



North American Council for Juvenile Justice

First Meeting

'Improving cooperation and exchange on juvenile justice in North America'

Minutes of the Meeting

Wednesday, December 17, 2014; 1:00-3:00 pm
Senate Dirksen Office Building, Rm. G11

Thursday, December 18 – Friday, December 19, 2014
DLA Piper Law Office, 500 8th St. NW, Washington, DC 2004

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I. Introduction

On December 18th and 19th, the North American Council for Juvenile Justice (NACJJ) met for the first time, in Washington. The meeting saw the participation of over 20 representatives of the academia, the public administration, and civil society involved with juvenile justice in Canada, Mexico, and the United States, together with representatives of regional and international bodies. Furthermore, the meeting was preceded by a public briefing on the role of the newly established NACJJ, held at the Senate Dirksen Office Building, on December 17th.

The event was organised by the IJJO with the collaboration of the Juvenile Justice Initiative (JJI) and its President, Betsy Clarke. Furthermore, the support of the Civitas Law Center at the Loyola Law School of Chicago, the Director Diane Geraghty and the Former Secretary of the Florida Department of Juvenile Justice Wansley Walters, was also crucial to promote



the meeting, and ensure the participation of distinguished experts from the three countries involved.

Funding for the first convening was provided by the Woods Fund of Chicago and the Butler Family Fund. DLA Piper provided meeting space, and staffing was provided by the Juvenile Justice Initiative and the International Juvenile Justice Observatory.

The NACJJ was established, as with the other IJJO regional councils, to design and carry out common strategies, advocacy and projects tailored to the realities on the ground and develop a transnational approach. In North America, juvenile justice has taken major steps forward over the last few decades. Although significant improvements have been made, which provide opportunities for further developments in the future, these changes differ significantly between the three main countries of the region: the USA, Mexico and Canada. In this framework, the NACJJ will work to implement modern and transparent juvenile justice systems, provide better protection to the children of the region and to ensure that the rights of children in conflict with the law are respected.

This first meeting was therefore the first opportunity for an open consultation on the particular situation of juvenile justice in each of three participating countries. Thanks to the presentations and interventions of the different representatives of Canada, Mexico and the United States, the NACJJ was able to discuss specific priorities and draw the first conclusions for a future common strategy. The enthusiasm of the participants for the creation of a new transnational platform for mutual learning and information exchange also led to a discussion on the communication tools and working methods that will be available to Council members.

The two-day meeting thus became an important occasion to lay down the ground-rules and operational basis for the future functioning of the Council, and to define the primary concerns to address in order to improve juvenile justice systems in the North American region.





II. The International juvenile Justice Observatory

The International Juvenile Justice Observatory (IJJO) is an International Foundation of Public Interest based in Brussels, which since 2002 has worked for the rights of children and young adults at risk of social exclusion, especially those **in conflict with the law and caught up in cycles of violence and crime**, as well as victims and witnesses.

The IJJO's mission is to promote and encourage the improvement of juvenile justice systems and public policies, the implementation of international standards, the strengthening of professional competence in the field and the exchange of innovative best practices.

In accordance with its primary objective to foster a juvenile justice without borders, the IJJO works within the framework of international regulations and standards adopted by the United Nations, as well as those by competent bodies in the region where it operates.

The IJJO's activities cover all phases of action in the process of violence, from citizens' security policies, social prevention of situations of risk and violence, and the administration of justice to children and young adults, to crime and penitentiary policies designed to achieve effective social integration and entry into the labour market.

With the objective of **promoting innovative studies**, the Observatory manages and participates in, alongside universities and centres of excellence, diverse research projects, favouring the generation of specialised knowledge in subject matters and factors that affect the cycle of juvenile crime and contribute to improving the effectiveness of public policies, with particular attention to fostering a multidisciplinary approach. These activities are complemented by the IJJO's role as a free **information and dissemination service**, which offers a valuable documentation and resources archive, containing over 3 800 documents from 160 countries. This database and documentation centre is available to the over 11 000 users of the Observatory's website around the world, who can therefore access the latest developments and regularly updated news concerning juvenile justice,

In addition, through bilateral collaboration agreements with ministries and public and private administrations, the IJJO provides **technical assistance** on policies programmes and projects linked to the cycles of juvenile violence. In this light, the Observatory engages in: analytical assessment; advisory and support services on the design of legislation and public policies; inter-institutional exchanges through internships and study visits; themed meetings and production of related working documents; training and capacity building actions.



Thanks to the **International School for Juvenile Justice**, an e-learning platform run by the IJJIO, it can provide specialist training to professionals across the globe in the different areas of juvenile justice. The courses offered by the School cover a variety of issues, amongst which: alternatives to deprivation of liberty; conflict management and bullying at school; juvenile justice within Europe from an international perspective; restorative justice practices.

In the framework of its **advocacy activity**, the IJJIO participates in international events and forums, in its capacity as leading institution in the field attested by its consultative status with the United Nations ECOSOC, UNESCO and the with the Council of Europe, aiming to place the issue of juvenile justice on the international political agenda. Furthermore, it promotes international campaigns with the aim of **raising the awareness of the general public and key stakeholders** about the rights and issues of children caught up in the cycle of violence.

Finally, as part of its commitment to promote the improvement of juvenile justice systems and policies, the IJJIO launched **Continental Councils for Juvenile Justice**, to ensure that activities are carried out with maximum proximity to real local situations. The Councils were established as working cooperative networks, with the aim of generating spaces for analysis and reflection, developing initiatives and establishing codes and principles of good practice across the different regions.

III. Summary of the Meeting

The First Meeting of the North American Council for Juvenile justice was composed of two different events: on December 17th the IJJIO representatives, together with the co-organisers, outlined the main features of the NACJJ and its objectives, in the course of a public briefing, held at the US Senate and attended by various national and federal juvenile justice stakeholders. In the following two days, the future members of the Council met to discuss national and regional priorities and agree on the future working plan of the NACJJ.

In the course of the public briefing, Diane Geraghty of the Civitas Law Centre, Wansley Walters, Former Secretary of the Florida department of Juvenile Justice, Adam Blackwell of the OAS, Marisol Blanchard of the Inter-American Commission on Human Rights and Andra Nicolescu of Anti-Torture Initiative, shared their enthusiasm for the establishment of the NACJJ. In particular, they focused on the relevance of international norms and standards to





guide juvenile justice reform, thus stressing the inherent advantages of a transnational approach to juvenile justice issues. They also valued the evidence-based direction of the IJJO councils and their orientation towards effectiveness.

Moreover, IJJO Secretary General Cristina Goñi and Director of International Affairs Cedric Foussard presented the IJJO to the audience including its history, mission and core achievements, and, in particular, the working methods that led to the establishment of the regional councils. Finally, Mr Listenbee, Head of the Office of Juvenile Justice and Delinquency Prevention of the US Justice Department briefly outlined the recent policy-making developments and the priority challenges for the US Juvenile Justice system.

Throughout the two days of the following closed meeting, the future NACJJ members contributed actively with various presentations, each describing priority challenges or positive aspects of their country's juvenile justice system. Moreover, the representatives of international organisations such as the Organization of American States provided an overview of the regional situation and indicated crucial issues that could benefit from a coordinated transnational approach, as well as local good practices whose implementation could be extended and be advantageous to other realities.

To conclude, participants discussed in depth the functioning of the Council, its process of formalization and its working methods. They addressed in particular communication strategies, and agreed on a first set of shared priorities to be tackled in the future meeting, after the formal constitution of the NACJJ.



