Juvenile Offenders Detention Alternatives in Europe (JODA) FINAL CONFERENCE – PROGRAMME

Agenda
27th January 2016
French Community Parliament

9.30 – 9.40 Presentation of the initiative J.O.D.A. - Juvenile Offenders Detention Alternatives in Europe
- Ms. Alessandra Minezzo, Istituto Don Calabria (Italy)
- Mr. Cédric Foussard, Director of International Affairs, IJJO

9.40 – 10.00 Fostering Alternatives to detention: training for professional
- Ms. Louise Forde, University College of Cork (Ireland)

10.00 – 10.30 Interactive Session
- Ms. Annelies Hendriks, Psychologist, consultant in mediation and psychology (The Netherlands)
- Mr. Shaddy Mirza, Consultant on child pedagogy (The Netherlands)

10.30 – 10.45 European standards and good practices on alternatives to detention
- Ms. Ursula Kilkelly, University College of Cork (Ireland)

10.45 – 11.30 Interactive Session
- Mr. Shaddy Mirza, Consultant on child pedagogy (The Netherlands)

11.30 – 11.35 Conclusions and Refreshment

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Juvenile Offenders Detention Alternatives in Europe (JODA) FINAL CONFERENCE – PROGRAMME

Alternatives to detention in the context of the entry into force of the Directive on procedural safeguards for children suspected or accused in criminal proceedings.

Brussels – 27 January 2016
13:00-14:30

European Parliament
Altiero Spinelli Building – Room A3G3

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Presentation

The monitoring work of the Committee on the Rights of the Child makes it clear that detention is not always a last resort measure and that there are insufficient alternatives to detention in several EU Member States. Furthermore, best practices seem to be rarely mainstreamed, thus preventing their transferability in other contexts.

Although there has been some recent improvement in the availability of community sanctions for juvenile offenders, serious concerns remain about the gap between the theory of the international rules and the reality of practice.

This is why, exchanging with the other NGOs and stakeholders in accordance with the two substantial provisions dealing with juvenile justice (Article 40) and detention (Article 37) of the Convention on the Rights of the Child, as well as the Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison rules, it was decided to work on the exchange of concrete practices concerning alternatives to detention for juvenile offenders. This gave birth to the Juvenile Offenders Detention Alternatives in Europe. Indeed, the JODA project focuses on the identification of detention alternatives for juvenile offenders and the exchange and promotion of best practices among key actors.

The methodology used focuses firstly on a desk and benchmarking analysis of the different contexts and legal frameworks in the involved Member States, in relation to detention alternatives targeted at juveniles in conflict with the law. More information about the project can be found on: http://www.oiji.org/en/joda-introduction

In 2013, the European Commission has proposed a directive on procedural safeguards for children suspected or accused in criminal proceedings. Articles 10 and 11 of the Proposal for Directive reiterate the principles laid down in Article 37 CRC. The text of the directive as agreed on by the Coreper and the European Parliament in December 2015 will now be revised by legal-linguists, and will subsequently be submitted to the plenary of the European Parliament and to the Council for adoption.

The programme of this Conference is based on the safeguards regarding alternatives to detention provided by the Directive on procedural safeguards for children suspected or
accused in criminal proceedings. Its aim is to explain and study the recommendations of the Directive regarding alternatives to detention for juvenile offenders in the EU.

This conference has been organised by the International Juvenile Justice Observatory (IJJO) OJJ and Istituto Don Calabria as well as JODA partners. The IJJO is a non-profit organisation based in Brussels, working for the rights of children at risk of social exclusion, especially those in conflict with the law. The IJJO 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. For more information about our work, please visit our website: http://www.ijjo.org/en

Each theme addressed during the Conference refers to and will develop on Articles 10 and 11 of the Directive on procedural safeguards for children suspected or accused in criminal proceedings (http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52013PC0822)

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<th>Article 10</th>
<th>Right to liberty</th>
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<td>1.</td>
<td>Member States shall ensure that children are deprived of liberty before their conviction only as a measure of last resort and for the shortest appropriate period of time. Due account shall be taken of the age and individual situation of the child.</td>
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<td>2.</td>
<td>Member States shall ensure that any deprivation of liberty of children before their conviction is subject to a periodic review by a court.</td>
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<th>Article 11</th>
<th>Alternative measures</th>
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<td>1.</td>
<td>Member States shall ensure that, where the conditions for deprivation of liberty are fulfilled, the competent authorities have recourse to alternative measures, wherever possible.</td>
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<td>The alternative measures may include:</td>
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<td>(a) an obligation for the child to reside in a specific place,</td>
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<td>(b) restrictions of contact with specific persons,</td>
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<td>(c) reporting obligations to the competent authorities,</td>
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<td>(d) undergoing of therapeutic treatment or treatment for addiction,</td>
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<td>(e) participation in educational measures.</td>
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AGENDA
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12.30-13.00 Lunch

