

North American Council for Juvenile Justice Second Meeting

***“From Theory to Practice:
How to Strengthen Juvenile Justice
Restorative Mechanisms
in North America”***

**Toronto
5th - 6th November 2015**

**INTERCONTINENTAL TORONTO YORKVILLE,
220 Bloor Street West,
Toronto, Ontario, Canada,**



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I. Introduction to the International Juvenile Justice Observatory and its North American Council for Juvenile Justice (NACJJ)

The North American Council for Juvenile Justice (NACJJ) is a regional initiative of the International Juvenile Justice Observatory (IJJO). It aims to propose coordinated actions between experts and professionals from Canada, the USA and Mexico, in order to develop or bring together reports, best practices and policy recommendations that identify or support the development of proposals or projects in the North American region. Its mission is to promote Fair Juvenile Justice in the region. As the North American Council is less than a year old, building the membership and identifying specific ways of working and commitments of members will require further input and discussion.

In 2009 the **International Juvenile Justice Observatory** launched Continental Councils for Juvenile Justice in Europe, Asia-Pacific, Latin America, North America, and Africa as part of its commitment to promote the improvement of juvenile justice systems and policies, and to ensure that activities are carried out with the aim to improve aspects at both local and national levels. These Councils were created as cooperative working networks specific to the International Juvenile Justice Observatory, set up with the aim of generating spaces for analysis and reflection; developing initiatives; and establishing codes and principles of good practice across the different continents. In this way the Councils have been established as think-tanks which bring together professionals and representatives of public authorities, academia, the judiciary, and civil society.

The First Meeting of the NACJJ “***Improving cooperation and exchange on juvenile justice in North America***”, which was held in Washington D.C. in December 2014, focused on the development of juvenile justice strategies between Canada, Mexico and the United States in terms of research and common action programs. During these two days, professionals and experts from the three countries provided input for the Council’s immediate steps for the coming year, in particular policy recommendations on restorative juvenile justice and on how to make deprivation of liberty a measure of last resort (see the Minutes).

Indeed, the main strategy, formulated during the NACJJ First Meeting, was to focus on the second edition of the specific topic of Restorative Juvenile Justice and to work on a **shared paper on restorative juvenile justice** that identifies its potential role and opportunities within the traditional criminal system. Research and experience identify restorative juvenile justice as being in line with commitments to decrease the use of formal court proceedings and incarceration.

Furthermore, it has been decided to also begin a study by the NACJJ over the next few years to develop a **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 future actions of the NACJJ as well as expressing a key commitment by the members. Equally, it would develop solid references and a starting point based on concrete policy initiatives. In order to fulfill this practical orientation, the policy paper would be designed following both a developmental and a child rights approach, with a strong focus on good practices regarding alternatives to deprivation of



liberty.

II. The second NACJJ meeting: “From Theory to Practice: How to Strengthen Juvenile Justice Restorative Mechanisms in North America”

The Second NACJJ meeting is organized by **the International Juvenile Justice Observatory** in collaboration with **Ontario’s Ministry of Children and Youth Services**, which has been working with us to ready the Toronto location, and is co-organized by the **Illinois Juvenile Justice Initiative, Loyola University School of Law, and the Former Secretary of the Florida Department of Juvenile Justice**. It aims to further the strategies defined during the first NACJJ meeting.

It will comprise firstly of a Conference, intended as a co-working day which will be an excellent opportunity to exchange evidence-based good practices on child-friendly justice and give examples of restorative justice in North America. A Policy-Oriented Event will follow on the second day in which key elements in the process of developing the NACJJ for the future will be considered.

Following the recommendations made by the experts present during the First Meeting of the NACJJ, the two main issues which will be developed during the Second NACJJ Meeting will be to identify opportunities for **including restorative juvenile justice into practice and legislation**, and to **foster the implementation of alternative measures to the deprivation of liberty**. In this context, the meeting aims to:

- Provide an introduction to the juvenile restorative justice practices in Canada, Mexico and the United States.
- Provide an overview of the International framework on restorative justice and alternative mechanisms, as well as present experiences from others continents.
- Identify and discuss areas of common action for the NACJJ and establish priorities for the next years.

Restorative Juvenile Justice has the potential to shift the punitive and adversarial paradigm of the traditional criminal system, and can be defined as:

“any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator¹”.