IV. Minutes of the Meeting

a. Open Briefing on the North American Council for Juvenile Justice

December 17th

Diane Geraghty

Director, Civitas Law Center, Loyola University, Chicago

‘Overview of rights for children in conflict with the law ‘

Ms Geraghty opened the Briefing of the North American Council for Juvenile Justice (NACJJ) by calling the participants’ attention to the great opportunities lying ahead of us to ensure the respect of the rights of children. At this point in time, the global community has made great strides, but still has a long way to go to ensure a developmentally appropriate system for children.

She underlined the growing number of countries that are dismantling punitive measures and recalled that the United States are at the forefront of the nations that pursued punitive policies and then, in the face of their failure, started to pursue different approaches. The second international trend is to guarantee universal access to justice, with the UN Convention on the Rights of the Child as an important trigger to do so, for all those nations that ratified it.

It was at this crucial moment that the NACJJ was established, in order to promote stronger coordination between North American nations and to foster concrete collaboration on joint initiatives and projects. This regional, non-governmental network of stakeholders is committed to collaboration on research, education and dialogue, and built around the common goal of improving juvenile justice systems in the region.

Ms Geraghty also outlined shared challenges and shared opportunities for the new NACJJ members and their countries: from the complicated organisational structure of federal states, to the concerns about cross—movements, and the shared issue of overrepresentation of ethnic minorities in the justice systems.

Shared issues are also shared opportunities to design effective policies and exchange good practices, building together models that are truly inspired by international standards. In this



sense, Canada and Mexico have already used the CRC as a programmatic tool to design their reforms, and have an important tradition of alternatives to the traditional justice system, from which the United States have a lot to learn. At the same time, the US can bring an important contribution in terms of research and, concerning the practice, on the promotion of public and private partnerships to favour the advancement of juvenile justice.

Cristina Goñi

IJJIO Secretary General

'The International Juvenile Justice Observatory & Regional Councils'

Ms. Goñi started by welcoming all the participants to the briefing, as well as the organizers, for this important opportunity to introduce the NACJJ and its objectives. In particular, she thanked Ms. Elizabeth Clarke and MS. Diane Geraghty for their work in view of the meeting.

She began by describing the work of the International Juvenile Justice Observatory (IJJO) and the founding body of the NACJJ, with a brief overview. It was founded in 2002 to promote the protection of children and adolescents caught up in cycles of violence and crime, to create new sources of knowledge and evidence regarding the phenomena that affect them; and to encourage the practical enforcement of the international standards of juvenile justice.

The scope of action of the IJJIO reaches Europe, Africa, Asia and Latin America, and its mandate covers five principal courses of action, which include information and raising awareness, knowledge production through research, training, the development of technical cooperation programs, and policy and advocacy work with regional, international, and UN organizations.

One of the principle courses of action is the creation and transfer of knowledge, which is achieved by means of investigations that involve the gathering of evidence, innovation, and the implementation of promising measures. Moreover, due to the expertise obtained by over ten years of work on issues connected to the cycles of violence and crime that affect children and young adults, the Observatory has the privilege of witnessing first-hand processes designed to modernize and reform public policies of civil security and violence prevention, criminal and prison policies, and the effective social and labour integration of young adults coming out of jail. In this light, it will continue to develop work on technical assistance and capacity building through collaboration with more than 50 governments from all around the world, some of them present here today, such as Mexico. As for education, in



2015 the International School of Juvenile Justice will launch its fifth course aimed at capacity building for justice professionals.

Similarly, in the last five years, the Observatory has prioritized the creation of spaces for meeting and debate through the Continental Councils for Juvenile Justice, whose purpose is to devise regional agendas and help adapt public policies and political programs to the new challenges and realities that social, economic, demographic, and political changes are causing around the world.

In fact, as Ms Goñi pointed out, this is a crucial time for the international political agenda. Firstly, there is the revision of the Post-2015 Agenda for the accomplishment of the Millennium Objectives. Significant efforts and advances have been made in several respects; however, those that remain a priority are those most urgent; linked to poverty, hunger, universal access to primary teaching, education, infant mortality, universal access to reproductive and maternal health, general health, environmental sustainability, and access to water and sanitation. Notably, in order to achieve these objectives it is essential to guarantee safety for all and to promote human rights, gender equality, good governance, and the rule of law, with the ultimate objective being to bring about societies based on peace and democracy.

Secondly, the 25th anniversary of the adoption of the Convention on the Rights of the Child was celebrated in 2014. However, in spite of the number and specialization of the regulations and instruments that the Convention led to adopt, the impact has not been as great as expected. As highlighted in the recent 2010 Resolution of the Parliamentary Assembly of the Council of Europe, how can we explain this dissonance between politics and practice?

In this context, the organization of this Meeting is a result of the IJJO's wish to become closer to national and regional realities and needs, as it did setting up different Councils in the Asia Pacific, in Europe and Latin America. Over the next few days we will try to analyze the advances made, as well as the challenges and obstacles that can be overcome by improving public policies for the integral protection of children and preventing the cycles of violence, conflict, and crime in which they are immersed. Amongst the main objectives that the NACJJ will focus on, Ms Goñi indicated, are:

- I. Provide an overview of the International Juvenile Justice Observatory, its Continental Councils and the activities and accomplishments developed by the Councils;



- II. Provide an introductory overview of the juvenile justice systems of Canada, Mexico and the US;
- III. Identify and discuss areas of common interest and to establish priorities;
- IV. Develop a plan and timetable for the exchange of experiences and good practices in North America;
- V. Translate the know-how and experiences shared during the debates and presentations into concrete actions and documents which can be used for advocacy purposes as well as for the training of the judiciary and law enforcement officials, civil society and community based organization.

Cedric Foussard

IJJO Director International Affairs,

'Working Methods of the Regional Councils'

Mr Foussard described to the participants how the IJJO has relied on the various regional councils to develop its action. Established primarily as a platform for the exchange of information and research, through the councils the IJJO has gained greater impact on its advocacy, projects and training activities, being able to tackle regional priorities and develop tailored strategies.

Each council benefits from the diversity of its members and thus proposes a truly multi-disciplinary approach. The shared action gains from the good practices exchange and contributes to enhancing the dialogue between the nations. The action of the councils aims to find the best tools and practices, and develop evidence-based policies to promote international standards and principles and make juvenile justice systems more child-friendly.

Mr Foussard then described the work of each council. Established in 2009, the European Council for Juvenile Justice (ECJJ) was the first one to be created and today is a very active forum, which gathers over 80 experts from all the 28 European member states, and has officially met four times: in Paris, Rome, London and Brussels.

Today, the Council can also benefit from the various tools to promote regular **communication** and exchange between its members: extranet; newsletter; website.

Among the most notable results of the ECJJ, it is important to mention the three green papers, each produced by one section: *The Evaluation of the Implementation of International*

Standards in European Juvenile Justice Systems’ coordinated by Dr Ineke Pruin; *‘The social reintegration of young offenders as a key factor to prevent recidivism’* coordinated by Mrs Severine Jacomy-Vite; *‘Measures of Deprivation of Liberty for young offenders: how to enrich International Standards in Juvenile Justice and promote alternatives to detention in Europe?’* coordinated by Dr Ursula Kilkelly. The result of the London meeting instead, the white paper *‘Save Money, Protect Society and Realise Youth Potential: Improving Youth Justice Systems during a Time of Economic Crisis’* is a response to the issues faced by juvenile justice systems in the face of the crisis. It advocates stronger investment in young people, focused especially on the diversification of strategies to tackle social marginalisation: from prevention to diversion.

