Evaluation of the child-friendly models designed in the area of Justice for Children in Kazakhstan

FINAL REPORT

Synergies Cooperation

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Evaluation of the child-friendly models designed in the area of Justice for Children in Kazakhstan

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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Front page picture: Phoenix Center, UNICEF in Kazakhstan
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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
LPRL: 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
UNODC: United Nations Office on Drugs and Crime
EXECUTIVE SUMMARY

From 2014 to 2018, UNICEF Kazakhstan has supported the Kazakhstani government through the implementation of the EU-UNICEF Joint Action “System for Justice for Children and Child Rights Improved”, co-financed by the EU and UNICEF. 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. The evaluated object relates to Child-friendly justice system models that have been developed in the framework of Result 2 of the EU-UNICEF Joint Action in three regions: East Kazakhstan, Kyzylorda and Mangystau. Although the implementation of the pilots ended in 2017, new activities are planned by Kazakhstani authorities and UNICEF to continue and scale up community-based services for children in justice processes.

This pilot program includes three components:
- Provision of rehabilitation community-based services for children in conflict with the law and child victims and witnesses of crime;
- Design and advocacy for a multi-disciplinary and cross-sectorial mechanism;
- Establishing a child-friendly environment in selected law enforcement offices and juvenile courts.

This report is the summative and formative external evaluation of the community-based services implemented at regional level. The evaluation purpose is to assess the performance of the child-friendly justice system models implemented in the three regions, before scaling up the models in other locations. 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 for UNICEF for further programming and scaling up of the pilots nation-wide.

This evaluation objective is to assess the pilots’ performance and to draw up conclusions, recommendations on key components and lessons learned. The report also includes analysis of some elements of the EU-UNICEF Joint Action. 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 and NGOs. The executive summary only presents key findings.

In terms of relevance, there were no comprehensive community-based services in the three target regions for children in justice processes prior to the intervention, while there were very important needs considering that there is, overall, a lack of social services for children and families in Kazakhstan. Children in conflict with the law who benefited from alternative measures and children at risk of offending had no access to services to prevent (re-)offending and support their reintegration in society. Child victims and witnesses had no access to psychological support and trauma rehabilitation. The implementation of the pilots was directly in line with national priorities regarding child-friendly justice and thus aimed at providing an appropriate response to the identified problems. Three regions, that are considered one of the most vulnerable in the country, were selected. The choice of pilots for each region, even though relevant given the setting and the context, showed some shortcomings. One pilot that aimed at supporting children in conflict with the law was located in a region with a low rate of crimes committed by children. Therefore,
although the services were not designed to target a large number of children, the number of children who benefited from this program was much smaller than the targeted number of the EU-UNICEF Joint Action and was too small to efficiently test the pilot: the pilot was modified during implementation to better match realities and finally targeted children at risk of offending. Both other pilots were linked to the regional contexts. The interventions as they were designed aimed at fulfilling Kazakhstan's human rights commitments and were in line with international standards dealing with children in justice processes. However, the program that was initially implemented on diversion of children from justice processes was not considered by judges and prosecutors to be grounded in the legislation, which prevented its implementation by these stakeholders. Therefore, the pilot had to be redesigned during implementation to become in line with national legislation. Central government authorities were involved in the design of programmatic activities and regional authorities were informed of their implementation but implementing partners and some regional stakeholders could have participated more in the design and re-design of activities to ensure increased ownership. In this framework, the results chain of the EU-UNICEF Joint Action appeared logical. However, when the EU-UNICEF Joint Action was drafted, gender equality was taken into consideration only to a very limited extent, and other equity lines were not considered at all in the project document. The initial design of the pilots and the implementation guides did not specifically address equity and gender equality.

In terms of effectiveness, rehabilitation community-based services were provided to children in justice process in the three target regions, even though there were delays in the implementation of two out of three pilots due to the lack of premises. All services have been used by children, although not all targets were met. However, the manuals that were drafted to standardize the pilots were not always followed by implementing partners: children outside the target groups benefited from the services and children were not referred in the manner by referral bodies described in the manual. The confusion about the data prevented the evaluation team to assess the level of achievement of the targets. According to the available data, only one pilot clearly achieved the targets. The multi-disciplinary and cross-sectorial mechanisms to oversee the implementation of progress of the community-based services was only operational in one out of three regions. The identified reasons for this were the lack of recognition of the pilot and the insufficient involvement and cooperation of all relevant authorities in the other two regions despite efforts. Audio-visual equipment and material to create child-friendly rooms was provided to courts, law enforcement offices and NGOs. Training was also provided to several professionals in contact with children, but the number of people who benefited from these trainings could not be precisely assessed due to the poor quality of quarterly reports. There was no systematic evidence that special attention was be paid to gender and equity issues during implementation. However, it must be noted that the pilots also showed unexpected positive results in terms of use of audio-visual equipment and replication of child-friendly rooms.

In terms of efficiency, the level of qualification and experience of involved stakeholders was generally high, even though two NGOs had no prior experience in the field of justice for Children. The national team in charge of supervision was, however, not considered numerous enough to monitor the pilots due to the fact that community-based services are emerging services and NGOs needed a close supervision, and the important distances between regions. Although the NGO staff was highly qualified, a lack of harmonization of practices was reported, which revealed remaining needs in terms of training. In two regions, there was no overlap with other interventions, simply because no other agency targets the same groups. In the third region, coordination was ensured to encourage synergy. Expenses were linked to the outputs and some elements show that cost-efficiency was considered during implementation. Pilots were generally based on good partnership with UNICEF, but there were confusions regarding the scope of tasks of the international experts and of NGOs which led to some frustrations. The monitoring of the EU-UNICEF Joint Action as a
whole was regular and some tools were implemented to monitor the pilots. However, important inconsistencies were reported regarding the monitoring of pilots, and data appears mostly unreliable. Finally, due to the lack of premises of two NGOs and the re-design of activities a few months before the projected end of funding, pilots were extended for several months.

In terms of **impact**, the supply of equipment and the implementation of a community-based service in Aktau contributed to child victims and witnesses feeling better protected and to the emergence of new practices when interviewing children, particularly with the use of audio-visual equipment in court. Even though data shall be considered with caution, statistics show that re-offending of children has reduced following completion of the pilots, which resulted in fewer convictions. Parents and children expressed positive reintegration prospects in their community, despite the fact that some activities are still necessary to re-create trust between parents and children in one of the pilots. The implementation of the pilots for children offenders was praised by most stakeholders. However, the police's change of practice towards children in conflict with the law, as a result of the training, has not been noted in all regions. National and regional stakeholders believe that more comprehensive services are needed in order to achieve more valuable results. No specific differences were created regarding gender and economic status, but children living in rural areas were considered in one pilot.

In terms of **sustainability**, the costing of the pilots during implementation showed that community-based services for children in conflict with the law are more cost-effective that traditional justice proceedings. Moreover, national and regional authorities showed commitment to support community-based services. NGOs are willing to continue activities with children in justice processes and some short-term funding has been secured for a few months to ensure the continuation of the pilots. Regional authorities do not have the financial capacities to sustain the models and take over responsibility because there is no legislative ground to implement the pilots. A satellite of one pilot can however continue to operate because involved stakeholders were public institutions. Pilots cannot be replicated exactly as they were implemented and need additional standardization and structuring. Nonetheless, it is important to note that several discussions have been initiated in this direction as a result of the pilots and a draft legislation is being analyzed to provide legal grounds to the implementation of such services. This will most probably enable the implementation of the community-based services based on the evolved models. In this framework, UNICEF's current advocacy for a new legislative framework is particularly relevant and is essential for the sustainability of the services, and their replication at national level.

In **conclusion**, based on a review of literature, discussions and observation, this report shows that the pilots have ensured improved protection to child victims and witnesses of crimes and children in conflict with the law in three regions, where support to these children was largely non-existent. Although pilots were partially effective during implementation, they are a great opportunity to identify the way forward for tailoring one model that could be replicated.

**Key lessons learned**

➢ Participation of local stakeholders is key to the programs' performance and sustainability  
➢ Design and development of activities involving legal professionals must be grounded in national legislation and experience  
➢ Always look for systemic solutions in developing new community services with up-front analysis of sustainability shortcomings  
➢ Re-designing activities in the middle of implementation creates challenges during implementation  
➢ Poor monitoring and reporting practices hampers maintaining the focus on capturing outcomes and impacts
**Key recommendations**

**Develop a multi-disciplinary community-based service model for children in justice processes**

*To MoES, MIA, Parliament, UNICEF and implementing NGOs, by 2020:*

- Implement community-based services that reach different target groups: children in conflict with the law, children offenders, child victims and witnesses, while avoiding contact between different target groups;
- Develop new guidelines during a participatory workshop, based on the experience of the three pilots;
- Include parents of children in justice processes as a target group;
- Provide feedback to referring institutions;
- In small cities, consider implementing a model that involves representatives of public institutions and that requires less funding and are likely to be more sustainable;
- Develop a comprehensive but user-friendly standardized monitoring system, based on a set of indicators that allow disaggregation along gender and equity lines and ensure that all implementing partners are trained on its use;
- Ensure that girls, children with disabilities, children from low-income families and children living in rural areas who participate in the pilots, are representative of the children in justice processes. Implement specific activities aiming at raising awareness of child professionals regarding gender equality and equity;

**Build capacities of involved stakeholders**

*To MIA, MoES, Ministry of Labor and Social Protection, Akimats, Supreme Court, NGOs and UNICEF, by 2020:*

- Ensure the establishment of advisory boards to ensure that authorities are committed and interested in the situation of children, and to set out cooperation;
- Develop training programs towards involved stakeholders on the prevention of juvenile delinquency and on child-friendly justice;

**Supply material and equipment to courts**

*To MoJ, MIA, Supreme Court, Parliament and UNICEF, by 2020:*

- Ensure that access to audio-visual material and child-friendly rooms is provided in all SICIMs and courts where cases of child victims and witnesses may be heard;

**Develop a legislative and policy framework on community-based services**

*To Parliament, MoES, MIA, Akimats, Ministry of Economy, and UNICEF, by 2021:*

- Develop appropriate legislation regarding diversion scheme aligned with international standards, and community-based services;
- Develop an action plan on community-based services.
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. 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. The country is almost equally divided across urban and rural areas. 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. 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 2001 to 5.6 per cent in 2013, although it rose to an estimated 7.8 per cent in 2016 due to the fall in global oil price. The population is nonetheless characterized by important difference in economic growth, unemployment and poverty rate across its regions.

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.


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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.


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


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 age. 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.

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”.

Data on children in justice processes in Kazakhstan

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 age), as well as the rate of children convicted of a criminal offence (2,654 children in 2009, 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 liberty, which represents 25 per cent of convicted children. 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.

- 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

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10 Article 15(1), CC.
11 Article 15(2), CC.
12 Article 15(3), CC.
13 Source: TransMonEE.
14 Ibid.
15 Ibid.
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**

As mentioned by the Committee on the Rights of the Child in its 2015 concluding observations on the fourth report of Kazakhstan\(^\text{16}\), progress has been made in the area of Justice for Children since the ratification of the UN CRC and the UN Committee’s 2007 observations on the previous report of Kazakhstan\(^\text{17}\).

Several reforms have been initiated in the past ten years in Kazakhstan. In 2008, the “Concept of Juvenile Justice System Development in the Republic of Kazakhstan for 2009-2011”\(^\text{18}\) (hereafter the 2009-2011 Concept) 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, the Bar and social support system for children in conflict with the law. Although the 2009-2011 Concept has not been fully implemented, the reform introduced positive changes towards better compliance with international standards regarding the juvenile justice system, such as the enactment of the new legal framework brought limitations to the pre-trial and post-trial detention of juveniles, provided for alternative measures, supported child victims and witnesses of crimes, enhanced the rights of children in educational facilities, particularly in special schools for children with offending behavior, and established juvenile courts throughout the country.

Four correctional facilities for juveniles operated in Kazakhstan under the management of the MIA, but three are now closed. One facility remains in Almaty. Children who have committed minor crimes might be placed in a special school for children with offending behavior or in an institution of education with a special regime of detention, managed by the MoES. Seven special schools for children with deviant behavior and one special regime school exist in the country.

The 2014 CC and Criminal Procedure Code (CPC) and the 2016 Law on Probation further provided for cases of early conditional release of children in conflict with the law in detention facilities and enhanced the scope for probation of children. However, even though alternative measures and pre-trial probation were provided for, there are no specialized agency or service available to support children in justice processes, resulting in ineffectiveness of alternative sentencing.\(^\text{19}\) The 2014 CPC introduced the participation of a pedagogue or psychologist during interview of child victims and witnesses of crimes, with audio and video recording in order to avoid secondary traumatization during trial. Nevertheless, the role of psychologists remains very limited in court.\(^\text{20}\)


\(^{17}\) 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.


\(^{20}\) Hamilton and Raoof (2015), Development of specialized inter-district courts on issues of minors in Kazakhstan, Coram Legal Center.
Thus, despite important achievements, the Committee on the Rights of the Child expressed its concern about several key elements dealing with the administration of child-friendly justice. The Committee’s main areas of concern included, *inter alia*, the fragmentation of the legislation relating to the administration of justice; the lack of one single body assigned to psychological support and social work with children in the justice system; and the gaps in training on rights of children for judges, prosecutors and police officers. In light with the Committee's General Comment n° 10, the Committee urged Kazakhstan to “ensure that all children in the justice system are provided with psychological counselling and social assistance, where necessary”.21

1.2. **Description of evaluated object**

In its 2007 General Comment n° 10, 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. UNICEF Kazakhstan has supported the Kazakhstan government through the implementation of several programs, including a pilot intervention, related to Justice for Children. Piloting projects is an essential strategy for UNICEF program cooperation.

The evaluated object relates to **Child-friendly justice system models** that are being implemented by UNICEF since July 2014, under 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. Child-friendly justice models have been developed in the framework of Result 2 of the EU-UNICEF Joint Action, as outlined in the table below. This Action is part of a larger EU program “Support to Judicial Reform in Kazakhstan DCI/ASIE/2014/023-120”. It must be noted that present evaluation was carried out in parallel with the evaluation of the reforms on Justice for Children in Kazakhstan, implemented by the same evaluation team. The team recommends reading this report in conjunction with the reform’s evaluation report.

<table>
<thead>
<tr>
<th>Title of the program</th>
<th>System for Justice for children and child rights improved, EU-UNICEF Joint Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implemented by</td>
<td>UNICEF</td>
</tr>
<tr>
<td>Overall value</td>
<td>€ 2,400,000</td>
</tr>
<tr>
<td>Value of evaluated object</td>
<td>This information will be assessed jointly with UNICEF CO</td>
</tr>
<tr>
<td>Donor</td>
<td>EU and UNICEF</td>
</tr>
<tr>
<td>Duration</td>
<td>2014-2018 (initially: June 2017, extended until June 2018)</td>
</tr>
<tr>
<td>Location</td>
<td>East-Kazakhstan, Mangystau and Kyzylorda regions</td>
</tr>
</tbody>
</table>
| Expected results with evaluated object marked in color | 1. Development, implementation and monitoring of adequate policies and legislation aimed at a modernized Justice for Children system in line with international standards  
2. Reform promoted in the institutional architecture for Justice for Children, the adequate coordination mechanism and the development of related best practice services  
3. Capacity development of specialized legal professionals and governmental institutions |
The following table presents the expected result, activities and final beneficiaries, specifically related to the evaluated object, as outlined in the revised EU-UNICEF Joint Action logical framework. Other activities have been implemented under Result 2, but do not concern the evaluated object.

<table>
<thead>
<tr>
<th>Expected result</th>
<th>Activities</th>
<th>Final beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Result 2: Reform promoted of the institutional architecture for Justice for Children, the adequate coordination mechanisms and the development of related best practice services</td>
<td>2.2. Test Justice for Children model services on diversion, alternative justice, psychological and social services</td>
<td>Children in conflict with the law and child victims and witnesses</td>
</tr>
<tr>
<td></td>
<td>2.4. Design and advocate for the establishment of an inter-ministerial coordination mechanism on Justice for Children</td>
<td>Children in conflict with the law and child victims and witnesses</td>
</tr>
<tr>
<td></td>
<td>2.6. Procure equipment for child-sensitive proceedings in selected law enforcement offices and juvenile courts</td>
<td>Children in conflict with the law and child victims and witnesses</td>
</tr>
</tbody>
</table>

In February 2015, UNICEF drafted a theory of change (ToC)\textsuperscript{22} for the EU-UNICEF Joint Action, that was built around strategic interventions (corresponding to activities), outputs, outcomes (expected results), intermediate impact and impact. Considering that the pilot project to evaluate is a part of the Action, the evaluation team considered that the ToC should be re-constructed to focus only on the evaluated object. This ToC is based on the 2015 UNICEF ToC and on information provided in the ToR and by UNICEF. The ToC is detailed below and is schematically depicted in Appendix 6. This ToC follows international standards relating to evaluation and research developed by UNICEF’s Office of Research and has been approved by UNICEF during inception phase.

According to the ToR\textsuperscript{23}, this pilot program includes three components:

- Firstly, provision of rehabilitation community-based services for children in conflict with the law and child victims and witnesses of crime;
- Secondly, design and advocacy for a multi-disciplinary and cross-sectoral mechanism;
- Thirdly, establishing a child-friendly environment in selected law enforcement offices and juvenile courts.

The key hypothesis of the ToC is the following: through the provision of rehabilitation community-based services for children in justice processes, the advocacy for a multi-disciplinary and cross-sectoral mechanisms to coordinate these services, and the establishment of a child-friendly environment in law enforcement offices and juvenile courts, institutional framework on justice for children, coordination mechanisms and services for children are established, which ultimately ensures protection to child victims and witnesses of crimes and children in conflict with the law in three regions.

Firstly, through the creation of pilot support programs, the Action aimed at providing rehabilitation community-based services. Three types of services were offered and differed according to the location: prevention services for children at high risk of offending were provided in Kyzylorda city (Kyzylorda region), implemented by NGO Syr Ulandary; support to children in

\textsuperscript{22} 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

\textsuperscript{23} ToR, p. 10.
conflict with the law diverted from the legal system was implemented in Ust-Kamenogorsk and Zyryanovsk (East-Kazakhstan region) by NGO Phoenix; and social and legal support to child victim and witnesses was provided in Aktau city (Mangystau), implemented by NGO Meyrim. Secondly, by designing and advocating for the establishment of a multi-disciplinary Advisory Board in each region, the Action aimed at overseeing the implementation and progress of the community-based services, in order to address any difficulty, strengthen relationship and referral mechanisms between all involved stakeholders. Specific attention was paid to strengthening the link between the justice system and social services dealing with prevention, diversion, alternative to detention and reintegration into the community. Thirdly, through the supply of video-conferencing equipment and equipment of child-friendly rooms in juvenile courts, police and probation officers, through establishment of procedures and through capacity building of professionals, the Action was set to provide better protection to children when being interviewed, so that children are treated with respect for their age, special needs, maturity and level of understanding.

These outputs intended to complement each other in order to reach the achieved outcome, which is that institutional framework on justice for children, coordination mechanisms and services for children are established by the end of 2017.

Ultimately, the impact is that child victims and witnesses of crime and children in conflict with the law, girls and boys, are more effectively protected by the Justice for Children system.

Location of the program

This pilot project has been implemented in three regions: East-Kazakhstan, Mangystau and Kyzylorda regions.

Map: Locations of the pilots
1.3. Stakeholders analysis

The following section presents stakeholders that have been involved in the planning or implementation of the pilots and outline their role and contribution. This section reflects the list of key stakeholders outlined in the ToR who are relevant for the evaluation of the pilots, and adds a few stakeholders.

- The MIA manages law enforcement personnel, including investigators for crimes committed by and against juveniles;
- Local level authorities in the three regions assist the implementation of the pilots, and in some regions, manage the Advisory Board. This includes local Prosecution, Police and Probation officers, Akimats (local executive authorities) and Commissions on children issues and protection of child rights;
- Several NGOs provide community-based services for children in conflict with the law and child victims and witnesses of crimes. Out of all NGOs involved in this sector, three NGOs were directly participated in the implementation of EO2: Phoenix (East-Kazakhstan), Syr Ulandary (Kyzylorda) and Meyrim (Mangystau);
- 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;
- 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 diversion scheme, social rehabilitation and support for child victims and witnesses of crimes; supporting independent assessments on justice for children; fostering cooperation and exchange of experience among countries; providing technical assistant 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, children at risk of offending, child victims and witnesses of crimes, their families and local communities.

A Steering Committee was established during the course of the EU-UNICEF Joint Action with the following tasks: strategic planning and management, defining priorities, coordinating on different levels, discussing modelling, evaluating and exchanging information. 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, NGO representatives and other diplomatic missions.

1.4. Implementation status

The implementation of the pilots was extended until November 2017. At the time of the evaluation field mission in April 2018, all programmatic activities had been implemented. Nonetheless, further activities in the field of child-friendly justice and community-based services are projected by the government and by UNICEF. This will be further elaborated in the report.