In this way, Restorative Juvenile Justice promotes a conception of justice that is more

¹ UNODC, HANDBOOK ON RESTORATIVE JUSTICE PROGRAMMES.
https://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf



focused on a participatory and re-integrative effort, which is responsive to international standards and child development, and, even more importantly, to the best interest of the child who is in conflict with the law. Considering the particular vulnerability of children, restorative justice processes intervene directly in the damaged bond between society, the community and the individual, providing an opportunity to re-establish such a link, rather than intervening with restrictions of liberty, which only result in further separation from society. Such a process provides a good basis for investment in the long-term personal development of the child, building on his or her future opportunities, which equally proves to be effective in reducing recidivism rates. Another important advantage of restorative justice consists of the direct exchange between the victim and the offender, which can allow both to overcome personal stigmatization and trauma.

As an important input to the Second Meeting, some members of the IJJO's European Council for Juvenile Justice will present recent developments made by the research on the **European Model for Restorative Justice with Juveniles**. Indeed, in 2014 the IJJO's European Council for Juvenile Justice undertook the task to realize a European Model for Restorative Justice with Children and Young People in order to diffuse and advocate the advantages of a restorative approach in Europe. Thus, the objective of this European Model is to enhance and further expand knowledge on the theoretical and practical aspects of juvenile restorative justice in Europe, with a view of supporting implementation strategies in a scientifically sound way. This research included a threefold publication:

Volume 1: "Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe: Snapshots from 28 EU Member States"

Volume 2: "Protecting Rights, Restoring Respect and Strengthening Relationships: A European Model for Restorative Justice with Children and Young People"

Volume 3: "Toolkit for Professionals: Implementing a European Model for Restorative Justice with Children and Young People"

In addition, **the principle that detention should only be used as a measure of last resort and for the shortest appropriate period of time**, which is set out in Article 37(b) of the CRC, must be a fundamental principle in the operation of youth justice systems. The use of detention as a last resort is also strongly linked to the central motivation of preventing youth participation in crime, diverting from criminal justice, and rehabilitating young people in conflict with the law to the greatest extent possible, and so alternatives are desirable. These documents aim to contribute and support the UN Global Study on Children Deprived of Liberty.

III. Main objectives of the NACJJ Second Meeting

The NACJJ Second Meeting, which will focus mainly on promoting **restorative juvenile justice in practice and legislative level**, and on **fostering the implementation of alternative measures to the deprivation of liberty**, creates the opportunity to further explore the local efforts made in Canada, Mexico and the USA on these two topics. There will be also a spotlight session focusing on the development, implementation and outcomes of alternatives to detention and restorative justice in juvenile justice systems in Europe, bringing forth the experience of the members of the European Council for Juvenile Justice.

In sum, the Second Meeting's general objectives are to:

- Provide an overview of the International Juvenile Justice Observatory, its Continental Councils as well as the activities and accomplishments achieved by the Councils, by fostering a dialogue between IJJO different councils.
- Identify and discuss areas of common interest and establish priorities.
- Gather quantitative and qualitative information on the status of children and young adults in conflict with the law in the three nations, for the sake of developing an evidence-based approach to policy-making.
- Disseminate information on best practices, emerging research and technical assistance.
- Develop a plan and timetable for the exchange of experiences and good practices in North America.
- Translate the know-how and experiences shared during the discussions and presentations into concrete actions and documents which jurisdictions could use for advocacy and training purposes.
- Identify opportunities for coordinated actions between government entities, universities and nonprofit organizations/NGO's.

The NACJJ second edition thematic outcomes are to:

- Provide an introduction to restorative juvenile justice in Canada, Mexico and the US.
- To work on a shared paper on restorative juvenile justice.
- To develop a paper on “Making deprivation of liberty a measure of last resort”.

IV. Agenda

Day I

Thursday, November 5th, 2015

“Co-Working Day: Good Practices in Restorative Juvenile Justice”

- **8:30 – 8:45am** *Welcome addresses*
 - **Representative**, Ministry of Children and Youth Services, Ontario
 - **Cristina Goñi**, Secretary General of the IJJO

- **8:45 – 9:15am** *Open briefing: IJJO and North American Council for Juvenile Justice development*
 - **Cédric Foussard**, Director of International Affairs of the IJJO
 - **Dale Elliott**, Ministry of Children and Youth Services, Ontario
 - **Diane Geraghty**, Civitas Law Center at Loyola School of Chicago-USA
 - **Elizabeth Clarke**, Juvenile Justice Initiative - USA
 - **Ruben Vasconcelos**, Federal Ministry of Justice – Mexico

