for children in conflict with the law, children victims and witnesses of crimes?

Equity, Human rights Bases Approach (HRBA) and Gender Equality:

- a. To what extent the reforms contributed towards promoting equity, gender equality and HRBA?
- b. To what extent has the EU-UNICEF Joint Action integrated gender equality into its design and implementation?

On evaluation of the Component 2:

A. Impact

- a. Is there any observed evidence of the contribution of the pilots to improvements in protection of children in justice processes? In what ways, if any, do children in conflict with the law and their parents, community, and referring bodies benefit from the pilot? Are there differences related to gender, social economic status and rural-urban division?
- b. How do the stakeholders' (both duty bearers and rights holders) perceive the results of the justice for children pilot? What do they like or dislike about it? What do they want to change? What do referring bodies (court judges, police, probation officers) say about the justice for children pilot?
- c. To what extent provided services in selected regions assisted to reintegration of children in conflict and contact with the law back into communities?

B. Relevance

- a. To what extent was piloting in line with the strategic documents of UNICEF and the Government of Kazakhstan?
- b. How did the external environment (political, economic, cultural, ect.) affect the internal management of the pilots in the regions?
- c. To what extent UNICEF developed and piloted models contributed into reduction of the crimes committed against children, and decreased number of convictions?

C. Effectiveness

- a. What are the barriers and bottlenecks that impeded piloting? What were the strategies to mitigate them? Their results?
- b. What were the changes made to the intended activities and how they affected piloting?
- c. To what extent the developed materials, information, documents, guides contributed to achieving the goals of piloting?
- d. To what extent the pilot models have achieved planned outputs and outcomes?
- e. Were established partnership effective in achieving the current results/outputs of the pilot models?
- f. To what extent costed community-based services for children in conflict with the law are cost-effective in comparison with traditional judicial proceedings?
- g. What are strengths and weakness in design, coordination, management and monitoring of the Child-Friendly Justice pilot? How does the Child-Friendly Justice pilot contribute to advance national programme on protection of children in conflict with the law and children victims and witnesses of crimes?

D. Efficiency

- a. To what extent alternative measures for children in conflict with the law more efficient than traditional system ?
- b. How well the financial resources been used? Were funds managed in cost-effective manner? Could the same results have been achieved with fewer resources?
- c. Did the pilot models ensure coordination with other similar interventions to encourage synergy and avoid overlaps?
- d. To what extent introduced case-management and referral mechanism in justice sector achieved its objectives?

- e. Was it possible to apply social work instruments like needs assessment, individual child's plan, family conferencing in piloted Child-friendly justice models in 3 regions?
- f. Was the supervision effective? How did supervision of social work help in implementation of child's plans?
- g. Were the indicators to monitor the pilots SMART enough to determine the outputs and outcomes?

E. Sustainability:

- a. Is the system ready to rollout of the Child-friendly Justice system piloted models for a national replication?
- b. To what extent the national authorities and the non-government sector involved in piloting have the capacity to sustain the introduced Child-friendly justice components?

Equity, Human rights Bases Approach (HRBA) and Gender Equality:

- a. To what extent the **piloting** contributed towards promoting equity, gender equality and HRBA?
- b. To what extent has the **piloting** integrated gender equality into the design and implementation of the project?

6. Methodology and Evaluation process, and evaluability and ethical considerations

The Evaluation will be conducted in accordance with the UNEG evaluation principles (openness, transparency, participation, etc.) and standards using the Evaluation criteria (relevance, efficiency, effectiveness, impact, sustainability).

The contractor will work closely with UNICEF staff at key phases of the evaluation process to ensure that equity focus and Ethical requirements are fully met in the final Evaluation Report.

According to UNICEF policy on Ethical research involving children (<http://childethics.com/wp-content/uploads/2013/10/ERIC-compendium-approved-digital-web.pdf>), the approval by the Ethical review board of the methodology is required as well as continuous adherence to the ethical standards throughout the evaluation. Consequently, the contractor should allocate additional resources (Human and Financial) to ensure compliance with the ethical requirements. The evaluation design and implementation should consider ethical safeguards where appropriate, including protection of confidentiality, dignity, rights and welfare of human subjects particularly children, and respect of the values of the local community. Please refer to UNEG ethical guidance for evaluation¹⁹³, which outlines the ethical principles in part of evaluation intentionality, obligations of evaluators, obligations to participants and evaluation process and product. The Ethical Review will be conducted through either Ethical Review Board (ERB) of the company or ERB at Nazarbayev University via UNICEF-Nazarbayev University MOU. If neither of these options will be available then the UNICEF regional LTA holder will be used for the ERB. The contractor will have the sole responsibility for the hiring, training, supervision and payment of the national consultants needed for this evaluation. Upon request, UNICEF may recommend people who were engaged in similar research previously, but it will be the responsibility of the evaluator to select and manage these consultants. Logistical support such as transport and office use will need to be agreed upon before the evaluation is initiated. Based on UNICEF Procedure For Quality Assurance In Research the evaluation should undergo independent External reviews for each required stage (Inception Report, Research design, Final Report), this will be undertaken by UNICEF.

The Evaluation to be conducted is two-component aiming at assessing results of the Justice for children area, and UNICEF piloted initiatives. This is done with the purpose of cost-effectiveness, time-efficiency and bearing in mind that interviewers, intended users, duty-bearers and right-holders are the same. This should be considered during preparation of the methodology, drafting reports and interviewing stakeholders.

Subject to discussion with the contractor of choice, it is proposed that a mix of the following methodologies could be adopted (but not necessarily limited to):

Methodology

Data sources

¹⁹³ <http://www.unevaluation.org/ethicalguidelines>

1. Desk review of key documents and reports	- National policies and documents, JJ Development concept, interim documentation of the pilot, partners' baseline and monitoring reports of the implementing partners, Progress Donor Reports for Year-1, Year-2 and Year-3, Implementation guides with case-management and costing; Multi-country Evaluation Report of the Juvenile Justice System, and Documenting reports.
2. In-depth interviews with key informants (rights-holders and duty-bearers)	- UNICEF staff and consultants; children in justice processes, parents/families, referral bodies and local akimats, education and health workers, specialized inter-district courts on issues of minors; - Policy/decision makers in the Parliament of the RK, Human Rights and Child Rights Ombudspersons, Supreme court, General Prosecutor's Office, MOES, MIA, local government of East-Kazakhstan, Kyzylorda and Mangystau Oblasts. - staff of NGO involved in provision of community-based services for children in conflict with the law, victims and witnesses of crimes.
3. Qualitative focus group discussions with rights-holders	- Parents/families, psychologists, social workers, coordinators and directors of the NGOs.
4. Qualitative individual interviews	- Children in conflict with the law, children victims and witnesses of crimes.

Evaluation methodology: In order to deliver this assignment, the international institution or individual will have to make arrangement for contracting at least one national consultant to assist in evaluation design, to undertake the field data collection and data entry, and to provide raw data for analysis and interpretation and in close cooperation with Ministries and other partners.

The Evaluation team or an individual is expected to submit a work plan within the first 10 days of assignment and to confirm the evaluation methodology, tools and sample size with the UNICEF.

In gathering data and views from stakeholders, the evaluation team or an individual will ensure that it considers a cross-section of stakeholders (decision makers, programme personnel, beneficiaries, etc.) with potentially diverse views to ensure the evaluation findings are as impartial and representative as possible. The approach followed from the outset of the evaluation will be as participative as possible. Stakeholders will participate in the evaluation through interviews, discussions, consultations, providing comments on draft documents and making management responses to the recommendations of the evaluation.

During the **inception phase**, the evaluation team or an individual will design the evaluation methodology to be present in an inception report. The methodology should:

- built on the theory of change for Justice for children pilot and on the common objectives arising across interventions to develop an evaluation matrix.
- be geared towards addressing the evaluation questions. A model looking at groups of "main activities" across a number of interventions rather than at individual actions should be adopted.
- take into account the limitations to evaluability described below as well as budget and timing constraints.

To the extent possible, secondary data will be assessed during the Inception phase to start addressing evaluation issues and identifying the information gaps prior to the in country mission.

The participation of various stakeholders (central and local level authorities) and beneficiaries (children in justice processes, parents, etc.) will be critical for evidence-based evaluation and further actions for comprehensive administration of justice for children and policy implementation in Kazakhstan. Stakeholders' participation will also be an important part of evaluation design, planning and conduct (information collection, development of findings, evaluation reporting, results dissemination, etc.).

Expected deliverables and tasks:

The Evaluation team or an individual is expected to complete following tasks:

- 1) to contract national expert to support conducting evaluation and desk review;
- 2) to develop evaluation methodology by taking into account Evaluation Questions on 2 components outlines above, including sampling, research techniques. If necessary field-test them before the onset of the evaluation;
- 3) to complete ethical review of the methodology and research instruments;
- 4) to conduct 1st in-country inception visit and organise data collection process together with the involved national expert;
- 5) to provide interim report on 2 components of the evaluation with internal and external versions for UNICEF feedback;
- 6) to address feedback on interim report received from UNICEF, discuss comments/feedbacks of the results of the field research and provide clarifications;
- 7) to provide final report on two separate components of the evaluation for UNICEF and Government revision with the Executive summary. Full final Evaluation reports on 2 components shall not exceed 60 pages each;
- 8) to draft external reader-friendly version of the evaluation reports on 2 components with visualisation of the reforms, justice for children pilots, evaluation results and different infographics;
- 9) to conduct 2nd in-country visit to present findings to UNICEF and the Government of Kazakhstan.

Discuss the draft evaluation report through organising a consultative process under the guidance of the UNICEF CO Deputy Representative, Child Protection Officer with major in-country stakeholders, as well as in promotion of the evaluation report and preparing management response.

#	Deliverable	Proposed completion timeline	Payment
1	Completed desk review for 2 components	10 Days after contract signing	
2	Inception report including evaluation work plan, detailed methodology of evaluation and instruments on 2 components, list of indicators to request from government	10 days after completion of the desk review	25%
3	Completed 1 st visit to Kazakhstan for data collection in the field	By 10 th February 2018	25%
5	Presented final reports and recommendations to UNICEF and the Government of Kazakhstan	By 10 th April 2018	35%
6	Drafted external reader-friendly version of the evaluation reports	By 15 th May 2018	15%

All submissions should be electronic (Word and Power Point).

Deliverables cannot be reproduced, distributed or published without written permission from UNICEF.

Schedule:

The Evaluation is estimated to take place in the period from 1st December 2017 to 31st May 2018.

Competencies for Evaluation

The evaluation will be carried out by an experienced contractor who is expected to be or to have in the team persons with skills and experience in Evaluation, together with personal and professional ethics and integrity, and basic skills in human rights and gender equality analysis.

Evaluation approach as per UNEG norms and standards for evaluation.

UNICEF brings a **human rights perspective** and strives to mainstream **gender issues** in all its work for children, with the Convention on the Rights of the Child (CRC) as a principal reference, and recognizes the mutually supportive relationship between the CRC, the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of Persons with Disability. UNICEF recognises that the empowerment of women is especially important for the realization of the rights of girls and boys, and for the creation of healthy families and society.

The evaluation is a part of an organisational focus on **equity** and a process of strengthening reforms that target inequities affecting the most disadvantaged children in. According to UNICEF, equity means that all children have an opportunity to survive, develop, and reach their full potential, without discrimination, bias, or favouritism. This interpretation is consistent with the CRC, which guarantees the fundamental rights of every child, regardless of gender, race, religious beliefs, income, physical attributes, geographical location, or other status.