Finally, Mr. Foussard described the outcome of the Fourth meeting, which took place only the week before in Brussels, and was the opportunity to discuss a stronger coordination between the Council activities and the agenda of the EU institutions; to consult on shared priorities and discuss the Roadmap 2015-2017. Moreover, the latest project of the ECJJ was presented: the EU Model for Restorative Justice with Juveniles.

In the Asia Pacific Region, the situation of children in conflict with the law, child victims and



witnesses of crime has become an increasing concern for many countries. Significant reform initiatives are underway in many countries to respond to issues relating to violence against children, child trafficking and protection of the rights of children in conflict with the law. However in other countries there is a lack of specific juvenile justice systems to guarantee the rights of young people between 16 and 18 years of age. The Asia Pacific Council for Juvenile

Justice (APCJJ) is therefore facing a critical situation: its action aims to favour convergence of objectives between countries with very different cultures, religion and legal background, and keep the juvenile justice issues on the political agenda with a children’s rights perspective.

The Latin American Council for Juvenile Justice (LCJJ) has been active since 2011, to address the phenomenon of juvenile delinquency, a worrying issue in Latin America. In this region, the IJJO works to provide coordinated and efficient solutions that contribute to reducing delinquency and promote the integral development of minors and young people by encouraging social inclusion, thanks to a bilateral cooperation with 15 governments.

In the same way, Mr Foussard underlined, the NACJJ will aim to achieve the same objectives in the North American region, establish a well-connected network of juvenile justice



experts, with common priorities and a multi-disciplinary approach, to develop a global perspective on juvenile justice reform.

Adam Blackwell

Secretary for Multidimensional Security, OAS

Mr Blackwell started by introducing the Organization of American States, the oldest multinational organization in the world, and underlined how one of its main advantages lies in the diversity of its composition, which brings together Presidents, ministers of Justice and Public Security, but also professionals with a technical approach, such as the Institute of the Child. This element allows the organization to aggregate on a large scale and build a multilateral approach, without forgetting the peculiarities of the situation on the ground.

Amongst the crucial policy innovations of the last years, Mr Blackwell mentioned pioneering drug treatments, as well as especially innovative programs in drug prosecution involving juveniles, such as drug treatment courts and updated community policing.

On the side of security, policy effectiveness has also benefitted from transnational cooperation to fight against trafficking. Smart security programmes have also enhanced the importance of diagnostics, and demographic analysis, to interpret the overall situation and particular elements of risk.

These different aspects contribute to an overall shift in the approach to youth justice. One of the last UNPD reports revealed that 85% of crime is committed amongst and between youths. This must be contextualized in a situation characterized by employment issues, and marginalisation of certain groups. Due to all these specific concerns, a more psychological approach to youth justice, stressing reintegration and prevention rather than a punitive objective, have gained unprecedented relevance. In this light, he emphasized the importance of investing in early prevention and children's education to prevent social vulnerabilities.

Mr Blackwell then analysed some specific issues of the North American region, and stressed the opportunity of learning from existing good practices that are currently implemented only at local level. First of all he stated that the fact that 40% of global homicides happens in the American continent clearly indicates that there's a problem with the use of weapons. The presence of numerous gangs is also an important concern that cannot be overlooked, but that can be managed effectively, as shown by the programs implemented in Los Angeles, Baltimore, Chicago and Washington D.C. He also mentioned the Montgomery County





diversion programming, and the advantages of an integrative approach. In doing so, he stressed his strong support for an initiative, such as the NACJJ, which will enhance the possibility of effective practices exchange, and coordinate communication between different stakeholders at local and national level.

Marisol Blanchard

Human Rights Specialist, Coordinator, Rapporteurship on the Rights of the Child, Inter-American Commission on Human Rights

Ms Blanchard began her speech by addressing the importance of the UN Convention for the Rights of the Child, to set standards for the treatment of children. On November 20th 1989, 25 years ago, several countries discussed and adopted a very crucial instrument for the protection of children's rights. 25 years later, she stated, it is still relevant to ask ourselves why this was necessary. The Convention on the Rights of the Child was a revolution in several areas, first and foremost in stating that persons under the age of 18 were not objects, property of the adults, but little people with a voice, with the same rights as adults and, in addition, were afforded a special protection or reinforced rights, due to their different developmental stage. The Convention has become the most-widely ratified human rights treaty in history, but hard work lies ahead, in order to fully understand and enforce its principles.

The Inter-American Commission on Human Rights is the principal human rights organisation in the Americas. It derives its mandate from the Organization of American States Charter and the Declaration on Human Rights, adopted by all American countries, from Chile to Canada, in 1948. Formally established in 1959, the Commission has its headquarters in Washington, D.C. Its 7 members are elected by all member States and are independent experts. Its work consist in receiving individual claims against States for human rights violations that have not been properly addressed by national courts; these cases include the United States, since it is part of the Organization and is bound by the Declaration.

The Inter American Commission and the Inter-American Court on Human Rights (with headquarters in Costa Rica) have established that there is a corpus juris that includes all international treaties in relation to the rights of the child. This corpus juris is incorporated



into the Declaration and provides ground to integrate international standards as binding for all American States^{1 2}.

These International Standards provide that all persons under the age of 18 are entitled to reinforced protection, and that the main actors in promoting their rights, particularly before they fall from the system or come into contact with the criminal justice system, are their family and the community. In this light, the State has a responsibility to create a National System that promotes public policy in relation to children's rights that can coordinate, with effective power and resources, all public services so that they are geared to the best interests of the child. These should include health, education, juvenile justice, foster care, all campaigns to end child labour, trafficking, etc. All services should be coordinated and organized, civil society should be heard and participate, and most importantly, children should be a part of and actively participate in the discussions that define public planning. The Inter-American Commission is pleased that Mexico has very recently adopted a national law that creates such a system, with the President as its Director.

In this context the creation of a North American Council for Juvenile Justice is an important step towards integrating different experiences and coordinating policies with different actors. We have found in our recent trips to some US States that there is still very little knowledge of international standards and their relevance in promoting children's rights. In this regard, the Commission has expressed concern about the extensive prosecution and sentencing of persons under the age of 18 by adult courts in the United States. According to the information gathered by the Commission, 150 to 200 thousand children are in the adult criminal system, which exposes them to additional violations of their rights as children, such as the use of solitary confinement, the lack of adequate legal representation, and of a specialized justice system, the prohibition of family contact as a form of punishment, abuse and sexual violence, mistreatment, death, suicide and intent of suicide.

The Commission, Ms Blanchard concluded, welcomes the creation of this important forum and is certain that it will be a step towards ensuring that the North American children are afforded their rights, and that those who enter into contact with the criminal system are

¹ The U.S. conducts an extensive examination and scrutiny of treaties before proceeding to ratify. This examination, which includes an evaluation of the degree of compliance with existing law and practice in the country at state and federal levels, can take several years.

² IACHR Report on the Right of Boys and Girls to a Family, para. 9. "(...) Both of these articles ensure the right of children to measures of care and protection and special assistance, which States and, indirectly, society are required to provide them because of their condition as developing subjects."



afforded their right to be prosecuted and sentenced in a juvenile justice system, respecting the principles of legality, exceptionality, specialization, and above all, that they are treated as children that are victims and need to be helped to grow into rehabilitated adults, with opportunities to participate in the definition of their lives.