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24 Other stakeholders are indicated but refer more generally to the reform of Justice for Children.
25 See minutes of the first steering committee meeting, 13 April 2015.
26 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, and rehabilitation schemes for children in the justice process 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 National Child Rights Commissioner\(^{27}\), requested that an external evaluation be conducted to gain insights into the pilots' results and impact. The evaluation takes place a few months after the implementation of the pilots come to an end (November 2017 following extension). The evaluation purpose is to assess the performance of the child-friendly justice models implemented in the three regions, before scaling up the models in other locations. Although the ToR specify that the performance of the EU-UNICEF Joint Action would be analyzed under the evaluation of the reform in the area of Justice for Children, UNICEF requested that this analysis be included in the evaluation of the pilots.\(^{28}\)

The evaluation also has a prospective component and provides recommendations for future interventions. The evaluation is therefore a formative evaluation\(^{29}\) with some elements of summative evaluation\(^{30}\).

In accordance with the ToR\(^{31}\), 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, Child's Rights Ombudsman, Human Rights Ombudsman, GPO, Supreme Court, MIA, MoJ and MoES, local Akimats. The reports aim to support the reflection on the achievements of the pilots and to guide future interventions and scaling up of the models;

➢ For further programming and scale 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 pilots' performance and to draw up conclusions, recommendations on key components and lessons learned. 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 UNEG's Norms and Standards, and take into account UNICEF Procedure for ethical standards in research, evaluation, data collection and analysis and UNEG's Ethical Guidelines for Evaluation.

\(^{27}\) It must be noted that the National Child Rights Commissioner has changed during the finalization of the report.

\(^{28}\) See ToR, Appendix 1.

\(^{29}\) 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 programme.” UNICEF (2013), Global Evaluation Reports Oversight System

\(^{30}\) A formative evaluation is “An evaluation with the purpose and aim of improving the programme. Formative evaluations strengthen or improve the object being evaluated by examining the delivery of the programme”. UNICEF (2013) Global Evaluation Reports Oversight System

\(^{31}\) See Appendix 1: Terms of reference.
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. As explained in Section 2.1.1., questions dealing specifically with the EU-UNICEF Joint Action have been included in the KEQs. Changes to the initial ToR are indicated in italics.

Table 3: Key Evaluation Questions

<table>
<thead>
<tr>
<th>Relevance</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>To what extent were the need for child-friendly justice models grounded in evidence-based problem analysis and to what extent do they correspond to the needs of the target groups and of children in justice processes in terms of protection by the justice system?</td>
<td></td>
</tr>
<tr>
<td>To what extent have national and local stakeholders been involved in the design/formulation of the piloting?</td>
<td></td>
</tr>
<tr>
<td>To what extent was piloting aligned with the national program on protection of children in justice processes and with international standards and good practices on Justice for Children approach, as enshrined in UNCRC and international and regional policy documents?</td>
<td></td>
</tr>
<tr>
<td>Were the activities of EU-UNICEF Joint Action relevant to achieve the outputs? Were the outputs of EU-UNICEF Joint Action relevant to achieve outcome?</td>
<td></td>
</tr>
<tr>
<td>To what extent has the piloting integrated gender equality and equity into its design?</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effectiveness</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Have rehabilitation community-based services been provided to children in justice processes in the three target regions (output 1)? 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?</td>
<td></td>
</tr>
<tr>
<td>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)? Is this mechanism operational? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?</td>
<td></td>
</tr>
<tr>
<td>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)? To what extent these services had 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?</td>
<td></td>
</tr>
<tr>
<td>What were the main factors influencing the achievement or non-achievement of the EU-UNICEF Joint Action’s results?</td>
<td></td>
</tr>
<tr>
<td>To what extent has the pilots integrated gender equality and equity?</td>
<td></td>
</tr>
<tr>
<td>Has the piloting resulted in unexpected effects (positive or negative) on children, parents and referring bodies?</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Efficiency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Were key UNICEF staff and partners qualified and numerous enough to implement the pilots, considering the activities to implement?</td>
<td></td>
</tr>
<tr>
<td>Did the pilot models ensure coordination with other similar interventions to encourage synergy and avoid overlaps?</td>
<td></td>
</tr>
<tr>
<td>To what extent has UNICEF made good use of the financial resources in implementation of program activities? Were the funds spent according to the initial budget? Were key program activities cost-efficient in regard to the achieved outputs?</td>
<td></td>
</tr>
<tr>
<td>How has the implementation of activities been managed, in terms of communication and coordination with stakeholders, supervision and quality and use of monitoring system (including use of social work documents for case management) and response to potential delays? Specifically, are monitoring data disaggregated along gender and equity lines? Are roles of partners clear and correctly defined?</td>
<td></td>
</tr>
<tr>
<td>To what extent have the pilots been implemented in a timely manner and what was the response to potential delays? Was there an extension and why?</td>
<td></td>
</tr>
</tbody>
</table>

| Impact |  |
To what extent pilot models contributed to child victims and witnesses feeling better protected?

To what extent pilot models contributed to decreasing the number of re-offending behavior and convictions of children? To what extent pilot models contributed to the reintegration of children into their communities?

To what extent did the pilot contribute to new practices regarding interviews of children?

How do the stakeholders (courts judges, police, probation officers) perceive the results of the justice for children pilot?

Are there differences related to gender, social economic status and rural-urban division?

Sustainability

To what extent future community-based services for children in conflict with the law are cost-effective in comparison with traditional justice proceedings?

To what extent is the commitment of authorities and NGOs likely to continue beyond the program?

Do authorities and NGOs have the capacities to sustain the introduced Child-friendly justice models and take over responsibility?

To what extent national authorities and NGO sector have the commitment and the capacity to replicate the models at national level?

To what extent has UNICEF been able to support its partners in developing capacities and establishing mechanisms to ensure continuity of activities?

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

2.1.3. **Evaluation scope**

The evaluation covers the period of June 2014 (beginning of the EU-UNICEF Joint Action) until December 2017, one month after the end of the pilots. The evaluation analyzed the three components of the pilots: rehabilitation community-based services for children in justice processes; design and advocacy for a multi-disciplinary and cross-sectorial mechanism; establishment of a child-friendly environment in selected law enforcement offices and juvenile courts.

Considering that the geographical scope of the implementation of the components is central level (Astana) and three regions of Kazakhstan (Kyzylorda region, East-Kazakhstan and Mangystau), the evaluation team collected data in these four regions.

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. For children,

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32 See Appendix 7.
33 See Appendix 2.
34 See Section 1.2.
35 See Appendix 5.
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 witnesses should not be directly involved in the evaluation process. 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.

The evaluation team is composed of four complementary team members: 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 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.

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36 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.

37 See presentation of the team in Appendix 11.

38 See Internal quality control checklist in Appendix 9.
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 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 Standards\textsuperscript{39}: review of literature, semi-structured interviews and observation.\textsuperscript{40} All tools are presented in Appendix 2 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 pilots throughout the evaluation.\textsuperscript{41} The literature includes inter alia:

- National legislation and policy documents;
- UNICEF work plans and strategies;
- Reports, evaluations and analyses on the situation of justice for children in the country and at regional level;
- Program monitoring tools and progress reports;
- National statistics;
- General observations and general comment 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.\textsuperscript{42}

\textsuperscript{39} See more information on data analysis methods below, Section 2.6.
\textsuperscript{40} Observation was not outlined as data collection methods in the evaluation’s ToR. For more information on the rationale for adding these methods, see Sections 2.4.4. and 2.4.5. 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.
\textsuperscript{41} See full list of documentation consulted in Appendix 5.
\textsuperscript{42} See more information, Appendix 2.
Considering that the component was developed at central level (Astana for EO1), and implemented in East-Kazakhstan, Mangystau and Kyzylorda regions (EO2), the evaluation team was deployed in these four locations. Semi-structured interviews were carried out with key informants, who have been involved or targeted by the pilots.  

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, Ombudsperson, Child’s Rights Ombudsperson, GPO, MIA, MoES and MoJ), UNICEF team and experts who have been involved in the design or implementation of the pilots.

The evaluation team was also deployed in the three regions where the pilot has been implemented. Specifically, the evaluation team was deployed in:

- In Kyzylorda region: in Kyzylorda city (prevention services for children at high risk of offending)
- In East-Kazakhstan region: in Ust-Kamenogorsk (diversion for children in conflict with the law and probation of children in conflict with the law). Another diversion program is implemented by the same NGO in Zryyanovsk. Bearing in mind the number of days of the field study, the distance between Ust-Kamenogorsk and Zryyanovsk (6 hours return trip) and the fact that the evaluation team met with the NGO in charge of implementing the Zryyanovsk center in Ust-Kamenogorsk, the evaluators were not physically deployed in Zryyanovsk but organized phone interviews with the staff in charge.
- In Mangystau region: in Aktau (social and legal support to child victims and witnesses)

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

<table>
<thead>
<tr>
<th>Category of respondents</th>
<th># respondents per category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial authorities</td>
<td>9 Judges / SICIM professionals</td>
</tr>
<tr>
<td>Parliament</td>
<td>2 representatives of the Parliament</td>
</tr>
<tr>
<td>Ombudsperson</td>
<td>2 representatives of the Ombudsperson</td>
</tr>
<tr>
<td>Ministry of Justice</td>
<td>2 representatives of the MoJ</td>
</tr>
<tr>
<td>Ministry of Education</td>
<td>8 representatives of the MoES; 7 representatives of special schools and TSANs</td>
</tr>
<tr>
<td>Ministry of Internal Affairs / GPO</td>
<td>3 representatives of the General Prosecutors Office; 7 representatives of the MIA (including juvenile police); 2 representatives of the juvenile colony; 5 probation officers</td>
</tr>
<tr>
<td>Regional authorities / Local authorities</td>
<td>5 representatives of the Akimat / commission of minors</td>
</tr>
<tr>
<td>NGOs</td>
<td>20 NGO representatives</td>
</tr>
<tr>
<td>Bar Association / lawyers</td>
<td>8 lawyers</td>
</tr>
<tr>
<td>Training institutions</td>
<td>17 representatives of universities and training institutions</td>
</tr>
<tr>
<td>Children and families</td>
<td>8 children and 7 families of children in justice processes</td>
</tr>
</tbody>
</table>

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43 See also full list of respondents set out in Synergies Cooperation (2018), Evaluation of the reform in the area of Justice for Children.
44 Some meeting with UNICEF experts took place through telephone / Skype, considering that they were not always located in Kazakhstan.
45 See detailed list and gender of interviewees per location in Appendix 10.
2.3.3. **Observation**

Although observation was not included in the ToR as a data collection method, the evaluators deem important to directly assess whether the equipment in law enforcement's offices and audio-visual equipment for children is in use and functional. In addition, the evaluators visited the community-based centers where the children are located. This observation was carried out in three regions of the pilot.

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 and NGOs 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 currently 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 pilots 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.\(^{46}\) 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 analyzing the views of several researchers involved in data collection.

\(^{46}\) The evaluation matrix is presented in Appendix 7
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.

<table>
<thead>
<tr>
<th>Limitation</th>
<th>Comments and mitigation measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>No formal ToC was drafted</td>
<td>The ToC was reconstructed and validated with UNICEF at the beginning of the evaluation. 47</td>
</tr>
<tr>
<td>Not all data was reliable</td>
<td>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 regarding the number of children in conflict with the law, convicted children, etc., at regional level and monitoring data relating to the pilots. However, although the evaluation team was provided with data disaggregated by region, data disaggregated by cities were not available. Therefore, the evaluation team could not analyze the effects of the pilots in the city where it took place. Nonetheless, some data was directly collected from the NGOs that implemented the pilots, from judges and from progress reports. Moreover, there are inconsistencies in the monitoring data between reports. This prevented the evaluators to analyze precisely the extent to which some targets were reached. This issue has been specifically assessed and explained in the content of the report. 48</td>
</tr>
<tr>
<td>Not all quantitative data could be disaggregated by gender, age, socio-economic status (identified in ToR)</td>
<td>Disaggregated data was collected if/when available from statistics or internal monitoring records.</td>
</tr>
<tr>
<td>Bias may have arisen during interviews</td>
<td>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.</td>
</tr>
<tr>
<td>Child victims and witnesses were not involved in the evaluation process</td>
<td>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.</td>
</tr>
<tr>
<td>Stakeholders were not always available during the field mission</td>
<td>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. Out of all projected interviews for this evaluation, only two could not take place: one with the Prosecutor of Ust-Kamenogorsk, one with the Prosecutor of Aktau. Mitigation measures included: data collection from secondary sources, triangulation between other sources and review of literature.</td>
</tr>
</tbody>
</table>

47 See Section 1.2.
48 See Section 3.2.
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 pilots are consistent with needs and priorities on different levels. In order to do so, this section assesses the pilots’ alignment with needs of children in justice processes, the level of involvement of governmental authorities, the consultation with international standards and practices, the alignment with national legislation and policies, the logical chain between activities – results – objective within the EU-UNICEF Joint Action\(^49\), and the consideration of gender and equity dimensions in designing the pilots.

3.1.1. To what extent were the needs for child-friendly justice models grounded in evidence-based problem analysis and to what extent do they correspond to the needs of the target groups and of children in justice processes in terms of protection by the justice system?

The review of documentation revealed that a number of studies were conducted since 2000 that highlighted the need to strengthen community-based services for children in justice processes. Most of them were commissioned by UNICEF.\(^50\)

Children in conflict with the law

Reports identified that, even though a number of new laws were enacted in the framework of the reform regarding Justice for Children aimed at improving the protection of children in justice processes\(^51\), these children were not adequately protected by legal, social welfare, justice systems and security institutions. Moreover, not enough attention was paid to the social work component in the justice system to prevent child delinquency and re-offending. In 2012, the re-offending rate of children was of 15 per cent. In addition, there were no community-based programs to provide psychosocial assistance to children, which necessitated that the child be separated from his/her family and community. These studies also identified that the lack of community-based social support measures had a direct effect on the ineffectiveness of alternative measures, as the child returns to the same socially disadvantaged environment.\(^52\) This was further supported by a report for the Ministry of Internal Affairs conducted before the implementation of the models, that showed that, although there are many convicted juvenile offenders who receive conditional sentences and are sent to probation, there are no specialized agency or community organization

\(^49\) The EU-UNICEF Joint Action did not include a logical chain “activities – outputs – outcome”.


\(^51\) See more information on the evolution of the legislation in Synergies Cooperation (2018), Evaluation of the reform in the area of Justice for Children in Kazakhstan.

\(^52\) Hamilton and Raoof (2015), Overview of the results of the implementation of the 2009-2011 Juvenile Justice system development Concept the Republic of Kazakhstan, p. 77-78.
available to support them during probation period, resulting in ineffectiveness of alternative sentencing.\textsuperscript{53}

Interviews with relevant national stakeholders confirmed that, before the start of the intervention, responsibilities for establishing psychological and social support to children in justice processes had not been assigned to any of the bodies involved in child protection by the Law on Special Social Services.\textsuperscript{54} Furthermore, members of relevant ministries indicated that there was an important need to develop community-based services for children, to strengthen the overall impact of reform regarding Justice for Children.

It must however be noted that two social support programs implemented by NGOs existed before the implementation of the pilots, covering the main cities where they were based. The Centre for Socio-Pedagogical, Psychological and Legal Support to Children in Contact with the Law (Phoenix) in East Kazakhstan in 2013-2014 focused on “diversion”\textsuperscript{55} and was supported by UNICEF and Penal Reform International (PRI); and the Chance Diversion Centre in Astana that focused on “diversion” and alternative sanctions, and that was supported by UNICEF from 2009 until 2011. The assessment of the Chance program conducted in 2012 showed that out of the 150 children formally referred to the program as the result of a court measure, none had re-offended\textsuperscript{56}; similar results were also obtained from the work of Phoenix in Ust-Kamenogorsk.\textsuperscript{57} Based on the assessments’ results, and to respond to those needs, UNICEF decided to develop pilot psychological and social support programs for children outside the courts, to be implemented by NGOs in several regions of the country. Initially, two pilots were projected for children in conflict with the law: one on alternative sanctions, one on diversion.

\textit{Child victims and witnesses}

Review of literature and discussions with stakeholders revealed that no systemic and comprehensive psychological support program was implemented to avoid re-victimization of child victims and witnesses during the justice proceedings, or to conduct trauma management.\textsuperscript{58} Like children in conflict with the law, child victims and witnesses were not targeted by the Law on Special Social Services.\textsuperscript{59} UNICEF’s initial mapping showed that child victims were reluctant to testify in court in front of the defendant. This mapping also demonstrated that children did not understand questions of the judge or lawyer, had no information on the process and often waited in the same room than the defendant, which seriously violated their rights.\textsuperscript{60} Moreover, interviews with

\textsuperscript{54} Law on Special Social Services n°114-IV, 29 December 2008. Changes to including categories of children in justice processes are under discussion.
\textsuperscript{55} It must be however noted that this program cannot be considered as “diversion” under international standards, as this measure does not respect the principle set out in the Committee for the Rights of the Child’s General Comment n° 10, United Nations Committee on the Rights of the Child (2007), General Comment n° 10, Children’s rights in juvenile justice, CRC/C/GC/10. See below, Section 3.1.3.
\textsuperscript{56} UNICEF (2012), Assessment of the Pilot Program operated in Astana by the NGO “Chance”. This assessment also notes that this result must be treated with caution, considering that Chance was still supporting children after the period of the court measure, that the assessment took place a short time after the end of the project, and that children who would re-offend and turn 18 would not be considered as child re-offenders.
\textsuperscript{58} Meyrim’s Program Document, quoting International Consultant’s technical expertise “Preliminary Needs Analyses and Recommendation”.
\textsuperscript{59} Law on Special Social Services n°114-IV, 29 December 2008.
stakeholders revealed that child victims were often interviewed many times and sometimes in the same room than the alleged perpetrator, which led to secondary victimization. It is important to note that before the implementation of this pilot, little attention was paid to support these children throughout the judicial process in the three regions: there was no psychological support to children during justice processes, no audio-visual equipment in courts to prevent contact between children and defendants, and no trauma rehabilitation program. Based on this assessment, UNICEF developed a pilot aiming to protect child victims, that included psychological support and trauma rehabilitation, with the provision of audio-visual material to prevent the child from meeting the defendant, thereby reducing occurrences of re-victimization.

**Selection of three regions**

Before the implementation of the pilots, there was a clear lack of community-based programs for children in justice processes, throughout the country. UNICEF chose to implement the pilots in three selected regions: Kyzylorda, East Kazakhstan, and Mangystau. Discussions revealed that UNICEF had already established good working connections in each of the three regions, as a joint program was implemented by several UN agencies with the EU prior to the pilots, during which cooperation with regional Akimats was strengthened. There three regions were chosen because they were considered one of the most vulnerable of the country. The selection of the regions and the selection of specific services to be provided were based on a mapping done by national consultant hired by UNICEF. In Mangystau, the pilot was projected to be a community-based service for child victims. Statistics indeed showed that 65 per cent of children in Mangystau were victims of severe punishment of parents, which is the second highest rate in the country, and that number of crimes committed against children grew from 4,441 in 2004 to 7,360 in 2014. In East Kazakhstan, the pilot was projected to be a community-based service for children in conflict with the law, who were diverted from the justice system. This region was selected because of the successful piloting of pre-trial diversion by UNICEF and Phoenix in 2013. Moreover, review of literature demonstrated that the number of crimes committed by children was the second highest of all Kazakhstan. In Kyzylorda, the pilot was projected to be a community-based service for children in conflict with the law. However, statistics showed that the number of children in conflict with the law was relatively low in this region and was decreasing: the number of children who committed crimes was 190 in 2013 and 126 in 2014. Moreover, 100 crimes committed by children were registered in 2015 in Kyzylorda, which is the fourth lower number of crimes out of sixteen regions. The selection of this region became problematic during the implementation because, even though the objective of the pilot was only to test the services and not to target a large group of children, the target group was much smaller than the targeted number of the EU-UNICEF Joint Action and was too small to efficiently test the pilot. Therefore, considering that there were 287 children registered with the police in 2014, the pilot was amended to focus on prevention of offending and re-offending.

Review of literature revealed that, as is allowed by UNICEF procedures, there was no open call for interested NGOs to participate in the pilots. Nonetheless, except in Ust-Kamenogorsk where only

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61 Kazakhstan’s Multi-Indicators Cluster Survey (2015), p. 185
63 Statistics show that 321 crimes committed by children were registered in 2015 in East Kazakhstan. See Ministry of National Economy’s Committee of Statistics (2016), Children of Kazakhstan. See also, Phoenix’s Program document, that notes that 1,282 children were registered with the police in March 2015 in the region. It must nonetheless be noted that this previous program was not a “diversion” program according to international standards.
64 Syr Ulandary’s Program Document, quoting statistics provided by the General Prosecutor’s Office.
66 Syr Ulandary’s Program Document, quoting statistics provided by the General Prosecutor’s Office.
one NGO was considered, at least two NGOs were considered per region to participate in the pilots in Mangystau and Kyzylorda regions. Reports show that there was an important lack of NGO capacities in the area of Justice from Children at national level. In East-Kazakhstan, Phoenix was already experienced in working with children in conflict with the law. In Kyzylorda, NGO Syr Ulandary was selected because they used to work with youth on local activities and were known by local authorities. In Aktau, NGO Meyrim was selected because it was well known in the region for working with victims of trafficking. All NGOs were known and appreciated by regional authorities, which, according them, ensured an easier implementation of the project activities.