An equity-based approach to UNICEF's evaluation seeks to understand whether the undertaken interventions managed to address the needs and uphold the rights of the specific groups of the most vulnerable adolescents in Kazakhstan. Equity-based evaluations should also generate knowledge and recommendations for UNICEF's further focus in protecting the rights of adolescents. To ensure comprehensiveness of the evaluation and taking into account the multi-dimensional essence of equity the evaluation should use a mixed-methods approach.

Evaluation should be guided by UNICEF **'theory of change'** for justice for children as related to the evaluated areas. The "theory of change" guiding the evaluation shall be included in the evaluation report. The "theory of change" will specifically look at how UNICEF contributed to the changes by executing its Core Roles according to the established priorities for the country office.

Following limitations should be considered upon conducting 2-component evaluation:

UNICEF analysis of existing gaps and barriers conducted to better understand the key drawbacks that prevent establishment of full-fledged system of Justice for Children in Kazakhstan identified the following:

- Insufficient coordination within the system both on national and local levels hinders the progress of reforms around Justice for Children. Coordination among various actors is impaired by the lack of an established mechanism.
- Lack of one legally binding document visioning the strategy and pace for improving the Justice for Children mechanisms and practices.
- Capacities of professionals dealing with children in contact with the justice system are limited, due to lack of systematic specialized training.
- Lack of disaggregated data in the Justice for Children from the national statistics and availability of indicators on Justice for children based on international standards.

The following 10 determinants, or "conditions", will help categorise critical bottlenecks and barriers:

Determinants	Description
<i>Social Norms</i>	Widely followed social rules of behavior that are followed within a society
<i>Legislation/Policy</i>	Adequacy of laws and policies to reduce/avoid barriers
<i>Budget / expenditure</i>	Allocation & disbursement of required resources that constrain effective coverage
<i>Management / Coordination</i>	Bottlenecks that obstruct accountability and transparency, as well the impediments to coordination and partnership
<i>Availability of essential commodities / inputs</i>	Essential commodities/ inputs required to deliver a service
<i>Access to adequately staffed services, facilities and information</i>	Target population's physical access to the relevant services, facilities and information
<i>Financial access</i>	Direct and indirect costs that prevent target group from utilizing available services or adopting certain practices

<i>Social and cultural practices and beliefs</i>	Individual/community beliefs, behaviours, practices, attitudes
<i>Timing and Continuity of use</i>	Completion/ continuity in service, practice that undermine the effectiveness of such service, practice, or other intervention
<i>Quality of care</i>	Adherence to quality standards (national or international)

7. Supervision and reporting:

The contractor will be supervised and report to UNICEF Child Protection Officer in Kazakhstan with a regular de-briefing on the progress of the assignment to the UNICEF Deputy Representative and will work on a regular basis with all involved staff of UNICEF CO: Child Rights Monitoring Specialist and Programme Officers and with identified national and sub-national stakeholders/partners.

8. Structure of evaluation report

The final evaluation report should be presented separately on component 1 and component 2.

The evaluation report structure must be compliant with the UNICEF-Adapted UNEG Evaluation Reports Standards, 2010 (see the attached files: UNEG_UNICEF_Eval_Report_Standards.pdf and Unicef_Revised_evaluation_policy.pdf)

[http://intranet.unicef.org/epp/evalsite.nsf/0/2BDF97BB3F789849852577E500680BF6/\\$FILE/UNICEF_Eval_Report_Standards.pdf](http://intranet.unicef.org/epp/evalsite.nsf/0/2BDF97BB3F789849852577E500680BF6/$FILE/UNEG_UNICEF_Eval_Report_Standards.pdf) and the GEROS Quality Assessment System (see the attached file: GEROS_Methodology_v7.pdf) and include:

- The title page and opening pages;
- Executive Summary (2-3 pages);
- Annexes;
- Object of Evaluation;
- Evaluation Purpose, Objective(s) and Scope;
- Evaluation Methodology;
- Findings;
- Conclusions and Lessons Learned;
- Recommendations;
- Gender and Human Rights, including child rights.

UNICEF will keep the right to share the shorter (external) version of the report with the Government and make it public.

9. Requirements for international or individual consultancy

The Evaluation is expected to be undertaken by individuals or institutions of international evaluators with contracting of national consultant to produce the expected results. Experts undertaking this Evaluation should either individually or as a team have the following qualifications:

- Advanced university degree in law, political science, international law, child rights or relevant field;
- Experience in designing and implementing evaluation and surveys;
- Extensive working experience in evaluation of development programmes;
- Strong and proven level of expertise on gender equality, child/human rights and justice for children field;
- Demonstrated expertise in data collection, analysis and reporting of quantitative and qualitative data;
- Work experience and/or technical knowledge of the justice system in an international context, and of the Europe and Central Asia region. Field experience in Europe and Central Asia countries is an asset;
- Good communication and advocacy skills;
- Record of research experience and/or written publications at the regional level;
- Excellent written English language skills, demonstrable with samples of publications. Knowledge of Russian is an asset;
- Excellent drafting skills and ability to synthesise complex information and issues;

- Strong analytical and conceptual thinking;
- Ability to organise and plan complex work following the established timeframes.

10. Procedures and logistics:

Travel arrangements including purchase of the air tickets is the responsibility of the selected contractor and estimated cost of travel should be clearly indicated in the financial proposal. Calculations of travel costs should be based on economy class travel regardless of the length of the travel. Cost estimates should be exclusive of all taxes as UNICEF is exempted from all taxes. UNICEF does not provide or arrange health insurance coverage for selected contractor.

11. Payment modality

Applicants should submit a financial proposal for their services based on the schedule of deliverables. Payments will be made upon successful completion of deliverables.

12. Evaluation process and methods

Your technical proposal should address all aspects of the above terms of reference. It will be evaluated against the pre-established technical evaluation criteria. As a minimum, your technical proposal should include the following:

- Complete technical proposal, taking into account objectives and conditions of this TOR, including methodology, timeline, budget;
- CVs of experts/personnel mentioned in the proposal as key to execution of this Evaluation;
- Relevant previous research.

Please make sure to provide sufficient information/substantiating documentation to address all technical evaluation criteria. The assessed technical score must be equal to or exceed 70 of the total 120 points allocated to the technical evaluation in order to be considered technically compliant and for consideration in the financial evaluation.

Technical Criteria	Technical Sub-Criteria	Maximum Points 120
Overall Response.	Completeness of response	10
	Understanding of objectives and how they propose to perform the tasks in order to meet the objectives and requirements of the ToR	20
	Points	30
Institution & Key Personnel	Range and depth of contractor's experience with similar projects	15
	Previous experience of work in Europe and Central Asia region	10
	Samples of previous work	10
	Key personnel: relevant experience and qualifications for the assignment (at least P3 level for individual contractors)	15
	Points	50
Proposed Methodology and Approach	Description of methodology/timeline	25
	Description of approach to ensure quality of services, absence of conflict of interest and respect of ethical standards	15
	Points	40

13. UNICEF general terms and conditions

UNICEF's general terms and conditions will apply to the contract awarded to the selected contractor. Please note that, in the evaluation of the technical merits of each proposal, UNICEF will take into

consideration any proposed amendments to the UNICEF General Terms and Conditions. Proposed amendments to the UNICEF general terms and conditions may negatively affect the evaluation of the technical merits of the proposal.

UNICEF reserves the right to withhold all or a portion of payment if performance is unsatisfactory, if work/outputs is incomplete and not provided timely as indicated in the individual work plan of the contractor. This ToR is an integral part of the contract (PO) signed with the consultant.

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Appendix 3: Data collection tools

Note on the tools:

*Each interview will start with the **presentation of the evaluation team and the evaluation objectives**. Respondents will be given a consent form (see Appendix 3) and the evaluation team member will familiarize them with its content. Each interview will start with an introductory question to determinate their involvement in the program. In line with standard evaluation practices, the interviews will only be attended by the evaluators and the interviewed people.*

*All interviews are **semi-structured interviews**: interview guides only aim at **guiding the interviews** and ensuring that the research team do not omit important elements during the discussions. Questions will not necessarily be asked in the order described in the following guides. Questions may vary depending on the reactions of participants. New points of interest may appear during discussions. The interviewer will ask the questions that have not been answered by the interviewee him/herself during the interview.*

1. UNICEF CO (120 min)

Relevance

- In which way did UNICEF CO inform itself on the issues in the field of juvenile justice prior to initiating the interventions?
- To what extent do you think that the interventions were/are relevant to the needs of the target group and final beneficiaries?
- To what extent have been UNICEF interventions regarding the reform and the pilot designed in a way consistent with the priorities and policies of the RK?
- To what extent have interventions taken into account international standards and practices on juvenile justice, enshrined in UN CRC and other relevant documents? Did you consult other UNICEF County offices in search of good practices while designing the interventions?
- To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular girls, young children, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority during designing the interventions?
- To what extent have government authorities and other stakeholders been involved in designing the pilot?
- Are you familiar with other initiatives in this area in RK? If so, to which extent are these interventions overlapping or complementary?
- Looking now back, what is your opinion of the focus of the designed components and approach/activities used? Would you now design the interventions in any aspect differently?

Effectiveness

- According to you, to what extent has the reform contributed to establishing specialized institutions in the area of justice for children (output 1 EO1)? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?
- According to you, to what extent has the reform contributed to improving the legal framework through advocacy and provision of technical assistance on legal reform, in line with international standards, enshrined in the UN CRC (output 2 EO1)? Do you consider that the legislation is aligned with international standards? What were the main factors

influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?

- According to you, to what extent has the reform contributed to sustainably enhanced capacities of legal and non-legal professionals on child-friendly justice (output 3 EO1)? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?
- To what extent has the reform integrated gender equality and equity?
- Have rehabilitation community-based services been provided to children in justice processes in the three target regions (output 1 EO2)? Have services been used by children? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?
- Was a multi-disciplinary and cross-sectorial mechanism implemented in the three target regions to oversee the implementation of progress of the community-based services (output 2 EO2)? According to you, is the mechanism operational? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?
- Have legal and non-legal judicial professionals enhanced their capacities for implementing child-sensitive justice when interviewing children in justice processes in the three target regions (output 3 EO2)? To what extent have these services been used by children? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?
- According to you, to what extent has the pilot integrated gender equality and equity in its implementation?

Efficiency

- Do you consider that UNICEF staff and consultants and experts were numerous and qualified enough to implement the activities? How many people were involved in the implementation of the program? What were the positions and role of each of the people involved in the program?
- How were national and international experts and consultants selected to support the implementation of the program?
- According to you, to what extent have UNICEF and other stakeholders made good use of their financial and technical resources?
- How do you rate the ratio between the resources used and the results of the program? Can you explain why?
- How do you assess the collaboration and communication with other stakeholders? Do you consider that the regularity of steering committee meetings was sufficient to ensure strategic planning? Were roles and responsibilities of each stakeholder clear?
- Have you implemented a monitoring system during the program? If so, to which extent did the monitoring system allow you and other stakeholders to assess the level of achievement of planned outputs and outcome throughout the project?
- Has there been any delays in the implementation of the project that could potentially negatively impact the project? If so, what were the responses to these delays?

