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NEWS FROM DCI SECTIONS

DCI-BELGIUM

Juvenile Justice in Europe: a framework for the integration

Report on the International Conference of the International Observatory on Juvenile Justice

By Marie Charles and Gwenaëlle de Gols

Juvenile delinquency and juvenile justice are themes largely debated in our society. They generate a lot of concern among European institutions and citizens, and many times they go beyond the competencies of States.

Children in conflict with the law in Europe were the main source of concern on October 24th and 25th during an international conference organized by the International Juvenile Justice Observatory (IJJO), an organization belonging to Diagrama Foundation. Since its inception, the observatory seeks to raise awareness among the public opinion, so that it is more knowledgeable and demanding regarding the rights of these children.

The International Juvenile Justice Observatory

Created in 2003, the International Juvenile Justice Observatory aims at promoting a juvenile justice free of boundaries, which takes as reference the Convention on the Rights of the Child, adopted by the United Nations in 1989 and the Beijing Rules on the Administration of Juvenile Justice, adopted in 1985.

Its mission is to bring an international and interdisciplinary vision on juvenile justice and to stimulate, thanks to her, the knowledge as well as the international development of adequate policies, legislations and intervention methods. Thus the IJJO aims at contributing to the advancement and improvement of national legislation as well as at promoting the development of new programs for educational and research intervention, which are linked to juveniles at risk of being socially excluded.

To this aim, every two years, the IJJO organizes an international conference allowing professionals, members of public institutions as well as academics who share a common goal, namely the development of a comprehensive juvenile justice, to meet. Conferences are privileged forums for the analysis and exchange of information and experiences concerning the legislation, the intervention models and research linked to the issue of juvenile justice.

In order to follow-up on the progress obtained during the first IJJO Conference (Salamanca 2004), an opinion on "The prevention of juvenile delinquency, the models to tackle juvenile delinquency and the role of juvenile justice within the European Un-

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ion” was presented to the European Economic and Social Committee. Its project was adopted on March 15th, 2006. The latter advocates for a model of restorative justice and underscores the need to elaborate common norms and approaches to progressively implement United Nations standards.

“Juvenile Justice in Europe: a framework for the integration”

The theme of this second edition “Juvenile Justice in Europe: a framework for the integration” originated from the will to promote a reflection on the harmonization of legislations, as well as from the creation of common intervention patterns regarding policies for intervention, integration and approach on juvenile justice.

The analysis was structured along four main elements: the strategies for the prevention of juvenile delinquency; the juvenile justice system and its possible improvements; new approaches with regards to offenders in institutions; the integration and the follow-up.

The president of the IJJO, Mr. Francisco Legaz, opened the conference questioning in part the current reinforcement of sanctions applied to minors in Europe. For the sake of security, governments get tense vis-à-vis juvenile delinquency increasing the use of custodial measures and developing infrastructures, which are not in line with the principles promoted 20 years ago. Also, as far as public policies are concerned, there is a profound gap between the intention and the practice. One gives in pressured by the urgency, instead of bringing the necessary attention to the real needs and realities of work. Mr. Legaz noted that given the current social concerns, it was necessary to convey a message of hope for these children in conflict with the law.

During the debates, the influence of the media was underscored several times. Relevant events tend to influence the processes whereby legislations are transformed and we are witnessing a sort of “penal populism”. The media are excessively conveying an image of society in which juvenile violence is increasing. According to several speakers, this does not somehow reflect the reality (cf. Dr. Josine Junger-Tas, Prof. Dr. Rod Morgan,...). The reaction of authorities vis-à-vis the crimes committed by juveniles seem out of proportion. Juveniles are more and more sentenced for committing petty crimes. The expression “anti-social behavior” is replacing “criminality”.

We are currently in a period of transition between the educational model of welfare and the more punitive neo-liberal model. The challenge of the welfare model is linked to that of the Social State. The State gives away its responsibility in many areas. The individual responsibility needs to face the hazards of life. The society will no longer take into account the collective causes for individual deviant behaviors but only its effects. To this date, the priority for the State is to guaranty the security of goods and persons and not the rehabilitation or diminishing of inequalities. Prevention policies aim at reducing risks and the dialectic of responsibility –individual responsibility of the minor vis-à-vis a crime and collective responsibility concerning the education and living conditions of the juvenile- does no longer function. One only looks at the responsibility of the minor. With the exception of Italy, the focus formerly placed on the integration of the child is now shifting towards a social intolerance vis-à-vis the minor, regarded as social problem, an at-risk individual.