Andra Nicolescu

Anti-Torture Initiative, Center for Human Rights & Humanitarian Law, American University

Ms Nicolescu represented the Anti-Torture Initiative, carried out with the collaboration of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment. She thus started her presentation by mentioning the gravity of certain practices that are used on children in custody, and that can be defined as torture or degrading treatment. Solitary confinement notably falls in this category, and, despite the numerous call of the Special Rapporteur for its absolute prohibition on children, it is only recently that the United States have devoted more attention to the issue.

The concerns around the treatment of children in custody are well-funded and widespread, since over 500 000 children are detained just in the United States. The lack of data and information on their conditions will be addressed by the next report of the Initiative, which will address a wide range of issues, such as justice administration and the avail of alternative measures and family support, and will focus in particular on the ill treatment of children deprived of their liberty. It is important to note that evidence proves that confinement increases the risk of violence.

Moreover, it will explore the requirements for children protection indicated by international standards and principles, while providing concrete guidelines for their effective implementation. With a broad perspective, the report will also investigate the situation of children in foster care and protection systems. The final objective is to provide a complete overview and practical recommendations to improve policy making, through a strong evidence-based approach.

Wansley Walters

Former Secretary of the Florida Department of Juvenile Justice; Partner, Ballard Partners

Ms. Walters took the floor to share her long-standing collaboration with the IJJO and her enthusiasm for the upcoming establishment of the North American Council for Juvenile Justice, an initiative that she considers a crucial opportunity to build on shared challenges





and common priorities, and to develop in the North American region a critical instrument to exercise positive influence on the juvenile justice system.

She then introduced Mr Listenbee, thanking him for his participation in the event, especially considering his long-standing engagement and leadership in the battle to protect the rights of children, and especially children in conflict with the law.

Bob Listenbee

Administrator, Office of Juvenile Justice and Delinquency Prevention, Justice Department, US Government

Mr Listenbee began by expressing his enthusiasm for the initiative of the North American Council for Juvenile Justice and recalling the relevance of international norms and standards to progress in the defence of the rights of children in conflict with the law.

He then underlined how the present moment is crucial to determine the evolution of the juvenile justice system in the United States, and called attention on the recent reauthorization bill of the Juvenile Justice and Delinquency Prevention Act, which aims to tackle the issue of ethnic disparities in the justice system.

While the challenges of reforming a complex federal juvenile justice system which involves 50 States are quite apparent, Mr Listenbee stressed the dramatic change undergone by the system, and the impressive decrease of arrest rates. He also mentioned the Report of the National Academy on the relevance of developmental approach to juvenile justice, presenting this aspect as one of the most fundamental shifts in the overall approach to criminal proceedings' fairness.

Priorities to be addressed were then indicated. First of all, the issue of racial and ethnic disparity needs to be tackled as a crucial concern when reforming justice policies. In order to do so, it is essential to invest in early prevention and effective educational policies, and dismantle the pipeline that leads to a considerable number of school drop outs having problems with the law.

Secondly, more information, studies and research are needed to understand how to help children who have been exposed to violence and to address their trauma, to improve care and services that can foster healthy personal development.



Mr Listenbee then indicated that ensuring respectful conditions during detention is a crucial aspect for a fair justice system, and recalled the importance of tackling the disproportionate use of solitary confinement. He underlined that, when dealing with children victims, and with children offenders in custody, integrating the family in the approach is essential for effectiveness.

Finally, he called for increased attention to the level of specialised training to be offered to judicial staff at all levels. Being in contact with children does in fact require specific sensitivities and attention; one must be respectful of their progressive personal development.

b. Closed NACJJ Meeting

December 18th

Welcome and Introduction

Betsy Clarke

Founder and President, Juvenile Justice Initiative

Ms. Clarke welcomed the participants to the historic initial convening of the North American Council for Juvenile Justice. She explained that her home, Chicago, is also the home of the world's first juvenile court, so she and her organization share a special commitment to the highest aspirations for justice for all our children. Transnational collaboration is not unprecedented - the first juvenile court developed out of close collaborations between progressive organizers in Chicago and London. Noting that this is a turbulent time in the United States, with an increased scrutiny of the profound racial and ethnic disparities in our justice system, and a dramatic reconsideration of the policies that led to the mass incarceration crisis, Ms. Clarke stressed the urgency of transnational communication and collaboration for the sake of our children in the U.S.

Ms. Clarke pointed out that this first convening was being held during the 25 year anniversary of the Convention on the Rights of the Child. She noted that the CRC has transformed national juvenile justice policies around the world, and this transnational convening in the North American Continent is especially promising for the future of our children in conflict with the law.





The convening was made possible through numerous donations and volunteer efforts, and Ms. Clarke acknowledged gratitude for the funding provided by the Woods Fund and by the Butler Family Fund to support the meeting and travel expenses of participants. Ms. Clarke introduced Martha Toll, Executive Director of the Butler Family Fund, who was present in order to meet and welcome the participants and encourage the dialogue and transnational cooperation anticipated through the NACJJ. Ms. Clarke noted with gratitude that the meeting space was donated by the Law Firm of DLA Piper, and expressed gratitude to Sen. Richard Durbin's staff for their assistance in obtaining the hearing room for the previous day's briefing.

Ms. Clarke thanked the fellow organizers – especially the dedicated and talented staff of the OIJJ, and fellow organizer and OIJJ member, Wansley Walters, and noted the vigorous and fruitful discussions that she and Ms. Walters had observed at OIJJ international conferences. Finally, Ms. Clarke noted the close collaboration between the Civitas Law Center at Loyola Law School in Chicago and her organization, the Juvenile Justice Initiative – collaborations that have resulted in dramatic decreases in the number of children in prison and decreases in the number of children tried as adults, as well as in the development of the North American Council – and expressed her gratitude to Ms. Geraghty for her contributions to this meeting.

Lastly, Ms. Clarke thanked the participants for taking time out of their busy schedules, especially so close to the winter holidays. With such talented and energetic participation, much is possible. Our children – the hope for our future – need our collaboration and mutual assistance to develop the best systems possible for resolving cases of children in conflict with the law.

Cristina Goñi

Secretary General, International Juvenile Justice Observatory

Ms. Goñi welcomed all the participants to the second day of the First NACJJ Meeting and recalled the basic principles advocated by the IJJO and the crucial goals of the NACJJ initiative, starting from the importance of the **specialization of systems**, institutions and





all the professionals that work in the administration of justice for children. These institutions should share a common theoretical framework and methodologies to achieve effective multiagency interventions.

Then, maintaining a **high minimum age for criminal responsibility** also constitutes one of the main challenges when it comes to status offences and to avoiding the criminalization of children immersed in contexts of extreme poverty. It is also essential to guarantee **access to justice, legal aid and assistance**, especially to these girls and boys who are part of vulnerable groups, as well as ensuring that they enjoy **a fair, impartial judicial process**, proportional to the child's needs and protection, and to the damage and harm caused.

Ms Goñi also underlined the overarching importance of the principle of diversity, which takes into account the experiences of certain groups that are particularly vulnerable when entering into contact with the law, such as child victims of human trafficking, ethnic minorities, disabled people, LGBT people, people with mental health issues, etc. Moreover, in consideration of the special risk factors of violence and abuse towards girls, **gender mainstreaming** favours the legitimacy and effectiveness of public policies related to criminal justice,

Most of our countries display massive rates of incarceration, despite the principle of last resort which is established by international standards with respect to **measures of deprivation of liberty**. It is therefore crucial to promote early intervention, supported by the implementation of valuation methodologies based on protection and risk factors.