Impact

- To what extent do you consider that the pilot contributed to reduction of crimes committed against children at local level?
- To what extent do you consider that the pilot contributed to decreasing the number of conviction of children at local level?
- To what extent do you consider that the pilot contributed to reintegrating children into their community at local level?

- To your knowledge, to what extent has the equipment provided been used?
- According to you, how can one explain the decrease of offenders among children at national level over the years?
- According to you, how can one explain the decrease of pre-trial and post-trial detention at national level over the years?
- According to you, how can one explain the decrease of conviction among children at national level over the years?
- To what extent did the reform and the pilots globally contribute to increase the protection and well-being of children in justice processes and/of their parents?
- Have the activities resulted in any unforeseen impact, whether positive or negative?

Sustainability

- Has a sustainability strategy been developed in the framework of the pilot? If so, can you explain it and to what extent do you consider it appropriate?
- Have you started discussions with NGO and authorities regarding the continuation of the pilot? What are the main sustainability factors according to you?
- What actions shall be implemented to ensure that the benefits from the pilot activities continue?
- Do you consider that UNICEF's contribution to the changes will continue to impact children after its support is withdrawn?
- Is child-friendly justice integrated into regular training and education curricula?
- What actions shall be implemented to continue scaling up justice for children in Kazakhstan?
- Is there anything that was not covered with these questions but you feel that should be noted?

2. Central authorities: Supreme Court, General Prosecutor's Office, MIA, MoES, MoJ, National Commission for Human Rights, Child's Rights Ombudsperson, Parliament Committee on Legislation and Judicial-Legal Reform, Juvenile colony and special schools (60 min)

Questions will be adapted to the respondents. Specific questions will be added regarding their roles in the implementation of the activities.

Relevance

- To what extent do you think that the Government's reform was relevant to the needs of children in justice processes in the country? What were the rationale behind the reform on juvenile justice?
- What was your role in the design of the reform?
- To what extent has the reform taken into account improvement of rights of the most marginalized children, in particular girls, young children, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority?
- Do you consider that the pilot implemented with UNICEF is aligned with national policies regarding children in justice processes? To what extent have government authorities and other stakeholders been involved in designing the pilot?
- Are you familiar with other pilots in this area? If so, to which extent are these programs overlapping or complementary?

Effectiveness

- According to you, to what extent has the reform contributed to establishing specialized institutions in the area of justice for children (output 1 EO1)?
- According to you, to what extent has the reform contributed to improving the legal framework through advocacy and provision of technical assistance on legal reform, in line with international standards, enshrined in the UN CRC (output 2 EO1)? Do you consider that the legislation is aligned with international standards? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?
- According to you, to what extent has the reform contributed to sustainably enhanced capacities of legal and non-legal professionals on child-friendly justice (output 3 EO1)? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?
- To what extent has the reform integrated gender equality and equity?

Efficiency

- According to you, to what extent have UNICEF and other stakeholders make good use of their technical resources?
- How do you assess the collaboration and communication with UNICEF? Were roles and responsibilities of each stakeholder clear?

Impact

- According to you, how can one explain the decrease of offenders among children at national level over the years?
- According to you, how can one explain the decrease of pre-trial and post-trial detention at national level over the years?
- According to you, how can one explain the decrease of conviction among children at national level over the years?
- To what extent did the reform globally contribute to increase the protection and well-being of children in justice processes and/of their parents?
- According to you, have you enhanced your capacities on justice for children? If so, how? Can you provide examples of new knowledge and practices?
- Have the activities resulted in any unforeseen impact, whether positive or negative?

Sustainability

- Do you consider that UNICEF's contribution to the changes will continue to impact children after its support is withdrawn?
- Do you consider that the reform is sustainable? Please explain.
- Is child-friendly justice integrated into regular training and education curricula?
- What actions shall be implemented to continue scaling up justice for children in Kazakhstan?
- Is there anything that was not covered with these questions but you feel that should be noted?

3. Training and education institutes (40 min)

Relevance

- To what extent do you think that the reform was relevant to the needs of children in justice processes in the country?
- What was your role in the design of the reform?

Efficiency

- According to you, to what extent have UNICEF and other stakeholders make good use of their technical resources?
- How do you assess the collaboration and communication with UNICEF?
- Were roles and responsibilities of each stakeholder clear?

Sustainability

- Is child-friendly justice integrated into regular training and education curricula? If so, are there challenges in implementing these training? How many people participated, which type of participants?
- What actions shall be implemented to continue scaling up justice for children in Kazakhstan?
- Is there anything that was not covered with these questions but you feel that should be noted?

4. SICIM judges (40 min)

Relevance

- To what extent do you think that the reform and the implementation of SICIM were relevant to the needs of children in justice processes in the country?

Effectiveness

- According to you, what are the main strengths and weaknesses of SICIM?
- To what extent do SICIM take into account improvement of rights of the most marginalized children, in particular girls, young children, children with disabilities and children with multiple disadvantages?

Efficiency

- How do you assess the collaboration and communication with UNICEF?
- Were roles and responsibilities of each stakeholder clear?

Impact

- According to you, how can one explain the decrease of offenders among children at national level over the years?
- According to you, how can one explain the decrease of pre-trial and post-trial detention at national level over the years?
- According to you, how can one explain the decrease of conviction among children at national level over the years?
- To what extent did the establishment of SICIM globally contribute to increase the protection and well-being of children in justice processes and/of their parents?
- Have the activities resulted in any unforeseen impact, whether positive or negative?

Sustainability

- What actions shall be implemented to continue scaling up justice for children in Kazakhstan?
- Is there anything that was not covered with these questions but you feel that should be noted?

5. Bar members / Juvenile Consultation Unit (central + local level)

Relevance

- To what extent do you think that the reform was relevant to the needs of children in justice processes in the country? What were the rationale behind the reform on juvenile justice?
- What was your role / role of lawyers in the reform?
- To what extent has the reform taken into account improvement of rights of the most marginalized children, in particular girls, young children, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority?
- Do you consider that the pilot implemented with UNICEF is aligned with national policies regarding children in justice processes? To what extent have government authorities and other stakeholders been involved in designing the pilot?
- Are you familiar with other pilots in this area? If so, to which extent are these programs overlapping or complementary?

Effectiveness

- According to you, to what extent has the reform contributed to establishing specialized institutions in the area of justice for children (output 1 EO1)?
- According to you, to what extent has the reform contributed to improving the legal framework through advocacy and provision of technical assistance on legal reform, in line with international standards, enshrined in the UN CRC (output 2 EO1)? To your knowledge, is the legislation aligned with international standards?
- According to you, to what extent has the reform contributed to sustainably enhanced capacities of legal and non-legal professionals on child-friendly justice (output 3 EO1)?
- To what extent has the reform integrated gender equality and equity?

Efficiency

- According to you, to what extent have UNICEF and other stakeholders make good use of their technical resources?
- How do you assess the collaboration and communication with UNICEF?
- Were roles and responsibilities of each stakeholder clear?

Impact

- According to you, how can one explain the decrease of offenders among children at national level over the years?
- According to you, how can one explain the decrease of pre-trial and post-trial detention at national level over the years?
- According to you, how can one explain the decrease of conviction among children at national level over the years?
- To what extent did the reform globally contribute to increase the protection and well-being of children in justice processes and/of their parents?
- Have the activities resulted in any unforeseen impact, whether positive or negative?

Sustainability

- Do you consider that the changes in legislation and policy will continue to impact children?
- What actions shall be implemented to continue scaling up justice for children in Kazakhstan?
- Is there anything that was not covered with these questions but you feel that should be noted?

6. EU and other donors

Relevance

- To what extent do you think that the interventions on juvenile justice were/are relevant to the needs of the target group and final beneficiaries? How did you assess this need?
- To what extent has been the intervention regarding the reform and the pilot designed in a way consistent with the priorities and policies of the RK?
- To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular girls, young children, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority during designing the interventions?
- To what extent have government authorities and other stakeholders been involved in designing the pilot?
- Are you familiar with other initiatives in this area in RK? If so, to which extent are these interventions overlapping or complementary?
- Looking now back, what is your opinion of the focus of the designed components and approach/activities used? Would you now design the interventions in any aspect differently?

Effectiveness

- According to you, to what extent has the reform contributed to establishing specialized institutions in the area of justice for children (output 1 EO1)? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?
- According to you, to what extent has the reform contributed to improving the legal framework through advocacy and provision of technical assistance on legal reform, in line with international standards, enshrined in the UN CRC (output 2 EO1)? Do you consider that the legislation is aligned with international standards? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?
- According to you, to what extent has the reform contributed to sustainably enhanced capacities of legal and non-legal professionals on child-friendly justice (output 3 EO1)? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?
- To what extent has the reform integrated gender equality and equity?
- Have rehabilitation community-based services been provided to children in justice processes in the three target regions (output 1 EO2)? Have internal or external factors influenced achievement or non-achievement of this output and how?
- Was a multi-disciplinary and cross-sectorial mechanism implemented in the three target regions to oversee the implementation of progress of the community-based services (output 2 EO2)? Have internal or external factors influenced achievement or non-achievement of this output and how?
- Have legal and non-legal judicial professionals enhanced their capacities for implementing child-sensitive justice when interviewing children in justice processes in the three target regions (output 3 EO2)? Have internal or external factors influenced achievement or non-achievement of this output and how?
- According to you, to what extent has the pilot integrated gender equality and equity in its implementation?

Efficiency

- How do you assess the collaboration and communication with other stakeholders and other donors?

- Were roles and responsibilities of each stakeholder clear?
- Regarding the pilot, do you consider that the regularity of steering committee meetings was sufficient to ensure strategic planning?

Impact

- According to you, how can one explain the decrease of offenders among children at national level over the years?
- According to you, how can one explain the decrease of pre-trial and post-trial detention at national level over the years?
- According to you, how can one explain the decrease of conviction among children at national level over the years?
- To what extent do you consider that the pilot contributed to reduction of crimes committed against children at local level?
- To what extent do you consider that the pilot contributed to decreasing the number of conviction of children at local level?
- To what extent do you consider that the pilot contributed to reintegrating children into their community at local level?
- To what extent did the reform and the pilots globally contribute to increase the protection and well-being of children in justice processes and/of their parents?
- Have the activities resulted in any unforeseen impact, whether positive or negative?

Sustainability

- Has a sustainability strategy been developed in the framework of the pilot? If so, can you explain it and to what extent do you consider it appropriate?
- Have you started discussions with NGO and authorities regarding the continuation of the pilot? What are the main sustainability factors according to you?
- What actions shall be implemented to ensure that the benefits from the pilot activities continue?
- Do you consider that UNICEF's contribution to the changes will continue to impact children after its support is withdrawn?
- What actions shall be implemented to continue scaling up justice for children in Kazakhstan?
- Is there anything that was not covered with these questions but you feel that should be noted?

7. NGOs involved in the pilot (EO2)

Questions will be adapted to the respondents.

Relevance

- To what extent do you think that the interventions were/are relevant to the needs of the target group and final beneficiaries at local level?
- To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular girls, young children, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority during designing the interventions?
- To what extent have local government authorities and other stakeholders been involved in designing the pilot?
- Are you familiar with other initiatives in this area in RK? If so, to which extent are these interventions overlapping or complementary?