- **9:15 – 9:45am** *'Milestones of International mechanisms and Children Rights standards concerning Restorative Justice and alternatives to deprivation of liberty'*
 - **Representative**, Rapporteurship on the Rights of the Child, Inter-American Commission on Human Rights
 - **Cecilia Anicama**, Office of the Special Rapporteur of the UN Secretary General on Violence Against Children (TBC)
 - **Q&A**

- **9:45 – 12:30** *'Implementing Effective Restorative Justice Practices in North America*
- **9:45 – 10:15** **United States**
 - **George Timberlake**, incoming Chair of the National Coalition for Juvenile Justice
- **10:15 – 10:45** **Mexico**
- **10:45 – 11:00** **Coffee Break**
- **11:00 – 12:30** **Canada**

- Presentation of a provincial government strategy/course for RJ (community and in justice system)
- Presentation from the National Working Group on Restorative Justice (history, research, tools)
- **12:30 - 1:30pm Lunch**
- **1:30 - 3:00pm Restorative Justice Experience – a Report from the European Council on the European Model for Restorative Justice with Juveniles, and spotlight on the development, implementation and outcomes of RJ in the juvenile justice system in Northern Ireland**
 - **Cristina Goñi**, Secretary General of the IJJO
 - **Yvonne Adair**, Expert Restorative Juvenile Justice Northern Ireland
 - **Paula Jack**, Expert in Restorative Juvenile Justice Northern Ireland
 - **Q&A**
- **3:00 - 3:15pm Break**
- **3:15-4:15pm Spotlight on ‘Making Deprivation of Liberty a Last Resort: Alternatives to Deprivation of liberty for young offenders’**
 - **Ton Liefwaard**, University of Leiden, Netherlands (30’)
 - Round Table with Q&A (30’):**
 - **Representative Canada**
 - **Representative United States**
 - **Representative Mexico**
- **4:15-5:15pm Special Focus on Urgent/Emerging Issues – a European / North American Conversation”**
Moderator: Ton Liefwaard, University of Leiden, Netherlands
 - **Spotlight on Young Adults – Diane Geraghty & Elizabeth Clarke**
 - **Q&A**
 - **Spotlight on Counsel for Children – Patricia Puritz**, Founder and immediate past Director of the National Juvenile Defender Center U.S.
 - **Q&A**
- **5:15 Conclusions**
 - **Cédric Foussard**, Director of International Affairs of the IJJO
 - **Dale Elliot**, Ministry of Children and Youth Services, Ontario
 - **Elizabeth Clarke**, Juvenile Justice Initiative – USA

AGENDA Day II

Friday, November 6th, 2015

“Policy Oriented Working Day”

- **8:30 - 8:45am Welcome and Recap of Day I**
 - **Dale Elliot**, Ministry of Children and Youth Services, Ontario
- **8:45 - 9:15am Introduction to the NACJJ**
 - **Cristina Goñi**
 - **Cédric Foussard**
 - **Elizabeth Clarke**
 - **Diane Geraghty**

Topic to be discussed

 - Presentation of the IJJO regional Councils
 - NACJJ roadmap of activities
 - Focus on the NACJJ Second Meeting outputs (policy papers)
- **9:15- 10:15am Top Five Challenges facing NACJJ Nations**
 - United States
 - Mexico
 - Canada
- **10:15- 10:30am Break**

- **10:30-11:30am Shared paper on Restorative Juvenile Justice**
 - All partners, presented by **Elizabeth Clarke and Yvonne Adair**
- **11:30-12:30am Paper on ‘Making deprivation of liberty a measure of last resort’**
 - All partners, presented by **Dale Elliot and Ton Liefwaard**
- **12:30-1:30pm Lunch**
- **1:30-2:15pm Global Advocacy of the NACJJ:**
 - All partners, presented by **Cédric Foussard and Diane Geraghty**

Topic to be discussed

 - Canada host the 2017 symposium *Canadian Youth and Justice: Advancing Ideas, Evidence and Innovation* (20’)
 - International institution agenda
 - Place and date of the next NACJJ meeting
- **2:15-2.45pm Discussion on Goals, Outcomes and Future projects for the NACJJ: Regional commitment to embedding international standards into national laws & policies**
 - All partners, presented by **Cristina Goñi and Diane Geraghty**
- **2.45-3pm Meeting Conclusion**
 - **Cristina Goñi**, Secretary General of the IJJO
 - **Elizabeth Clarke**, Juvenile Justice Initiative - USA