68 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.


70 See more information below, Section 3.2.

71 Ibid. See information on the effects of the re-design in terms of monitoring and impact in Sections 3.3. and 3.4.
3.1.3. **To what extent was piloting aligned with international standards and good practices on Justice for Children approach, as enshrined in UN CRC and international and regional policy documents?**

Analysis of international conventions, guidelines and practices revealed that the pilots were fully in line with international standards. The UN CRC stipulating that it should be ensured that **children in conflict with the law** have a constructive role in society and that children are dealt with in a manner appropriate to their well-being, and proportionate to both their circumstances and the offence committed.\(^{72}\) Measures for prevention of offending, including psychological support, are envisaged in the Committee on the Rights of the Child's General Comment n° 10, which states that "a juvenile justice policy without a set of measures aimed at preventing juvenile delinquency suffers from serious shortcomings," and "States parties should fully promote and support the involvement of children, in accordance with article 12 of CRC, and of parents, community leaders and other key actors (e.g. representatives of NGOs, probation services and social workers), in the development and implementation of prevention programs."\(^{73}\) In addition, "given the fact that the majority of child offenders commit only minor offences, a range of measures involving removal from criminal/juvenile justice processing and referral to alternative (social) services (i.e. diversion) should be a well-established practice that can and should be used in most cases."\(^{74}\) Furthermore, 1997 Guidelines for Action for Children in Criminal Justice System state that diversion or other alternative initiatives should be developed with a goal "to prevent recidivism and promote social rehabilitation of child offenders"\(^{75}\) and the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) support the use of diversionary measures and promote assistance in contrast to repression and punishment.\(^{76}\) In addition, the UN Rules for the Protection of Juveniles Deprived of their Liberty state that all juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. In this regard, the State bears the duty of providing or ensuring services to assist juvenile offenders in re-establishing themselves in society.\(^{77}\)

With regard to **child victims or witnesses**, the 2005 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime form part of the body of the UN standards on these issues, offering good practice based on contemporary knowledge and relevant international and regional norms, standards and principles. These guidelines provide for support to child victims and witnesses, and state that "the availability of health, psychological, social and other relevant services and the means of accessing such services, as well as the availability of legal or other advice or representation..."\(^{78}\) is paramount to preserve under the Convention. At regional level, it must be noted that other programs have been implemented by UNICEF to support the protection of child victims in criminal proceedings in courts. This is for instance the case of Croatia, where audio-visual equipment has been provided in courts and children are supported by psychologists and social workers.

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\(^{72}\) Article 40, UN CRC.

\(^{73}\) 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. 16 and 20.

\(^{74}\) *Ibid* para. 24.

\(^{75}\) Guidelines for Action on Children in the Criminal Justice System, Economic and Social Council resolution 1997/30 of 21 July 1997, para 15.

\(^{76}\) Rules 11 and 17, Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)

\(^{77}\) Rules 70 and 80, UN Rules for the Protection of Juveniles Deprived of their Liberty, Adopted by General Assembly resolution 45/113 of 14 December 1990.

3.1.4. To what extent was piloting aligned with the national program on protection of children in justice processes?

In order to increase the protection of children in conflict with the law, the “Concept of development of system of juvenile justice in the Republic of Kazakhstan for 2009-2011” was approved by the President in 2008. This Concept specifically provided for the establishment of social support system for children in conflict with the law: “There is a need to consider issue on special social support for juvenile in juvenile justice system. [...] A juvenile needs psychological support, to have all social needs issues to be solved, control over sentence enforcement, prevention of repeated commission of offence, proper reintegration into the community.” Although the Concept was not fully implemented, the legislation was amended and still continues to evolve towards improved protection to children in justice processes.

Regarding children at risk of offending, the Law on Prevention of Infraction among the Minors and Prevention of Child Neglect and Homelessness provides for a number of institutions to support the prevention of juvenile delinquency, including representatives of the Ministry of internal affairs, education, health care service, employment of population, local representatives and executive bodies or commissions for cases of minors. Although no legislation provides for comprehensive community-based preventive services for children at risk of offending, this lack of legislation was not considered by the authorities as an obstacle to implement the pilot.

Regarding diversion, the situation is different. Kazakhstani law currently does not contain any provisions allowing pre-trial diversion as defined by international standards. The legislation also does not differentiate between alternative sanctions and diversion measures. The Criminal Code does not allow that children are released of their criminal responsibility by the police or the Prosecutor, except if the child is below the age of criminal responsibility or by way of ‘reconciliation’, which requires the minor to have “expiated the harm caused”. All other termination of criminal proceedings must be decided by SICIMs. Therefore, no legislation authorized the pre-trial diversion of children by the police or the Prosecution, which has created a number of difficulties during implementation, despite attempts to overcome this challenge. It shall also be noted that a number of safeguards are required to consider that “diversion” scheme respect international standards: diversion should be used only when there is a compelling evidence that the child committed the alleged offence; he/she should freely and voluntarily admit responsibility; no intimidation or pressure should be used to get that admission; the admission should not be used in subsequent legal proceedings. No such safeguards are present under Kazakhstani law. Therefore the legislation cannot be considered as a pre-diversion scheme. As a result, the pilot’s inception report highlighted that the implementation of the pre-trial diversion program in East Kazakhstan should be amended, which has been done several months after the beginning of the project.

81 Article 6, Law on Prevention of Infraction among the Minors and Prevention of Child Neglect and Homelessness, 2005
82 Article 68(2), CC.
83 See below, Section 3.2.
84 See below, Section 3.2.
As far as *alternative measures* are concerned, the law provides for the possibility for post-trial exculpation of children and adoption of measures to prevent the child from being detained in the juvenile colony. Article 83(1) of CC authorizes the Court to terminate criminal proceedings and release a minor from criminal responsibility where the minor has committed a criminal offence or crime of little gravity or committed a crime of average gravity for the first time, and it is established that the minor’s correction is possible without assigning criminal responsibility. Similarly, Article 83(2) of CC enables the Court to terminate the case and release the minor of criminal punishment in cases where the minor has committed a criminal offence or crime of little or average gravity, and it is recognized that the minor’s correction may be achieved by application of compulsory measures of educational impact. In addition, the recent Law on Probation specifically provides for the possibility of implementing community-based social services: its article 6 states that assistance in restoration and formation of a supportive system of minors should be done by providing social and psychological counseling, social patronage, assistance in restoration of family and other socially positive ties, subject to mutual consent of the parties, social and domestic adaptation and involvement in cultural events etc. This law recognizes that such services could be rendered through public organizations, thus laying the legal basis for community-based services performed in cooperation with public organizations, for instance in the case of alternative sanctioning.

The new 2014 Criminal Procedure Code provides for a set of rights for *child victims*, including the right to: be aware of the criminal suspicions and accusations; give evidence in their native or spoken language; submit evidence; submit a motion and challenges; and have the free assistance of an interpreter. The support of a psychologist or social pedagogue is also compulsory during police questioning for children under the age of 14, and the presence of a pedagogue is mandatory for all children during questioning in court. Moreover, the Criminal Procedure Code also provides for the possibility to use audio-visual equipment in the case of child victims and witnesses, in order to ensure their safety and well-being. In addition, improving assistance to victims of violence including counselling is part of the 2030 Family and Gender Policy of the Republic of Kazakhstan.

The evaluation team considers that the pilot was thus in line with national legislation and policy.

### 3.1.5. Were the activities of EU-UNICEF Joint Action relevant to achieve the outputs? Were the outputs of EU-UNICEF Joint Action relevant to achieve outcome?

As mentioned above, the specific objective of the EU-UNICEF Joint 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 crime.” Three results are linked to this objective, and several activities are linked to each result. Results and activities are detailed in the following table:

<table>
<thead>
<tr>
<th>Result 1: Development, implementation and monitoring supported of adequate policies and...</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Review 2009-2011 Concept on Development of Juvenile Justice System including pre-trial stage and juvenile courts</td>
<td></td>
</tr>
<tr>
<td>1.2 Review policies, laws and by-laws on diversion, probation, alternative sentencing and pre-trial period</td>
<td></td>
</tr>
</tbody>
</table>

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86 Article 70(2), Article 83(1), Article 83(2), Article 68, CC.
87 Articles 6 and 12, Law on probation, 30 December 2016 n° 38-IV LRK.
88 Article 213, 215(1) and 371 (1), CPC.
89 Articles 217(1), 370(7) and 370(8), CPC.
90 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.
| Legislation aimed at a modernized Justice for Children system in line with International standards | 1.3 Develop recommendations to enhance compliance of legislation with international standards  
1.4 Conduct consultations, including with children and youth, and advocacy events aimed at policy and legislative reforms in the area of Justice for Children  
1.5 Assist statistics offices to improve data collection and disaggregation on Justice for Children in line with international indicators |
|---|---|
| Result 2: Reform promoted of the Institutional architecture for Justice for Children, the adequate coordination mechanisms and the development of related best practice services | 2.1 Develop an overall reform plan based on the assessment of the institutional framework, coordination mechanisms and services on Justice for Children  
2.2 Test Justice for Children model services on diversion, alternative justice, psychological and social services  
2.3 Assess needs of children in conflict with the law in services  
2.4 Design and advocate for the establishment of an inter-ministerial coordination mechanism on Justice for Children  
2.5 Develop independent monitoring policy of child rights by national human rights institutions and CSOs  
2.6 Procure equipment for child-sensitive proceedings in selected law enforcement offices and juvenile courts  
2.7 Advocate for the transformation of special schools for children with offending behavior into community-oriented service providers for children and youth  
2.8 Document practices and lessons learnt from tested services, including cost-effectiveness analysis  
2.9 Organize national conferences and other public events to present results and advocate for national scaling-up of innovative services |
| Result 3: Capacity development of specialized legal professionals and governmental institutions | 3.1 Conduct Justice for Children Knowledge, Attitude and Practice assessment  
3.2 Develop methodological tools for improving the work of justice professionals and the functioning of juvenile court  
3.3 Advocate for and support design of pre- and in-service training modules on juvenile justice and related child rights issues  
3.4 Deliver specialized and cross-sector training to instructors and professionals working with children in contact with the law on Justice for Children international standards and practice  
3.5 Organize international study tours for government counterparts |

Analysis of Table 6 reveals that the activities linked to Result 1 were reviews and analyses of implementation of legislation and policies dealing with children in justice processes, as well as consultations, support to Ministry of Economy's national statistics' office and advocacy related to legislation and policies in this sector – all activities deal with the evolution in legislation and policies, which is the focus of Result 1. Similarly, activities linked to Result 2 included the implementation and testing of community-based services, assessments of the needs of children regarding services and activities aiming to support institutions (coordination mechanisms, monitoring institutions, law enforcement offices, courts and special schools) – all activities are connected to services and institutional architecture of Justice for Children, which is the focus of Result 2. Activities linked to Result 3 comprised the development of tools, analyses, study visits and training to increase knowledge and raise awareness of national institutions – all activities relate to capacity building, which is the focus of Result 3. This clearly shows that each result could logically derive from the corresponding activities.
3.1.6. **To what extent has the piloting integrated gender equality and equity into its design?**

The pilots have been specifically designed to support vulnerable groups of children: child victims, children at risk of offending, and children in conflict with the law. Nonetheless, the analysis of the documentation demonstrated that the pilots did not devote special attention to gender, disability or other groups of children. Although one section of the pilots’ program documents refers to “gender, equity and sustainability”, the terms used as particularly vague and do not provide for specific and concrete activities to implement to ensure gender equality or equity. The lack of consideration of gender equality is confirmed by the fact that EU-UNICEF’s revised logical framework only refers to the total number of children that are to benefit from services, with the mention “disaggregated by gender”: there are no clear targets that would enable the consideration of girls are a specific group and ensure their visibility. There was also no consideration of other groups of children. In addition, there is no specific reference to gender in the implementation guides that were designed to support the activities.
3.2. Effectiveness

This section assesses the level of achievement of the pilots’ outputs and outcomes. As mentioned above, a ToC was reconstructed by the evaluation team in collaboration with UNICEF, setting out three outputs: provision of rehabilitation community-based services for children in conflict with the law and child victims and witnesses of crime; design and advocacy for a multi-disciplinary and cross-sectorial mechanism; and establishing a child-friendly environment in selected law enforcement offices and juvenile courts. This section does not consider the impact of the pilot, which will be analyzed in Section 3.4.

Each of the first three following sub-sections addresses one output. The fourth sub-section relates to the level of achievement of the EU-UNICEF Joint Action as a whole. The fifth sub-section addresses a cross-cutting issue, namely the integration of gender equality and equity. Unexpected impacts have been considered in a separate sub-section, at the end of this section, before the summary.

3.2.1. Have rehabilitation community-based services been provided to children in justice processes in the three target regions (output 1)? 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?

Output 1 is formulated as follows: “Test Justice for Children model services on diversion, alternative justice, psychological and social services”

The legislation that was adopted in the past ten years developed the number of alternative measures available to children in conflict with the law but did not provide for any procedural and practical instructions on how these measures were to be implemented. The pilots aimed at filling in gaps in the social and psychological support services for children in justice processes.

Each pilot was developed with the aim to support one category of children and to concentrate on developing standard methodology for respective services, before being replicated at national level. Review of literature revealed that the pilots were developed and started to operate from the end of 2015, even though some of them had not premises until a later stage. The following table provides information on the start and end date of the pilots’ implementation.

<table>
<thead>
<tr>
<th>NGO</th>
<th>Region</th>
<th>Starting date of effective implementation</th>
<th>End of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phoenix</td>
<td>East-Kazakhstan</td>
<td>Last trimester 2015</td>
<td>Last trimester 2017</td>
</tr>
<tr>
<td>Syr Ulandary</td>
<td>Kyzylorda</td>
<td>Last trimester 2015&lt;sup&gt;93&lt;/sup&gt;</td>
<td>Last trimester 2017</td>
</tr>
<tr>
<td>Meyrim</td>
<td>Mangystau</td>
<td>First trimester 2016&lt;sup&gt;94&lt;/sup&gt;</td>
<td>Last trimester 2017</td>
</tr>
</tbody>
</table>

<sup>91</sup> See Section 1.2.
<sup>92</sup> It must be noted that another pilot, “Strengthening the Capacity of Criminal Justice Workers and Modeling of Probation for Minors” has been implemented in 2016 and 2017 under UNICEF’s funding, by NGO PRI in East Kazakhstan. This pilot relates to pre-trial stage of probation for minors in the Ust-Kamenogorsk city, with the aim of testing the pre-trial probation mechanism that was to be introduced in the legislation. According to documentation, six children below 18 participated in this pilot. Other interviews indicate that 13 children were part of the pilot. See draft document “Documenting of probation and diversion models in East-Kazakhstan region”, pp. 77-78.
<sup>93</sup> The first child was accepted in the program in December 2015, but the premises were secured in March 2016.
<sup>94</sup> The premises were only secured in October 2016.
During implementation, all pilots were technically supported by international experts and supervised by national consultants based in the region. International experts were *inter alia* in charge of building capacity of the NGOs' staff through coaching and training, and developing implementing guides. These manuals, which aim to standardize the implementation of pilots while offering clear guidelines, were prepared in the middle of the implementation period and changed the nature of the pilots. The sub-sections that follow provide additional information on implementation for each pilot.

*Pre-trial “diversion” scheme in East Kazakhstan*[^95]

A pilot was specifically designed to support children in conflict with the law, implemented by NGO Phoenix. According to the program document, the aim of the pilot was to "*model diversion and social work with children in conflict with the law in line with international standards and national norms on protection of the rights of children*".[^96] Considering that Phoenix had already its own premises in Ust-Kamenogorsk, the implementation started at the end of 2015. A satellite team was also set up in one local school in Zyryanovsk, 180 km from Ust-Kamenogorsk. The pilot was operational until October 2017.

Although the Kazakhstani law does not envisage diversion, the legislation enabled children to be released of their criminal responsibility. This provision was seen as an opportunity to develop a pre-trial diversion model. UNICEF sought the advice of a focal point in the Supreme Court who confirmed that there was nothing in the law prohibiting the closure of cases pre-trial and the referral of children on a voluntary basis to a community-based rehabilitation scheme. However, no official stance was subsequently issued by the Supreme Court.[^97] According to stakeholders met at regional level, the development of this model was considered to take place outside of the legal system, and resulted in negative consequences, ranging from low ownership of the pilot by legal professionals including SICIM and GPO, to the confusion regarding the nature of the measures and the target groups (diversion, alternative measure, probation, children at risk, children in contact with the law).

Initially, when developing the model, Phoenix was to provide services to the following groups of children: children in conflict with the law who are released from criminal responsibility and/or punished at any stage of criminal proceedings, including children placed under probation post-conviction; and children in conflict with the law who have reconciled with the victim and whose cases are closed before criminal proceedings are instituted. In February 2016, international experts conducted an inception visit to monitor Phoenix' activities and issued recommendations that were further embodied into the manual that was delivered at the end of 2016, one year after the pilot started.[^98] This manual re-defined category of service users. Target groups were divided into the following categories: children released from criminal responsibility or punishment; children who committed a crime and are placed under probationary control by the court; children who committed a criminal act but were under the minimum age of criminal responsibility at the time of the commission of the act.

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[^95]: As mentioned in Section 3.1., the pilot cannot be considered as “diversion”. The title has been nonetheless kept as it refers to the program document.

[^96]: Phoenix's program document.

[^97]: Hamilton, Raoof and Ross (2017), Assessment of the Progress of Three Pilot Community-Based Programmes in Kazakhstan.

The effectiveness of the pilot is difficult to assess because the data was often inconsistent between Phoenix's quarterly reports, data provided directly by Phoenix and the regional consultant's monitoring table. Therefore, data shall be treated with high caution. The ID number of children changed from one monitoring report to the other. 24 ID numbers do not mention the date, which makes it difficult to assess when the children were included in the pilot. The evaluation team considers it highly likely that this data also refers to children who were included after the end of the funding.99 The evaluation team considered the last available data provided by the regional consultant in charge of the monitoring, based on the information provided by Phoenix. According to this table, 72 children have completed the program in Ust-Kamenogorsk and Zyryanovsk and 14 children did not complete the program. The reason for non-completion is not always clear considering the gaps in the monitoring data, but discussions with Phoenix revealed that children decided to stop coming, while their consent is necessary to continue the program. The following table compares the baseline, the target and the achievement of the pilot implemented by Phoenix, based on the monitoring table:

<table>
<thead>
<tr>
<th>Baseline</th>
<th>Target</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 children in conflict with the law received support in community-based center</td>
<td>30 children in conflict with the law referred to diversion program</td>
<td>86 children referred, including 21 girls and 65 boys</td>
</tr>
<tr>
<td>72 children completed the program but no diversion</td>
<td>Number of children in alternative measures impossible to assess</td>
<td></td>
</tr>
</tbody>
</table>

Analysis of the data and discussions with stakeholders revealed that out of the 72 children who completed the program, some children were victims and witnesses of crimes, some were children who committed administrative offences and children at risk of offending. However, the quality of data monitoring does not allow to know the exact number of children in this situation. According to UNICEF and Phoenix, there was indeed confusion regarding the monitoring. Children who were not supposed to be included in the project were counted as part of the pilot. It is therefore impossible to know how many children were supposed to be part of the pilot. Moreover, and more importantly, discussions with regional institutions in East Kazakhstan, UNICEF and Phoenix revealed that Phoenix is working with several categories of children outside of the pilot. Phoenix staff explained that it is difficult to refuse children who are referred by the authorities, considering the good relationship with the authorities and the fact that there are no other services for these children. This problem has been reported by other NGOs as well. The evaluation team considers that this practice raises concerns, considering that child victims, children at risk and child offenders were all in contact.101 The level of achievement of the target based on the data is thus questionable. Moreover, and more importantly, as mentioned above in Section 3.1., it must be noted that none of these children can be considered as being in a “diversion” scheme.

Out of 86 cases that were referred, 66 were referred by the juvenile police, 10 were referred by the Commission of Minors, five were referred by the investigating police, and five by probation officers.

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99 For instance, one assessment done by PRI on its probation program refers to the fact that probation officers have not referred cases to Phoenix yet but will do so in the future. The visit of their consultant took place in December 2017, after the end of the funding (November 2017).
100 This program cannot be considered as diversion according to international standards. See more explanation above, Section 3.1.4
101 Furthermore, the quality of the support is questionable. It was reported that child victims receive psychological services before the trial, which is contrary to good practices as the trauma rehabilitation support could compromise the child's testimony.
All respondents who referred cases to Phoenix expressed their appreciation of the services, that mainly comprised leisure activities, counselling and psychosocial support to children. Data however shows there were no referrals from the Courts and Prosecution's Office. The absence of referrals from Courts and Prosecution is due to the absence of legal provisions regarding diversion and the refusal of these institutions to refer children considering the lack of legal ground. This has been reported as a very important limit to the implementation of the pilot.