- Looking now back, what is your opinion of the focus of the designed components and approach/activities used? Would you now design the interventions in any aspect differently?

Effectiveness

- Have rehabilitation community-based services been provided to children in justice processes in the three target regions (output 1 EO2)? Have services been used by children?
- What are the factors that decide whether a child is or is not referred?
- Do you consider that all justice providers refer children? If there are differences, how can we explain them? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?
- Was a multi-disciplinary and cross-sectorial mechanism implemented in the three target regions to oversee the implementation of progress of the community-based services (output 2 EO2)? Do you consider that this mechanism is operational? How regularly do they meet? Do they deal with all cases of children in justice processes? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?
- Have legal and non-legal judicial professionals enhanced their capacities for implementing child-sensitive justice when interviewing children in justice processes in (output 3 EO2)? To what extent have services been used by children? Are there monitoring data? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?
- According to you, to what extent has the pilot integrated gender equality and equity in its implementation?

Efficiency

- How do you assess the collaboration and communication with UNICEF and with other stakeholders?
- Do you consider that the roles of each stakeholders were clearly defined in the pilot?
- Have you implemented a monitoring system during the program? If so, to which extent did the monitoring system allow you and other stakeholders to assess the level of achievement of planned outputs and outcome throughout the project?
- Has there been any delays in the implementation of the project that could potentially negatively impact the project? If so, what were the responses to these delays?

Impact

- *If involved with child victims and witnesses:* Do you think that the participation of children in services has had an impact on children in terms of protection? Please explain and give examples.
- *If involved with children in conflict with the law:* To what extent do you consider that the pilot contributed to decreasing the number of re-offending and re-conviction of children at local level? If so, what was according to you the contribution of the pilot in this regard?
- To what extent do you consider that the pilot contributed to reintegrating children into their community at local level? If so, what was according to you the contribution of the pilot in this regard?
- To your knowledge, to what extent has the equipment provided been used?
- To what extent did the pilots globally contribute to increase the protection and well-being of children in justice processes and/of their parents?
- Have the activities resulted in any unforeseen impact, whether positive or negative?

Sustainability

- Has a sustainability strategy been developed in the framework of the pilot? If so, can you explain it and to what extent do you consider it appropriate?
- Were discussions started between UNICEF, NGO and authorities regarding the continuation of the pilot? What are the main sustainability factors according to you?
- What actions shall be implemented to ensure that the benefits from the pilot activities continue?
- Do you have the will and capacity to continue the pilot? Do you have the will and capacity to replicate the pilot at national level?
- Do you consider that UNICEF's contribution to the changes will continue to impact children after its support is withdrawn?
- What actions shall be implemented to continue scaling up justice for children in Kazakhstan?
- Is there anything that was not covered with these questions but you feel that should be noted?

8. Local level, members of multidisciplinary advisory boards: Office of the General prosecutor, police, probation, MIA, MoES, akimat, social workers, judges (EO2)

Questions will be adapted to the respondents. Specific questions will be added regarding their roles in the implementation of the activities.

Relevance

- To what extent do you think that the interventions were/are relevant to the needs of the target group and final beneficiaries at local level?
- Was it your mandate regarding the pilot?
- To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular girls, young children, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority during designing the interventions?
- To what extent have local government authorities and other stakeholders been involved in designing the pilot?
- Are you familiar with other initiatives in this area in RK? If so, to which extent are these interventions overlapping or complementary?
- Looking now back, what is your opinion of the focus of the designed components and approach/activities used? Would you now design the interventions in any aspect differently?

Effectiveness

- Have rehabilitation community-based services been provided to children in justice processes in the three target regions (output 1 EO2)? Have services been used by children?
- What are the factors that decide whether a child is or is not referred?
- Do you consider that all justice providers refer children? If there are differences, how can we explain them? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?
- Was a multi-disciplinary and cross-sectorial mechanism implemented in the three target regions to oversee the implementation of progress of the community-based services (output 2 EO2)? Do you consider that this mechanism is operational? How regularly do they meet? Do they deal with all cases of children in justice processes? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?

- Have legal and non-legal judicial professionals enhanced their capacities for implementing child-sensitive justice when interviewing children in justice processes in the three target regions (output 3 EO2)? To what extent have services been used by children? Are there monitoring data? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?
- *According to the respondent:* did you receive child-friendly equipment? What is your appreciation of this equipment?
- According to you, to what extent has the pilot integrated gender equality and equity in its implementation?

Efficiency

- According to you, to what extent have UNICEF and other stakeholders made good use of their technical resources?
- How do you assess the collaboration and communication with UNICEF and with other stakeholders?
- Do you consider that the roles of each stakeholder were clearly defined in the pilot?
- Have you implemented a monitoring system during the program? If so, to which extent did the monitoring system allow you and other stakeholders to assess the level of achievement of planned outputs and outcome throughout the project?
- Has there been any delays in the implementation of the project that could potentially negatively impact the project? If so, what were the responses to these delays?

Impact

- *If involved with child victims and witnesses:* Do you think that the participation of children in services has had an impact on children in terms of protection? Please explain and give examples.
- *If involved with children in conflict with the law:* To what extent do you consider that the pilot contributed to decreasing the number of re-offending and re-conviction of children at local level? If so, what was according to you the contribution of the pilot in this regard?
- To what extent do you consider that the pilot contributed to reintegrating children into their community at local level? If so, what was according to you the contribution of the pilot in this regard?
- According to you, have you enhanced your capacities on justice for children? If so, how? Can you provide examples of new knowledge and practices?
- To your knowledge, to what extent has the equipment provided been used? Do you consider it useful?
- What is your appreciation of the pilot project? To what extent did the pilots globally contribute to increase the protection and well-being of children in justice processes and/of their parents? Why?
- Have the activities resulted in any unforeseen impact, whether positive or negative?

Sustainability

- Has a sustainability strategy been developed in the framework of the pilot? If so, can you explain it and to what extent do you consider it appropriate?
- Were discussions started between UNICEF, NGO and authorities regarding the continuation of the pilot? What are the main sustainability factors according to you?
- What actions shall be implemented to ensure that the benefits from the pilot activities continue?
- Do you have the will and capacity to continue the pilot? Do you have the will and capacity to replicate the pilot at national level?

- Do you consider that UNICEF's contribution to the changes will continue to impact children after its support is withdrawn?
- What actions shall be implemented to continue scaling up justice for children in Kazakhstan?
- Is there anything that was not covered with these questions but you feel that should be noted?

9. Children in conflict with the law 14-18 years of age (45 min)

Relevance

- Do you appreciate this center? Why?
- Do you consider that this center is useful to you? Can you explain why?
- Are you in touch with social workers in this institution? With psychologists?
- Do you appreciate the staff?

Impact

- Do you feel supported in this institution? Please explain.
- Do you think that your participation in this project may be positive or negative for your future? Can you explain in your own words?
- Do you believe that this center may facilitate you going back in your family and community?
- Has your participation in this project created any problems with other children, with families, with communities?
- What would you recommend to facilitate your reintegration?

10. Families of children in conflict with the law (45 min)

Relevance

- How often do you visit your child?
- Do you consider that this institution matches your child's needs? Why?
- What is your appreciation of the community-based service? Do you find it useful? Why?

Impact

- Do you believe that your child is supported by this institution? Please explain
- Do you think that his/her participation in this project may positively or negatively affect his/her behavior in the future? If so why?
- Do you believe that this institution may facilitate his/her reintegration in his/her family and community?
- Has your child's participation in this program created problems with other children, in your family, in your community?
- What would you recommend to further facilitate his/her reintegration?

11. Families of child victims and witnesses (45 min)

Relevance

- Do you consider that this institution matches your child's needs? Why?

Effectiveness

- Which activities are implemented in this institution?
- What is your appreciation of the community-based service? Do you find it useful? Why?

Impact

- Do you believe that your child is supported by this institution? Please explain
- Do you believe that this project may facilitate his/her reintegration in his/her family and community?
- Has your child's participation in this program creates negative effects with other children, in your family, in your community?
- What would you recommend to further facilitate his/her reintegration?

Appendix 4: Approved evaluation methodology regarding ethics and HML Review

The evaluation team strictly followed UNEG's standards, UNICEF Procedure for Ethical Research Involving Children and the UNICEF Procedure for Ethical Standards in Research, Evaluation, Data Collection and Analysis. The guiding principles are as follows: principle of respect, of beneficence, of non-maleficence and justice. The methodology was approved by the HML Institutional Review Board – Ethical Review Board during inception phase.

All data collection methods **took into account the respondents' age and personal capacities**. Questions were drafted so that all respondents understand the purpose of the evaluation, the use of the collected data and the content of the questions that were to be asked. In the context of children, this specifically meant that the evaluation team used child-friendly methods, based on the principles of sympathetic listening: age-appropriate and open questions were asked, to let the children express themselves with their own words or with drawings. Observation was also used as a data collection tool. Interviews with children and their families remained short (45 min maximum)¹⁹⁴.

The purpose of the evaluation was explained to all respondents. For children, the assent forms were explained with words that they can easily understand. The evaluation team particularly highlighted the fact that the evaluation aims at programming new interventions in the field of justice for children and at increasing protection to children in conflict with the law and child victims and witnesses. Interviews took place only if participants agreed to their terms and conditions. To this aim, **consent/assent forms** were signed by all respondents: consent/assent forms include information on the scope of the evaluation, the **voluntary nature** of the respondents' participation (no remuneration), their rights to refuse to participate, to withdraw from the study at any time and to refrain from answering to certain questions, without having to justify him/herself, without consequence.¹⁹⁵ Specific **assent forms were used for children, using simpler words**. Moreover, assent forms for children also provide for the evaluators' obligation to disclose reports of abuse. The assent forms were signed by their parents or guardians. The evaluation team proposed to provide a copy of the form to the respondents and provided it when asked for.

Regarding **data storage and protection**, the consent/assent forms, which is the only document that specifies the name of children and families that participate in the study, were scanned on a daily basis and the hard copy was immediately destroyed: the paper record was manually shredded. The electronic document was kept solely by the two international consultants on their own computer and was protected by a password that was known only by the international consultants. No one accessed the electronic consent forms apart from the international consultants. The electronic files of the consent/assent forms stored in the computers will be erased using a commercial software when the final report is approved.

The **protection of participants' identities** is crucial and must be taken into account at all times. Therefore, the confidentiality process was explained to all participants and discussed prior to any data collection: participants were informed that their name, age or location will not appear in the report, except in the case that the respondent is a public official who was willing to provide his/her title and position and if it is considered important for the evaluation.

¹⁹⁴ The length of the interview includes the timing for the consecutive interpretation.

¹⁹⁵ See Appendix 5: Consent forms

In the context of children and families, names were not kept in the notes taken during the interview: **their identity were coded**, using the following system: Year-Month-First 2 letters of their first name-Age (for instance: for a person aged 17 and named Rustam in February 2018: 2018-02-RU-17). The quotations that are included in the present report specifically outline that the names used are not those of the respondents. In addition, the evaluators ensured that the confidentiality is strictly kept during interviews and that no external stakeholder is present during interviews. Child were however provided with the opportunity to ask that another person participate with him/her in the interviews (relative, friend, trusted guardians, etc.) if this makes him/her feel more comfortable. Moreover, interviews were not recorded to make children feel relaxed during the evaluation process. Detailed notes were taken for all the interviews and then transcribed into English to facilitate data sorting and analysis.