On the other hand, the particular financial constraints of the last years, and their consequences on society forced the IJJO to consider a socioeconomic perspective and to argue how the policies that the organisation promotes can contribute to: saving costs; avoiding youth and community harm; modernizing the justice systems. In particular, research has shown the **cost effectiveness** and **recidivism** reduction of diversion and community based and restorative justice practices compared to incarceration.

Amongst diversion and alternative measures, Ms Goñi called attention to Restorative Justice, the subject of a study carried out in the framework of the ECJJ, and of the subsequent publication of the *European Model for Restorative Justice with Children and Young People*. Restorative practices appear particularly relevant to promote **the principles of reparation, restitution and restoration of damage** done to the victim, the family and society, offering peaceful resolution to conflict and helping to foster cohesive and democratic societies.



Finally, amongst the most pressing challenges, it is important to underline the fight against criminalization and stigmatization of young people in poverty, and the promotion of youth participation to policy design. In particular, the IJJO is committed to fighting the idea that juvenile justice policies are designed as a result of urgency and public influence, which are led by emotionally based prejudices caused by sensationalistic media reports and the insecurity perception they involve.

In conclusion, Ms Goñi underlined that juvenile justice can be effective, save money and be beneficial to the needs of young people as long as the priority is given to policies of prevention, diversion, community based intervention and considering deprivation of liberty as a measure of last resort. She then left the floor to the other participants to introduce their selection of best practices and national issues.

Overview of IJJO work and Regional Councils

Cedric Foussard

Director of International Affairs, International Juvenile Justice Observatory

Mr Foussard explained how the IJJO relies on Regional Councils to understand the most pressing issues at national and international level and develop tailored projects, responsive to the realities on the ground.

Regional Councils are conceived as multi-disciplinary think tanks, bringing together experts of different professional backgrounds, from the academia, the NGO sector, the judiciary sector and public administration. They work together to develop common strategies, selecting priorities for action and carrying out common projects. At the same time, thanks to the communications tools made available by the IJJO, partners can share specific documents, research and studies on a regular basis.

The work of the Councils is instrumental to promoting a trans-national approach to juvenile justice, diffusing and raising awareness around the children's rights agenda, and shifting the approach to issues linked with citizens' security. Mr Foussard then concluded with a brief presentation of each of the existing IJJO regional councils, and then expressed his gratitude to the participants for the opportunity to set up the North American Council for Juvenile Justice.





International and Regional Overview

Andra Nicolescu

Anti-Torture Initiative, Center for Human Rights & Humanitarian Law

As a researcher at the Center for Human Rights and Humanitarian Law at the American University Washington College, Ms Nicolescu works with the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, for the Anti-Torture Initiative.

She illustrated core issues explored by the upcoming report, which focuses on children deprived of their liberty. First of all, she pointed out the lack of information on these children, and the need to collect and systematize more data. She underlined that the aim of the report is to establish clear standards and clarify how and what abuse crosses the legal threshold established by international human rights prohibitions on torture, paying particular attention to the interactions between the Convention on the Rights of the Child, and the Convention against torture (the latter being ratified by the US). In particular, she stressed the importance of art. 37 of the CRC. By limiting detention to a last resort measure, to be applied for the shortest period of time, art. 37 helps to determine unlawful and arbitrary custody which could constitute a violation of treatment per se in the case of children.

Finally, she mentioned significant issues at the heart of the American debate over juvenile justice: the rehabilitation and educational purposes of detention; the need to separate children in detention from adults; the use of corporal punishment and solitary confinement. Various participants indicated that they shared strong concerns over this particular topic.

Anja Goertzen

*Fellow-Rapporteurship on the Rights of the Child
Inter-American Commission on Human Rights*

The Inter-American Commission is composed of 7 independent members, elected by the OAS assembly, and is led by the Special Rapporteur on the Rights of the Child, Rosa Maria Ortiz. In 2011 the Commission published a specific report on 'Juvenile Justice and Human Rights in the Americas'³, while in 2013, the report 'The Right of Boys and Girls to a Family'⁴

³ <http://www.oas.org/en/iachr/children/docs/pdf/JuvenileJustice.pdf>

⁴ <http://www.oas.org/en/iachr/children/docs/pdf/Report-Right-to-family.pdf>



explored the importance of alternative care as an opportunity to ending institutionalization in the Americas. The upcoming report will concentrate, instead, on armed violence and on the need to promote a community level focus.

She further indicated that the priority of the Inter-American Commission is that a specific juvenile justice system is available to all children under 18, and to enhance in particular prevention measures. In this sense, she underlined that more systematic data collection and analysis needs to happen to guarantee a truly holistic approach to the well being of the child.

She also called attention to the issue of the minimum age of criminal responsibility, which is internationally accepted as being 12 but should be higher, on the importance of granting equality and non discrimination in the juvenile justice system and on the necessity to ensure adequate training of all the different professional figures involved in the justice process. Finally, she underlined that diversion should be an actual possibility for every child who is in contact with the law.

Overview of the Juvenile Justice System in Canada

Joel Kealey

Counsel, Youth Justice & Strategic Initiatives Section - Government of Canada (Canada)

Mr Kealey, who works for the federal justice system, which includes the activity of policy oversight of national youth justice, presented to the participants the 2003 Youth Criminal Justice Act (YCJA), and the contested amendments of 2012.

The YCJA is the third piece of Canadian legislation on juvenile justice after the Juvenile Delinquents Act of 1908, and the Young Offenders Act of 1985, and tries to address, in particular, the inequalities and lack of reintegration fostered by the latter. Therefore, the Act presents a strong focus on prevention and rehabilitation purposes and is clearly an example of rights-based legislation. In particular, the presumption of the youth's diminished moral blameworthiness, a concept derived from litigation and the courts, has gained a primary role as a fundamental principle of the YCJA.

Alternatives to custody and extrajudicial measures also notably gained relevance, as effective response to crime and proportionality of sentencing has been emphasized. Now it entails the requirement that the sentence cannot be more severe than it would be for an adult and that the least restrictive alternative to custody that is appropriate is applied.

In order to foster diversion, different requirements have been established for various public actors. The police has to consider possible alternatives to the traditional criminal



proceeding, and can: consider a warning; refer to a social agency; administer caution or even an alternative extrajudicial measure, such as Restorative Justice. Amongst restorative justice practices, community conferencing is included and can be applied by the police and/ or by the courts. Moreover, various Canadian jurisdictions have set up a system of Youth Justice Committees, composed of volunteers assisting with the delivery of programmes and services addressed to young persons.

The YCJA also establishes the right to counsel for all the Youth Justice Courts designated by each province, and eliminates the possibility of transferring a young person to adults' court. A residual possibility of being sentenced as an adult remains, but only after guilt has been recognised by the youth court.

Finally, the Act introduced various limitations to the use of custody, which cannot be applied in cases that do not involve violent offenses and endangerment, the failure of complying with previous non-custodial sentences, or priors.

The outcome of the Act's implementation has been a consistent drop in the application of custodial measures, of around 64%, due to the requirement that Courts have to determine that no alternative exists. Moreover, the custodial system has been largely adapted to the primary goal of reintegration.