Some other challenges were reported during the implementation of the pilot and a few elements that were set out in the manual drafted by international experts were not fully respected. Some of these difficulties were overcome during implementation:

- The manual indicated that written consent was required by parents to participate in the program. Staff indicated that several parents intentionally withheld consent when done in writing. In Zyryanovsk, verbal consent was considered sufficient;
- According to the manual, only children in close proximity to the center could participate in the program. Nonetheless, many children were referred from rural and distant areas. This was addressed by mobilizing a mobile team from the center that went to rural areas and offered services to those children. The sustainability of this model is nonetheless questionable.
- Contrary to the manual, parents of children were not very much involved in the activities.

**Alternative justice services program in Kyzylorda**

Syr Ulandary in Kyzylorda has commenced its operations and admitted its first child into the program in December 2015. The premises were secured in February 2016 in the Health Centre in Kyzylorda City.

According to pilot documentation, the target was that 70 children in conflict with the law in Kyzylorda City would benefit from the program. However, during the international experts’ visit in March 2016, it was observed that there were low numbers of referrals of the target beneficiaries due to low offending rates in the region. To overcome this challenge, Syr Ulandary intended to add referrals for children at risk of offending who were registered on juvenile inspectors’ monitoring lists and who were not initially targeted by the program. The target was thus altered in the middle of the pilot to reflect field’s realities. However, when the program was re-designed by international experts in consultation with UNICEF and when the manual was drafted, the “new” mandate of Syr Ulandary included only community-based services for prevention of children at risk of offending and excluded alternative community services for children in conflict with the law, even though 12 children in conflict with the law were already supported by the project. Children identified as target were as described in the manual in several categories: children who committed a crime under the age of criminal responsibility; children who committed an administrative offence; children who committed an administrative act for which his/her parent/ legal representative was held responsible; children engaged in ‘systematic anti-social behavior’ placing them at ‘high risk’ of committing a crime; children placed in a special school or special regime school.

Data gathered from Syr Ulandary’s quarterly reports showed that 52 children that completed the program, including 7 girls and 45 boys. 12 children started the program but have not completed it.

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102 As mentioned above, the cases referred from the probation officers took place in 2018. The 10 cases referred by the Commission of Minors are children from Zyryanovsk.


104 Syr Ulandary's Program Document.

105 See more information on Section 3.1.1.
According to the NGO, children dropped out due to lack of interest of children and parents. During interviews with the NGO staff, it was understood that the Center continued to accept children with alternative measures and under probation (children in conflict with the law), while they were not supposed to according to the “new” rules set out in the manual. Disaggregated data showed that out of the 52 children who completed the program, 22 were children in conflict with the law on alternative measures and probation and 30 were children at risk of offending. The staff of the center indicated that children in conflict with the law and children at risk of offending came at different times to avoid contact. NGO staff explained that the target was not met because of the change of target group during the pilot and because the time was too short. They had to stop accepting children in September 2017 as the contract was ending in November 2017.

| Table 8: Achievement of Syr Ulandary’s “alternative sentencing” pilot |
|------------------|------------------|------------------|
| Baseline         | Target           | Achieved         |
| 0 children       | 70 children in conflict with the law benefit from the program | 64 children referred. 52 completed the program, including 7 girls and 45 boys. However this includes 30 in conflict with the law and 22 children at risk benefited from the services |

Referrals were made from all institutions as provided by in the manual, including schools, juvenile police SICIM and the guardianship authority. However, according to interviews with several regional authorities and the Center, the NGO continued to accept referrals of other categories of children, who were referred by institutions that were not mentioned in the manual, such as probation officer, investigative police, prosecution’s officer and the Commission of Minors. There was also one case of self-referral. The staff pointed out that they have accepted these referrals because they had gained trust from government officials as a result of the alternative measures project and that the quality of their cooperation with government institutions depended on their acceptance of children in need.

“I work with the Center, I refer children constantly, they organize sport activities, swimming, poetry, private lessons, they also work individually with children. They give me a report on the work of the psychologist and social worker for every child.” Probation officer

“[Syr Ulandary] also works with parents, I think this is very important as parents are usually the problem.” Police officer

“At the very beginning of the start of the pilot we told them that they have to work with parents, without that is not possible to help children and that was taken into consideration by the Center.” Judge

The NGO’s staff offered psychological counseling, social services and health services to children involved into the program. The Centre also facilitated access to social welfare provided by the local authorities for children and parents, helped children enroll in extra-curricular activities provided by clubs in the community and sought employment or vocational opportunities. The quality of support has been praised by all stakeholders.

Interviews with Syr Ulandary and relevant local stakeholders revealed that Center has introduced parallel work with parents of children involved into the program to help parents and children to re-socialize and be reintegrated into the community. This was appreciated by interviewed State officials.

The staff and parents of children involved in the program indicated that they appreciated the location of the Center in the Health Center because children also received basic

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106 Youth Public Association “Syr Ulandary” - Centre for Prevention Services, Implementation guide (2017)
medical services in addition to the other services offered by the Center.

Rehabilitation of child victims and witnesses in Mangystau

The contract was signed between UNICEF and NGO Meyrim in December 2015 to implement a community-based support program in Aktau city for child victims and witnesses. Although a few activities started early 2016, it is only when the premises of the NGO were secured in October 2016 that the activities could be fully implemented; The premises were secured in the Scholar Centre, a club operated by the regional education authorities. The pilot was operational until November 2017.

According to EU-UNICEF Joint Action’s program document, the target was that 30 child victims and witnesses of crime, disaggregated by gender, have access to special protection, social and psychological services in Aktau city. Based on the review of project document and interview with the NGO, Meyrim was to offer services that consisted of accompany child victims during investigations proceedings, and rehabilitation of child victims through services:

➢ A victim and witness support program that provides support to children involved in the criminal justice process to protect their rights and facilitate their participation in criminal proceedings: during questioning by police investigators during the investigation stage; during the pre-trial stage to prepare the child for their appearance before the judge; and

➢ Psychosocial counseling support program for children after the court decision to address trauma.

Initially, both programs were conducted as one. In February 2016, international expert conducted a first visit to the Centre and recommended to split the program into two components and to include support to children court hearings. The manual thus re-designed the initial work of the Center.

According to the manual, two categories of children were to be accepted into the program: child victims or witnesses of a crime that has been reported to a law enforcement body (including cases where a suspect has not yet been identified); and child victim of physical violence, sexual violence, bullying, exploitation or self-directed violence, including self-harm. Additionally, discussions with Meyrim staff and parents of children revealed that child victims or witnesses of domestic violence were also accepted into the program.

Monitoring tools revealed that 25 children received psychological, social, and legal aid during the course of the project and seven were still supported by the pilot. Thus, the target was achieved, as shows the following table:

107 EU-UNICEF Joint Action’s logical framework.
109 The deliberate or intentional use of force or power that either results in, or has the potential to result in, serious harm to the child.
110 Any sexual act, or attempt to obtain a sexual act, that is perpetrated against a child without their consent or understanding, whether or not they are aware of what’s happening, by any person, or group of persons, regardless of their relationship to the child.
111 The repetitive behavior by a person/persons that is intended to cause serious physical or psychological harm to a child, where the relationship between the person(s) and child involves an imbalance of power.
112 The act of using a child in the pursuit of profit, (sexual) gratification or other advantage
113 Anything a person does with the intent to cause injury to him/herself.
Table 9: Achievement of Meyrim’s “support to child victims and witnesses” pilot

<table>
<thead>
<tr>
<th>Baseline</th>
<th>Target</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 child victims and witnesses</td>
<td>30 child victims and witnesses received support in community-based center</td>
<td>32 in program received psychological, social and legal aid, including 19 boys and 13 girls</td>
</tr>
</tbody>
</table>

Meyrim staff and other stakeholders indicated that children from other categories than the manual were also supported, such as children in conflict with the law. However, these children are not counted in the above-presented data. Nonetheless, as noted above regarding Phoenix, the contact of children in conflict with the law and child victims and witnesses is not considered appropriate and does not constitute a good practice.

In addition to the activities implemented in the project, children and parents reported that other services were provided, such as legal aid services regarding child alimony in divorce proceedings, free of charge extra-curricular activities to children participating in the rehabilitation program and psychological therapy and legal services to parents. Meyrim staff indicated that they included these services because important needs emerged in this regard. Parents that were interviewed reported that services were excellent and that were very helpful to the children and to them.

"My children started visiting the center from February 2017, and approximately 2 months they received psychological services. Meyrim lawyer also gives consultations regarding child support payouts from my ex-husband." Parent

According to the manual, the Center was to receive referrals from the following bodies: police investigators, investigating magistrate, SICIM, specialist Inter-District Criminal Court, prosecutor’s office, and with regard to cases of violence against children juvenile inspectors, schools, medical practitioners in general practice surgeries or hospitals and the Commission for Minors. Interviews with the NGO and national stakeholders demonstrated that referrals came from only three bodies: the juvenile police that referred 11 children, the courts that referred 17 children and the schools that referred four children. Seven cases were referred but were not accepted, from which six cases were outside the territorial coverage of the center and very far (over 150 km away from the center). The child in the seventh case was a self-referral that never actually came to the Centre. No referrals were reported from the other stakeholders. Moreover, the consultants learned that regional authorities did not fully understand the purpose of the program. UNICEF explained partially this result by the change in personnel of many local authorities during implementation. This was confirmed by reports. The NGO tried to improve cooperation with government bodies by increasing awareness on the program's content and by organizing training sessions for police, health centers, judges, prosecutors and educational institutions. However, it did not appear to make much difference in terms of including other bodies as referral bodies.

3.2.2. **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)? Is this mechanism operational? Have internal or external factors influenced achievement or non-achievement of this output and how? What were the strategies to mitigate challenges?**

Output 2 is formulated as follows: “Design and advocate for the establishment of an inter-ministerial coordination mechanism on Justice for Children”
Advisory Boards were to be implemented to oversee each of the three community-based services. These coordination mechanisms were provided for in the NGOs’ manuals, that set out a list of the committees’ representatives and detailed the responsibility of each institution in the committee.

Discussions with staff of Syr Ulandary revealed that an Advisory Body has been established in Kyzylorda in June 2017, following the signing of a memorandum of understanding with the government bodies: Educational Department, Court, Internal Policy Department, Probation Office, City Akimat and the City Prosecutors Office. The Advisory Body, chaired by Deputy Akim, met three times during the pilot. A short report was drafted after each meeting. Meetings were used by the NGO to secure additional help and participation of the city authorities for services for children and to discuss cases of children. Interviewed stakeholders appreciated the establishment of this body and stated that the excellent cooperation from the beginning was the key in the establishment of this body.114

According to review of documents, the advisory committee of in Ust-Kamenogorsk was established in May 2017. As pointed out by the review of quarterly reports,115 many representatives did not attend, or different people attended every time. According to interviews at regional level, the meetings of the Advisory Body were not regular and not considered very useful. Indeed, as mentioned above, due to the lack of legislation allowing diversion, several institutions refused to implement diversion at pre-trial stage. Thus, only very few institutions were de facto involved in the process: police, Commission of Minors and NGOs. Other institutions did not consider it was important to attend.

In Aktau, the Advisory Board was projected to include a wider list of authorities. However, discussions with stakeholders revealed that the Advisory Board was initially set up but disbanded during the implementation of the pilot, following a change in personnel in the institutions represented. Even though there were plans to establish a new advisory group chaired by a judge from the SICIM, this was not implemented. As will be elaborated below, this had negative consequences on the way the pilot was considered by authorities.

3.2.3. **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)? To what extent these services had 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?**

Output 3 is formulated as follows: “Procure equipment for child-sensitive proceedings in selected law enforcement offices and juvenile courts”

The realization of output 3 was intended through providing child-friendly equipment to 12 administrative offices in the three regions and through training of professionals.

114 See more information on the effects of the establishment of the advisory committee in Section 3.4.

115 Phoenix’s quarterly reports 2017.
The evaluation consultants observed the audio-visual equipment in three courts: Aktau, Kyrgyz and Ust-Kamenogorsk. Observation revealed that the audio-visual material in the Courts enables instant video conferencing between two rooms: the courtroom, where the judge, the Prosecutor, the defendant and his/her lawyers are present; and the room where the child is interviewed. Both rooms are physically distant to avoid contact between the child and the defendant. Discussions with judges revealed that the equipment is in use in all courts. The exact number of interviews conducted by the SiCIM since they receive the equipment was not available, but judges reported to use the equipment in almost all cases of child victims. Interviewed professionals did not report any difficulty regarding the equipment quality.116

Material was also provided to transform some rooms into child-friendly rooms in courts, NGOs and other law enforcement offices. The evaluation team observed the rooms in three courts: Ust-Kamenogorsk, Kyrgyz and Aktau. In SiCIMs, they are all colorful and full of toys and posters.117 The following pictures show the child-friendly rooms in Kyrgyz and Aktau SiCIMs:

**Picture 1: Child-friendly rooms in SiCIMs**

Kyrgyz

Aktau

The evaluation consultants observed the child-friendly rooms in police station in Ust-Kamenogorsk, Kyrgyz and Aktau. All rooms are reported to be frequently used. However, the level of child-friendliness of the rooms varies from one region to the other: in Ust-Kamenogorsk, the child-friendly room in the juvenile police premises is a simple administrative room, which has been equipped by the pilot. No poster, no colorful walls, no toys have been observed in this room. In Kyrgyz and Aktau, the child-friendly room at the police is on the contrary colorful and contains some toys. The following pictures show Ust-Kamenogorsk and Kyrgyz's "child-friendly" rooms:

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116 See information on impact of the supply of equipment in Section 3.4.
117 It must however be noted that some experts regretted that too many toys were provided in these rooms, as they can prevent the children from focusing on the interview.
Although no difficulty was reported regarding the set-up and functionality of the equipment, some problematic areas were identified. These challenges are reported at national level:

- Cases of adults committing a crime against children are usually heard by another court, where judges are not trained and where there is no equipment to conduct child-friendly interview;
- There is a lack of psychologists in police stations and in court. This problem was mitigated by asking the NGOs to provide their psychologist, However, judges observed this was not a long-term solution.

The following table compares the targets to the achievements for this activity. Discussions with involved stakeholders and review of literature revealed that the equipment was provided to all projected stakeholders, and beyond what was planned.

<table>
<thead>
<tr>
<th>Region</th>
<th>Target</th>
<th>Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mangystau</td>
<td>At least 3 administrative offices (1 court, 1 police, 1 special school) equipped to ensure child-sensitive proceedings</td>
<td>1 in court, 2 in police</td>
</tr>
<tr>
<td>Kyzylorda</td>
<td>At least 2 administrative offices including a Court and a police station equipped to ensure child-sensitive proceedings</td>
<td>2 in court, 2 in police</td>
</tr>
<tr>
<td>East-Kazakhstan</td>
<td>At least 4 administrative institutions including police stations equipped to ensure child-sensitive proceedings</td>
<td>2 in courts (Ust-Kamenogorsk and Semey) 1 in police, 1 for the Department of Interior</td>
</tr>
</tbody>
</table>

\[118\] This includes only the supply of equipment to administrative offices, and not to implementing partners.
In addition to the provision of equipment, training was conducted towards several judges and other professionals in contact with children regarding child-friendly justice, as part of the pilots. Discussions with several trained beneficiaries revealed that they increased their knowledge on the need to reduce the number of interviews of children, to avoid contact between the alleged offender and the child, and to learn how to talk to the children.

The quality of data provided in the monitoring reports regarding the number of trained professionals prevented the evaluation team from analyzing the level of achievement of this activity: professionals are sometimes counted several times from one report to the other; sometimes only once.

3.2.4. What were the main factors influencing the achievement or non-achievement of the EU-UNICEF Joint Action's results?

The EU-UNICEF Joint Action has been designed to support reform processes. Discussions with institutions, NGOs, UNICEF team and experts and analysis of monitoring tools revealed that, although the great majority of activities projected linked to each of its three results has been implemented, some results had not been fully achieved at the time of the evaluation mission, as shows Table 12.\textsuperscript{119} The following color code was used: green – met target; yellow – partially met; red – did not meet target, bearing in mind that the Action was still ongoing at the time of the evaluation. Considering that the evaluation aimed at analyzing the pilots and not the EU-UNICEF Joint Action as a whole, the information provided hereafter is a brief summary of the achievements.

<table>
<thead>
<tr>
<th>Target</th>
<th>Achievement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Result 1: Development, implementation and monitoring supported of adequate policies and legislation aimed at a modernized Justice for Children system in line with International standards</td>
<td>Ongoing – law on probation adopted, several draft laws considered before Parliament</td>
</tr>
<tr>
<td>Result 1.a. At least 2 new/updated policies on children in justice processes aligned with international standards submitted for adoption</td>
<td>8 out of 15, not disaggregated.</td>
</tr>
<tr>
<td>Result 1.b. 10 out of 15 UN juvenile justice indicators and at least 2 disaggregated indicators by age and gender on child victims and witnesses collected by statistics offices</td>
<td>Some recommendations approved</td>
</tr>
<tr>
<td>Result 1.1.a. At least 30% of recommendations of the assessment of the results of implementation of Concept 2009-2011 are implemented</td>
<td>Probation extended, pre-trial detention reduced, draft law developed on diversion and discussions on social services based on pilots</td>
</tr>
<tr>
<td>Result 1.2.a. Extended scope of probation, child sensitive supervision mechanisms developed, reduced period of police custody</td>
<td></td>
</tr>
<tr>
<td>Result 2: Reform promoted of the Institutional architecture for Justice for Children, the adequate coordination mechanisms and the development of related best practice services</td>
<td></td>
</tr>
</tbody>
</table>

\textsuperscript{119} For more information on the results and the activities linked to each result, see above Section 3.1.5.
Result 2.a. Reform plan of Justice for Children which explicitly addresses the rights of child victims, witnesses and offenders | Ongoing |
---|---|
Result 2.1. Inter-ministerial coordination mechanism on Justice for Children in place: central or local | Coordination strengthened as central level, but not effective at local level in 2 regions |
Result 2.2.a. At least 3 juvenile courts in the selected locations provide social and psychological services for children in contact with the law | Psychological services in all SICIMs, but not social support services |
Result 2.2.b. At least 50% of recommendations for revision of the mandate and functioning procedures of juvenile courts approved by the Supreme Court and Parliament for embedment in relevant laws and procedures | Some recommendations approved |
Result 2.2.c. Adopted legislation for transformation of special schools for children with offending behavior | No success so far |
Result 2.2.d. Independent monitoring policy developed; at least 15 independent monitoring visits to closed penitentiary and child care facilities for children in the selected regions | Draft legislation to expand mandate of NPM |
Result 2.3.a. At least 4 model services in Justice for Children demonstrated in selected regions, documented and presented to the Government for scaling-up | Ongoing – Models have been tested |
Result 2.3.b. 15 offices including courts, police stations and probation offices in selected regions equipped on a model basis for ensuring child-sensitive proceedings | Achieved for courts, police stations and NGOs |

Result 3: Capacity development of specialized legal professionals and governmental institutions |
---|---|
Result 3.a. Average to high knowledge, assessed by justice cases involving children which are more effectively settled (timely, in line with international standards and practices) | Increase of knowledge according to all respondents, but indicator is vague and difficult to assess |
Result 3.b. At least 35% of judge of juvenile courts receive specialist training for criminal cases involving children in the past 12 months | Not assessed |
Result 3.1.a. At least 3 methodological tools for justice professionals on work with children in justice processes aligned with international standards, developed, tested and introduced in practice | One manual developed for the judiciary. Guidelines for police not adopted. |
Result 3.2.a. At least 20 instructors of police, prosecutors, judiciary training institutes, universities, 100 judges, 40 prosecutors, 100 police officers, 10 lawyers, 25 probation officers, 15 social workers, 30 psychologists, 50 journalists receive specialized and cross-sectorial training on international justice for children standards and practices, disaggregated by gender | 6 instructors, 37 judges, 47 prosecutors, 140 police officers, 214 social workers, psychologists and mental health workers, 25 journalists, 15 child protection specialists, and unknown number of probation officers¹²⁰ |
Result 3.2.b. At least 2 study tours for 20 government partners | One study tour in Germany, one study tour in Norway |
Result 3.3.a. Pre-service training module on juvenile justice and related child rights embedded in the curriculum of 2 additional national universities. | New courses on social work for children in justice processes, new training curriculum for the Justice academy |
Result 3.3.b. Regular in-service training programs provided by national training institutions to judges prosecutors and police in child rights and juvenile police | Ongoing, but low level |

The main factors of non-achievement are:

➢ More time has been required to ensure that recommendations from assessments, reports and analyses were considered, and draft legislations adopted, due to the dissolution of the dissolution of the

¹²⁰ This data includes people who were trained by UNICEF and national NGOs in the framework of the EU-UNICEF Joint Action. It must be noted that some data regarding the number of people trained by NGOs are unclear. These numbers are thus approximate.
lower chamber of the Parliament in 2016 and the existence of a budgetary moratorium for any new initiatives, until at least, the end of 2018. Moreover, expectations appeared to be too ambitious in this amount of time;

➢ There is a lack of strategic framework related to Justice for Children that would ensure adoption of laws and policies by level of priority;
➢ High-level authorities are reluctant to transform special schools and implement SOPs for children in police stations, which demonstrates the need to increase policy dialogue with relevant institutions;
➢ There is a lack of comprehensive and strategic approach regarding training of professionals and a high turn-over of professionals;
➢ Community-based services are currently being tested and need to be evaluated before scaling up;
➢ Activities were still ongoing when the evaluation mission took place.