Children and families were identified at random based on the lists of community-based services¹⁹⁶. The families were contacted individually to keep anonymity. Children were contacted through the community-based centers. Specific request was made to the centers to ensure that the children's participation in the study remains confidential. Moreover, the evaluation team explained to the centers the conditions of the evaluation (voluntary participation, non-compulsory participation, etc.)

The team ensured that the evaluation "**does no harm**": the evaluation assessed this risk when designing the methodology and made sure that the evaluation process **did not have a negative impact** on children in terms of potential harms. Therefore, the team assessed that child victims and witnesses should not be directly involved in the evaluation process.¹⁹⁷ Only **children in conflict with the law were interviewed (14-17 year of age)**. Younger children were not interviewed for ethical reasons. All interviews with children and families were **individual interviews** and took place in quiet and separate locations to ensure anonymity and guarantee that the children or their families feel comfortable and talk in confidence. For interviews taking place in community-based centers, the team ensured that interviews took place in a separate room, away from other children and staff.

A procedure was in place if, during an interview, **a child reports any abuse** or reports that he/she feels under immediate threat: the evaluation team would ask the child if he/she wants the team to report it to the center or to authorities. If the child accepts, the evaluation team would report the matter in a timely manner to the responsible person. If the child refuses, the evaluation team would discuss with UNICEF team regarding the situation and decide whether the threat requires to overcome the child's consent, in his/her best interest. The child would be informed of the decision taken and will be informed of all steps of the process. **This situation did not occur during the evaluation.**

¹⁹⁶ Each 6th person from the list was contacted.

¹⁹⁷ The risks of secondary victimization are considered high for child victims and witnesses, considering their specific vulnerability. Their participation in the evaluation appears not to be in their best interests and contradicts the objective of the project that is to strengthen their protection. The impact on the increased protection of child victims and witnesses was therefore assessed through secondary sources. In order to mitigate a potential bias in this regard, the evaluation team multiplied sources. Limitations are further elaborated in Section 2.5.

Research Ethics Review Feedback Template

Review of UNICEF Research Project Materials for the Protection of Human Subjects

→ **Investigators: Please provide the information requested on page 3.**

This template is designed to meet UNICEF ethical standards for research, evaluation, data collection and analysis. It is designed to ensure effective processes and accountability for ethical oversight and to ensure the protection of, and respect for, human and child rights within all research, evaluation, and data collection processes undertaken or commissioned by UNICEF. This template is in line with the [UNICEF Procedure for Ethical Standards in Research, Evaluation, Data Collection and Analysis](#); Document Number: CF/PD/DRP/2015-001; Effective Date: 01 April 2015 Issued by: Director, Division of Data, Research and Policy (DRP).

The Purpose of Research Ethics Review

The purpose of an Ethics Review Board (ERB) or Institutional Review Board (IRB) review is the protection of human research subjects' rights. ERBs review research protocols that involve data collection from human subjects or the collection and analysis of sensitive secondary data to ensure that ethical standards are upheld. This is to ensure that:

- subjects are not placed at undue risk;
- participation is voluntary;
- subjects are provided and agree to informed consent prior to their participation;
- relevant protection protocols are in place to assure subjects' protection and safety, and;
- data collection and analysis does not result in the violation of privacy or discrimination.

Before issuing approval, the ERB must determine that the following requirements are satisfied:

- informed consent is sought from each subject or the subject's legally authorized representative;
- the proposed research design is scientifically sound and that risks to subjects are minimized;
- any risks to subjects are reasonable in relation to anticipated benefits;
- subject selection is equitable;
- safeguards are included for subjects likely to be vulnerable to undue influence or coercion;
- subjects' safety, privacy, and confidentiality are maximized.

ERB reviewers will pay attention to these written elements of investigators' request for approval:

- informed consent forms or guidelines;
- protocols for the protection of subjects' safety
- protocols for the protection of subjects' identities
- protocols for the protection of collected data, and
- surveys or other data collection instruments, subject recruitment plans, and any parts of the research plan that are relevant to human subject protections.

HML IRB is an autonomous committee, authorized by the US Office for Human Research Protections within the US Department of Health and Human Services (IRB 00001211) to review and approve research involving human subjects before the start of research, and to conduct annual reviews of that research independent of affiliation with the research organization submitting materials for review.

HML IRB
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Suite 450
Washington, DC 20036 USA
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+1.202.753.5040

UNICEF Request for Human Subjects Protections Ethics Review

→ Investigators: Please provide your project information and materials requested on this page. It is understood that some items may be a part of related documents such as the Research Design or Inception Report.

Project Title:	Summative evaluation of the reforms in the area of Justice for Children in contact with the law in Kazakhstan	
Person & Office submitting ERB request:	Damiir Kozhanbayev, Knowledge and Innovation Officer United Nations Children's Fund 10 A Beibetshilik str, Astana Kazakhstan, 010000	
Principal Investigator(s) name & degree:	Carole Berrih, team leader	
Other key personnel:	Prof. Dr. Bistra Netkova, international consultant, and Daniyar Kussainov, national consultant.	
Primary study site(s):	Astana, Kyzylorda region, East-Kazakhstan region and Mangystau region, as well as the only remaining juvenile colony in Almaty.	
Project duration (dates from -- to):	January to May 2018	
Duration of human subjects' participation (dates from -- to):	10-23 April 2018	
Materials Requested for Review:	Also, please show:	
1. Research Protocol / Inception Report, containing, e.g., research plan, specific aims or objectives, research questions, study design, analysis & dissemination plan.	4. Written protocols to ensure subjects' safety.*	
2. Copies of all Informed Consent documents.	5. Written protocols for the protection of human subjects' identities.*	
3. Copies of all data collection instruments.	6. Written protocols for the protection of data.*	
	7. Other relevant documents.	
	*These may be statements incorporated into research plans.	

Please submit the information & materials above to:
Dr. Michael Anderson, ERB Chair, via unicef@hmlirb.com

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Date ERB Request Received:	14 March 2018		
Dates ERB Request Processed:	16 March 2018		
DATE OF ERB APPROVAL:	26 March 2018		
	Ethics Review Board Criteria of Interest	Additional Information Needed → Investigators: Please respond to ERB info requests in another color below the request in the same box as the request	X or NA equal PASS
Section 1	ERB Submission: Are all requested project information and materials provided separately or incorporated in text?		
1.1	Research protocol / inception report, with necessary requisites as described above		X
1.2	Informed Consent documents		X
1.3	Surveys and data collection instruments		X
1.4	Written protocols to ensure subjects' safety		X
1.5	Written protocols for protection of subjects' identities		X
1.6	Written protocols for protection of data		X
1.7	Other relevant documents		X
1.8	Comments, amendments, additions, or revisions		X
Section 2	Research Design: Do submitted materials describe the proposed research?		
2.1	Background and/or rationale		X
2.2	Description of methodology		X
2.3	Does study involve an intervention or treatment group?		X
2.4	Does study involve a comparison or control group?		X
2.5	Type of data collection: a. survey questionnaire..... b. subject interview..... c. key informant interview..... d. focus group discussion..... e. document review..... f. observation..... g. case study..... h. physical measurements.....	The ToR mentions that there will be focus group discussions, but the evaluation framework does not. Will there be focus group discussions? There will be no focus group discussions. This elements has been specifically discussed with UNICEF during the preparation of the inception report and approved by UNICEF.	X

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	i. biological specimen		
	j. other.....		
2.6	Number of Observations: a. one-time observationX b. two or more observations (follow-up)	No follow-up, correct? Only one time intervention	X
2.7	Sampling strategy & subject recruitment procedures		X
2.8	Sample size: Total N or approximate N =	Please estimate Approximate N = 75	X
2.9	Individual participant time burden (hours/minutes)		X
2.10	Gender, ethnicity, or other pertinent demographic characteristics of subjects		X
2.11	Comments, amendments, additions, or revisions		X
Section 3	Minimal Risk: Do submitted materials address potential risks to subjects?		
3.1	Minimal Risk Only: The probability and magnitude of anticipated harm or discomfort is not greater than ordinarily encountered in daily life or during performance of routine physical or psychological exams or tests		X
3.2	If the study or sampling and recruitment procedures have potential for greater than minimal risk, is it described?		X
3.3	If there is potential for greater than minimal risk, are mitigating procedures described?		X
3.4	Comments, amendments, additions, or revisions		X
Section 4	Recruitment: Do submitted materials adequately describe subjects and the recruitment process?		
4.1	Subject identification: a. subjects' names recordedX b. subjects are given a unique identifier and no names are taken c. no form of identification is used.....		X
4.2	If subject names are recorded (4.1a), are their names kept separate from their responses?		X
4.3	Do recruitment procedures show any indication of coercion, intimidation, compulsion, pressure, or force?		X
4.4	Are any subjects children (<18 years old)?	14 – 17; Yes	X

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4.5	If subjects are children, do materials adequately describe ages and why these ages are appropriate?		X
4.6	If subjects are children, are materials (e.g.: survey instruments, focus group topics, etc.) appropriate based upon age?		X
4.7	If subjects are paid, compensated, or provided a gift for participation, is the incentive described and justified?		X
4.8	Is future contact with subjects, if any, planned in a way that provides subject safety and data security through the research period?	No future contact, correct? Only one contact	X
4.9	Comments, amendments, additions, or revisions		X
Section 5	Informed Consent: IC must be sought and documented from each subject or the subject's legally authorized representative. Are written IC documents or wording of verbal IC included?		
5.1	Type of Informed Consent: a. written & signedX b. written not signed c. verbal & signed d. verbal not signed		X
5.2	Does IC include the purpose of the research presented in simple, age and education appropriate local language?		X
5.3	Does IC state that participation is voluntary, and subject may choose to not respond to any or all questions, or may withdraw without consequences?		X
5.4	Does IC include a description of any risks or benefits to subjects?	Please include in IC forms. It has been included in the forms : "You are invited to participate in a research regarding your participation in the project led by NGO This evaluation aims at understanding the usefulness and impact of this project on children. It aims at analyzing whether the project had positive consequences on your situation and your reintegration in your community and your family. When it will be finalized, the report will be provided to UNICEF and other stakeholders and recommendations will be	X

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		drafted to improve the system based on your experience."	
5.5	Does IC include a statement describing how confidentiality (or anonymity) of subjects and data will be maintained, and any limitations to confidentiality?	Consent form for children needs to include language that reflects the interviewers' obligation to disclose reports of abuse as discussed on p.24 of the Inception Report. This has been included in the ethical section and the consent forms: "You can report an abuse or report that you feel under threat to the evaluation team. If you do so, the team will ask you if you want them to talk to the center or to authorities. If you accept, the team will tell the responsible person as soon as possible. If you refuse, the team will discuss with UNICEF and will tell you the decision that will be taken. You will be informed of your decision and of the process."	X
5.6	Does IC include the expected duration of the subject's participation?		X
5.7	Does IC provide identity and contact info of investigators?	Please provide to each subject and guardian. This information has been added. "You can reach them by email on the following address: cbermh@formationsdh.org or by phone on the following number: (This number will be provided when the mission is in Kazakhstan) "	X
5.8	Where subjects differ by type (e.g.: age, sex, risk, status, etc.), are IC documents specific for each type?		X
5.9	Where data collection differs by method (e.g.: survey, FGD, interview), do IC materials cover each method?	Will there be focus group discussions, as mentioned in the ToR? If so, please include appropriate IC forms. There will be no focus group.	X
5.10	Are procedures for obtaining IC adequately described?		X
5.11	For child subjects, there is provision for including consent from parent, guardian, caregiver, or responsible person? If not, is this explained and justified?		X
5.12	If IC is written, is a copy left with subjects or there is explanation for not doing so?		X