The 2012 amendment introduced more emphasis on the protection of the public and as such has introduced greater possibilities to detain. Clear results on its impact are not available yet, but a positive element seems to be that many changes were introduced without altering the underlying structure of the YCJA.

Dale Elliott

Manager, Youth Justice Strategic Policy and Planning- Ministry of Children and Youth Services, Youth Justice Services Division, Ontario Government (Canada).

Ms Elliott explained how the youth justice system in Canada has varied considerably in the course of the last forty years, and that the passage of the Youth Criminal Justice Act has represented a unique opportunity to allow for significant shift in the overall approach to juvenile justice, and for the implementation of further standardization. In particular, she outlined the visible effects of the reform in Ontario, where children between 12 and 17 years of age have been treated completely separately from adults and the increased use of diversion has significantly lowered the overall number of young people accused (25% less) and charged (33% less) by the police.





Moreover, the rates of youths in custody have notably decreased, by over 60% in Ontario, while the 18% of young people involved with justice receive community sanctions rather than detention measures. The increased attention to placing children in facilities close to home is also a crucial element to encourage reintegration through closer contacts with the family and the community.

It is also interesting to consider the consequences of the new policies on the crime rates in Ontario. Since the implementation of the YCJA, overall crime decreased by 43% and violent youth crime saw a downturn of 30%.

Ms Elliott also outlined the link between crime and youth violence, which is rooted in poverty, marginalization and social exclusion, and underlined the increased need to promote education and other services. She also mentioned the issue of overrepresentation of certain ethnic groups in the juvenile justice systems, namely African Canadian and Aboriginal youths, and stressed the importance of a more systematic approach to data collection to show and tackle this problem.

Overview of the Juvenile Justice System in Mexico

Benito Elias Galaviz

Deputy-Director of Law, Mexican Institute of Youth (Mexico)

After a career of civil litigation, Mr Galaviz has worked for the Mexican institute of Youth, an agency of the Mexican federal government, since 2003 and became deputy director for youth in 2011. He briefly spoke to point out that the youth population is very large in Mexico, with around 30 million adolescents in the country. Therefore, as he clarified, fostering a child-friendly approach to justice is of key importance.

In this light, the work of the IMJUVE (Instituto Mexicano de la Juventud), is particularly significant. Created in 1999, the IMJUVE designs public policies in favour of Mexican youth, focusing especially on their education, health, employment opportunities and social participation. To this end, the Institute responds to the youth population's demands for education, psychological as well as employment counselling, services for the prevention of addiction, legal advice and fosters the dissemination of cultural activities.



Moreover, through the National youth Award, the Institute recognizes the excellence attained by young people in the field of academics, community work, or involvement in human rights and environmental issues.

The mission of the Institute is to promote a vision of young people as subjects of rights, as well as strategic actors to achieve development. Subsequently, its action concentrates on fostering opportunities of comprehensive development for children and young people, through tailored design, coordination and monitoring of national policies.

Martha Frias

Full-time Professor, Law department, Sonora University (Mexico)

Professor Martha Frias has concentrated her research on juvenile delinquency and juvenile justice systems, trying to achieve a shift in the policies concerning young offenders through in-depth and updated research on effective reform.



To provide an overview of the Mexican system, she started with the minimum age of criminal responsibility, which is 14, thus no detention measures can ever be applied below that age limit. In particular, she also underlined that children are never tried as adults in the Mexican system, and on the

contrary, pointed out that adult court trial is a US exception in the region, as it is not applied anywhere else, neither in Canada nor in Latin America.

She then described how due process rights have been included in the legislation, while diversion and alternative measures, and restorative justice included are at a more experimental phase in the country. Specialization of all criminal and judicial staff, from the police to judges is guaranteed by law, but there is no federal regulation concerning specific contents of the specialised trainings.

Finally, she stressed that, while legislation is increasing the safeguards for children in conflict with the law, and notably a recent law has integrated the best interest of the child principle, most states have actually increased the penalties for children. Part of this inconsistency can be attributed, she argued, to the lack of precise definition of the principles and therefore requires a more practice-oriented approach.



Ruben Vasconcelos

Mexican Federal Ministry of Justice (Mexico)

In light of his well-known studies on the justice system of Mexico, and on its collaboration with UNICEF on the theme of juvenile justice, Mr Vasconcelos is now verifying the effects of the specialised system of justice for juveniles, which was implemented in Mexico 9 years ago.

The 2005 law introduced common basic values for the administration of juvenile justice, nonetheless, the lack of gradual implementation caused notable problems for various states (Chihuahua and Baja excluded) that tried to apply the new law too fast. The establishment of an independent Commission could have been helpful in avoiding these kinds of problems.

Another determinant issue for the Mexican system was the important diversity of legislation between the various states, where over 43 different laws concerning juvenile justice have been implemented. Considering that federal and unitary provisions only came into effect in 2005, it was natural to expect some difficulties in the actual harmonization of procedures.

Then, Mr Vasconcelos moved on to describe some of the specific issues with the overall juvenile justice systems, outlining, in particular, that due process issues persist and that sentences can be too long to have any cost-benefit aspect.

Finally, he highlighted a priority issue: that of poor conditions in detention, and of diffused violence on children who are within the criminal system, a widespread phenomenon that involves contact with the police as well as prison staff.

Ana Aguilar Garcia

Director of Projects , Criminal Procedural Justice Institute , A.C. (Mexico)

Ms Garcia outlined the obstacles to the development of a more effective justice system; she focused, in particular, on the overall lack of a systemic approach to reform and to administration of justice. She underlined the lack of community alternatives, which undermines the efforts to keep young people out of the criminal system or at least out of detention facilities.



She also came back to the gap between due process safeguards as they are guaranteed on paper, and violations in the practice. She underlined that confidentiality and closed hearings, together with the wide margins of discretion left to judges, contribute to hiding such issues.

While comparing the advantages of alternatives and diversion with the traditional approach, she noted a considerable decrease in detention rates (from 50 000 youths in 2005, to 5000 currently). Nonetheless, she called for further studies and data on the cost-effective advantages of alternative measures compared to detention, and she noted how alternative justice often ends up merely coinciding with economic reparation, rather than implementing a truly restorative approach.

Monica Daniel Ramirez Garcia

Institutional Liaison, Red por los Derechos de la Infancia en México – REDIM (Mexico)

Ms Ramirez works for the Children's rights network, which includes 70 NGOs disseminated throughout the entire territory of the State, focused on promoting a rights' based approach amongst the population and policy makers. She underlined how this moment is a particularly crucial one for Mexico, in order to move from law to practice, and at the same time to guarantee that human rights achieve the guarantees of the Constitution.

She indicated, in particular, three issues that need to be tackled in order to create the juvenile justice system. First of all, the lack of specific data undermines the possibility of designing evidence-based policies, and important aspects such as how violence affects children, trafficking and violence in custodial facilities, remain unexplored.

Secondly, the need to ensure that the right to be heard is truly protected. In this light, the conflict between public oversight and confidentiality represents a very difficult issue and requires a delicate equilibrium.

Finally, she highlighted that there is no specialized governmental agency focused on children and stressed the importance of children's involvement in the future activities of the NACJJ.

Enrique Betancourt

Former Executive Director, National Center for Crime Prevention and Citizen Participation (Mexico)



Mr Betancourt followed the considerations of his colleagues on the considerable gap between law and practice in Mexico. He underlined that the issue lies in the limited capacities of implementation, which impede the diffusion of best-practices.