One can also note this transition when it comes to sanctions. The minor receives all the attention, given the increasing development of restorative and mediation measures. Thus, he or she becomes the only responsible for his or her itinerary. The surveillance which used to be the responsibility of the society is now taken over by the families or ethnic or life communities, which will thus affect the most fragile individuals.

The institutionalization of minors

Currently, governments tend to strengthen and toughen measures. The root cause behind this is the prevailing feeling of impunity. The negative effects of “boot camps” so common in the United States, where the focus is placed on dissuasion to avoid recidivism as well as the use of institutionalization as an imprisonment choc are well documented. These practices, which are based on a social chain reaction dictated by the public opinion, seem on the contrary to generate a recrudescence of criminality.

Can the minor be treated without being criminalized?

Recent studies in the United Kingdom have demonstrated that less punitive interventions give better results. When juveniles can face the direct consequences of their acts, they will have more chances not to become recidivists.

Inmates usually stem from the poorest sectors of the population, which are also facing difficulties at school. Therefore it is necessary to act at the following levels: the family, the neighborhood, the school... It is also necessary to favor drop-in centers as well as pre-legal interventions, which help keeping the child in an educational setting.

In closed institutions, the main priority of intervention should be strengthened. It is necessary to further the educational and professional learning process as well as the project for the progressive departure of the child (rehabilitation, reintegration, relocation). It is worth remembering that discipline is not an instrument of the institution but a tool for the juvenile vis-à-vis the law.

Prevention should therefore be structured along an effort of education. It is of utmost importance to work for and not against juveniles. To this aim, it is necessary to have well prepared personal resources on a daily basis, in a multidisciplinary practice.

Dr. Bruce Abramson, juvenile justice consultant in Switzerland, brought forward an interesting point. He raised the issue of boys being marginalized, unlike their feminine counterparts, in the current prevention policies. These policies will only be effective when the elements present in the lives of boys are underscored, which can explain their over-representation in detention centers.

Closed institutions should not be the solution for everything. Bringing together foreign unaccompanied minors, at risk minors and individuals with mental disorders should be banned. This would indeed exacerbate the identity of the youngster as a criminal.

Mr. Philippe Million, Director General "Service de la Ville de Colombes" in France, gave a nuance to these words. According to him, juvenile delinquency is on the rise. Therefore toughening the sanctions seems inevitable, since warnings are not efficient.

Towards standard minimum rules within the Council of Europe?

Mr. Frieder Duenkel, Criminology professor at the University of Greifswald in Germany, shed light on the ongoing works. A project is underway entitled "European standard minimum rules for children deprived of their liberty and children sentenced to non-custodial measures".

The content of these norms is currently being reflected upon. It would include two parts:

1. Deprivation of liberty:

The philosophy should be that of social integration, training and education. Sanctions will aim at compensating and dissuading. Among the basic principles, one can find the best interest of the child and proportionality.

Deprivation of liberty will be defined here in a broad manner. It shall be decided as a measure of last resort and for the shortest appropriate period of time. The incarceration setting will prevent from to aggravate the suffering resulting from the deprivation of liberty.

Rehabilitation and reintegration should be the main issues concerning deprivation of liberty. According to the experts currently involved in the project, there is no opposition between the security that the State has to guarantee for everyone and the principle to rehabilitate the young inmate.

2. Community sanctions:

In this area, it is necessary to find a strategy that is not harmful to human rights. Many principles still need to be respected among which the presumption of innocence (the consent of the youngster is crucial here); the prohibition of bonded labor; the consent of parents in some cases; proportionality; the prohibition to humiliate juvenile offenders; the prohibition of particularly impinging follow-ups; the possibility to appeal.

Some concerns were raised regarding restorative sanctions: what will happen with the most marginalized people, with whom it is difficult to communicate? Is there a risk that the most vulnerable persons receive the toughest sanctions?