V. Organizers and Co-organizers

A. INTERNATIONAL JUVENILE JUSTICE OBSERVATORY

Children and young people all over the world are in need of protection and special care when they come into conflict with the law. This is the inspiration behind the establishment of the **International Juvenile Justice Observatory** (IJJO), which offers an inter-disciplinary system of information, communication, debates, analysis and proposals concerning different areas relating to the development of juvenile justice worldwide. The IJJO was created in 2002 and obtained the statute of Public Interest Foundation in 2006 and has consultative status with the Economic and Social Council of the United Nations (ECOSOC). Its headquarters is based in Brussels and it receives support and sponsorship from a variety of universities, NGOs and government departments, as well as from different international and regional institutions.

The IJJO is an **ambitious endeavour** that promotes an international and interdisciplinary approach to issues related to juvenile justice, based on UN rules and standards and implemented through its mission and activities. In the framework of the development of the Observatory's activities, the IJJO attaches importance to the promotion of a **holistic and interdisciplinary concept of juvenile justice**, based on three fundamental axes: juvenile crime prevention, fair justice and educational measures as well as socio-professional inclusion.

Moreover, the IJJO provides a permanent **forum** for analysis, information and reflection on topics related to juvenile justice. It is also a **network** of juvenile justice experts and observers. The IJJO has a **benchmarking** function; it establishes good-practice criteria and disseminates information on efficient strategies related to policies and interventions. It also helps to generate **research** and offers **technical assistance** to those working in the field. Finally, the IJJO **disseminates information** in English, French and Spanish through its **online resources**, including, news, events and publication databases, and engages in **raising awareness** among the general public to build support for the protection of young offenders' rights.

The Observatory is geared towards a **varied international audience**. Participation in the IJJO is open to organisations including professional associations, policy makers, legislators and security services, as well as professionals concerned by the situation of young people in conflict with the law.

The IJJO takes a **broad view** of the issues related to juvenile justice. Its interests are not limited only to young people who come into conflict with the law, but extend to include children and young adults experiencing social difficulties or behavioural challenges. The overarching goal is to encourage the positive development of young people so that they may acquire the skills they need to become free citizens outside the circuits of exclusion and conflict with the law.



B. ONTARIO MINISTRY OF CHILDREN AND YOUTH SERVICES

The Ministry of Children and Youth Services (MCYS) was created in 2003 with the vision of an Ontario where all children and youth have the best opportunity to succeed and reach their full potential. MCYS works with other government ministries and community partners to develop and implement policies, programs and a service system that helps families find the necessary services that give kids a better start in life, to make it easier for families to access the services they need at all stages of a child's development as well as to aid young people in becoming productive adults.

MCYS programs and services are broken down by area:

Healthy Child Development

- Healthy Child Development

Children and Youth at Risk

- Child Protection Services
- Adoption and Permanency Services
- Youth Justice
- Youth Opportunities Strategy
- Child and Youth Mental Health

Specialized Services

- Autism Services
- Complex Special Needs
- Children's Treatment and Respite

Ontario Child Benefit and Other Taxable Benefits

- Ontario Child Benefit
- Other Taxable Benefits

All youth justice services (youth age 12-17 at time of the offence) were transferred to MCYS in 2004, with a mandate for the transformation of youth justice services to create a dedicated youth justice system separate from the adult system and integrated within the broader children and youth sector.

Over the past decade, youth justice has changed in Ontario. Youth crime has declined, police are charging fewer youth and courts are ordering significantly fewer youth custody sentences. More youth in, or at risk of being in, conflict with the law are diverted from formal court proceedings or receive specialized services in their communities to help them become more productive adults.

Ontario has shifted from a custody-focused system to a continuum of community and custodial services intended to meet diverse youth needs, reduce re-offending, contribute to community safety and prevent youth crime. The model consists of rehabilitative programming; holding youths accountable; transitioning youths out of custody; and creating opportunities for at-risk youths.

Programs in Ontario's youth justice service continuum are aligned with the "what works" literature of effective interventions to reduce re-offending and address the risks and needs of special populations. Key components of the research include specific assessment of a youth's risks and



needs related to re-offending and targeting these areas for change. Programming also focuses on a youth's strengths and key protective factors to promote youth resilience and healthy development.