The main factors of achievement are:

➢ All institutions at national level expressed fully commitment toward the improvement of Justice for Children;
➢ There is a strong political will towards increased child protection at the highest level;
➢ There are strong links between UNICEF and national stakeholders, particularly Supreme Court and Parliament;
➢ UNICEF has implemented a continuous advocacy on international standards on Justice for Children;
➢ UNICEF has worked with organizations operating nationwide or with organizations working in several regions of the country to implement activities, which enabled the Action to reach institutions from all Kazakhstan.

3.2.5. To what extent has the pilots integrated gender equality and equity?

Discussions with NGOs revealed that some activities reached some highly vulnerable groups, but that this was not part of a systematic approach. In Kyzylorda, Syr Ulandary signed a memorandum of cooperation with an NGO working with children with disabilities, which could potentially support the pilot if the occasion would arise. In both other pilots, NGOs reported that they implement a gender-based methodology in their work, but no concrete example could be provided. NGOs explained that they made no “difference between children”. This lack of difference between children is no way similar to the consideration of girls, children with disability, or any vulnerable group, as a visible group. The only consideration of gender in the pilots was that monitoring data was gender-disaggregated.

Regarding language, Phoenix and Syr Ulandary’s staff speaks both Kazakhstan and Russian languages, which is important considering that children may speak only one of each. However, it was reported that Meyrim staff did not speak Kazakhstan language in a region where the majority of population speaks this language. This was considered as a challenge by several stakeholders.

3.2.6. Has the piloting resulted in unexpected effects (positive or negative) on children, parents and referring bodies?

During the interviews with relevant stakeholders and NGOs’ staff, the consultants learned that implemented activities resulted in positive unexpected impact:

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121 https://lsm.kz/nazarbaev-ob-yavil-moratorij-na-novye-proekty-v-kazahstane
In Kyzylorda, the deposition (taped interviews with children) have started to be used in pre-trial and trial proceedings with almost no exception, which was not initially foreseen by the pilot;

On local level in Zyryanovsk, the pilot has contributed to the removal of children who have offended from the registry lists of offenders within the legally proscribed time, a problem that was identified in all the regions;

In Aktau, the police have realized the importance of child-friendly rooms and are planning to open similar rooms in Zhanaozen and other districts of Mangystau region;

In Aktau, the Court has started to use the audiovisual equipment in civil law cases, more specifically divorce cases where there is a high risk of children being re-victimized;

National authorities realized that public-private partnership (authorities – implementing NGOs) could be useful when implementing community-based services.

No negative effect was identified by the evaluation team.

3.2.7. **In summary: effectiveness of the pilots**

Based on the ToC, the following table shows the result of key activities compared to projected activities. The following color code was used: green – met target; yellow – partially met; red – did not meet target.

**Table 12: Implemented activities compared to planned key activities**

<table>
<thead>
<tr>
<th>Targets</th>
<th>Achievements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Output 1:</strong> «To test Justice for Children model services on diversion, alternative justice, psychological and social services»</td>
<td></td>
</tr>
<tr>
<td>Pre-trial diversion scheme and community services</td>
<td>Model service set up and providing services to children to categories outside of the model. No diversion model as it does not exist in the law. Target not achieved.</td>
</tr>
<tr>
<td>Community-based alternative justice services program for children in conflict with the law</td>
<td>Model service set up and providing services to children at risk of offending and children outside the model. Target not achieved.</td>
</tr>
<tr>
<td>Community-based rehabilitation of child victims</td>
<td>Model service set up and providing services to child victims. Target achieved.</td>
</tr>
<tr>
<td><strong>Output 2:</strong> “Design and advocate for the establishment of an inter-ministerial coordination mechanism on Justice for Children”</td>
<td></td>
</tr>
<tr>
<td>Advisory Board set up and functioning in Ust-Kamenogorsk</td>
<td>Advisory Board set up but not fully operational</td>
</tr>
<tr>
<td>Advisory Board set up and functioning in Aktau</td>
<td>Advisory Board not set</td>
</tr>
<tr>
<td>Advisory Board set up and functioning in Kyzylorda</td>
<td>Advisory Board set up and functioning</td>
</tr>
<tr>
<td><strong>Output 3:</strong> “Procure equipment for child-sensitive proceedings in selected law enforcement offices and juvenile courts”</td>
<td></td>
</tr>
<tr>
<td>At least 12 administrative offices equipped with audio-visual material and child friendly rooms</td>
<td>11 offices equipped with audio-visual material and child-friendly rooms, plus one for each NGO location (in East Kazakhstan, one is Ust-Kamenogorsk, one in Zyryanovsk)</td>
</tr>
<tr>
<td>Judicial professional report gained knowledge on the use of audio-visual material</td>
<td>Gained knowledge on child-friendly justice</td>
</tr>
</tbody>
</table>
3.3. **Efficiency**

The efficiency section assesses whether the effects of the pilots were obtained with the least possible resources. It analyzes the mobilization of human resources, the existence of coordination with other similar interventions, the level to which UNICEF made good use of its financial and technical resources for the EU-UNICEF Joint Action as a whole and for the pilots, the pilots’ cost-efficiency, the quality of coordination and monitoring of the EU-UNICEF Joint Action and of the pilots, and the delays during implementation.

3.3.1. **Were key UNICEF staff and partners qualified and numerous enough to implement the pilots, considering the activities to implement?**

Several staff were involved in the implementation of the EU-UNICEF Joint Action. At UNICEF level, several key persons were projected to be involved in the pilots, particularly two Child Protection Officers, one Program assistant and a multi-disciplinary team composed of regional and national consultant. One regional consultant was particularly in charge of coordination, supervision and communication of the pilots. In addition, international experts provided technical support to facilitate the implementation of the pilots from the beginning and build capacities of the NGOs that implement the pilots through training and coaching. Although UNICEF team considered they were numerous enough to implement the pilots, several experts indicated that the monitoring could have been of a much higher quality if there were additional human resources to supervise the pilots, or if the pilots were in the same regions. Pilots were indeed located in regions very far from each other. This has been confirmed by the poor quality of data monitoring. Several respondents reported that they considered that there were too many pilots, and that it would have been more successful to focus on one pilot instead of three. Moreover, it was pointed out that, even though the national consultant, who is a psychologist, was knowledgeable and skilled in implementation of activities, several experts and NGOs indicated that the hiring of a lawyer would have facilitated the implementation of the pilots, because pilots demanded excellent technical legal knowledge.

Regarding implementing partners, review of inception report revealed that only Phoenix was already experienced in working with groups of children in justice processes. In Ust-Kamenogorsk, Phoenix had prior experience in piloting pre-trial “diversion” program with UNICEF. The other two NGOs had no prior experience in this field. Syr Ulandary was selected because they were socially oriented, used to work with youth on local activities and were also known by local authorities. Meyrim was selected because the NGO was known to have some experience in working with victims of trafficking but not with child victims. It must be however noted that the capacities at local level regarding children in justice processes were generally very low, because community-based services were mostly inexistent prior to the pilots. Discussions with all 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. The person in charge of coordinating the pilot in Phoenix is a former police investigator, who holds a great experience working with children. Regional stakeholders indicated that the staff of the pilots were considered generally knowledgeable enough to implement the activities. However, dissatisfaction regarding the monitoring and follow up of cases has been reported regarding the pilot in Mangystau. Moreover, lack of uniformity of the work among the NGO’s staff, especially the psychologists, was reported as a challenge by some of the referring bodies. Thus, some national

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122 See map in Section 1.2.
123 See below, Section 3.3.4.
124 This is the main reason why the pilots were implemented.
authorities and international consultants suggested that further increasing of capacities in terms of knowledge and standardization of the work of the teams in the Centers was needed.

3.3.2. Did the pilot models ensure coordination with other similar interventions to encourage synergy and avoid overlaps?

Coordination mechanisms at regional level were projected as a key activity in the framework of the pilots. The establishment of Advisory Boards were projected in the EU-UNICEF Joint Action and were planned in the manuals of each pilot. These coordination systems aimed at reinforcing the performance of the pilots, including their efficiency. As analyzed in Section 3.2.2., the mechanisms implemented in two out of three mechanisms were not operational. Nonetheless, a Steering Committee was implemented at national level in the framework of the EU-UNICEF Joint Action. This Committee was an inter-ministerial coordination body, with representatives of the MoJ, MoES, MIA, Delegation of the EU in Astana, GPO, Supreme Court, Parliament and others, including representatives of the local government such as Akimats, SICIMs and NGOs. Its main function was envisaged to assess the project's progress and strategic orientation, identify implementation challenges and develop solutions, design recommendations on activity schedules or content, comment and discuss project reports, provide political and other support, and to propose new or suggest adjustments to the running activities. 20 to 45 people participated in each meeting. Analysis of the minutes of four meetings that were conducted revealed that specific attention was paid to the pilots, to ensure political commitment at national level.

At regional level, according to discussions with stakeholders, there was not any other intervention by any other agency on the selected target groups in the regions, except public Youth Centers, with which UNICEF created some contacts, and PRI in Ust-Kamenogorsk. Therefore, as there were no other private actors implementing similar programs, the evaluation team considers that the operationality of the Advisory Boards was not essential to avoid overlapping of activities. However, the lack of Advisory Boards created other difficulties, particularly to ensure that authorities and other stakeholders understand the pilots, own its results and discuss children's cases. In Ust-Kamenogorsk, PRI implemented a pilot on pre-trial probation for minors with the support of UNICEF. According to the review of literature and discussions, UNICEF, PRI and Phoenix Center were in close contact to avoid overlap. As a result, psychologists of the Phoenix center came several times to the probation offices to provide services to children, thereby linking the pilots. An analysis implemented in December 2017 – after the end of the funding – indicated that referrals from the probation service to the Phoenix center were expected in the future. Phoenix indicated that probation officers have referred four children to Phoenix during the probation pilot, although these referrals probably took place after the end of the funding.

125 PRI (2018), Documenting of probation and diversion models in East-Kazakhstan region.
126 Ibid.
127 See above, Section 3.2.1.
3.3.3. To what extent has UNICEF made good use of the financial resources in implementation of program activities? Were the funds spent according to the initial budget? Were key program activities cost-efficient in regard to the achieved outputs?

**EU-UNICEF Joint Action**

This section relies on the third financial report of the EU-UNICEF Joint Action (June 2014-June 2017), which is the last available financial report.

The estimated budget for the EU-UNICEF Joint Action was €2,400,000 (contribution of EU is €2,000,000). The budget was revised in June 2017, keeping the same overall budget. According to the global financial report for year 3, €1,994,543 had been spent from June 2014 until June 2017, which represents a variation of 17 per cent underspent compared to the initial budget. The analysis of the interim financial report for year revealed that, if one excludes the indirect costs, the most important variation concerns the testing of community-based programs and human resources' budget line, as shows the following table:

<table>
<thead>
<tr>
<th>Item</th>
<th>Projected costs (€)</th>
<th>Used budget (€)</th>
<th>% Variation between projected costs and used budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human resources including travel of personnel and international technical expertise</td>
<td>1,412,620</td>
<td>1,147,506</td>
<td>-18,8%</td>
</tr>
<tr>
<td>Child-friendly equipment</td>
<td>61,000</td>
<td>62,909</td>
<td>+3,1%</td>
</tr>
<tr>
<td>Testing of community-based programs</td>
<td>200,000</td>
<td>148,373</td>
<td>-25,9%</td>
</tr>
<tr>
<td>Development of guidelines and capacity development</td>
<td>165,424</td>
<td>161,050</td>
<td>-2,6%</td>
</tr>
<tr>
<td>Travel and other direct costs</td>
<td>430,115</td>
<td>369,480</td>
<td>-14,1%</td>
</tr>
<tr>
<td>Indirect costs</td>
<td>130,841</td>
<td>105,225</td>
<td>-19,6%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,400,000</td>
<td>1,994,543</td>
<td>-16,7%</td>
</tr>
</tbody>
</table>

UNICEF explained that several activities were delayed and/or needed more time to be implemented and properly tested and evaluated. This was the case for the pilots. Therefore, following the approval of the EU, the program was extended for additional year. UNICEF team explained that around €40,000 were remaining in April 2018, which was due to the devaluation of tenge, and not to programmatic challenges. The evaluation team considers that, as will be elaborated below, the delay of activities was fully justified to ensure the quality of the intervention, and that UNICEF managed to use unspent financial resources. It must be however noted that the lack of breakdown in the financial reports prevented the evaluation team to precisely assessed the cost-effectiveness of the program.

Analysis of the interim financial report 2014-2017 revealed that the most important activities expenditures had incurred for: testing of community-based child justice programs (€148,372), capacity development of justice professionals (€107,642), training and workshops (€65,409), study tours (€70,871) and development of child friendly guidelines (€53,408). All these expenses are directly linked to the program outputs and were, according to the evaluation team, essential to attain the program’s results and objectives. In addition, although the budget line regarding human

128 This includes €58,424 of development of child-friendly guidelines and protocols for Result 3.1., and 107,000 capacity development of justice professionals for Results 3.2. and 3.3.
resources represents an important part of the budget (57 per cent), this line includes highly-qualified international technical expertise (€306,209, which represents 15 per cent of total budget). Considering that the program was innovative, the evaluation team considers that the mobilization of specialized international expertise was necessary to ensure its success.

**Specifically regarding pilots**

For the assessment of the budget, the evaluation team only analyzed the budget dedicated to the models. These budgets include UNICEF’s contribution and the NGOs’ contribution.

According to the budget and financial reports, 79,743,285 Tenge (245,429 USD)\(^{129}\) have been spent from 2015 until the end of 2017 to implement the pilots. The evaluators found that these amounts were scattered among several lines of the EU-UNICEF Joint Action’s budget: equipment for child-friendly environment, community centers, testing for scaling-up community-based child justice programs, or training. These budget lines were not further broken down to assess their exact content. Analysis of NGOs’ quarterly financial reports showed that dates of reports did not always correspond to the indicated period.\(^{130}\) Moreover, the evaluation consultants were provided with some NGOs’ quarterly reports indicating different amounts. Therefore, although UNICEF team explained that there was no significant modification of the budget lines linked to the pilots, the evaluation team was unable to assess the level to which UNICEF’s contribution to the pilots corresponded to the projected budget.

The following table details the amount spent for each pilot:

### Table 14: Pilots’ total budget, per NGO, including CSO contribution and direct payments\(^{131}\)

<table>
<thead>
<tr>
<th>Item</th>
<th>Initial budget (KZT)</th>
<th>Extension (KZT)</th>
<th>Total budget (KZT)</th>
<th>TOTAL BUDGET (USD)(^{132})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phoenix</td>
<td>21 604 831</td>
<td>5 596 260</td>
<td>27 201 091</td>
<td>84 311</td>
</tr>
<tr>
<td>Syr Ulandary</td>
<td>17 320 676</td>
<td>3 450 288</td>
<td>20 770 964</td>
<td>63 693</td>
</tr>
<tr>
<td>Meyrim</td>
<td>25 518 362</td>
<td>6 252 868</td>
<td>31 771 230</td>
<td>97 425</td>
</tr>
<tr>
<td>TOTAL</td>
<td>64 443 869</td>
<td>15 299 416</td>
<td>79 743 285</td>
<td>245 429</td>
</tr>
</tbody>
</table>

Analysis of the financial revealed that the expenditures had incurred for the following activities:

### Table 15: Used budget lines (KZT)

<table>
<thead>
<tr>
<th>Item</th>
<th>Used budget (KZT)</th>
<th>% of budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>25 426 980</td>
<td>32%</td>
</tr>
<tr>
<td>Equipment of child-friendly rooms</td>
<td>21 474 285</td>
<td>27%</td>
</tr>
<tr>
<td>Office rent, equipment, representation, planning, evaluation and monitoring</td>
<td>16 938 000</td>
<td>22%</td>
</tr>
<tr>
<td>Training</td>
<td>9 862 613</td>
<td>13%</td>
</tr>
<tr>
<td>Other direct costs (snacks for children, coordination meetings, visits, etc.)</td>
<td>2 388 302</td>
<td>3%</td>
</tr>
<tr>
<td>Transportation</td>
<td>2 364 800</td>
<td>3%</td>
</tr>
</tbody>
</table>

\(^{129}\) Conversion rate used is 1 USD = 327 KZT (14 May 2018)

\(^{130}\) Some reports that were provided to the evaluation team were dated of the same month, with different amounts. This was for instance the case for Meirim’s project (two reports were provided for June 2016, two reports for September 2016, then another one in October and another one in November, while reports are supposed to be provided every quarter). For Phoenix,

\(^{131}\) Direct payments have been made regarding the equipment.

\(^{132}\) Conversion rate used is 1 USD = 327 KZT (14 May 2018)
This analysis shows that the allocations of financial resources is consistent with the activities that were projected and with the pilots’ strategy: child-friendly rooms were equipped, training was provided to build capacities, and costs relating to the salaries of the professionals and to logistical matters were covered. The evaluation consultants thus consider that there was a direct link between the funds used and the projected outputs.

Regarding cost-effectiveness, although the evaluation team was not provided with enough details in the financial reports to compare the costs with other similar interventions, it must be noted that:

- the locations where the pilots were implemented were State-owned premises, which aimed to reduce the costs, ensure the efficiency of the pilot and the ownership of local authorities;
- There was no competitive call for interests for NGOs to participate in the pilots. However, all NGOs contributed to the projects with their own funding (five to ten per cent of the total budget).

3.3.4. How has the implementation of activities been managed, in terms of communication, coordination with stakeholders and supervision? Are roles of partners clear and correctly defined?

**EU-UNICEF Joint Action**

In terms of communication and coordination with national and local stakeholders, discussions with the majority of respondents revealed a high quality of communication and coordination between UNICEF and Kazakhstani institutions during the implementation of the EU-UNICEF Joint Action. The roles and responsibilities of UNICEF and other stakeholders were clear. All stakeholders (Parliament, Supreme Court, MIA, UNICEF experts, etc.) praised the good quality of communication with UNICEF and the technical support they received from its team. UNICEF team was always considered as supportive and transparent in its cooperation with other actors.

However, it must be noted that the evaluation of the reform has been carried out in parallel to the design of the national strategy on Justice for Children, that was conducted by a different team. This is not considered by the evaluation team as the most efficient approach considering that evaluation findings are useful tools to inform the development of new strategies. Nonetheless, both teams decided to create synergies and to exchange information to ensure a greater efficiency, and make sure that the evaluation results would inform the new strategy.

**Specifically regarding pilots**

All interviewed NGOs confirmed that the relationship with the UNICEF team was professional, that there existed a clear delegation of roles and tasks, while UNICEF described the relationship with these partners as one of equal partnership. As all of the pilots were almost ‘stand-alone’ units, communication which each of these partners has often taken place in a bilateral manner, even though partners met on a number of occasions, for instance during training. The grading in terms of cooperation and communication varied depending on the NGOs: while some considered communication as excellent, other regretted last-minute visits and requests to organize extra activities, which complicated the implementation of usual activities.

Apart from UNICEF team, the technical support and capacity building of the NGOs was implemented by international experts, while the monitoring was implemented by the regional consultant. NGOs reported challenges in the cooperation with international experts. According to discussions with NGOs, the manuals were designed by the international experts based on their
observations, and then discussed with NGOs. As mentioned above, these manuals, that re-designed the scope of activities and target groups, were drafted several months after the beginning of the implementation of the pilots. This created several challenges for the NGOs, that sometimes had to go back to all authorities to explain the new project, only a few months after the first one was presented. Some respondents considered that this confusion may explain the poor understanding of the project by the authorities, that were referring different types of children to the NGOs. As an example, Syr Ulandary was already working with target groups when it was decided to change the target group, from the children in conflict with the law to children at risk of offending. Considering the amount of time and resources already invested in the project, this NGO explained that it would have been better to add a category of children instead of replacing one category with another. Therefore, the NGO continued to accept different kinds of children. Moreover, all NGOs indicated that the re-design of activities was done without a strong consideration to their suggestions and opinions. While the content of implementing manuals was re-discussed with them after a first draft, NGOs regretted that the approach was not participatory, and that their knowledge of local context and realities was not always taken into account. This created some frustration, that resulted in a certain lack of will to cooperate from one NGO.