As a conclusion

The aim of these two days was to try to find new responses at the European level, promoting an inter-institutional coordination, with a view to develop a common policy for the prevention of juvenile delinquency and

prepare a guide of good practices, which facilitates a uniformed practice in Europe.

As learned lesson, legal interventions should be used minimally, since weak measures have proven to be effective. Therefore, everyone calls for the need to develop a common intervention strategy.

Different statements and practices relevant to certain countries, regions and institutions were also presented. These reflections do not refer to the content of the conference as a whole. The conference was divided in

DCI-BOLIVIA

Regional Coordination of the Juvenile Justice Program in Latin America

Violence against Children and Power relationships

By Rose Marie Acha

Regional Coordinator of the Juvenile Justice Program in Latin America

Different and diverse factors promote the reiteration of violence in the current society and, in this context, children and adolescents are the ones who suffer the most this escalation of violence. In Latin America, one can see an increasing trend in this reality, which is closely linked to a group of structural factors and a notion of discrimination which is translated in social relationships of power.

Even with the ratification of the Convention on the Rights of the Child, Latin American countries still have a tutelary vision of children and adolescents, who are considered as a passive sector, which needs to be looked at and supervised. Therefore, it is very unlikely that children and adolescents will be able to enjoy their rights fully, that they will have access to all development possibilities and that they will take part in processes for social integration and participative democracy. There is actually a tendency to shift towards a permanent violation of rights.

One of the characteristics of the Latin American region is the poverty in which the majority of the population lives. In contrast, the political and economical power handles great resources. Children and adolescents are the primary victims of this condition of poverty, which affects 43% of the 520 million inhabitants of the region. Therefore, poverty is considered as one of the main forms of violence, which translates in a lack of access to public services, low levels of school enrolment, still important infant mortality rates and a general denial of the exercise of rights. Nevertheless, it is important to bear in mind that the forms of violence against children are not always linked to conditions of poverty, for instance physical, psychological and sexual violence within the family or gender violence against girls.

Furthermore, different forms of violence stand out in the complex environment of social violence in Latin America, which translate the content of social relationships of power: aggressions in schools, violence against working children and adolescents, disdain against street children, discrimination and ill-treatment in State institutions, etc. The State institutions which can be mentioned for their frequently violent interventions against children and adolescents are, paradoxically, the ones who should be responsible for protecting their rights: the school system, reception centers, hospitals, the police and the system of the administration of justice. Furthermore, these violent actions are usually endorsed by a complex dynamic of social beliefs and cultural patterns, supported by the majority of the population.

Therefore, it is necessary to look at the social, cultural and ethic content of violence against children, where many practices are accepted as part of the recognized social order or are based on structures of privileges, authority and control, which are legitimized socially. This explains the dimension and how frequent violent interventions can be, as well as their high levels of impunity.

Authoritarian and discriminatory values are promoted from the different layers of society, which will translate into different forms of violence against the non privileged and supervised group. Thus, violent practices promoted within social structures have a great impact inside the family structure, an environment where traditionally violence against children has been primarily present. In Latin America, violence within the family is one of the main causes for the denial of rights and impunity against children and adolescents. Also, statements and values supporting violence and its conceptions of discipline and punishment explain why it is one of the most serious issues of public health and social moral.

Furthermore, in these last years, another setting has been created, being extremely favorable for the application and reproduction of violence on the part of State structures and the society. This setting is worth mentioning in any analysis on the current situation of violence against children and adolescents. This new environment is framed in the concerns arising from the so-called “citizen security” and the repression policies and interventions which are developed in this context.

In general, the issue of insecurity alludes to different components of the social and personal life, in which multiple structural conflicts originate, linked to a minimum economic growth, low job creation, political instability, precarious public services, corruption, impunity and social exclusion. Therefore, any demand for more security should be done in parallel with a demand for more justice and a greater respect for human rights.

Nonetheless, currently, the demand for security, which is translated on a daily basis in the requests of society, is framed in a more narrow setting, where only certain rights are considered as a priority. At least, the popular use of the concept is only related to the personal insecurity vis-à-vis marginal delinquency and the violence which originates from certain crimes. This same trend can also be seen in the programs of citizen security, undertaken by States. The population will thus be concerned about insecurity. And the feeling of insecurity will be shown both in its objective component, namely the real possibilities for someone to be a victim of a crime and in its subjective component, that is the fear to be a victim of a crime; both do not always coincide, since the feeling of fear can be affected by multiple factors which do not depend on the objective existence of a risk.