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5.13	Do IC materials advise subjects of their obligation to keep information confidential in focus group discussions?	If there will be FGDs, please include. There will be no focus group.	X
5.14	Comments, amendments, additions, or revisions	FYI, the standard terminology for children's forms is assent instead of consent. This has been modified.	X
Section 6	Subject Protections: Do submitted materials clearly identify protection against risk?		
6.1	Do materials describe the use of information collected?		X
6.2	Are subjects given a clear indication of who will have access to their responses and in what form?		X
6.3	If children or other vulnerable groups are subjects, do materials clearly describe special considerations or accommodations for their safety or protections?		X
6.4	If children or other vulnerable groups are subjects, have personnel had experience working with these groups? If not, what specialized instruction will they receive?		X
6.5	Have personnel collecting data from subjects had ethical training specific to the target group?		X
6.6	Are personnel collecting data aware of ethical issues that may arise and their mitigation strategies?		X
6.7	Comments, amendments, additions, or revisions		X
Section 7	Subject Risks: Are risks reasonable in relation to any benefits to subjects and to the importance of knowledge that may be expected to result from the research?		
7.1	Do study objectives show that risk is reasonable in relationship to expected gains?		X
7.2	Does study deliver potential benefits to subjects through provision of information or services?		X
7.3	In event of physical, psychological, social, or legal risk, do protocols describe and outline clear strategies to mitigate against these risks?	Consent form for children needs to include language that reflects the interviewers' obligation to disclose reports of abuse as discussed on p.24 of the Inception Report. This has been included in the ethical section and the consent forms: "You can report an abuse or report that you feel under threat to the evaluation team. If you do	X

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		so, the team will ask you if you want them to talk to the center or to authorities. If you accept, the team will tell the responsible person as soon as possible. If you refuse, the team will discuss with UNICEF and will tell you the decision that will be taken. You will be informed of your decision and of the process."	
7.4	If a subject discloses or is suspected to be at risk outside of the study, are procedures in place to address or report risk?		X
7.5	Comments, amendments, additions, or revisions		X
Section 8	Vulnerability: When subjects are vulnerable to heightened risk have additional safeguards been included to protect their rights and welfare?		
8.1	Can subjects be perceived as vulnerable, including: children, women (especially pregnant women); prisoners or persons in institutions including orphanages or juvenile justice systems; those with HIV/AIDS; those at economic or educational disadvantage; refugees in conflict, post conflict, transition or disaster settings; minority groups, or under high familial, peer, or social pressure? If so, are study-specific protection protocols provided?	Children in juvenile justice system; yes	X
8.2	Does sample target people at risk for issues such as: violence, torture, or abuse; sexual exploitation, harassment, or abuse including prostitution or pornography, female genital mutilation, reproductive or sexual issues, mental or physical illness, elder abuse? If so, are study-specific protection protocols provided?		X
8.3	Are subjects involved in any of the following: slavery, including the sale and trafficking of children; forced labour, war or armed conflict; illegal activities, production or trafficking of drugs; work that could damage health or safety? If so, are study-specific protection protocols provided?		X
8.4	Does the study request information perceived as sensitive within social, religious, or political context, or		X

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	opinions where public disclosure may result in limitations to future freedoms and access to services? If so, are study-specific protection protocols provided?		
8.5	If children or other vulnerable groups are subjects, is recruitment done in a manner sensitive to potential vulnerabilities or weaknesses (real or perceived) subjects may have?		X
8.6	Comments, amendments, additions, or revisions		X
Section 9	Data Protection: Do data collection and storage protocols adequately ensure subject & data safety?		
9.1	Are data collection tools appropriate and constructed to assure subject confidentiality or anonymity?		X
9.2	Do data collection procedures and environment ensure subject safety and data security?	Please describe the environment in which the interviews with the children will take place. Will they be discretely brought to a separate room away from the other children in the facility? This has been added: "All interviews with children and families will be individual interviews and will take place in quiet and separate locations, to ensure anonymity and guarantee that the children or their families feel comfortable and talk in confidence. If interviews take place in the community-based centre, the team will ask that the interviews take place in a separate room, away from other children and staff, and that the child is discretely brought to this room."	X
9.3	Do procedures cover all data types (e.g., written, audio, video, observation), & are protections described for each type?		X
9.4	Do protocols describe protections for data transmission, storage, and destruction?	Please describe protocol for destruction of data. Paper records will be manually shredded. The electronic files of the consent forms stored in the computer will be erased using a commercial software when the final report is approved.	X
9.5	Is future contact with subjects, if any, planned in a way that ensures subject safety and data security?	No future contact, correct? No future contact	X
9.6	Comments, amendments, additions, or revisions		X

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Appendix 5: Consent / assent forms

Consent forms for adults

The consent form will be translated into local language after inception report is approved

Mr. / Ms Name:

Location:

Is invited to participate in the evaluation of the justice for children program component that was implemented in partnership with UNICEF since 2009. This evaluation aims at assessing the component's performance and impact on the protection of children in conflict with the law and child victims and witnesses. Once completed, the evaluation report will be provided to UNICEF and other stakeholders, including the MoJ and the Ombudsman for Children. This evaluation will be conducted from 10 to 23 April 2018 in Kazakhstan. The evaluation team is composed of Carole Berrih, Bistra Netkova and Daniyar Kussainov.

The participant is invited to participate in interviews (30 min to 1h30). There will be no financial compensation to participate in the study.

The participant certified that he/she accepts to participate freely in this study. He/she could decide to withdraw from the study at any time, without having to justifying him/herself. He/she has the right to refrain from answering to certain questions, without having to justify him/herself. This will not have any harmful consequence.

The participant allows the research team to take written notes during the interview.

The research team will ensure that the participant's name or function will not appear in the report, except in the case that the respondent is a public official who is willing to provide his/her title and position, and if it is considered important for the evaluation.

Those data will not be used in another manner than the one described in the present document.

This form is signed by the participant. A copy is provided if the participant wishes.

Date:

Signature of participant:

Signature of research team:

Assent forms for children

The assent form will be translated into local language after inception report is approved

Name:

Location:

You are invited to participate in a research regarding your participation in the project led by NGO This evaluation aims at understanding the usefulness and impact of this project on children. It aims at analyzing whether the project had positive consequences on your situation and your reintegration in your community and your family. When it will be finalized, the report will be provided to UNICEF and other stakeholders and recommendations will be drafted to improve the system based on your experience. This evaluation will be conducted from 10 to 23 April 2018 in Kazakhstan. The evaluation team is composed of Carole Berrih, Bistra Netkova and Daniyar Kussainov. You can reach them by email on the following address: cberrih@formationsdh.org or by phone on the following number: ¹⁹⁸

You are invited to participate in an interview that will not take more than 30 minutes. There will be no remuneration to participate in the study.

By signing this document, you certify that you accept to participate freely in this study. You can decide to refuse to answer to any question, without giving any explanation. You can also decide not to answer some questions if you do not want to. This will have no consequence.

You can report an abuse or report that you feel under threat to the evaluation team. If you do so, the team will ask you if you want them to talk to the center or to authorities. If you accept, the team will tell the responsible person as soon as possible. If you refuse, the team will discussion with UNICEF and will tell you the decision that will be taken. You will be informed of your decision and of the process.

The evaluation team will take some notes during the interview to ensure that the team does not forget what you said.

The evaluation team will ensure that your name will not appear in the report.

The notes we will take will not be used in another manner than the one described here.

Please sign the form. You can have a copy if you want to.

Date:

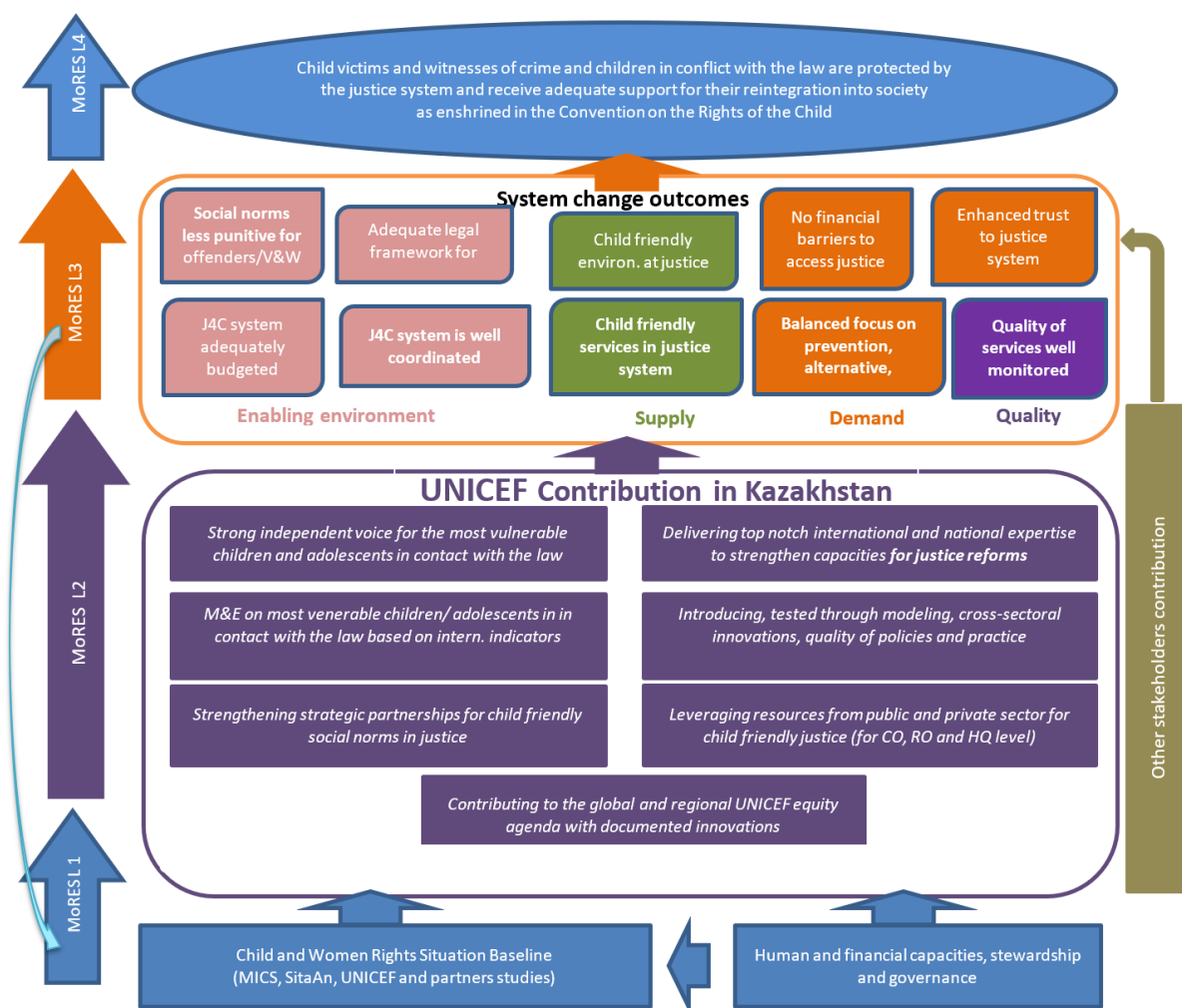
Signature of participant:

Signature of guardian/responsible person:

Signature of research team:

¹⁹⁸ This number will be provided when the team members are in Kazakhstan.