3.3.5. **How has the implementation of activities been managed in terms of quality and use of monitoring system (including use of social work documents for case management) and response to potential delays? Specifically, are monitoring data disaggregated along gender and equity lines?**

**EU-UNICEF Joint Action**

In the framework of the EU-UNICEF Joint Action, UNICEF updated a monitoring table every year, based on the logical framework, setting out achievements and activities implemented during the year. The vast majority of data is disaggregated by gender, but no along other equity lines. The most important challenge relates to the pilots, that will be assessed in the following sub-section.

**Specifically regarding pilots**

In terms of monitoring and reporting, several methods and tools were used for the pilots:

- International experts visited each of the pilots several times: inception visit, visit to develop the manual, coaching visits, final visit. Recommendations were provided at each stage to improve the quality of the NGO's interventions;
- Manuals were drafted to ensure harmonized case management and procedures. Manuals include each steps of the case management, when to keep written records of cases, which indicators to monitor (referring body, age of child, category of child, region, completion of program, ...), etc.;
- NGOs provided quarterly narrative reports that detailed each set of activities and the level of implementation, using harmonized monitoring tools, and provided quarterly financial reports.;

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133 In the monitoring table for year 3, the number of children who benefited from probation and the people who benefited from training were not disaggregated. It must be noted that age or disability status was not envisaged as an indicator in the logical framework.

134 For instance, the level of knowledge of judges was to evolve from “average” to “high”, without further indication.
UNICEF regional consultant compiled the data and sent it to UNICEF office. This data was thus included in the monitoring table provided to the EU.

The analysis of all reports by the evaluation team demonstrated that monitoring tools were used, and data were disaggregated by gender. Nonetheless, analysis showed that quantitative data provided in the narrative quarterly reports were not always reliable: in some instances, targets were re-counted from one report to the other; conflicting data were reported between monitoring tables provided to UNICEF and monitoring tables kept by the NGOs; data included children who were not part of the target groups. As mentioned above, this prevented the evaluation team from precisely assessing the level of achievement of the pilots. This was caused, according to several experts, by the insufficient human and time resources dedicated to the supervision of the pilots, which were much higher than anticipated. This surely prevented the implementing partners and UNICEF from analyzing the level of achievement of this activity, and from making correcting measures based on the data. It must also be noted that this issue was reported by international experts in charge of accompanying the NGOs. However, the situation has not particularly positively evolved thereafter. The evaluation team also notes challenges in terms of confidentiality of data regarding children. NGO Syr Ulandary systematically sent to UNICEF specific information on cases, together with the child’s identity and age. The evaluation team received a copy of these information when analyzing the quarterly reports. The evaluation team considers that confidentiality is a critical issue that should be considered at all times.

3.3.6. To what extent have the interventions been implemented in a timely manner and what was the response to potential delays?

**EU-UNICEF Joint Action**

As mentioned above, the EU-UNICEF Joint Action was extended for an additional year. According to discussions with UNICEF and review of progress reports, the first reason is that the Parliament was dissolved during the implementation period, which negatively impacted the advocacy regarding the design of legislation fully aligned with international standards. There was a five-month period between the dissolution of the lower chamber of the Parliament and the next Parliament session. The evaluation team considers that this external factor prevented the achievements of all projected outputs, but that UNICEF managed to successfully re-start the advocacy process at the Parliament. For instance, one positive output is the law that reduces the time of pre-trial detention for children, that was adopted in December 2017. The second reason for the extension concerns the pilots and is analyzed in the following paragraph.

**Specifically regarding pilots**

Interviews with NGOs and analysis of reports revealed that several delays occurred during the implementation of the pilots. In Mangystau, the pilot was supposed to begin on December 2015, but implementation fully started only after the premises were secured from the Akimat, in October 2016. According to the NGO, the securing of space has taken unexpectedly significant time – which has postponed planned activities. In Kyzylorda, Syr Ulandary has commenced its operations in December 2015, but premises were only secured in February 2016, as a result of intense communication and coordination on central and local level.

135 Instead of providing the number of new children who received support during this specific quarter, data indicated the number of children who were supported during this period, thereby counting twice the same children.
Another delay was caused by the design of the manuals during the implementation of the pilots and the re-design of the pilots. The manuals were ready at the end of 2016, while the funding was supposed to end in June 2017. It must be highlighted that keeping the June 2017 deadline would have prevented the pilot to be correctly and sufficiently implemented and tested before being evaluated. Therefore, following approval of the EU, the implementation of the pilots was extended until November 2017.
3.4. Impact

This section addresses the extent to which the pilots have contributed to increasing protection to children in justice processes by the Justice for Children system. This section takes into consideration the change of target groups and assessed the effects on children at risk of offending.

It must be noted that these results are based on an evaluation conducted only a few months after the completion of the programs. The results that are presented are only short-term results.

3.4.1. To what extent pilot models contributed to child victims and witnesses feeling better protected?

The services offered under the pilot in Mangystau encompassed accompanying children at courts in criminal proceedings as well as offering psychological counseling services. Interviews with relevant regional authorities revealed that the pilot has managed to offer services to child victims and witnesses in criminal proceeding, something that did not previously exist. Parents that the evaluators met with explained that their children feel safe and are less nervous. Parents thank the NGO for the support they received.

This was confirmed by interviews with police officers, where child-friendly rooms and equipment were installed, who indicated that child victims and witnesses brought to the station are more relaxed as a result of the supply of equipment.136

"Three of my children witnessed domestic violence. My son was fearing males because of the domestic violence. But now he does not fear anymore. My daughter was very nervous before and now she is calm. Parent"

"My child was a victim of domestic violence and required psychological support. A social worker also worked with him. They provided rehabilitation work to my son. I would like to thank all staff members. They protected me and my child." Parent

3.4.2. To what extent pilot models contributed to decreasing the number of re-offending behavior and convictions of children?

The following results must be treated with high caution, because they are based on an assessment done only a few months after the completion of the program, while a period of two years was projected. In addition, although NGOs reported that they follow up children for a few months, it is not clear when the assessment on the level of re-offending was conducted after the end of the program and whether all children who participated in the pilots were contacted. Moreover, several of these children are still supported by the NGOs, which prevents the evaluation team from assessing the sustainability of the results.

Discussions with Phoenix revealed that, out of all children who participated in the program, only one child re-offended, which represents 1.4 per cent of re-offending if one considers that 72 children completed the program. This is much lower than the national re-offending rate of 12.7 per cent in 2017.137 However, it is important to note, as mentioned above, that several children were included outside the manual, including child victims and witnesses and children who committed administrative offences, who should not be counted as children who committed criminal offences. Considering that the exact data on the number of children who committed

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136 As will be further elaborated in Section 3.4.4., this was not always the case for children in conflict with the law.
137 General Prosecutor’s Office (2018), Committee for Legal Statistics and Special Records
criminal offences could not be extracted from the report, the 1.4 re-offending rate shall be treated with high caution. Nonetheless, despite the lack of consistent data, regional stakeholders generally consider that there is a clear decrease in the number of offending children in the city, and that this decrease is directly linked to the intervention of Phoenix.

In Kyzylorda, out of 30 children in conflict with the law that completed the program, none re-offended. Furthermore, a 17 per cent decrease in conviction of children was reported in Kyzylorda city from 2015 when the pilot started (100 convictions), to 2017 (83 convictions) when the pilot stopped operating, which confirms the impact on the prevention of offending of children.\footnote{Syr Ulandary’s Program Document.} According to the SICIM judge, the number of convicted children has also decreased: 22 children were convicted in Kyzylorda city in 2016, versus 19 in 2017. One judge explained the decreased by three factors: the legislative reform, the training of judges, and the implementation of the community-based program.

3.4.3. To what extent pilot models contributed to the reintegration of children in conflict with the law and children at risk of offending into their communities?

Stakeholders, parents and children in conflict with the law and children at risk of offending indicated that before participating in the pilots, children were generally skipping schools and had very bad relations with the parents and community.

Discussions with parents and children who participated the activities stressed out the impact of the offered services. All parents explained that children changed their behavior and started to be more involved in school or in other activities.

As mentioned in Section 3.2., Syr Ulandary implemented specific activities to work both with parents and children. In this pilot, parents and children reported that the relations between them significantly improved.

This is not the case of Phoenix, where both children and parents indicated that they would have wished that more activities be implemented to re-connect family ties.

3.4.4. To what extent did the pilots contribute to new practices regarding interviews of children?

Discussions with stakeholders in all three locations revealed that child victims and witnesses were interviewed several times by various actors in the proceedings before the audio-visual equipment was provided, sometimes even up to 30 times according to one psychologist. Stakeholders indicated that the supply of the equipment has contributed to major change in those practices, namely that there are now only 3 meetings with child: firstly, a discussion with the emergency response group that goes where the crime was committed to ask questions to qualify

\begin{quote}
“Phoenix is like my second home. They help me a lot. They worked with me, doing drawings, passing tests, doing constructions, playing with sand, etc. Before I used to skip classes.” Child

“Before the program, I was nervous, I was interacting with the police. It is easier now, there is a change. I am going home, I live with my father.” Child

“My son had problems in school. He had no relation with me. I wanted to send him to a Special school, the School wanted the same, but we went to Syr Ulandary. After the program, he became a new person, our relations improved, now he is in University.” Parent
\end{quote}
the case; secondly and thirdly, interview with the investigator and the investigative judge. As mentioned by judges, children are interviewed in a child-friendly room, out of the courtroom and the interview of the child is recorded in the majority of cases, which results in a limited number of interviews of children. Moreover, children are interviewed in the presence of a psychologist or guardian, although it shall be noted that police officers report they lack psychologists. Judicial professionals indicated that the process of interviewing children with the audio-video equipment through psychologists has contributed to children being more informed about the whole process, which also positively contributes to a certain extent to their right to be heard, which is added value of the activity. Some respondents also indicated that the police changed the way they talk to children and does not use an accusation tone anymore. Respondents explain these results by the supply of material and capacity building activities.

Regarding children in conflict with the law, the results differ. In Kyzylorda, some parents reported that the behavior of the police improved when speaking to children in conflict with the law: they interview children in a more child-friendly way. Inspectors explained that they show cartoons to children. This result, however, has not been noted by Ust-Kamenogorsk. Although the police indicated that they learned new skills to interview children, several respondents indicated that the practice of lecturing the child instead of support him/her has not changed.

3.4.5. How do the stakeholders (courts judges, police, probation officers) perceive the results of the justice for Children pilot?

Most interviewed stakeholders perceived the results of the pilots in a very positive way, stressing out the change that the pilots brought in the respective regions, in terms of decreasing the rate of crime and offending among children who went through the programs, protection of child victims, and prevention of offending. It must however be noted that some stakeholders considered the pilot in Mangystau provided less tangible results: their work was less visible, because feedback was not provided to referring institutions. Moreover, as mentioned in Section 3.2., important stakeholders were not involved in some pilots. This is the case of Ust-Kamenogorsk, where the stakeholders involved were only the police and the Commission of Minors – judges and prosecutors were not involved in the project, while they were supposed to be the main referring bodies.

Most stakeholders who were involved in the pilots expressed the views that the pilots related to children in conflict with the law have been very useful for the community and have had a positive impact on the reintegration of children in the community. Stakeholders also pointed out that the work of the pilots has managed to shift from a punitive approach to preventive and rehabilitation-oriented approach in working with these children.

Most stakeholders considered that the pilots need to continue considering the positive results. However, they stressed out the need for comprehensive services encompassing all groups of children in need in the respective regions, and not only selected groups of children.

“We talk to the parents and during this discussion we advise them to got to Syr Ulandary and we refer cases there. These children get excellent services from the center. It is good that there are social workers. We cannot spend as much time with children as the center nor can we give them specialized aid.” Juvenile inspector

“Services for children offered were an appropriate answer to the problem the community had. But there is no service here for victims, we asked [Syr Ulandary] to start working with victims, we think that all services from the pilots have to merge in a one big center here in Kyzylorda.” SICIM Judge
3.4.6. **Are there differences related to gender, social economic status and rural-urban division?**

Interview with NGOs and relevant stakeholders revealed that no specific consideration was paid to gender or social and economic status of children. This has been confirmed by several reports, that demonstrated a general lack of awareness on gender equality among professionals due to a lack of training and capacity building.\(^{139}\)

Regarding rural-urban division, Phoenix included support to public services in a school in Zyryanovsk, a smaller city located in East Kazakhstan, thereby enabling these children to benefit from their services. In addition, Phoenix reported that they travel to rural areas and offer services to children in those areas with a mobile team. It must be however noted that this extension to rural areas was not projected in the manuals and was considered inefficient by international experts.

3.4.7. **Has the piloting resulted in unexpected effects (positive or negative) on children, parents and referring bodies?**

During the interviews with relevant stakeholders and NGOs’ staff, the consultants learned that implemented activities resulted in positive unexpected impact:

- In Kyzylorda, the deposition (taped interviews with children) have started to be used in pre-trial and trial proceedings with almost no exception;
- On local level in Zyryanovsk, the pilot has contributed to the removal of children who have offended from the registry lists of offenders within the legally proscribed time, a problem that was identified in all the regions;
- In Aktau, the police have realized the importance of child-friendly rooms and are planning to open similar rooms in Zhanaozen and other districts of Mangystau region;
- In Aktau, the Court has started to use the audiovisual equipment in civil law cases, more specifically divorce cases where there is a high risk of children being re-victimized;
- National authorities realized that public-private partnership could be useful when implementing community-based services.

No negative impact was identified by the evaluation team.

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3.5. **Sustainability**

The section on sustainability analyzes the costs of future interventions, stakeholders' commitment to continue the pilots, the capacities to take over responsibility and to replicate the models, and the presence of mechanisms to ensure the continuation of activities.

3.5.1. **To what extent future community-based services for children in conflict with the law are cost-effective in comparison with traditional justice proceedings?**

*This section does not analyze the cost-effectiveness of the pilots that have been implemented, but deals with the costs of future pilots, based on the analysis that has been done by international consultants during the implementation of the pilots and on information collected during the evaluation. The cost-effectiveness of the pilots is analyzed in Section 3.3.3.*

Discussions with stakeholders and analysis of literature revealed that children at risk of offending or child offenders are mostly sent to special schools, special regime school or center for adaption of minors. These institutions are costly: Kyrgyz special school indicated to the evaluation team that the cost for one child per year is 1,838,000 Tenge (5,620 USD\(^{140}\)); Ust-Kamenogorsk special school indicated to the evaluation team that direct costs for one child per year are of 1,300,000 Tenge (3,975 USD). According to the forecast that was developed by international experts in the manuals, direct costs of a pilot aiming specifically at preventing offending or supporting children in alternative measures are of 8,500,000 Tenge (25,995 USD) per year for all children. Therefore, if one considers that 25 children minimum per year are included in this community-based service, this represents about 1,040 USD per child, per pilot. It must nonetheless be noted that the number of children per year will most likely exceed 25, because the alternative measures' guide estimates that 25 children will participate in the program at any one time, while their participation cannot exceed six months without a review, and up to one year.\(^{141}\) Therefore, the costs are likely to be even lower. Similarly, the prevention's guide estimates that 25 children will participate in the program at any one time, while children are supposed to remain in the program for a period from six months to one year.\(^{142}\) Therefore, the costs per child are likely to be even lower if more children benefit from these services.

Furthermore, international research shows that community-based services reduce the number of child offenders and re-offenders, that in turn reduces the workload of police, courts and probation officers. Therefore, fewer children are sent to institutions.\(^{143}\) Since community-based services also act preventively, they are known to save finances by preventing children entering the justice system.\(^{144}\)

\(^{140}\) Conversion rate used is 1 USD = 327 KZT (14 May 2018)

\(^{141}\) Phoenix' implementation guide, p. 40

\(^{142}\) Syr Ulandary's implementation guide, p. 41

\(^{143}\) UNICEF (2009), Toolkit on Diversion and Alternatives to Detention, What are the costs involved for diversion & alternatives compared to detention?; McLaren (2000), Tough is not Enough - Getting Smart about Youth Crime: A review of research on what works to reduce offending by young people, New Zealand, p.19.

\(^{144}\) Skelton (2009), Reforming Child Law in South Africa: Budgeting and Implementation Planning, UNICEF Innocenti Research Centre, p. 31.
3.5.2. **To what extent is the commitment of authorities and NGOs likely to continue beyond the program?**

All NGOs that implemented the pilots indicated that they are willing to continue implementing the activities. This has been confirmed by the fact that most of them are indeed still implementing activities towards target groups, and beyond, several months after the end of the funding.

Most interviewed local stakeholders, particularly Akimats, indicated that they were ready to continue offering their support to any future project in this area. They are for instance committed to let Syr Ulandary and Meyrim use State-owned premises. As mentioned above, most of them considered that the projects had very positive impact and indicated that they wish for their further development. This may be due to the strong operational partnership implemented with the Akimats and some other stakeholders.

Regarding the audio-visual material that was provided and child-friendly rooms, observation and discussions with professionals revealed that the equipment is used in most cases. The material will most likely be used in the future.

3.5.3. **Do authorities and NGOs have the capacities to sustain the introduced Child-friendly justice models and take over responsibility?**

From the beginning of the pilots, it was clear that UNICEF would provide funding to test the models, without any financial contribution from the local authorities. After the implementation of the pilots, although authorities expressed their commitment to find future sustainable solutions for funding of the pilots, and to continue cooperation with the NGOs beyond the program, national authorities pointed out difficulties to secure financing on a permanent basis from the budget of the regional Akimats. National institutions unanimously indicated that there needs to be a legal recognition of the models to provide permanent funding to such services. Discussions are taking place at national level to this aim.\(^{145}\)

National authorities however indicated that some government funds are available every year for NGOs.\(^{146}\) In Kyrgyzorda, Syr Ulandary has reported that they have received a 7-month grant from the local authorities to continue the pilot. In Aktau, Meyrim has received a grant from the Center of Support of Civil Initiatives and are preparing an application for a grant from the State social order. In Ust-Kamenogorsk, Phoenix intends to apply for the same grant. In Zyryanovsk, considering that all human resources are public institutions and remained committed, the pilot has continued its operations without funding.

3.5.4. **To what extent national authorities and NGO sector have the commitment and the capacity to replicate the models at national level?**

On central level, following strong advocacy from UNICEF, and as a result of the numerous bilateral and Steering Committee’s meetings, national stakeholders indicated that there is an initiative to amend the law, and to include diversion and community-based services for the targeted groups. This commitment goes beyond the three regions: national authorities indicated that they are

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\(^{145}\) See Section 3.5.3.

\(^{146}\) If selected, the NGOs are provided for funds for a 7-month period per year. This has been reported as creating challenges to fund the remaining 5 months of the year.
interested to implement these services nation-wide services. This process was initiated several
months before the evaluation and is under way.

It must be noted however that the models as described in the project documents have evolved
into hybrid-models, shaped by realities and circumstances in the field. The target groups that
benefited from the intervention were not always those who were initially targeted. Moreover, pilots
were implemented towards several different groups of children who were meeting and mixing in the same
institution, without specific division. Child victims and witnesses, children in conflict with the law, children who
committed administrative offences and who are at risk of offending were in connection in the same institution,
which does not follow good practices. In sum, the models as they were designed were not implemented. Nonetheless, national authorities have appreciated the models as they were implemented and have expressed interests to expand their scope and include other groups of children:

The same applies to the implementing NGOs: they showed willingness to include other groups of
children from the beginning, considering the lack of services provided to children in justice
processes.

However, it must be noted that 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.

3.5.5. To what extent has UNICEF been able to support its partners in developing capacities
and establishing mechanisms to ensure continuity of activities?

Interviews with UNICEF showed that discussions on sustainability of the services with local level
and central level authorities have been going on for some time. UNICEF is aware of the lack of legal
grounds for financing and is in contact with relevant stakeholders at central level to overcome this
challenge. As mentioned above, a draft law regarding community-based services is under
discussion at the Parliament. If this law is adopted, it will create legal ground for NGOs who
cooperate with local police to receive funds.

Locally, UNICEF’s international experts have prepared a sustainability strategy for the pilots. During
the implementation of the pilots, UNICEF has provided capacity building and coaching to NGOs
and local institutions. Although two NGOs explained that they have acquired new knowledge and
practices, one NGO indicated that this support was unnecessary. In addition, UNICEF has, inter
alia, developed a forecast budget for the continuation of activities. Moreover, UNICEF also
conducted talks and negotiations with Akimats regarding funding and sustainability. In Kyzylorda,
there was a suggestion to merge the pilot with services provided by Youth medical centers, placed
in the same building as Syr Ulandary. However, merging services raises concerns in terms of stigma
and medicalization of children in justice processes. Such initiatives have not been taking place in
the other two pilots.

147 This reluctance is linked to the NGO considering that there was a lack of participatory approach during the
implementation.
4. CONCLUSION

This section provides additional information on the program component’s main strengths and weaknesses and further reflections on Child-friendly models in Kazakhstan.