12.45-13.00 Registration of participants

13.00-13.30 JODA Conference Welcoming words and Introduction about the Directive on procedural safeguards for children suspected or accused in criminal proceedings.

Speakers:
- Caterina Chinnici – Magistrate, European Parliament Member, Special Rapporteur on the Proposal Directive, Italy
- Margaret Tuite, European Commission coordinator for rights of the child (tbc)
- Alessandro Padovani. Director, Istituto Don Calabria
- Cristina Goñi. Secretary-General, International Juvenile Justice Observatory

13.30-13.40 Main concepts on alternatives to juvenile detention – legal framework and safeguards

Moderator: Dr. Annelies Hendriks, psychologist, consultant in mediation and psychology.

Speaker: Prof. Ton Liefaard – Leiden University, Netherlands

13.40-14.00 Round Table 1: Alternatives to juvenile pre-trial detention – Article 10

Moderator: Maartje Berger - DCI Netherlands

Speakers: Jemina Hartshorn - Fair Trial International

14.00-14.20 Round Table 2: Alternatives to juvenile detention – Article 11 and Presentation of the JODA Outputs

Moderator: Kelvin Doherty, Assistant Director, Youth Justice Agency for Northern Ireland

Speakers: Prof. Ursula Kilkelly – University College Cork, Ireland

14.20-14.30 Conclusion

Cédric Foussard, International Juvenile Justice Observatory

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Annex: The Juvenile Offenders Detention Alternative in Europe project

**Project Summary**

The Juvenile Offenders Detention Alternative in Europe (J.O.D.A.) was established in order to address the issue of the use of alternatives to detention in various European states. Provisions under Articles 37 and 40 of the UN Convention on the Rights of the Child highlight the importance of alternatives to detention, however reports from the Committee on the Rights of the Child have highlighted insufficient use of such alternatives in a number of European states. Therefore, this project aimed to identify the alternatives to detention which were in place for young offenders in various jurisdictions across Europe, and to encourage and facilitate the exchange of knowledge of best practices between professionals.

The J.O.D.A. project was led by the Instituto Don Calabria (Italy), and was carried out in partnership with the International Juvenile Justice Observatory (Belgium), Kesa-CPE (Estonia), Fundacion Diagrama (Spain), Include Youth (Northern Ireland) and Defence for Children (Netherlands).

Key outcomes of the J.O.D.A. project were aimed at the further dissemination of knowledge and expertise around best practice in the use of alternatives to detention in a number of jurisdictions across Europe especially through field visits and national seminars. Key to this was the design and delivery of an online e-learning platform, delivered to youth justice professionals through the International School of Juvenile Justice, aimed at sharing knowledge about alternatives to detention in Europe. A manual of good practices entitled Juvenile Offenders Detention Alternative in Europe has been developed to complement this online training, bringing together the key learning principles in relation to the operation of alternatives to detention, and setting out various examples of best practice in use in Europe.

**The Online Course:**

An online course for key actors and professionals was held during 2015 through the International School for Juvenile Justice e-learning platform, managed by the International Juvenile Justice Observatory.

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The first pilot edition of the JODA project course had 3 modules. The online training package was targeted to key actors working in the field and interested in tackling the current issues. They had the opportunity to enhance their knowledge on the detention alternatives in Europe for juvenile offenders.

**The Manual:**

The Manual is composed of two parts. The first one is an introduction to international standards regarding alternatives to detention, while the second one is a summary of good practices observed and studied in every partner's country. The manual was developed through the research undertaken by the consultants and through the use of national reports and snapshots delivered by the partners of the J.O.D.A project, which analyse the best practices in detention alternatives in each territory.

The consultants involved in the preparation of this manual were Professor Ursula Kilkeeny, Head of the Faculty of Law, UCC, Ms. Louise Forde, University College of Cork and Ms. Deirdre Malone, Director of Irish Penal Reform Trust.