Appendix 6: Visual representation of UNICEF ToC on Justice for Children (2014)



Appendix 7: Theory of change

IMPACT: Child victims and witnesses of crimes and children in conflict with the law are protected by the justice system and receive adequate support for their reintegration into society by the end of 2017

OUTCOME: By the end of 2017, the Kazakh system of justice for children provides an improved and comprehensive justice system for children in conflict with the law and child victims and witnesses aligned with international standards

OUTPUT 1: By the end of 2017, specialized institutions and services are established in the area of justice for children

OUTPUT 2: By the end of 2017, the legal framework is improved through advocacy and provision of technical assistance on legal reform

OUTPUT 3: By the end of 2017, legal and non-legal professionals have enhanced and sustainable capacities for implementing child-friendly justice

Activities related to Output 1

Establish specialized juvenile institutions and independent monitoring mechanisms
Provide community-based services to children
Strengthen coordination between stakeholders

Activities related to Output 2

Analyze situation of children in justice processes in the country
Provide advices and technical assistance on relevant legislation and budget allocations, Ensure dialogue with national stakeholders

Activities related to Output 3

Develop, implement and evaluate training and awareness raising for professionals, Advocate to introduce justice for children in the curricula of national training institutes and universities

Enablers: Human capacity; Financial resources; Stewardship and governance; Partnership; Data management

Bottlenecks

Bottlenecks

Lack of specialized juvenile institutions
Lack of social support services to children to prevent reoffending and facilitate reintegration (increased reoffending rate)
Alternatives to deprivation of liberty ineffective
Lack of services to child victims and witnesses
Stigma attached child victims and witnesses
Lack of coordination system and poor links between the justice system and social services
Limited financial access to justice services

Lack of legal framework on justice for children compliant with international standards, in terms of pre-trial detention, diversion, probation, sentencing, special schools and social adaptation
No specific attention paid to child victims and witnesses
No budget allocation for justice for children
Lack of reliable disaggregated data on justice for children

Limited capacities of professionals dealing with children in the justice system
Legal and non-legal professionals lack awareness and knowledge on child-friendly justice
Lack of institution including transfer of knowledge on child-friendly justice

Assumptions

Political will to address child's rights issues

Assumptions

Full cooperation at central level
Will of involved stakeholders' to improve child's rights
Change in social attitudes of decision makers reduces stigmatization of children;
Availability of budget allocations for justice

Assumptions

Commitment of several stakeholders and donors to be involved in justice for children
Will of relevant stakeholders to align legislation with international standards

Appendix 8: Evaluation matrix

The following evaluation matrix presents data sources, indicators and data collection methods for the evaluation.

Table 12: Evaluation Matrix

Key Evaluation Question	Indicators	Desk review	KII				Observation
			Institutional stakeholders	NGOs	UNICEF experts	Final beneficiaries	
Relevance							
To what extent has the need for reform been grounded in evidence-based problem analysis and to what extent does it correspond to the needs of the target groups and of children in justice processes in terms of protection by the justice system and reintegration into society?	<i>Existence and use of evidence-based problem analysis during intervention design/formulation</i> <i>Discussions and minutes of meetings with key stakeholders indicating the need to improve protection and respect for children</i>	X	X	X	X		
To what extent were UNICEF's Justice for Children interventions relevant to the broader justice sector reform agenda?	<i>Discussions with authorities indicating their involvement in the reform's design</i>	X	X				
To what extent have national authorities in charge of implementing the reform been involved in its design (through all the process)?	<i>Discussions with authorities indicating government bodies' involvement in UNICEF activities</i>	X	X				
To what extent have the reforms taken into account international standards and good practices on Justice for Children, as enshrined in UN CRC and international and regional policy documents?	<i>Alignment of intervention objectives and activities with relevant regional and international standards and practices</i>	X	X	X			
Were the activities planned under the EU-UNICEF Joint Action sufficient to achieve impact?	<i>Analysis of logical framework</i>	X					
To what extent has the EU-UNICEF Joint Action integrated gender equality and equity into its design?	<i>References to equity perspective in program documents and activities</i>	X	X	X	X		

Key Evaluation Question	Indicators	Desk review	KII				Observation
			Institutional stakeholders	NGOs	UNICEF experts	Final beneficiaries	
Effectiveness							
To what extent has the reform contributed to establishing specialized institutions in the area of justice for children (output 1)? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?	<i>Establishment of specialized institutions</i> <i>Number and type of institutions</i>	X	X	X	X		X
To what extent has the reform contributed to improving the legal framework through advocacy and provision of technical assistance on legal reform, in line with international standards, enshrined in the UN CRC (output 2)? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?	<i>Evolution of legislation and alignment with international instruments</i>	X	X	X	X		
To what extent has the reform contributed to sustainably enhanced capacities of legal and non-legal professionals on child-friendly justice (output 3)? What were the main factors influencing the achievement or non-achievement of this result under the EU-UNICEF Joint Action?	<i>Implementation of capacity building activities</i> <i>Type of public who was trained / benefited from awareness-raising activities</i> <i>Confirmation of perception of raised competencies by target groups</i>	X	X	X			
To what extent has the reform integrated gender equality and equity?	<i>Legislation showing consideration to equity and gender equality (age-appropriateness, girls, etc)</i>	X	X	X	X		
Has the reform resulted in unexpected effects (positive or negative) on beneficiaries or other stakeholders?	<i>Discussions with stakeholders revealing unexpected effects</i>	X	X	X			
Efficiency							

Key Evaluation Question	Indicators	Desk review	KII				Observation
			Institutional stakeholders	NGOs	UNICEF experts	Final beneficiaries	
How efficiently were used the human resources allocated by the Government, partners/actors including the EU-UNICEF Joint Action?	<i>Evidence of adequately used human resources (staff and external consultants)</i>	X	X	X	X		
Did the reform system include a coordination system to encourage synergy and avoid overlaps?	<i>Coordination with other stakeholders Evidence of appropriate division of task among key stakeholders</i>	X	X	X			
To what extent has UNICEF made good use of the financial resources in implementation of program activities under the EU-UNICEF Joint Action? Were the funds spent according to the initial budget? Were key program activities cost-efficient in regard to the achieved outputs?	<i>Cost-effective use of budget Existence of creation of links with partners or other projects that contribute to cost-effective use of resources Reference to a similar intervention and comparison of costs</i>	X					
How has the implementation of activities undertaken under the EU-UNICEF Joint Action been managed, in terms of communication and coordination with stakeholders, supervision and quality and use of monitoring system? Specifically, are monitoring data disaggregated along gender and equity lines?	<i>Regular and appropriate communication among the main stakeholders Quality and use of monitoring data Use of internal and external quality control mechanisms (evaluations, peer review) Disaggregation of data along gender and equity lines</i>	X	X	X			
To what extent have the interventions under the EU-UNICEF Action been implemented in a timely manner and what was the response to potential delays?	<i>Evidence of appropriate responses to delays in implementation</i>	X	X	X	X		
Impact							
To what extent has the result been achieved over the period 2009-2017 in terms of decreasing the rate of offenders	<i>Decrease rate of offenders among children between 2009 and 2017</i>	X	X	X	X		

Key Evaluation Question	Indicators	Desk review	KII				Observation
			Institutional stakeholders	NGOs	UNICEF experts	Final beneficiaries	
among children and which internal and external factors positively or negatively contributed to this result?							
To what extent has the result been achieved over the period 2009-2017 in terms of reducing the rate of pre-trial and post-trial detention among children in conflict with the law and which internal and external factors positively or negatively contributed to this result?	<i>Decrease rate of pre-trial and post-trial detention among children in conflict with the law between 2009 and 2017. Target in 2017: 100 children are in pretrial detention and 60 children in post-trial detention</i>	X	X	X	X		
To what extent has the result been achieved over the period 2009-2017 in terms of decreasing the rate of convictions among juveniles and which internal and external factors positively or negatively contributed to this result?	<i>Decrease rate of convictions among juveniles between 2009 and 2017</i>	X	X	X	X		
To what extent has the intervention increased the number of child victims and witnesses of crimes receiving support and services?	<i>Increase in number of child victims and witnesses receiving support and services between 2009 and 2017</i>	X	X	X	X		
To what extent have different stakeholders, and particularly the EU-UNICEF Joint Action, contributed to those results? What strategies of stakeholders had the most important impact in influencing improvement of situations for children in conflict with the law and child victims and witnesses?	<i>Evidence of contribution of EU-UNICEF joint action on the results Comparison with other stakeholders' involvement</i>	X	X	X	X		
To what extent the reforms in the area of Justice for Children done by the Government of Kazakhstan and supported by partners/actors differently affected (1) boys and girls; (2) various age groups (<14,	<i>Disaggregation of data allowing analysis of impact based on gender, age groups and other equity indicators</i>	X	X	X	X	X	

Key Evaluation Question	Indicators	Desk review	KII				Observation
			Institutional stakeholders	NGOs	UNICEF experts	Final beneficiaries	
14-15, 16-18); and (3) the most vulnerable groups of children, including those from ethnic minorities or from families with lower income or in difficult life circumstances?							
Sustainability							
To what extent the Government owned the Justice for Children reform process and is committed to sustain it, including through an evolution of budget allocations on justice for children?	<i>Allocation of new human resources and institutions to justice for children</i> <i>Evolution of budget allocation on justice for children</i> <i>Evidence of follow-up activities (national or donor-based) by key stakeholders</i>	X	X	X			
Will UNICEF's contribution to system level changes continue to impact children in conflict with the law, child victims and witnesses of crimes after its support is withdrawn?	<i>Durable legislative and policy changes based on UNICEF's contribution</i>	X	X		X		
To what extent is child-friendly justice and justice for children integrated into regular training and education curricula for professionals working with children?	<i>Evidence of degree of implementation of gained skills and knowledge by training participants</i> <i>Evidence of training module on child-friendly procedures in regular curricula of the training institutions and academies</i>	X	X		X		
Is there a work plan or action plan to sustain the positive achievements for children in conflict with the law, child victims and witnesses of crimes?	<i>Existence of a workplan</i> <i>Key positive and negative sustainability factors</i>	X	X	X			

Appendix 9: Evaluation Grid - Internal quality control process (rated in May 2018)

Items	Rating				
	1	2	3	4	5
Conformity of methodology implemented					X
Stakeholders and beneficiaries interviewed				X	
Analysis of each evaluation criteria					X
Notification of hard evidence in analysis process					X
Indicators covered in analysis process			X		
Triangulation of information sources in analysis process					X
Relevance of analysis tools (grids, graphs, boards, etc.)					X

This is due to the unavailability of some stakeholders to meet the evaluation team during the field mission. This concerned a limited number of interview and has no incidence on the quality of the analysis.