In this context, one of the main pillars of the reasoning of “citizen security” seems to be rooted in the criminalization of childhood and adolescence, especially of the ones living in abject conditions of poverty and exclusion. In the arguments endorsed by State institutions and certain layers of the society, there is a recurrent trend to ask for the “eradication of delinquency”, and the development of “mano dura” actions against stereotypes, which represent adolescents and youngsters, considered as one of the main risk factors. In general, the stereotypes of the “offender” which are used on a daily basis, respond to representations of persons stemming from impoverished social sectors and who are old.

This restrictive approach regarding security, endorsed by a group of authoritarian arguments and manipulated by fear, originates different and permanent actions of indiscriminate violence against children and adolescents in all the countries. This can be reflected in the fight against “maras” or gangs in Central America, which has increased the levels of social violence, or in the tendency for the “easy trigger” or in the practice of lynching in other areas of the region.

In this context, the practice of lynching or executing possible authors of a crime, now frequent in Guatemala or Bolivia, is of great concern. As a coincidence, victims of lynching are mostly adolescents and youngsters who have been tortured, assassinated or handicapped for life only because of their age and their condition of poverty, as a measure to protect the society. They are the scapegoat of the “citizen security”.

Such a context of discrimination and violence, with so many and varied forms of abuses against the human rights of children and adolescents, needs to be acknowledged in all its levels. Therefore, it is necessary to include in the analysis the values and social beliefs which endorse this forms of violence and underscore the responsibilities of States and societies. Based upon this, effective projects aiming at the reduction of violence can be developed and an important aspect can be strengthened: prevention, following the model brought forward by Professor Paulo Sérgio Pinheiro: “the best way to tackle violence against children is to prevent it before it occurs”.

In this sense, the DCI Latin American sections are implementing different strategies which include: monitoring and lobbying, social mobilization, monitoring the status of the rights of the child, proposals of laws and policies, training and organization of children and adolescents to strengthen their associations and their generational identity.

Also, a regional project on Juvenile Justice is currently being implemented, with the participation of eight DCI sections in Latin America. Using an integral approach, this project aims at lowering the levels of violence in the framework of the Juvenile Penal Justice so that the relevant provisions and principles of the Convention on the Rights of the Child and of other international juvenile justice standards can be applied. The project includes four areas of intervention: the examination and reform of legislations to ensure an implementation in line with the Convention, the promotion of non-custodial measures, the training of juvenile justice professionals and the sensitization of communities.

In this sense, it is important that all civil society organizations keep the trend to lower the levels of violence against children and adolescents, and that the efforts and existing networks be strengthened to alter the basis of social relationships of power and discrimination. It is of utmost importance to promote the development of new social relationships which rely on the promotion of the doctrine of integral protection and the full recognition of children and adolescents as rights-bearers.

DCI-ECUADOR

Investigation on the legal status and the axiological and moral environment of juvenile offenders in Quito's metropolitan district

(Undertaken in the framework of the project for the application of non-custodial measures to juvenile offenders in Quito's metropolitan district, Ecuador).

By Ana María Granja
Executive Director
DCI-Ecuador

In the framework of the DCI Project on Juvenile Justice in Latin America, DCI-Ecuador is currently implementing a *"Project for the implementation of socio-educational measures to juvenile offenders"*. This project aims at developing a methodological proposal for the implementation of a socio-educational measure, which comes into line with the legal status and the values and needs of juvenile offenders.

Between March and June 2006 and with the aim to channel the proposal for the application of socio-educational measures to juvenile offenders, DCI-Ecuador undertook an investigation to document the legal status as well as the axiological and moral environment of juvenile offenders in Quito's metropolitan district.

This investigation included two elements: on the one hand, an analysis of the legal framework of juvenile offenders and of the application of socio-educational measures by juvenile justice professionals; on the other hand, understanding that the failure of many measures applied to juvenile offenders is rooted in a weak relationship with their system of values, it underscores the impressions and proposals of juvenile offenders on their needs for support and system of values.