C. THE JUVENILE JUSTICE INITIATIVE

Launched in 2000 as a collaborative effort spurred by the Woods Fund of Chicago, the JJI is a non-profit, non-partisan, inclusive statewide advocacy organization that establishes broad-based collaborations to achieve concrete improvements and lasting changes for youth in the justice system. JJI's statewide approach to systemic reform for youth in the justice system begins with research and analysis, following a circular path linking policy development, policy education, network and coalition building, policy advocacy and policy evaluation and implementation assistance. During the last decade JJI achieved fundamental reforms in Illinois, such as:

Jurisdictional Reform

- **Raised the Age** of juvenile court to bring seventeen year olds back to juvenile court.
- **Juvenile Transfer Reform.** In 2005, JJI advocacy led to legislation to roll back some of the provisions of the drug transfer law, eliminating about 225 automatic drug transfers to the adult court each year. This year the JJI advocacy led to elimination of automatic trial of children age 15 in the adult court.
- **Minimum Age** – New legislation will require consideration of community alternatives before detaining a child age 10-12.

Reducing Confinement

- The creation and expansion of **Redeploy Illinois**. Redeploy Illinois is a state program that offers financial incentives to counties to provide community-based services to youth in the juvenile justice system, as an alternative to incarceration in the state juvenile correctional facilities. The program has cut the state's juvenile prison population in half.
- **Juvenile sentencing reform.** JJI successfully promoted statutory sentencing reform, effective in January, 2012, to clarify that youth cannot be sent to a state youth prison unless the court has made all reasonable efforts to keep the youth at home and ensures that commitment is the least restrictive alternative available.

Fairness

- **Early appointment of counsel** for juveniles who are in detention.



- **Expungement reform.** Eliminated state reporting of individual juvenile arrest records to federal authorities.

Conditions Reform

- The creation of a **new Department of Juvenile Justice** to shift the youth facility culture from punishment to treatment. Two of the juvenile prisons have been closed.

D. LOYOLA CIVITAS CHILDLAW CENTRE

The Civitas ChildLaw Center is an award-winning program for training law students, lawyers, and child-serving professionals to be effective and ethical advocates for children and their families. Its nationally-recognized faculty support student learning across a broad spectrum of legal practice, including child welfare, juvenile justice, education, family law, health care, and international children's rights.

The Center offers students a comprehensive set of curricular and extracurricular opportunities designed to equip them with the legal knowledge and practical skills they need to work on behalf of children and families in their professional lives. The Center is housed within the Law Center in space that is designed to create a professional legal environment while at the same time promoting a sense of community among students, faculty and staff.

The achievements of ChildLaw alumni and the talent and dedication of current students inspire the Centre's ongoing commitment to advancing children's well-being through excellence in teaching, research and service.

E. WANSLEY WALTERS, FORMER SECRETARY FOR THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE (DJJ)

Wansley Walters served as the Secretary for the Florida Department of Juvenile Justice (DJJ), which represents the largest state-wide system falling under one agency in the United States. She was appointed to head the agency by Governor Rick Scott in January 2011. Florida is engaging in comprehensive reform at DJJ and investing more resources in the front end of the juvenile justice system. During her tenure, delinquency has declined 21%, commitment to residential facilities has declined 39%, and secure detention has declined 12%.

Previously, Secretary Walters was the Director of the Miami-Dade County Juvenile Services Department. Ms. Walters developed and headed a National Demonstration Project with the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention (OJJDP) and national researchers in the field of juvenile justice.



The program facilitated a ten year reform effort that has reduced juvenile arrests by over 50%, juvenile re-arrest by 80%, and secure detention by 66%. During her period as director of juvenile services, Miami-Dade not only had the lowest youth incarceration rate in the state, but also boasted one of Florida's lowest juvenile crime rates. She is a frequent presenter on juvenile justice at both national and international conferences.

VI. The IJJO Continental Councils for Juvenile Justice

As part of its commitment to promote the improvement of juvenile justice systems and policies, and to ensure that activities are carried out with maximum proximity to real local situations, the IJJO launched **Continental Councils for Juvenile Justice** in Europe, Asia-Pacific, Latin America, North America, Africa and the Middle East. These Councils were created as a working cooperative network under the management of the International Juvenile Justice Observatory, set up with the aim of generating spaces for analysis and reflection, developing initiatives, and establishing codes and principles of good practice across the different continents.

In this way the Councils have been established as IJJO think tanks, gathering professionals and representatives of public, academic, judicial and civil society authorities. The primary objective is to generate knowledge in order to guarantee the operational implementation of international regulations regarding the protection of the rights of children and young people in conflict with the law.