He then presented the evolution of crime prevention policies adopted and implemented in Mexico, arguing in favour of stronger investment in early prevention programmes. Mr Betancourt suggested that the primary consideration to make the Mexican juvenile justice system more child-friendly and at the same time more effective should be to focus on a more comprehensive view. This would include a more comprehensive approach to juvenile justice, more unitary national perspective and policies, aimed at addressing the roots of the phenomenon of crime and not just its effects. He concluded by stating that such a shift cannot happen without more attention dedicated to such issues and more serious commitments towards services expansion.

Overview of the Juvenile Justice System in the United States

Bob Listenbee

Head of the Office of Juvenile Justice and Delinquency Prevention of the US Justice Department



Mr Listenbee introduced his team to the participants and left them to the floor to discuss the specific commitments and policies of the Office for Juvenile Justice and Delinquency Prevention. Through the contributions of Ms Donoughe, Ms Mendoza McDowell and Mr Chung, the team provided an overview of the wide range of policies that the Office undertakes, stressing the importance of research, policy and community level.

ED Chung

My Brother's Keeper Initiative



Mr. Chung introduced the 'My Brother's Keeper Initiative', which was launched one year ago to address the opportunity gap faced by the young boys and men of colour and support their healthy personal development through mentoring programmes and support networks. In particular, the Initiative focuses on providing support to keep young people on track in their education and to strengthen their chances of finding good employment.

Mr. Chung also underlined the importance attributed to second chances for young men who have been in conflict with the law, making sure that they have access to educational and training activities, and thus get an opportunity to be reintegrated in their society. To this end, the initiative is built around 6 indicators, one of which is dedicated to reducing violence specifically, as the cycle of juvenile crime constitutes one of the most serious threats to these boys' future possibilities.

In order to foster real opportunities for these young men, and to strengthen the link between education and employment, the administration has focused on securing the support and cooperation of local communities: city, towns and counties. Nonetheless, one of the obstacles faced by this initiative is the difficulty in influencing the legislation and policies of the single states, therefore making the federal input effective at state-level.

Georgina Mendoza McDowell

Senior Policy Advisor

Ms. McDowell introduced to the NACJJ the activities of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), dedicated to helping communities reduce and prevent youth violence and victimization through three primary initiatives and a shared framework for action. Each youth violence initiative was launched in 2010 to address various facets of violence and to mitigate the consequences of trauma to children and youth through evidence-based and promising programs, practices, and strategies. Collectively, the OJJDP's initiatives provide a comprehensive, balanced roadmap to promoting the well-being of youths and eliminating violence by and victimization of our young people. In particular, Ms. McDowell presented the following initiatives on violence prevention:

- **The National Forum on Youth Violence Prevention (Forum)** represents a network of 15 communities and federal agencies that work together, share information, and build local capacity. Communities use prevention, intervention, enforcement, and re-entry strategies to stop violence and sustain their accomplishments. The Forum is supported by a Federal Coordinating Team that





includes the U.S. Departments of Justice, Education, Housing, Labour, and Health and Human Services and the Centres for Disease Control and Prevention (CDC), among others, to align efforts and resources. (<http://www.findyouthinfo.gov/youth-topics/preventing-youth-violence>)

- **The Community-Based Violence Prevention Program (CBVP)**, concentrates on stopping youth gang and gun violence in 16 cities through evidenced-based deterrence and public health approaches. CBVP is characterized by partnerships among law enforcement, service providers, residents, and community- and faith-based organizations.
- **The Defending Childhood Initiative** seeks to prevent and more fully understand the impact and associated trauma that result from children's exposure to violence (CEV). Because CEV is associated with long-term physical, mental, and emotion harm, the Department of Justice awarded demonstration grants to six cities and two tribal nations to develop community-based solutions and reform the policies and practices of the public systems that serve children and families⁵.

Brecht Donoghue

Deputy Associate Administrator, Innovation and Research Division

Ms Donoghue completed the introduction to the OJJDP activities by presenting its mandate in research. The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 authorizes the Administrator of the OJJDP to conduct research or evaluation, and undertake statistical analyses on a wide range of juvenile justice matters. The OJJDP also provides funding to states and localities to carry out research, evaluation, and statistical analyses.

The OJJDP endeavours to set research agenda that is scientifically rigorous, timely, and promises maximum impact to the juvenile justice field. At the same time it is attentive to align OJJDP-funded research with agency priorities, and to integrate knowledge and information about research and evaluation across the OJJDP. Moreover, partnerships with other research offices and organizations, within the DOJ, across Federal government, and with private partners guarantee a multi disciplinary approach and foster dissemination of juvenile justice research findings, widely using the latest tools and resources to increase accessibility.

⁵. (<http://www.justice.gov/defendingchildhood>)



In particular, the OJJDP funds three types of research activities:

- (1) Basic research that explores the pathways and causes of delinquency and victimization; including longitudinal studies;
- (2) Evaluations that increase understanding of what works (and what does not work) in preventing and reducing delinquency, victimization, and risk behaviour; and
- (3) Statistical data collections that provides descriptive data and information about trends in the juvenile justice system and in delinquency and victimization.

The OJJDP's contribution to research is quite consistent, as it funds approximately \$15 to \$20M in research activities each year and currently oversees approximately 120 unique research, evaluation, and data collection projects.

December 19th

Betsy Walters

International Legal Foundation

Ms Walters introduced to the other participants the work of the International Legal Foundation, which, established in 2011, dedicates its efforts to helping post-conflict and transitional countries to develop a legal aid system available to everyone. She indicated how the ILF is active with projects in very different contexts, such Afghanistan, Nepal, Tunisia or the West Bank, just to mention a few, and that juvenile justice is one of the components of the large scope of ILF activities, which aim to promote the Rule of Law. Nonetheless juvenile justice maintains a key role to promote reform, and focusing on it can trigger the implementation of a more holistic approach to justice.

The initiative of the International Legal Foundation stems from the difficulties faced by the governments and judiciaries of post-conflict countries, to make legal counsel available. While many countries have ratified international agreements that recognise the necessity of legal counsel to fulfil one's right to a fair trial, and have transposed similar norms in their own legislative framework, sincere commitment is not sufficient to provide the service. The ILF intervenes in these contexts, with a three step approach: in-depth assessment; drafting of



detailed practice manual; training of local lawyers through the support of international criminal defence lawyers.

Throughout the process, the ILF action has been built around a key pillar: the respect of the historical, cultural and practical context of the reality in which it operates. Mostly, the activity of the public defenders is dedicated to marginalised sectors of societies, the poor, women and juveniles, in order to guarantee them a fair judicial process. To conclude, Ms. Walters underlined how this element proves that security and crime cannot be addressed without a comprehensive approach to the social context and stressed the importance of tailored policies.

Raye Barbieri

Senior Director, Youth and Community Programs and Planning, Center for Court Innovation

Ms Barbieri focused her speech on the relevance of developing innovative approaches to justice and youth justice in particular, in order to attain more effective results, defining effectiveness as concrete results in terms of public safety; crime reduction, disorder reparation, decrease in recidivism rates. She therefore outlined the main activities and objectives of the organisation she represents, the Center for Court Innovation, a public-private partnership which invests in such innovation, aiming to promote public confidence in the justice system.