All activities were highly relevant to the national context. The pilots aimed to address needs of children in justice processes and ensuring that Kazakhstan respects its international commitments under the CRC regarding Justice for Children. Children in conflict with the law and children at risk of offending had no access to community-based services to prevent (re-)offending; child victims and witnesses had no access to support or protection services before, during or after proceedings. Programmatic activities were thus grounded in evidence and appropriately designed to address the needs of target groups. However, although the regions that were selected to implement the pilots are one of the most vulnerable in the country, the choice of the regions to target specific groups was not fully relevant: in one region, the number of children in conflict with the law was very low, which resulted in a change of target group during implementation. Although the involvement of relevant central authorities in the design of programmatic activities contributed to the relevance of the intervention, some local institutions and implementing partners could have been more involved in the design and re-design of activities. The initial design of pilots was fully aligned with international policies and practices and national priorities regarding child-friendly justice, but, even though pilots aim at assessing feasibility of new practices, the pilots that were implemented were not sufficiently linked to the national legal framework, which created challenges during the implementation of one pilot. In this framework, the results chain of the EU-UNICEF Joint Action, that aimed at addressing the three main components of the reform – establishment / strengthening of institutions and mechanisms, legislation and policy and capacity-building activities –, appeared logical and well designed. The pilots, when they were designed, did not specifically take equity and gender equality into consideration.

The pilots were not fully effective. Community-based services were provided to children in justice processes in the target regions and their services have been used by children, although the targets were not fully met. However, all of the implementing partners provided services to children outside of the program documents and manuals that were developed specifically to standardize their operations. Referrals were not made to the NGOs as expected. Although some challenges were successfully mitigated by implementing partners, the design of the pilot in Ust-Kamenogorsk outside of the law caused majority of potential referring bodies not to participate. Modifications in the middle of the pilots postponed the implementation of the pilots. Based on available data, two out of three pilots did not achieve their targets in terms of number of children who were benefited from the program. The multi-disciplinary cross-sectorial mechanism that was supposed to be implemented in each region to oversee the implementation of the community-based services was set out in only one region. The challenges of implementation were lack of recognition of the pilots by some number of relevant national stakeholders, and lack of established good relations and cooperation with relevant stakeholders. Audio-visual equipment was provided and is in use. Child-friendly rooms were established in several courts and police stations. Judges and police inspectors increased their technical capacities for interviewing child victims and witnesses. There was no systematic approach to include gender equality and equity into the pilots. The pilots resulted in positive unexpected effects such as a use of audio-visual equipment in some civil law cases; initiative on local police departments to expand the child-friendly rooms across regions; or and the development of public-private partnership.

The pilots were not fully efficient. The level of qualification of all stakeholders was generally high and profiles were complementary and adapted to certain extent to the implementation of the pilots. All stakeholders praised the quality of communication with UNICEF and the technical
support they received from its team. Hence, it was identified that some NGOs’ staff could benefit from additional capacity building. Although expenses were linked to the projected outputs, the cost-effectiveness of the pilots could not be precisely assessed due to the lack of details in the budget and because some quarterly reports that were provided to the evaluation team were dated of the same month, with different amounts. However, some elements show that cost-efficiency was considered during implementation. The interventions benefited from strategically developed implementation partnerships with key partners – central and local authorities and implementing organizations. Communication issues were however reported by the NGOs regarding the support they received from some international experts. Various monitoring and reporting methods were put in place. However, even though data was disaggregated along gender lines, there were important inconsistencies in the monitoring of the pilots. An extension was needed to implement the project as initially envisaged, suggesting a need for more realistic and advanced planning or a potential increase in human resources in the core project team.

The short-term impact of the program component is important. The pilot model contributed to child victims and witnesses feeling better protected, and included parents of children, which added value to the activities. The pilots directly contributed to new practices in interviewing of children in courts and to the reduction of the number of interviews of child victims and witnesses. As a result, children are more informed of the processes, which also positively contributes to a certain extent to their right to be heard. It is clear that this result is linked to the supply of material and training of professionals implemented in the framework of the pilot. The re-offending of children that completed the programs is much lower than the national rate, which resulted in fewer convictions. Stakeholders consider that this result is directly linked to the pilots. This data shall however be treated with caution, considering that the exact number of children involved in criminal proceedings who benefited from the pilots is unknown, that the situation was assessed only a few months after the end of the pilots and that several children still benefit from the intervention. Local authorities generally perceive the results of the justice for children pilot as successful, meaningful and important for the protection of children and families, except in Mangystau where a lack of feedback on the cases has been regretted by several authorities, which prevented the authorities from assessing the success of the pilot. National stakeholders believe in order to achieve more valuable results, comprehensive services in one location in each region are needed. There were no specific differences created regarding to gender and economic status, although children living in rural areas were considered in one pilot.

In terms of sustainability, based on information gathered during the evaluation, forecasts and international experience, the evaluation showed that future community-based services for children in conflict with the law are by far more cost-effective than the traditional justice proceedings. Moreover, the commitment of NGOs and national authorities will continue beyond 2017. The pilots are generally continuing to operate several months after the end of the funding. However, the pilots have not managed to ensure the permanent funding of the community-based services, which is essential for the sustainability of activities, except in Zyryanovsk that relied mostly on public institutions. There is an unanimously shared view that sustainability primarily depends on legal recognition of the models and securing systemic financing. Moreover, the lack of diversification scheme is considered as a major challenge that prevents stakeholders from participating. Positive steps aiming to amend the legislation have been taken in this direction by UNICEF, to ensure that the legislation is aligned with international human rights standards. Nonetheless, implementing NGOs have demonstrated capacities for short-term funding of the models. The pilots have evolved during their implementation, demonstrating that re-design is needed before replicating the models. There is a commitment from the government and NGOs to achieve implementation of community-based services based on the evolved models. In this regard, UNICEF has supported partners in developing capacities and establishing mechanisms to ensure
continuation of activities on central level, as a result of its advocacy towards national institutions, and, to a certain extent, at local level.

In conclusion, based on a review of literature, discussions with UNICEF, key stakeholders, implementing partners, international and national experts and children and parents, this report shows that the pilots have ensured improved protection to child victims and witnesses of crimes and children in conflict with the law in three regions, in accordance with international human rights instruments. Community-based rehabilitation and prevention services for the target groups of children were tested on a small scale. Even though they were not fully effective during their implementation, these pilots are a great opportunity to identify the way forward for tailoring one model that could be replicated at national level. This innovative approach could possibly serve as an example outside Kazakhstan, across Central Asia.
5. LESSONS LEARNED

The evaluation team identified five main lessons learned.

➢ Participation of local stakeholders is key to the programs’ performance and sustainability
The participation of all involved stakeholders in the design and implementation of activities was effective in one out of three pilots. In Kyzylorda, the Advisory Board was operational and ensured a higher quality of cooperation between all involved actors. This was not the case in other regions, where only a small number of institutions were de facto involved in the pilots, despite what was planned in the project documents. Therefore, a number of institutions did not consider that they were concerned by the pilots. In one region, this resulted in a lack of feedback from the NGOs, and stakeholders considered that the project was not successful. Moreover, the pilots were projected from the start to be implemented by NGOs, without any funding from the local government authorities. Although short-term funding was secured, the lack of financial contribution is likely to have lessened the sustainability of the intervention as far as permanent funding is concerned. As a lesson learned from this program, in any new program, the level of operational and financial participation of involved government stakeholders should be maintained from the design phase and throughout the implementation phase.

➢ Design and development of activities involving legal professionals must be grounded with national legislation and experience
When creating the pilots, UNICEF considered the complete lack of social and psychological services for children in justice processes. The pressing need for such services was the ground for the creation and implementation of the pilots. However, the pilot in Ust-Kamenogorsk was envisaged as a pre-trial diversion system modelled on experience from the region, while diversion as set out in international human rights standards is not part of the Kazakhstani legal framework. Although it is not contrary to the legislation, there is no text on which institutions can ground their decision to release a child to diversion services. This has contributed to the non-acceptance of the activities by local national institutions relevant for the pilot’s implementation. Even though this program was a pilot, whose aim was to test the feasibility of the intervention, there should have been a deeper assessment of the legislative framework, the context and the risks attached before implementation of any activity. As a lesson learned from this program, in any new program, activities must be grounded in national legislation and experience in order to ensure participation of relevant justice professionals and a smooth implementation of the services.

➢ Always look for systemic solutions in developing new community services with up-front analysis of sustainability shortcomings
At the end of the intervention, the pilots were not sustainable. Although these services represent innovative attempts to offer flexible and high-quality service, there was a lack of a comprehensive sustainability analysis. Sustainability under different potential scenarios should always be developed up-front, with mitigation measures clearly defined and followed throughout the implementation period.

➢ Re-designing activities in the middle of implementation creates challenges during implementation
The pilots started to operate without clear guidelines and standardization of services. It is only after the implementation of pilots started that external technical support was provided. International experts prepared inception reports and issued recommendations that resulted in manuals that were finalized several months after the beginning of implementation. In some pilots, the targets completely changed. Moreover, the lack of participatory approach in the re-design of activities led to frustrations. Two out of three pilot NGOs considered that this was not cost-effective
nor productive. This resulted in the manuals not being fully followed. As a lesson learned from this program, in any new program, guidelines and standards of operation should be prepared at the very beginning of implementation, together with the implementing partners, to ensure ownership of the modifications.

➢ Poor monitoring and reporting practices hampers maintaining the focus on capturing outcomes and impacts

The monitoring system did not enable feedback on the intervention outcomes and, to a certain extent, impacts. The NGOs did not have the capacities to implement high quality monitoring and reporting practices, thus hampering the proper presentation of data. As a lesson learned from this program, in any new program, monitoring tools must be developed with the implementing partners, to ensure ownership, and specific support to ensure the proper use of monitoring tool must be implemented from the start of the activities (training, coaching, etc.).
6. **RECOMMENDATIONS**

The evaluation consultants consider that community-based services are an essential part of child-friendly justice, that were strongly lacking in Kazakhstan. Such services should be further developed and replicated at national level. This report's findings, lessons learned, and recommendations could be useful planning tools to guide the design of a new model for community-based services for children in justice processes and to inform the new UNICEF strategy in this regard.\(^{148}\)

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. 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. Deadlines for implementation were set during a participatory validation meeting organized in May 2018 towards NGOs and public authorities.

**R1. Develop a multi-disciplinary community-based service model for children in justice processes by 2020**

*To MoES, MIA, Parliament, UNICEF and implementing NGOs:*

The community-based services that were implemented so far include in theory only one target group. Part of their lack of effectiveness was due to the fact that needs of comprehensive services for children in justice processes were high and that no other service was available for these children, while strong cooperation was being implemented between NGOs and law enforcement offices and judges. Regional institutions were asking NGOs to provide support to children who indeed needed support. Merging all services that were implemented under the three pilots into one multi-disciplinary model including all three target groups of children (children in conflict with the law, children offenders, child victims and witnesses) addresses several challenges: services would be available for all target groups, which would strengthen the relevance, the effectiveness, the efficiency (three models for one NGO), the impact of the model, and the ownership of all involved stakeholders. UNICEF could play important policy advice in this matter and assist the authorities in implementing a monitoring system based on the lessons learned of the pilots. UNICEF could also contribute to leveraging resources for the implementation of the model. The evaluation team does not believe that the model needs to be re-tested, but pilots would need to follow several guidelines, based on this evaluation's findings, before being replicated at national level:

- Implement community-based services that reach different target groups: children in conflict with the law, children offenders, child victims and witnesses;

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\(^{148}\) As mentioned in the report, a new Justice for Children strategy is currently being developed by UNICEF, that deals with UNICEF’s programming for the next few years. 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.
➢ Avoid contact between different target groups, as recommended by international good practices. Implementing one multi-disciplinary model in one location does not mean that all children should access to services in the same building;

➢ Develop new guidelines, based on the lessons learned and experience of the three pilots: pilots need to follow guidelines, to ensure a certain level of standardization that would allow consistent analysis (some ‘red lines’ shall never be crossed), but at the same time need to be flexible and can be marginally amended to match realities (for instance, the inclusion of self-referrals, under certain conditions). In this regard, the evaluation team recommends that these guidelines are developed during a participatory workshop, that would include all NGOs that implement similar projects over the past five years, with a technical support from UNICEF and international experts;

➢ Include parents of children in justice processes as a target group in the models and implement joint activities between parents and children to reinforce family links;

➢ Provide feedback to referring institutions;

➢ In small cities, consider implementing a model based on Zyryanovsk model that involves representatives of public institutions and that requires less funding and are likely to be more sustainable;

➢ Develop a comprehensive but user-friendly standardized monitoring system, based on a set of indicators that allow disaggregation along gender and equity lines, with clear targets for each group;

➢ Ensure that all implementing partners are trained on the guidelines and on use of the monitoring system and ensure that they are very closely accompanied at least during the first months of implementation. Pay specific attention to the issue of confidentiality and protection of children’s identity;

➢ Develop public-private partnership to sponsor community-based services for target groups of children;

➢ Ensure that girls, children with disabilities, children from low-income families and children living in rural areas who participate in the pilots, are representative of the children in justice processes. Implement specific activities aiming at raising awareness of child professionals regarding gender equality and equity;

➢ In future programs, ensure that specific attention is paid to the design of the pilots before implementation and that all programming elements are taken into consideration, including the involvement of authorities, coordination, monitoring, target groups, etc.;

R2. Strengthen the capacity and commitment of stakeholders involved in community-based services by 2020

To MIA, MoES, Ministry of Labor and Social Protection, Akimats, Supreme Court, NGOs and UNICEF: Community-based services aiming to work with children in justice processes cannot operate without a strong commitment from local authorities, institutions and NGOs. The State, including local authorities, is the principal duty-bearer responsible for ensuring children's well-being and protection, under the UN CRC. Advisory Boards, comprising all involved stakeholders, must be established from the start of the intervention, to set out cooperation but also to exchange on children’s case and ensure that the authorities closely monitor the situation of these children. Moreover, the capacities of these stakeholders must be built to ensure a higher level of commitment towards rehabilitation of children in conflict with the law. Akimats, MIA, MoES and NGO representatives must be further trained on the prevention of juvenile delinquency and on child-friendly justice, to prevent them from sending children to closed institutions. Training sessions should be interactive and should include working on representations of institutions towards juvenile delinquency. It is further recommended that these training sessions are repeated at least once to ensure their impact. The number of trained psychologists and social workers must be increased in courts and police stations. UNICEF could play a key role in this regard, through
policy advice and fostering exchanges of experience with other countries that have successfully implemented such methods. Moreover, it could contribute to facilitate national dialogue between public sector and civil society organizations.

**R3. Ensure that access to audio-visual material and child-friendly rooms is provided in all police stations and courts where cases of child victims and witnesses may be heard by 2020**

*To MoJ, MIA, Supreme Court, Parliament and UNICEF:*
The audio-visual equipment has had a positive impact on the protection of child victims and witnesses. The evaluation team recommends that audio-visual equipment is provided to all police stations and, until such time as all criminal cases of children are dealt with by specialized courts, that the equipment is also provided to all courts that could potentially hear cases of child victims and witnesses. This supply shall be accompanied by a training of justice professionals on child-friendly interviewing and on the equipment's use. Allowing this equipment to be used in civil law cases could also be considered to avoid victimizing children in other justice processes. Moreover, child-friendly rooms have been reported to create an enabling environment for children who are interviewed or during their discussions with the police. Their creation in every region, every police station and every court, is recommended. The maximum number of interviews for child victims and witnesses before police and court shall be set out in the legislation. UNICEF could support the authorities through policy advice.

**R4. Develop appropriate legislation and an action plan on community-based services by 2021**

*To Parliament, MoES, MIA, Akimats, Ministry of Economy, and UNICEF:*
The lack of legal basis had been an important challenge for some pilots. The adoption of a legislation, allowing the community-based services to operate for the target groups, would ensure effectiveness, impact and sustainability of the services (particularly funding). This legislation must include a diversion scheme aligned with international standards, as is currently being discussed by the Parliament. Moreover, an action plan must be developed, clearly setting out groups, roles and responsibilities of each implementing institution, funding and deadlines. The pilots must be grounded on Kazakhstani law. The evaluation team recommend that authorities consider enacting a more general comprehensive legislation on Justice for Children as recommended by UN Committee on the Rights of the Child, in its 2015 concluding observations. In this regard, UNICEF could provide support to the authorities through policy advice and technical assistance.
# 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

<table>
<thead>
<tr>
<th>1. Programme information:</th>
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<tbody>
<tr>
<td><strong>Programme (Outcome WBS &amp; Name):</strong> 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.</td>
</tr>
<tr>
<td><strong>Project (Output WBS &amp; Name):</strong> 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.</td>
</tr>
<tr>
<td><strong>Activity:</strong> 8.a An evaluation is conducted of the Justice for children system in Kazakhstan; findings and recommendations are disseminated and presented to key stakeholders.</td>
</tr>
</tbody>
</table>

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”\(^{149}\). 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 justice processes.

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\(^{149}\) Article 40(1) of the UN CRC. Kazakhstan ratified UN CRC on 12 August 1994.
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, 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.\(^{150}\) 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.\(^{151}\)\(^{152}\) 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 2015.\(^{153}\) Convictions of juveniles fell from 1,940 in 2010 to 451 in 2016,\(^{154}\) while rates of pre-trial and post-trial detention decreased by almost half.\(^{155}\) In 2016, the number of children reported to have stayed in pre-trial detention was 33, 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.\(^{156}\) Statistics for 2016\(^{157}\) 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 2013\(^{159}\).

**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.

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\(^{150}\) Presidential Decree on the Establishment of Specialised Inter-District Children’s Courts, 23 August 2007, para 1

\(^{151}\) 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

\(^{152}\) As of 1 May 2017, data provided by the Penitentiary Committee of the Ministry of Interior

\(^{153}\) Ministry of Education and Science, 2015

\(^{154}\) Ministry of Interior, 2014.

\(^{155}\) Ibid.

\(^{156}\) Response to UNICEF from the penitentiary system committee, January 2017

\(^{157}\) Official GPO statistics

\(^{158}\) Official GPO statistics

\(^{159}\) Legal Statistics and Special Records Committee of the General Prosecutor’s office of the RK, Official reply to UNICEF, January 2014
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 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.

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:

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

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...” Together with other international instruments 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**

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161 Article 40(1) of the UN CRC. Kazakhstan ratified UN CRC on 12 August 1994.
162 General Comment No.10 (2007), CRC/C/GC/10, para 10
163 Article 19 of the UN CRC.
164 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
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 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, child 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 Akimat in East-Kazakhstan, Kyzylorda and Mangystau oblasts are key stakeholders on the ground assisting to pilot Child-Friendly Justice system, in some regions administrate 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 child 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 child 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. 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) brining national legislation in line with international standards; (c) capacititating and sensitizing national specialists involved into justice system is developed, to review system level

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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 child 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.

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 child victims and witnesses of crime, 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 child 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 child 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 child 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, child 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 child 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, child 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, child 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 child 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 evaluation\textsuperscript{166}, 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):

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<th>Methodology</th>
<th>Data sources</th>
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<tr>
<td>1. Desk review of key documents and reports</td>
<td>- 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.</td>
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<td>2. In-depth interviews with key informants (right-holders and duty-bearers)</td>
<td>- 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.</td>
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\textsuperscript{166} \url{http://www.unevaluation.org/ethicalguidelines}
- 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, child 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.

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

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:

<table>
<thead>
<tr>
<th>Determinants</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Norms</td>
<td>Widely followed social rules of behavior that are followed within a society</td>
</tr>
<tr>
<td>Legislation/Policy</td>
<td>Adequacy of laws and policies to reduce/avoid barriers</td>
</tr>
<tr>
<td>Budget / expenditure</td>
<td>Allocation &amp; disbursement of required resources that constrain effective coverage</td>
</tr>
<tr>
<td>Management / Coordination</td>
<td>Bottlenecks that obstruct accountability and transparency, as well the impediments to coordination and partnership</td>
</tr>
<tr>
<td>Availability of essential commodities / inputs</td>
<td>Essential commodities/ inputs required to deliver a service</td>
</tr>
<tr>
<td>Access to adequately staffed services, facilities and information</td>
<td>Target population’s physical access to the relevant services, facilities and information</td>
</tr>
<tr>
<td>Financial access</td>
<td>Direct and indirect costs that prevent target group from utilizing available services or adopting certain practices</td>
</tr>
</tbody>
</table>
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) and http://intranet.unicef.org/epp/evalsite.nsf/0/2BDF97BB3F789849852577E500680BF6/$FILE/UNEG UNICEF Eval Report Standards.pdfthe 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:

a) Complete technical proposal, taking into account objectives and conditions of this TOR, including methodology, timeline, budget;
b) CVs of experts/personnel mentioned in the proposal as key to execution of this Evaluation;
c) 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.