European Council for Juvenile Justice

With the objective of establishing a European cooperative network in the field of juvenile justice, the IJJO created the European Council for Juvenile Justice in 2009.

The ECJJ has the function of a European space for reflection, developing initiatives and establishing codes and principles of good practice, to further the education and inclusion of European children and young people in conflict with the law.

The Council formulates recommendations on the development and evolution of juvenile justice in Europe; gathers quantitative and qualitative information on the situation of children and adolescents in conflict with the law through research and Green Papers; and proposes coordinated actions between public administrations, non-governmental organizations and academic and training centres, in various countries in Europe.

In order to present its activities and structure to representatives of public administrations, universities and NGOs involved in juvenile justice in Europe, the ECJJ has organized four meetings so far. ECJJ members are currently working on a European Model on Juvenile Restorative Justice. The European Model for Restorative Justice is based on detailed research and analysis of the



various juvenile justice systems of the 28 member states of the European Union. The results have seen an increasing consensus among partners and member states that Restorative Justice can be a desirable alternative or addition to ordinary criminal justice approaches to resolving conflicts. According to the study conducted by the ECJJ, the benefits of Restorative Justice are clear:

- Attribute greater consideration to the needs of victims and the community
- Creates re-integrative and educational prospects
- An alternative process that avoids stigmatisation of the child
- Reduces the chance of recidivism

Asia-Pacific Council for Juvenile Justice

The Asia-Pacific Council for Juvenile Justice brings together representatives of competent public administrations in juvenile justice, universities and NGOs with expertise in legislation, implementation, supervision, research or intervention in the field of juvenile justice. The Council assumes the following functions:

- 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.

The APCJJ has met already in 2012 and produced a report on juvenile justice challenges and promising practices in the region. In 2014 the APCJJ created a section for South East Asia countries in the context of ASEAN regional Mechanisms.

Latin American Council for Juvenile Justice (LCJJ)

The phenomenon of juvenile crime is a current and worrying issue in Latin America, which is why the IJJO works to provide coordinated and efficient solutions that contribute to reducing delinquency in this region, and promote the integral development of minors and young people by encouraging social inclusion.

With the aim of developing the Observatory's most relevant objectives and activities, the Latin American Council for Juvenile Justice (LCJJ), part of the IJJO, serves as a body for meetings, debate and analysis. The LCJJ's activities include preparing recommendations on the development and evolution of juvenile justice in Latin America, and compiling information on the situation of children and young adults in conflict with the law.



The LCJJ brings together public administration representatives working in the field of juvenile justice, universities and academic centres, and NGOs with experience in legislation, application, supervision, research and/or intervention in juvenile justice. The objective is to propose coordinated action between the representatives of these three sectors to compile reports and develop projects, with the aim of ensuring respect for the rights of children and young adults in conflict with the law and in situations of social exclusion. In this regard, the LCJJ already met in Guatemala in 2010 and since then the IJJO is currently working on juvenile justice issues through a program of international cooperation in more than 15 countries of the region.

VII. Annex: Conclusion of Previous Meeting

First Meeting of the North American Council for Juvenile Justice:

17-18th December 2014

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.

Concerning the formal establishment of the NACJJ, participants discussed the more suitable processes to formalize 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, organized 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 initiatives 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 fulfill 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 subjected to issues of this kind.

• **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 defense services, and facilitate access to these services;



- Improve the offer, provision and especially the follow-up on 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 expressed the necessity to build basic indicators of juvenile justice effectiveness in particular circumstances, 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 find 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; and drug policy, which should be treated more as a public health issue rather than a crime.

• Administration of Juvenile Justice

The NACJJ can also contribute to the necessity of creating a “Specialized Juvenile Justice System” for children who are in contact with the law, to allow for their voices to be heard, and their particular necessities and vulnerabilities to be taken into account. This principle is central to the delivery of fairness and 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 that these principles are respected, it is necessary for the public institutions to provide adequate and specialized training to all the practitioners and judiciary staff that 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 in work tailored for 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 rational policy initiatives. In order to fulfill this practical orientation, the policy paper would be designed following a developmental and child rights approach.

Moreover, partners discussed the possibility of developing a more specific topic for the following 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 NACJJ's commitment to decrease incarceration rates, and the development of its educational and reintegration priorities represent the NACJJ's approach to youth justice. Finally, dispositions were also taken to organize the next NACJJ meeting in Canada.