The population targeted by the investigation is composed of:

Adolescents in conflict with the law (*): persons aged 12 to 17 years, accused of having infringed penal law, whose responsibility has not yet been determined by a judicial decision.

Juvenile offenders: persons aged 12 to 17 years, whose responsibility has been determined by a judicial decision.

Juvenile offenders deprived of their liberty: persons aged 15 to 17, who infringed penal law, and who have been sentenced to institutional measures by the judicial authorities.

Juvenile justice professionals.

Juvenile justice users.

To investigate the legal status of juvenile offenders, qualitative techniques (interviews, surveys and focal groups) and techniques for documentary investigations (review of files) were used. The following techniques were used to document the legal status of juvenile offenders: a) juvenile courts who had information on 144 files when the information was collected; b) 6 in-depth interviews were undertaken with juvenile justice professionals to get a more comprehensive picture of the environment of juvenile offenders. It is worth mentioning that these interviews do not have a statistical value; c) 20 surveys were undertaken aimed at assessing the perception of users of the systems of the administration of juvenile justice (**).

To investigate the axiological and moral environment of juvenile offenders, the following techniques were used to collect information: a) two focal groups were organized to collect information on the remand center Virgilio Guerrero. One group with 10 adolescents aged 15 and 16; a second group with 10 adolescents aged 17. Given the small number of adolescents aged 15, a single group was created with the adolescents aged 16; c) 3 in-depth interviews with adolescents from each of the groups, aged 15, 16 and 17.

The following conclusions were agreed upon:

- The system of the administration of juvenile justice in Ecuador has flaws rooted in structural problems which are common to the sphere of the judicial function and not in the absence of a law. The current legislation in Ecuador is in line with the principles and provisions of the Convention on the Rights of the Child; nonetheless, the system of justice does not have the conditions to apply it. The due process is not respected and adolescents do not use the right to defend themselves. The system is thus authoritarian; it violates rights and has great material needs such as the need for capacity building and specialization of operators, infrastructures and more personnel.
- Sentences of deprivation of liberty are the most applied by juvenile judges given the lack of programs with alternative measures to institutionalization and of institutions which can apply these measures. Juvenile justice operators need to implement what is stated in the norm, which might prevent the application of socio-educational measures.
- In the axiological environment of adolescents, prevailing values are linked to two main aspects: socio-affective relations and personal challenge. As far as the first aspect is concerned, the values adolescents appreciate the most are respect, solidarity, honesty and sincerity. Responsibility, efforts and dedication are crucial for personal challenge and control.
- The interests of youngsters are directly linked to their unsatisfied affective needs. They seek acceptance and understanding, the positive recognition of their acts and to be well-treated in their interpersonal relationships. Furthermore, they believe that the fulfillment of their goals will depend upon studies. Thus, one of the most recurrent objectives for youngsters is to become professionals.

The socio-educational measures applicable to adolescents should be probation and parole. The parole proposals are linked to the need to undertake educational or work-related activities, whereas probation programs focus basically on the social work that adolescents can do. They insist on the need to involve the family in the “rehabilitation” process and on the definition of mechanisms for social reintegration.

(*): Because of the presumption of innocence enshrined in the political constitution of Ecuador and the Statute on Children and Adolescents, a distinction was made between adolescents in conflict with the law and juvenile offenders.

(* *): As for the interviews to professionals, these surveys do not have a statistical value.

DCI-SIERRA LEONE

Children’s Implementation Plan of the National Child/Juvenile Justice Strategy in Sierra Leone

By Abdul Manaff Kemokai

Following the approval of the Sierra Leone National Child Justice Strategy on 14th September 2006, Defence for Children International Sierra Leone and two consultants, Rhea Alert and Abdul Manaff Kemokai hired by the Justice Sector Development Programme lead the process of consultation with children across the country to develop a children’s implementation plan.

Though child participation is a central principle of the UNCRC, many child-centered organizations are still in search of practical ways in which to get children involved in issues concerning their welfare. Here in Sierra Leone, child participation has been mostly limited to school-centered activities like games, sports, debate competitions etc. In the case of NGOs child involvement has come in the form of opinion interviews, workshops and commemorative rallies. DCI-SL has been trying a more practical approach to participation. The Sierra Leone National Child Justice Strategy gave DCISL the opportunity to explore the active participation of children in issues concerning their access to justice. The aim of the consultation was to do an assessment of the kinds of activities children are involved in and the ways in which they want take part in the goals that the government has set out to achieve in the strategy.