<table>
<thead>
<tr>
<th>Technical Criteria</th>
<th>Technical Sub-Criteria</th>
<th>Maximum Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Response.</td>
<td>Completeness of response</td>
<td>10</td>
</tr>
<tr>
<td>Points</td>
<td>Understanding of objectives and how they propose to perform the tasks in order to meet the objectives and requirements of the ToR</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td><strong>Points</strong></td>
<td><strong>30</strong></td>
</tr>
<tr>
<td>Institution &amp; Key Personnel</td>
<td>Range and depth of contractor’s experience with similar projects</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Previous experience of work in Europe and Central Asia region</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Samples of previous work</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Key personnel: relevant experience and qualifications for the assignment (at least P3 level for individual contractors)</td>
<td>15</td>
</tr>
<tr>
<td><strong>Points</strong></td>
<td><strong>50</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description of methodology/timeline</td>
<td>25</td>
</tr>
</tbody>
</table>
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.

UNICEF retains the right to patent any intellectual rights, as well as copyright and other similar intellectual property rights for any discoveries, inventions, products or works arising specifically from the implementation of the project in cooperation with UNICEF. The right to reproduce or use materials shall be transferred with a written approval of UNICEF based on the consideration of each separate case. Selected contractor should always refer to UNICEF Kazakhstan support in developing the materials when publishing the results of the research conducted while in Kazakhstan in academic journals, books and websites.

Prepared by:

Meiramgul Alybekova
Child Protection Officer

Reviewed by Universalia:

Revised by:

Zhanar Sagimbayeva
Child Rights Monitoring Specialist

Endorsed by:

Fiachra McAsey
Deputy Representative
Appendix 2: 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 determine 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 make 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/or 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/or 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/or 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 it 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?

**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 into its implementation?

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 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?
• 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/or 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 3: 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: 167

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 discuss 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:

---

167 This number will be provided when the team members are in Kazakhstan.
Appendix 4: Approved evaluation methodology regarding ethics and HML Review

The evaluation team strictly followed UNEG’s standards 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)\(^\text{168}\).

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 justifying him/herself, without consequence.\(^\text{169}\) 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.

\(^{168}\) The length of the interview includes the timing for the consecutive interpretation.

\(^{169}\) 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 services\(^{170}\). 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.\(^{171}\) 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.

\(^{170}\) Each 6\(^{th}\) person from the list was contacted.

\(^{171}\) 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 Board

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: CRP/CRP2015-001, 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 0000121) 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
1101 Connecticut Avenue, NW
Suite 450
Washington, DC 20036 USA
D. Michael Anderson, PhD, MPH, Chair
unicef@hmlirb.com
+1.202.753.5040
**UNICEF Request for Human Subjects Protections Ethics Review**

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**Institutions:** 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:**
Daniei Kuzhanbayev, Knowledge and Innovation Officer
United Nations Children’s Fund
10A Bebeknazar St, Astana Kazakhstan, 010000

**Principal investigator(s) name & degree:**
Cemile Baimyr, team leader

**Other key personnel:**
Prof. Dr. Birza Hitjell, international consultant, and Daniyar Kuselkov, national consultant.

**Primary study site(s):**
Astana, Kazakhstan 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):**
10-30 April 2018

**Materials Requested for Review:**
1. Research Protocol / Inception Report, containing, e.g.: research plan, specific aims or objectives, research questions, study design, analysis & dissemination plan.
2. Copies of all informed Consent documents.
3. Copies of all data collection instruments.

**Also, please show:**
4. Written protocols to ensure subjects’ safety.
5. Written protocols for the protection of human subjects’ identities.
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@hmirb.com

---

<table>
<thead>
<tr>
<th>Date ERB Request Received</th>
<th>14 March 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date ERB Request Processed</td>
<td>16 March 2018</td>
</tr>
<tr>
<td>DATE OF ERB APPROVAL</td>
<td>26 March 2018</td>
</tr>
</tbody>
</table>

**Ethics Review Board Criteria of Interest**

**Additional Information Needed**

---

**Section 1**

**1.** ERB Submission: Are all requested project information and materials provided separately or incorporated in text? X

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**

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. interview
- c. key informant interview
- d. focus group discussion
- e. document review
- f. observation
- g. case study
- h. physical measurements

The TG2 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 element has been specifically discussed with UNICEF during the preparation of the inception report and approved by UNICEF.
<table>
<thead>
<tr>
<th>Section 4</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Subject identification:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. subjects’ names recorded ...................................... X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. subjects are given a unique identifier and no names are taken</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. no form of identification is used ................................</td>
<td></td>
</tr>
<tr>
<td>4.2</td>
<td>If subject names are recorded (4.1a), are their names kept separate from their responses?</td>
<td>X</td>
</tr>
<tr>
<td>4.3</td>
<td>Do recruitment procedures show any indication of coercion, intimidation, compulsion, pressure, or force?</td>
<td>X</td>
</tr>
<tr>
<td>4.4</td>
<td>Are any subjects children (&lt; 18 years old)? 14 – 17, Yes</td>
<td>X</td>
</tr>
<tr>
<td>4.5</td>
<td>If subjects are children, do materials adequately describe ages and why these ages are appropriate?</td>
<td>X</td>
</tr>
<tr>
<td>4.6</td>
<td>If subjects are children, are materials (e.g., survey instruments, focus group topics, etc.) appropriate based upon age?</td>
<td>X</td>
</tr>
<tr>
<td>4.7</td>
<td>If subjects are paid, compensated, or provided a gift for participation, is the incentive described and justified?</td>
<td>X</td>
</tr>
<tr>
<td>4.8</td>
<td>Is future contact with subjects, if any, planned in a way that provides subject safety and data security through the research period?</td>
<td>No future contact, correct? Only one contact</td>
</tr>
<tr>
<td>4.9</td>
<td>Comments, amendments, additions, or revisions:</td>
<td>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?</td>
</tr>
<tr>
<td>5.1</td>
<td>Type of Informed Consent:</td>
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</tr>
<tr>
<td></td>
<td>a. written &amp; signed ................................................. X</td>
<td></td>
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<tr>
<td></td>
<td>b. written not signed ................................................</td>
<td></td>
</tr>
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<td></td>
<td>c. verbal &amp; signed ....................................................</td>
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<td></td>
<td>d. verbal not signed ..................................................</td>
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</tr>
<tr>
<td>5.2</td>
<td>Does IC include the purpose of the research presented in simple, age and education appropriate local language?</td>
<td>X</td>
</tr>
<tr>
<td>5.3</td>
<td>Does IC state that participation is voluntary, and subject may choose to not respond to any or all questions, or may withdraw without consequences?</td>
<td>X</td>
</tr>
<tr>
<td>5.4</td>
<td>Does IC include a description of any risks or benefits to subjects? Please include in IC forms. It has been included in the forms:</td>
<td>X</td>
</tr>
</tbody>
</table>

**Table: Number of Observations**

<table>
<thead>
<tr>
<th>Section 3</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Minimal Risk: Do submitted materials address potential risks to subjects?</td>
</tr>
<tr>
<td></td>
<td>a. one-time observation ............................................... X</td>
</tr>
<tr>
<td></td>
<td>b. two or more observations (follow-up)</td>
</tr>
<tr>
<td>3.2</td>
<td>If the study or sampling and recruitment procedures have potential for greater than minimal risk, is it described?</td>
</tr>
<tr>
<td>3.3</td>
<td>If there is potential for greater than minimal risk, are mitigating procedures described?</td>
</tr>
<tr>
<td>3.4</td>
<td>Comments, amendments, additions, or revisions</td>
</tr>
<tr>
<td>Section 5</td>
<td>Does IC include a statement describing how confidentiality (or anonymity) of subjects and data will be maintained, and any limitations to confidentiality?</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5.5</td>
<td>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.”</td>
</tr>
<tr>
<td>5.6</td>
<td>Does IC include the expected duration of the subject’s participation?</td>
</tr>
<tr>
<td>5.7</td>
<td>Does IC provide identity and contact info of investigators?</td>
</tr>
<tr>
<td>5.8</td>
<td>Where subjects differ by type (e.g. age, sex, risk, status, etc.), are IC documents specific for each type?</td>
</tr>
<tr>
<td>5.9</td>
<td>Where data collection differs by method (e.g. survey, FGD, interview), do IC materials cover each method?</td>
</tr>
<tr>
<td>5.10</td>
<td>Are procedures for obtaining IC adequately described?</td>
</tr>
<tr>
<td>5.11</td>
<td>For child subjects, is there provision for including consent from parent, guardian, caregiver, or responsible person? If not, is this explained and justified?</td>
</tr>
<tr>
<td>5.12</td>
<td>If IC is written, is a copy left with subjects or there is explanation for not doing so?</td>
</tr>
<tr>
<td>5.13</td>
<td>Do IC materials advise subjects of their obligation to keep information confidential in focus group discussions?</td>
</tr>
<tr>
<td>5.14</td>
<td>Comments, amendments, additions, or revisions</td>
</tr>
<tr>
<td>5.13</td>
<td>If there will be FGDs, please include. There will be no focus group.</td>
</tr>
<tr>
<td>5.14</td>
<td>FVI, the standard terminology for children’s forms is assent instead of consent. This has been modified.</td>
</tr>
</tbody>
</table>

**Section 6**

**Subject Protections:** Do submitted materials clearly identify protection against risk?

| 6.1       | Do materials describe the use of information collected? |
| 6.2       | Are subjects given a clear indication of who will have access to their responses and in what form? |
| 6.3       | If children or other vulnerable groups are subjects, do materials clearly describe special considerations or accommodations for their safety or protections? |
| 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? |
| 6.5       | Have personnel collecting data from subjects had ethical training specific to the target group? |
| 6.6       | Are personnel collecting data aware of ethical issues that may arise and their mitigation strategies? |
| 6.7       | Comments, amendments, additions, or revisions |

**Section 7**

**Subject Risks:** Are risks reasonable in relation to any benefits to subjects and to the importance of the 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? |
| 7.2       | Does study deliver potential benefits to subjects through provision of information or services? |
| 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 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.”**
### Section 7

**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

**8.1** Vulnerability: When subjects are vulnerable to heightened risk have additional safeguards been included to protect their rights and welfare?  

Children in juvenile justice system: yes  

X

---

### Section 9

**9.1** Are data collection tools appropriate and constructed to ensure 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 the 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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UN Convention on the Rights of the Child
Appendix 6: Theory of change

**IMPACT:** Child victims and witnesses of crime and children in conflict with the law are more effectively protected by the Justice for Children system.

**OUTCOME:** By the end of 2017, through the implementation of child-friendly justice system models, institutional framework on justice for children, coordination mechanisms and services for children are established in three regions.

**OUTPUT 1:** By the end of 2017, rehabilitation community-based services are provided to children in conflict with the law and child victims and witnesses of crime in 3 regions.

Activities related to Output 1
Test Justice for Children model services on diversion, probation, psychological and social services.

**OUTPUT 2:** By the end of 2017, a multi-disciplinary and cross-sectorial mechanism aiming at overseeing the implementation of progress of the community-based services is implemented in 3 regions.

Activities related to Output 2
Design and advocate for the establishment of an inter-ministerial coordination mechanism on Justice for Children.

**OUTPUT 3:** By the end of 2017, a multi-disciplinary and cross-sectorial mechanism aiming at overseeing the implementation of progress of the community-based services is implemented in 3 regions.

Activities related to Output 3
Procure equipment for child-sensitive proceedings in law enforcement offices and juvenile courts. Establish procedures on child-friendly approach for professionals working with children in justice processes.

**Bottlenecks**
- Lack of community-based rehabilitation support services
- Little attention paid to the social component around justice system: need to improve child delinquency and re-offending prevention programs and to increase effectiveness of restorative approaches, prevent violence, maltreatment and compensate the harms to victims.
- Insufficient coordination at local levels, particularly between the justice system and social services.
- Law enforcement offices and juvenile courts lack technical equipment to implement child-friendly procedures to child victims and witnesses and children in conflict with the law during interviews.

**Assumptions**
- Political will to address child’s rights issues;
- Involved stakeholders have political will and commitment to scale up pilot projects;
- Will of stakeholders to improve child’s rights;
- Pilot project shows positive results;
- Full cooperation of local authorities; Child professionals present in the 3 regions and opened to test new models; Will and availability of professionals to oversee the implementation of the services; Audio-visual material available, used and taken care of.

**UNICEF core roles:** Advocacy and Partnership; Policy work; Monitoring and Evaluation; Operations Management; Modelling; Capacity Development.
# Appendix 7: Evaluation matrix

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

<table>
<thead>
<tr>
<th>Key Evaluation Question</th>
<th>Indicators</th>
<th>Desk review</th>
<th>KII</th>
<th>Observation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Institutional stakeholders</td>
<td>NGOs</td>
<td>UNICEF experts</td>
</tr>
<tr>
<td>Relevance</td>
<td>To what extent were the need for child-friendly justice models grounded in evidence-based problem analysis and to what extent do they correspond to the needs of the target groups and of children in justice processes in terms of protection by the justice system?</td>
<td>Existence and use of evidence-based problem analysis during intervention design/formulation Discussions and minutes of meetings with key stakeholders indicating the need to improve protection and respect for children</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>To what extent have national and local stakeholders been involved in the design/formulation of the piloting?</td>
<td>Discussions with authorities indicating government bodies and local authorities' involvement in pilot activities</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>To what extent was piloting aligned with the national program on protection of children in justice processes and with international standards and good practices on juvenile justice, as enshrined in UN CRC and international and regional policy documents?</td>
<td>Alignment of intervention objectives and activities with relevant regional and international standards and practices</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>To what extent has the piloting integrated gender equality and equity into its design?</td>
<td>References to equity perspective in program documents and activities</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Effectiveness</td>
<td>Have rehabilitation community-based services been provided to children in justice processes in the three target regions (output 1)? Have services been established for community-based services to children in conflict with the law and to child victims and witnesses of crimes?</td>
<td>Establishment of community-based services to children in conflict with the law and to child victims and witnesses of crimes</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Question</td>
<td>Data</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have internal or external factors influenced achievement or non-</td>
<td>Number and type of institutions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>achievement of this output and how? What were the strategies to mitigate</td>
<td>Number of children referred to services (disaggregation by age,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>challenges?</td>
<td>sex, region, referring body)</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Number of children not referred to services</td>
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<tr>
<td></td>
<td>Target: at least 3 juvenile courts in selected locations provide</td>
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<tr>
<td></td>
<td>social and psychological services for children in justice processes</td>
<td></td>
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<tr>
<td>Was a multi-disciplinary and cross-sectorial mechanism implemented in</td>
<td>Establishment of local advisory committees to coordinate community-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the three target regions to oversee the implementation of progress of</td>
<td>based services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the community-based services (output 2)? Is this mechanism operational?</td>
<td>Regularity of meetings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have internal or external factors influenced achievement or non-</td>
<td>Number and type of stakeholders involved</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>achievement of this output and how? What were the strategies to</td>
<td>% of cases related to children in justice processes reviewed by</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>mitigate challenges?</td>
<td>established inter-agency coordination mechanism out of all cases</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>at local level</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Have legal and non-legal judicial professionals enhanced their</td>
<td>Target: coordination mechanism in place</td>
<td></td>
<td></td>
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<tr>
<td>capacities for establishing a child-friendly environment when</td>
<td></td>
<td></td>
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<tr>
<td>interviewing children in justice processes in the three target regions</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(output 3)? To what extent these services had been used by children?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have internal or external factors influenced achievement or non-</td>
<td>Implementation of capacity building activities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>achievement of this output and how? What were the strategies to</td>
<td>Provision of child-friendly equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>mitigate challenges?</td>
<td>Number of children who accessed child-friendly rooms in court,</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>police and probation offices</td>
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<tr>
<td></td>
<td>Confirmation of perception of raised competencies by target</td>
<td></td>
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<tr>
<td></td>
<td>groups</td>
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<tr>
<td></td>
<td>Target: 15 offices including courts, police stations and</td>
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</tr>
<tr>
<td>Question</td>
<td>Answer</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To what extent has the pilots integrated gender equality and equity?</td>
<td>Consideration of gender and equity in implementation (girls/boys, rural/urban, socio-economic status, age group)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has the piloting resulted in unexpected effects (positive or negative) on children, parents and referring bodies?</td>
<td>Discussions with stakeholders revealing unexpected effects</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td>Evidence of adequately used human resources (staff and external consultants)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Were key UNICEF staff and partners qualified and numerous enough to implement the project, considering the activities to implement?</td>
<td>Coordination with other stakeholders at local level</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did the pilot models ensure coordination with other similar interventions to encourage synergy and avoid overlaps?</td>
<td>Cost-effective use of budget Evidence of no discrepancy between projected budget and actual costs Reference to a similar intervention and comparison of costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To what extent has UNICEF made good use of the financial resources in implementation of program activities? Were the funds spent according to the initial budget? Were key program activities cost-efficient in regard to the achieved outputs?</td>
<td>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</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are roles of partners clear and correctly defined?</td>
<td>Comparison between planned agenda and implemented activities</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>To what extent have the pilots been implemented in a timely manner and what was the response to potential delays? Was there an extension and why?</td>
<td>Analysis of reasons for extension</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Impact</td>
<td>Response to potential delays</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>To what extent pilot models contributed to child victims and witnesses feeling better protected?</td>
<td>Discussions with parents and services mentioning increase of child self-confidence</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Evidence of pilot's contribution to this result</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>To what extent pilot models contributed to decreasing the number of re-offending behavior and convictions of children? To what extent pilot models contributed to the reintegration of children into their communities?</td>
<td>Rate of re-offending behavior and conviction of children after children were referred to the services compared to national statistics, based on monitoring tools of community-based services</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Increase number of qualitative reintegration of children into their community in three regions</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Evidence of pilot's contribution to this result</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>To what extent did the pilot contribute to new practices regarding interviews of children?</td>
<td>Professionals mention new child-friendly practices when interviewing children</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Evidence of pilot's contribution to these results</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>To what extent costed community-based services for children in conflict with the law are cost-effective in comparison with traditional justice proceedings?</td>
<td>Comparison of costs between pilot and traditional justice proceedings</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>How do the stakeholders (courts judges, police, probation officers) perceive the results of the justice for children pilot?</td>
<td>Positive or negative perception of stakeholders of the pilot</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Are there differences related to gender, social economic status and rural-urban division?</td>
<td>Disaggregation of data allowing analysis of impact based on gender, age groups and other equity indicators</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td><strong>Sustainability</strong></td>
<td><strong>Degree of involvement and ownership of authorities and NGOs in the activities</strong></td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>To what extent is the commitment of authorities and NGOs likely to continue beyond the program?</td>
<td><strong>Allocation of human and financial resources to sustain the pilot</strong></td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Do authorities and NGOs have the capacities to sustain the introduced Child-friendly justice models and take over responsibility?</td>
<td><strong>Financial and technical capacities to replicate models at national level</strong></td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>To what extent national authorities and NGO sector have the commitment and the capacity to replicate the models at national level?</td>
<td><strong>Durable legislative and policy changes supporting implementation of pilots at national level</strong></td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>To what extent has UNICEF been able to support its partners in developing capacities and establishing mechanisms to ensure continuity of activities?</td>
<td><strong>Long-term gains in building capacities</strong></td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td><strong>Quality and ownership of coordination mechanisms at local levels</strong></td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>
**Appendix 8: Evaluation Grid - Internal quality control process (May 2018)**

<table>
<thead>
<tr>
<th>Items</th>
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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 where 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.
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### PART 1: Crimes committed by children

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<td>6362</td>
<td>5879</td>
<td>5311</td>
<td>4209</td>
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<td>5973</td>
<td>5879</td>
<td>5311</td>
<td>4212</td>
<td>3338</td>
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<td>4212</td>
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<td>1006</td>
<td>653</td>
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<td>1006</td>
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## Appendix 10: List of interviewees and site visits

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<td>Prosecutors training institute</td>
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<td><strong>KYZYLORDA CITY</strong></td>
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<tr>
<td>Representative of the Department of Education</td>
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<tr>
<td>Bar member</td>
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<td>2 children in conflict with the law</td>
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This list is identical to the list of the evaluation report on the reform of Justice for Children, considering that the evaluations were closely linked and each meeting was designed to cover both components.
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<td>Representative of Guardianship authority</td>
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<tr>
<td>Local authority involved in the pilot (Akimat)</td>
<td>1</td>
</tr>
<tr>
<td>SICIM judge</td>
<td>1</td>
</tr>
<tr>
<td>Bar member</td>
<td>1</td>
</tr>
<tr>
<td>Representative of department of Education</td>
<td>1</td>
</tr>
<tr>
<td>2 families of child victims and witnesses</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Online / phone interviews</strong></td>
<td></td>
</tr>
<tr>
<td>UNICEF international experts</td>
<td>5</td>
</tr>
<tr>
<td>Staff in Zyryanovsk: psychologist and social worker</td>
<td>2</td>
</tr>
<tr>
<td>LPRC</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>48</td>
</tr>
</tbody>
</table>
Appendix 11: 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.