Towards Child-Friendly Justice in the Asia Pacific-Region:
Alternatives to Detention and Restorative Justice for Children

ASIA-PACIFIC COUNCIL FOR JUVENILE JUSTICE - ASEAN Subcommittee
Policy-Oriented Event
The International Juvenile Justice Observatory

- Founded in 2003, it is Belgian Foundation of Public Interest based in Brussels.
- Works for the rights of children and adolescents at risk of social exclusion, especially those in conflict with the law or caught in the cycles of violence and juvenile delinquency.
- Established in order to create an interdisciplinary space for policy development, service provision and knowledge exchange. Its work is addressed to stakeholders, practitioners and individuals involved in the subject.
- Promotes and encourages the improvement of juvenile justice systems and policies, the implementation of international standards, the strengthening of professional competence in the field, and the exchange of innovative good practices.
- Bases its advocacy on internationally recognised principles and human rights’ standards, in order to foster an international and multi-disciplinary approach to juvenile justice, built on a child rights perspective.
International Legal Framework


- **The Convention of the Rights of the Child**: adopted unanimously by the United Nations General Assembly within the framework of its resolution 44/25 of 20 November 1989

- **United Nations Guidelines for the Prevention of Juvenile Delinquency** (*The Riyadh Guidelines*)

- **United Nations Standard Minimum Rules for the Administration of Juvenile Justice** (*The Beijing Rules*)

- **United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders**

- **United Nations Standard Minimum Rules for Non-custodial Measures** (*The Tokyo Rules*)

- **General Comment No 10(2007) Children's Rights in Juvenile Justice** issued by the Committee on the Rights of the Child

- **General Comment No. 13 (2011): The right of the child to freedom from all forms of violence**
The IJJO Lines of Action

- **Research and Innovation**: in collaboration with universities and centres of excellence, the IJJO promotes and manages various research projects, favouring the generation of specialised knowledge in subject matters and factors that affect the cycle of juvenile violence, and effectiveness of public policies;

- **Cooperation and Technical Assistance**: through bilateral collaboration agreements with ministries, public administrations and private entities, the IJJO addresses the demand for guidance in policy-making processes, providing services of technical assistance;

- **Generation and Management of Information**: the IJJO database and documentation centre contains over 3800 documents, from 160 countries, consulted by the over 11000 IJJO website users.

- **Training and Professional Development**: run by the Observatory, the International School for Juvenile Justice offers an e-learning platform to institutions and individuals. Courses are addressed to professionals in the area of juvenile justice, and address theoretical and practical promotion of child-friendly justice standards

- **Advocacy**: Participating in international events and forums, and thanks to its Consultative Status with the United Nations ECOSOC; UNESCO and in the Council of Europe, the Observatory works to place the issue of juvenile justice on the international political agenda, and to integrate it in programs and strategies. Moreover, organising meetings and events with its Regional Councils, the IJJO promotes exchange and collaboration between key stakeholders of juvenile justice, in the different regional realities.
In order to develop and promote activities that are responsive to the specific realities on the ground, the IJJO established the Continental Councils.

Continental Councils are conceived as: think thanks of experts, sharing knowledge, fostering research, developing common initiatives, identifying, selecting and promoting good practices.

Continental Councils allow the IJJO to:

- Gather experts of the juvenile justice situation in the region: from public administration, academia and civil society organisations;
- Identify key priorities for action, promote common strategies and projects;
- Promote a trans-national concept of Juvenile Justice, aimed at the effective implementation of regional and international standards;
- Achieve larger diffusion of the children’s rights agenda, and of Juvenile Justice improvements built on the consideration of the child’s best interest.
The European Council for Juvenile Justice

- Set up in 2008 a network of more than 60 experts, from the 28 EU Member states.
- A space of debate, study and analysis on Juvenile Justice.
- A pool of knowledge and expertise for all IJJO and EU institutions.
- An opportunity to raise the voice and opinion of professionals.
- A challenge to link and to promote the most inspiring initiatives at EU level.
- A tripartite structure:
ECJJ – The Green Papers

The three Green Papers were presented and promoted to representatives of the EU institutions and other relevant stakeholders in Brussels on June 9th, 2011 at the European Economic and Social Committee.

Directed by Séverine Jacomy - Vité on behalf of the NGO section, this Green Paper paid close attention to the fate of young offenders and to the care and attention they receive after a period of detention.

Prof. Dr. Ursula Kil kelley for the Academic section, drafted the Green Paper on the deprivation of liberty for young offenders and the promotion to alternatives to detention.

Dr. Ineke Pruin, Public Administration section, coordinated this publication, focused on the evaluation of juvenile justice International standards’ implementation. The study includes recommendations and propositions for the creation of eventual indicators.
ECJJ- 3rd Meeting; White Paper; 4th Meeting

Third Meeting: London 2012
‘Investing in Children: ensuring effective and efficient youth justice systems in time of crisis’

- Save money in juvenile justice systems
- Improve the protection of the society
- Raise awareness about the juvenile potentials.
- Sustainable prevention of delinquency
- Alternative measures to reduce the number of children in conflict with the law
- Use of effective communitarian measures for the rehabilitation of children in the community
- Reduce the number of children deprived of liberty

Fourth Meeting: Brussels 2014
Consultation on future priorities for action; presentation of the ECJJ Roadmap 2015-2017; focus on interaction and communication within the Council.
The European Research on Restorative Juvenile Justice

Model for Restorative Justice with Children and Young People: a comprehensive manual based on the comparative research and ad-hoc study visits in Finland, Northern Ireland, Belgium, aims to promote programmes with positive results in reducing crime and recidivism rates among the European youth population. This phase of the research is led by professor Tim Chapman, with the collaboration of national experts Maija Gellin and Monique Anderson.