This is due to the lack of statistical data available by stakeholders involved in the project. As referred in analysis, some data were missing and a part of statistical data produced by stakeholders were not useful because too disparate. Also, when it was observed, disparities have been mentioned between stakeholders (in particular between data produced by the Government and Unicef). It is also important to notice the lack of disaggregated data regarding gender. To overcome this difficulty, the evaluation team made a triangulation of information sources in analysis process and have limited the references to statistical data.

Legend:						
Rating 1	Not satisfactory					
Rating 2	Needs improvement					
Rating 3	Good					
Rating 4	Very good					
Rating 5	Excellent					

Appendix 10: Additional data

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017
PART 1 : Crimes committed by children									
# children who committed crimes	6651	6070	6362	5879	5311	4209	3338	3343	3148
# children involved in criminal proceedings as offenders (during the year)	6367	5792	5973	5879	5311	4212	3338	3343	3156
Boys:	5747	5201	5381	5321	4764	3767	3030	3064	2936
Girls:	620	591	592	558	547	445	308	279	220
% Girls	9,7%	10,2%	9,9%	9,5%	10,3%	10,6%	9,2%	8,3%	7,0%
# children involved in criminal proceedings as offenders (during the year)	6367	5792	5973	5879	5311	4212	3338	3343	3156
0-13	452	491	505	89	8	3	0	0	0
14-15	5915	5301	5301	5790	5303	4209	689	693	654
16-17							2649	2650	2502
% 0-13	7,6%	9,3%	9,2%	1,5%	0,2%	0,1%	0,0%	0,0%	0,0%
# children who committed a crime (total per year)			6362	5879	4042			3343	3148
Minor gravity crime			335	300	223			319	255
Medium gravity crime			4542	4018	2843			2249	2159
Grave crime			1405	1491	904			614	574
Severely grave crime			80	70	72			39	49
% severely grave crimes			1,26%	1,19%	1,78%			1,17%	1,56%
# children who reoffend		155					447	409	400
% reoffending		2,7%					13,4%	12,2%	12,7%
# convicted children (total per year)	2654	1940	1355	1152	1006	653	451	378	443

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017
% Convicted children / all children involved in criminal proceedings	41,7%	33,5%	22,7%	19,6%	18,9%	15,5%	13,5%	11,3%	14,0%
# convicted children (total per year)	2654	1940	1355	1152	1006	653	451	378	443
Boys:	2438	1751	1253	1069	934	596			
Girls:	216	189	102	83	72	57			
% Girls	8%	10%	8%	7%	7%	9%			
# convicted children (total per year)	2654	1940	1355	1152	1006	653	451	378	443
14-15		336					60	60	85
16-17		1604					391	318	358
%14-15		20,9%					15,3%	18,9%	23,7%
Convicted children deprived of liberty	660	275	216	178	188	109	63	57	82
% deprivation of liberty	25%	14%	16%	15%	19%	17%	14%	15%	19%
# children in pre-trial detention (total per year)	475	268	207	153	149	156	144	33	166
% children in pre-trial detention	7,1%	4,4%	3,3%	2,6%	2,8%	3,7%	4,3%	1,0%	5,3%
# children in juvenile colony (at end of year)	427	179	222	116	126	95	69	44	49
Boys:		172	217	114	123	91	63	38	
Girls:		7	5	2	3	4	6	6	
% Girls		3,9%	2,3%	1,7%	2,4%	4,2%	8,7%	13,6%	
# children in penal colony + special schools		131	167	117	131	81	55	63	
14-15		20	23	18	14	18	17	4	
16-17		111	144	99	117	63	38	59	
%14-15		15,3%	13,8%	15,4%	10,7%	22,2%	30,9%	6,3%	

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017
# children in specialized institutions for juveniles - children with deviant behavior and instutution of special-regime (total per year)		332	292	264	238	249	237	233	
Boys:		210	186	148	155	150	140	120	
Girls:		122	106	116	83	99	97	113	
Children who committed criminal offences		65	46	11	13	8	19	8	
PART 2 : Crimes committed against children									
# children affected by criminal assaults (total per year)	5048	6497	9539	9518	9592	7882	4038	2708	2014

Appendix 11: List of interviewees and site visits¹⁹⁹

Informants	Gender of informants	
	Female	Male
ASTANA		
Supreme Court	2	
General Prosecutor's Office	1	
Prosecutors training institute	4	
Parliament Committee on Legislation and Judicial-Legal Reform	1	1
National Commission for Human Rights / Ombudsperson	1	1
SICIM	3	1
MIA	1	2
MoES	2	1
Moj	1	1
Bar association	1	
Juvenile consultation unit	3	
UNICEF team	5	3
NGO Penal Reform international	2	
NGO Chance	1	
Eurasian national University	1	2
Kazakh Humanities and Law University		2
ALMATY		
Juvenile colony		2
Special school	2	1
Police Academy	3	5
KYZYLORDA CITY		
NGO Syr Ulandary staff	4	
Juvenile inspector		1
Juvenile police	1	
Probation officer	1	
Local authority involved in the pilot (Akimat)	1	1
SICIM judge		1
Representative of the General Prosecutor's office	1	1
Representative of the Department of Education		1
Bar member	1	
Special school		1
2 children in conflict with the law		2
2 families of children in conflict with the law	2	
UST-KAMENOGORSK		
NGO Phoenix staff	3	
Juvenile inspector	1	
Probation officer		4

¹⁹⁹ This list is identical to the list of the evaluation report on the pilots, considering that the evaluations were closely linked and each meeting was designed to cover both components.

Representative of Department of Education	3	
Representative of Guardianship authority	1	
Local authority involved in the pilot (Akimat)	1	
SICIM Judge	1	
Social worker	1	
TSAN		1
Psychologist	1	
Bar member	1	1
6 children in conflict with the law		6
3 families of children in conflict with the law	3	
UNICEF regional consultant	1	
AKTAU CITY		
NGO Meyrim	3	4
Juvenile inspector	1	
Local authority involved in the pilot (Akimat)	1	
SICIM judge	1	
Bar member		1
Representative of department of Education	1	
2 families of child victims and witnesses	2	
Online / phone interviews		
UNICEF international experts	5	1
Staff in Zyryanovsk: psychologist and social worker	2	
LPRC	1	
TOTAL	79	48

Appendix 12: Presentation of the evaluation team

Carole Berrih, international team leader

Advanced LL.M. in Public International Law (Universiteit Leiden, The Netherlands)

Maîtrise, Licence and DEUG of Law (University Paris XII)

Master 1 of Sociology (University Caen)

Carole is the manager of Synergies Cooperation. She is a French Human Rights professional (advanced Master at Law) who also holds a degree in Sociology (Masters). She has more than 15 years' experience as an expert in the planning, formulation, implementation and evaluation of human rights projects.

She is specialized in the protection and promotion of Human Rights. During the last three years, Ms Berrih has led many evaluation missions for UNICEF and international NGOs, including in Europe and Central Asia region. She has a thorough knowledge of evaluation principles and methodology, particularly logical framework and the theory of change approach. Ms Berrih is a member of the Société française d'Evaluation.

Carole has in-depth experience in matters related to Child protection and Justice for Children. In the last two years, she has implemented several missions related to the access to judicial services of children victims of violence: evaluation of UNICEF Croatia program component on the protection of child victims and witnesses in criminal proceedings (2016-2017), evaluation of a project aiming to strengthen assistance to child victims of trafficking in Europe (2017), evaluation of a project on justice for children victims of sexual violence, particularly children with disabilities (2015-2016), evaluation of a project aiming to strengthen the access to justice of children victims of worst forms of child labour (2015), baseline survey for a program on peace-building and youth (2014) and baseline survey for a project dealing with children's access to justice (2014). She systematically implements a gender-based approach in all activities.

Bistra Netkova, international team member

Ph.D. in International Law and Human Rights and Trafficking in Human Beings (University of Groningen, Faculty of Law, The Netherlands)

Master of International Law and the Law of International Organisations (University of Groningen-Faculty of Law, The Netherlands)

Degree in Law (University "Kiril and Metodi" Law Faculty-Skopje)

Bistra is a professor of International Law and Human Rights, as well as Attorney of Law, with extensive expertise in the SEE region in the area of Human Rights of Women and Children, ranging from academic (teaching the subject of Human Rights of Children, Juvenile Justice and Violence against Children), research (author of numerous books and internationally published articles on the issue of human rights and criminal justice) to consulting experience, including working with UNICEF in the area of Juvenile Justice in Serbia, Croatia, Macedonia, Kosovo and Montenegro (developing indicators for monitoring and evaluation of Juvenile Justice Laws, Analyses of Juvenile Justice Law, data collection systems in Juvenile Justice, evaluation of reports), Children Victims and Witnesses and their protection, and Violence against Children (developed the National Strategy and Action Plan on protection from VAW in Montenegro, that included specific measures for children victims and witnesses in criminal and other procedures).

She also has extensive experience in evaluation of projects and programmes, both summative and formative for various organizations, including experience of working with government

counterparts. Furthermore, she has experience in data gathering and analyses through statistical presentation, and use of indicators for measuring successful implementation of projects activities. Moreover, she is on the SEE/CIS UNICEF-Geneva Evaluation and Monitoring Roster and on the UNICEF Europe and Central Asia Regional Office (ECARO) roster.

She is fluent in English, Serbian, Bosnian and Croatian, has knowledge of Bulgarian language and has a limited understanding of Albanian language.

Daniyar Kussainov, national consultant

Master of Arts: Politics and Security (OSCE Academy, Kyrgyz Republic)

Bachelor of Science: Finance (Karaganda State University, Kazakhstan)

Daniyar is a political scientist from Kazakhstan. He is a visiting research fellow and a member of the research group on Russia, Asia, and International Trade at the Norwegian Institute of International Affairs (NUPI). He was a research fellow at the Soros Foundation Kazakhstan Public Policy Initiative in 2014, and at the George Washington University (the Elliott School of International Affairs) in 2017.

Daniyar holds an MA degree in Politics and Security (Central Asia) from the OSCE Academy in Bishkek. His professional and academic interests include migration, education, and elections. Daniyar worked for local and international NGOs, OSCE/ODIHR Election Observation Missions, OSCE Secretariat, the World Bank, and the IOM-UN Migration Agency.

François-Xavier de Perthuis de Laillevault, International consultant

PhD in Sociology and Economy of Development (EHESS, France)

Master in Research: Comparative Researches on Development (EHESS, France)

Master in Finances and International Affaires (Institut Supérieur du Commerce de Paris, France)

François-Xavier is an expert in monitoring and evaluation of international cooperation of program, project and public policies with 13 years experienced in Africa, Europe, South Asia and Central America. As senior programs manager, monitoring and evaluation expert for the French Ministry of Education, he designs and coordinates complex and cross-cutting themes evaluations. Since 2016, he is the principal expert and coordinator of the design and implementation of the Monitoring and Evaluation System for the Ministry of Education in Belize. In 2014 and 2015, he realized the evaluation the institutional capacity in monitoring and policy planning of education of sciences in Morocco. The goal was to design the new monitoring framework to improve efficiency and accountability. In 2013 and 2014, he realized the evaluation of joint cooperation dispositive (€700 million) for Morocco education policy over the period 2009-2012. The evaluation addressed to main donors: the French Development Agency, United States Agency for International Development, African Development Bank, European Investment Bank, European Union commission or UNICEF. Recommendations of the evaluation aimed to build the new framework of joint cooperation (matrix of indicators, objectives and good practices) for the period 2013-2016 in education sector with goal to improve aid effectiveness.