Based in New York since 1993 but developing initiatives with an international reach, the Center for Court Innovation promotes demonstration projects as well as research that stress the reintegration aspect in the management of criminal justice, a tailored approach to the individual needs of both victims and offenders, and underlines its positive connection to crime reduction and public security. While reinforcing responsibility, assumption and the concept that crime entails consequences, the project of the Center directly involves the community, and the offender's role in it. This way the justice process addresses not only the particular circumstances of a case, but also the underlying causes that led people to violate the law.

Then Ms Barbieri presented the Center's specific approach to youths who are involved or at risk of involvement with the law, which focuses on developing alternative to detention programs, as well as diversion through non-criminal disposition, which allows young people to avoid a permanent criminal record. Moreover, the Center has developed important programmes with a strong educational approach, such as the Youth Justice Board, dedicated to raising awareness and



familiarity with justice measures that affect young people and proposed to high-school students, or the Justice Community Plus, a program with a strong vocational and career orientation approach.

All of the different projects designed for children and young people, Ms Barbieri underlined, are built on the unique responsiveness of youths to rehabilitation and behavioural change. This crucial aspect, the possibility of strengthening healthy behaviours through adequate support, should therefore animate juvenile justice reform, as it proves far more effective than a merely punitive approach.

Cedric Foussard

Director of International Affairs, International Juvenile Justice Observatory

Mr Foussard presented in depth the working methods and the future tools that can be available to the NACJJ for both internal and external communication, according to the methodology employed by the other regional councils.

He started by describing the different tools. To allow for effective external communication of the strategies, the composition and the initiatives undertaken by the Council, the IJJO will make a specific section on the International Council for Juvenile Justice website available, entirely dedicated to NACJJ. The website will feature different pages, on the latest news concerning juvenile justice in the region; the members of the network and their work; the different meetings and working documents produced; the advocacy activities.

For internal communication instead, both the extranet and the newsletter will be crucial to improve effective exchanges between members. The newsletter contributes to the dissemination of information amongst members, through the regular diffusion of regional level news concerning reforms, policies, and studies on children and juvenile justice systems. This way it enhances the trans-national exchange of information and fosters a regional perspective. At the same time, it keeps members updated on the development of the network and on each other's specific activities, reinforcing the network's identity and creating the basis for stronger advocacy activity. The extranet, which will be accessible through the website, but only to members, will allow them to upload and share documents, facilitating the management of shared projects and enhancing collaboration as it fosters research activities.

Then, Mr Foussard presented the working method., These include: the regular organization of meetings and seminars, in which ample space is left to working groups and consultations, the thematic committees that support research groups and the Council to discuss and



structure future activities, and finally working documents, such as the Roadmap, which features selected priorities and future activities of the Council, and is discussed by members.

V. Conclusions

In conclusion of the meeting, the participants confirmed their strong interest in the NACJJ and in becoming members of the newly established council. They also laid down the basis of the strategy for the formalization of the network and for a shared roadmap.

In what concerns the formal establishment of the NACJJ, participants discussed the more suitable processes to formalise the creation of the Council, and to guarantee official status of members to interested stakeholders who share the principles on which the NACJJ is built. It was also clarified that membership rules will guarantee experts with different professional backgrounds participation in the NACJJ, organised into different sections, and representatives of public administration will have the possibility to register as observers, since a more neutral status could prove more compatible with an official role.

As far as communication is concerned, the IJJO is committed to sharing detailed minutes of the meeting with members in the subsequent months, and to make the working material available on the International Council for Juvenile Justice website, for all the members to consult.

Moreover, the NACJJ members discussed primary issues for transnational activities, tackling various thematic priorities.

- **Advocacy**

Supporting international standards in national campaigns concerning juvenile justice is a priority of the NACJJ, while at the same time it is important to underline how these represent, nonetheless, only the minimum level of safeguards. Thus, if international standards can be an important guide for effective reform, national public policies should aim even higher.

NACJJ initiative and cooperation will also be promoted in the course of events, seminars and other important opportunities to stimulate best practices and knowledge exchange in order to foster an evidence-based approach to reform.





Finally, the meeting's participants focused on the key stakeholders to be involved in NACJJ activities, expressing the intention of maintaining a multidisciplinary approach, building on the network dimension of the Council. They also recalled the importance of involving children directly in the projects that revolve around them.

- **Prevention**

Early and effective prevention is key in breaking the cycle of youth violence and building an effective juvenile justice system. In order to fulfil this goal, the NACJJ expressed their intention to promote better mechanisms to identify underlying factors of risk, in particular: how issues related to poverty can lead young persons to get caught up in violence, and certain communities to be overrepresented in the justice system.

The management of drug-related problems is also directly linked with crime, and tailored services should be available to help people who may be more easily subject to this issue.

- **Policy and Legislative Reform**

NACJJ members attribute primary relevance to supporting appropriate, evidence-based policies, and legislative reform oriented to reintegration rather than punishment. In this light, they highlighted some key topics of interest:

- Advocate for more resources and budget available to public defence services, and facilitate access to these services;
- Improve the offer, provision and especially the follow-up to diversion and alternative measures. In particular, participants indicated that insufficient follow-up notably undermines the effectiveness of alternative measures, and thus increases a negative perception of this approach by the general public, which also determines scarce political support. Promoting Restorative Justice practices was deemed a priority in this context.
- Mexican stakeholders in particular expressed the necessity to build basic indicators of juvenile justice effectiveness, in order to promote quantitative evaluation of the reforms that have been undertaken.
- De-criminalizing certain offences and promoting a different approach which is less focused on punishment was deemed essential to reduce recidivism and promote the healthy reintegration of young people who finds themselves in particularly vulnerable situations. In particular: the recruitment of children by organized crime, where children should be



supported as victims, rather than charged as offenders; drug policy, which should be treated more as a public health issue than a crime.

- **Administration of Juvenile Justice**

The NACJJ can also contribute to the necessity of creating a 'Specialised Juvenile Justice System' for children who are in contact with the law, to allow for their voices to be heard, particular necessities and vulnerabilities to be taken into account. This principle is central to the delivery of fair justice, and the different aspects of procedural fairness were indicated as core issues to be taken into account by the Council's work.

In order to ensure respect of these principles, it is necessary for the public institutions to provide adequate and specialised training to all the practitioners and judiciary staff who come into contact with children and young people.

Finally, all participants agreed that the overrepresentation of certain ethnic and community groups in the justice system is a key concern for the different stakeholders.

- **Development and Implementation and of Reintegration and Rehabilitation Programming**

To be considered effective, the justice process must take into account the phase of rehabilitation and social reintegration of young people into the community. In order to achieve this goal it is necessary to not only invest more in prevention and education, but also work for tailored after care programs, to help every young person achieve healthy personal development;

- **Next steps**

Towards the end of the meeting, participants focused on the possible future activities of the NACJJ, suggesting the possibility of a policy paper on '**Making deprivation of liberty a measure of last resort**'. Such a paper would first of all serve as a mission statement, developing one of the core priorities for the NACJJ future action, and expressing a key commitment of the members. On the other hand, it would develop concrete references, and a starting point based on concrete policy initiatives. In order to fulfil this practical orientation, the policy paper would be designed following both a developmental and a child-rights approach.



Moreover, partners discussed the possibility of developing a more specific topic following the next meeting: a shared position paper on restorative justice as an important alternative to the traditional criminal system. In fact, restorative justice is in line with the commitment to decrease incarceration rates, and the development of its educational and reintegration priorities represents the NACJJ's approach to youth justice. Finally, dispositions were also taken to organise the next NACJJ meeting in Canada.