28 snapshots of Juvenile Restorative Practices in the EU Member States. This comparative research, which investigates both legislative framework and prevailing practices, is led by professor Frieder Dünkel and dr. Andrea Parosanu.

Toolkit for professionals: available in 6 languages, it complements the publication of the Model, with the objective of favouring its implementation at national level through trainings of professionals and capacity building activities.
The Latin American Council for Juvenile Justice

- **LCJJ Approach**: promoting the integral development of minors and young people by encouraging social inclusion, to address the growing issue of juvenile crime in the region.

- **Objectives**: the LCJJ brings together public administration representatives working in the field of juvenile justice, universities and NGOs with experience in legislation, application, supervision, research and/or intervention in juvenile justice. It proposes coordinated action to compile reports and develop projects, and it supports specific projects in various Latin American Countries.

- **Preparatory Meeting for the Latin American Council for Juvenile Justice: Guatemala 2011**
  
  In the context of the ‘Childhood without Bars’ seminar on restorative juvenile justice, the IJJO organised a meeting at regional level focused on the mission and objectives of the Latin American Council for Juvenile Justice.
LCJJ - Projects

- **Project “Comprehensive Care for Adolescents Women in conflict with the law and children deprived of their family environment” in Paraguay.**
  
  **Objective:** to foster a paradigm shift in the implementation of Juvenile Justice in Paraguay. from a repressive doctrine (teens treated as adults,) to a rights-based approach: respect of the CRC and the International Standards on Juvenile Justice, ratified by the Paraguayan State.

- **Project “Support to the Municipality of La Union in the creation and development of public policies and services for child care and youth” in El Salvador**
  
  **Objective:** to generate favourable living conditions for socially vulnerable children and young people in El Salvador. Support to the Municipality of La Union in the creation of public policies and services for young people.

- **Seminar “Building restorative processes with juvenile justice in Latin America”**
  
  **Objective:** to share best practices and programs concerning the socio-professional reintegration of juvenile offenders. This meeting led to a debate regarding practices and programs to support the education of adolescents in conflict with the law; individual sustainable developments project; awareness raising projects regarding social reintegration in Europe and Latin America.
The North American Council for Juvenile Justice

The regional context

- **USA**: Undergoing significant reform, such as the recent abolition of juvenile death sentencing; life imprisonment without parole and reduction of youth cases tried in adult court; reduction of children in confinement. Key role played by research on adolescent brain development and on the negative effects of detention on children.
- **Mexico**: reform package of 2005, greatly influenced by the United Nations' Convention on the Rights of the Child (CRC), transforming the country’s approach to juvenile justice. Need to improve implementation to reduce cases of arbitrary decisions; detention of youth with adults and mistreatment
- **Canada**: youth introduction of the Youth Criminal Justice Act (YCJA) in 2003: reduction of incarceration rates for juvenile offenders, probation became the most common type of youth court sentence. Decline in rates of juvenile crime.

First Meeting December 2014:

- **Share knowledge** on the specificities of the juvenile justice systems of the three countries
- Identify common challenges and shared priorities for future action
- Develop a plan and a timetable for the exchange of experiences and good practices in North America, focusing on concrete projects to develop within the NACJJ
- 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 organizations.
The Asia Pacific Council for Juvenile Justice

The Asia Pacific Region:

- the protection of children in conflict with the law, the issues of violence against children and trafficking are a rising concern.

- While various countries are undergoing significant reform processes, in others there is a lack of specific juvenile justice systems to guarantee the right of young people between the ages of 16-18.

APCJJ Objectives:

- Promoting a sustainable collaboration and coordination among all parties and stakeholders in the development of juvenile justice policies for the social integration of young people and children in conflict with the law.

- Developing strategies to ensure respect for the rights of children in conflict with the law and to promote crime prevention policies among regional institutions, based on existing initiatives and programs.
APCJJ- First Meeting and Outcomes

First Meeting: Bangkok 2012, organised by the IJJO with the support of the Ministry of Justice of Thailand.

- to share knowledge and experiences and draw action plans to foster the training of judiciary and law enforcement officials, civil society and community-based organisations.

- The main outcome of the first meeting of the APCJJ was the report ‘A Voice for the Future of Juvenile Justice in Asia-Pacific. Introduction to the Asia Pacific Council for Juvenile Justice and Leading Juvenile Justice Reforms in the Region’ an analysis of policy responses to youth criminality, focused on prevention; restorative practice; detention conditions.

- Indicated Priorities for Action: foster prevention programmes; promote diversion and restorative practices in the administration of juvenile justice; guide policy reform according to relevant UN standards; address rehabilitation and reintegration necessities; coordinate and enhance advocacy
ASEAN Subcommittee

First Meeting: Bangkok 2014

- Meeting between representatives from eight Ministries of Justice from the Association of Southeast Asian Nations (ASEAN),
- initial dialogue is part of a progressively developing collaboration between member states in the context of opening borders
- difficulties relating to judicial cooperation within ASEAN, prevention, legislative reform, specialization of the juvenile justice system, drug-related crimes, detention conditions, and alternatives to deprivation of liberty
APCJJ- Second Meeting

- **Professional Development Training Event**: addressed to stakeholders from ASEAN countries and APCJJ representatives. It will focus on; prevention and responses to violence against children in conflict with the law; diversion and alternative measures; restorative justice practices.

- **Policy-Oriented Event**: will focus on an evaluation of the implementation of child-friendly justice standards in the region, and will promote common understanding on: restorative justice standards; effective investment in child-friendly justice and cross-border cooperation.

Moreover, through the presentation and discussion of the APCJJ Roadmap, the meeting will tackle future developments in the APCJJ structure, communication and activities.
Thank you for your attention

For further info on the IJJO work:
http://www.oijj.org/en