The children came from youth groups and children’s clubs across the country, and were eager to have opportunities to express themselves and give their ideas about issues concerning them. Many came out even on Saturdays, fully clad in their school uniforms and spent hours debating and talking amongst themselves on how

they could partner with the government and non-governmental organizations to implement the strategy. They were very aware of their limitations as children.

The following is a child friendly document that clearly explains how the children plan to participate in the implementation of the Strategy:

We the children of Sierra Leone understand the goals of the Child Justice Strategy and the activities outlined to achieve these goals. We have therefore identified the areas where we can be directly involved in the implementation of the strategy in cooperation with adults. In those areas where direct implementation is not possible we plan to function as monitors and advocates for their proper implementation. In this regard, we have grouped our implementation plan into five broad areas:

1. Capacity building:

We have the minimum capacity to actively participate in the implementation of the strategy. We have established organizations that are recognized by the government, NGOs, schools and communities. Among the several existing organizations, the Children's Forum Network is recognized as the umbrella organization. This organization is thus expected to coordinate our child justice strategy activities across the country. Our various organizations already have sound experience in most of the activities including awareness raising mentioned in the strategy. We will however require additional skills in advocacy, awareness raising, monitoring and evaluation, children's rights and justice and peace building and conflict management.

2. Awareness Raising:

Radio broadcasting is one of the most effective strategies we have identified. Though we still maintain some of our popular programmes such as Voice of Children, Golden Kids, and Kiddy's Radio, we are pleading with the government to give us free airtime at all SLBS radios across the country. We also encourage the private radios to give us such opportunity so that we can reach out to our colleagues and the public at large. Through our child rights clubs in schools and communities, we will collaborate with school authorities and community leaders to organize activities like debates and quiz competitions on issues in the strategy. We, the Children's Forum Network will be soon launching our newsletter, which will be carrying articles related to the strategy.

3. Advocacy:

We will strongly be advocating for the full implementation of the Strategy. Our advocacy activities will include face-to-face meetings with authorities including His Excellency the President of the Republic of Sierra Leone and we therefore plead for open door policy. We will be also presenting issues on the media in the form of discussions, press releases or press conferences in order to draw the attention of the authorities towards solving these issues. We will be sending complaints and communiqués to the parliament and other authorities in charge of specific subjects.

4. Monitoring and evaluation:

From experience, we have learnt that our mere presence in court directs trial towards the interest of children before the court. We have therefore planned to be regularly monitoring all the institutions and individuals that will be implementing the strategy and produce regular reports that we share with all. We also expect an open door policy here. Children's Forum Network will coordinate this activity because we don't expect children to be flowing in and out of the institutions of the criminal justice system. We will also be monitoring abuses/violations in communities and schools. Our monitoring activities will reinforce our advocacy and awareness raising activities by providing first hand information. We will be publishing reports in our news letters and other media and finally, a yearly monitoring and evaluation report will be produced.

5. Consultation and assessment:

In defining child abuse and assessing at risk communities as prescribed in the strategy, we children can actively participate and provide valuable information. When developing standards for bail homes, foster homes, diversion and protocol for the judiciary, we expect those in charge to consult us children and we will be ready to participate in consultative workshops, be interviewed and conduct interviews and lead focus group discussions where appropriate.

We are not the source of problems, we are the resources that are needed to solve them. We are not expenses, we are investments. We are not just young people; we are people and citizens of Sierra Leone. We pledge an equal partnership in this fight for children's rights and for a country that is safe for children. And while we promise to support the actions that our government will take on behalf of children, we also ask for their commitment and support in the actions we are taking in further advancing the cause of all the children in Sierra Leone.

DCI-INTERNATIONAL SECRETARIAT

Regional Consultation on Juvenile Justice in Africa

30th October– 3rd November 2006

By Rebecca Morton
Executive Director

Defence for Children International (DCI) hosted a *Regional Consultation on Juvenile Justice in Africa* in Samburu, Kenya, from 30th October - 3rd November 2006. DCI's International Secretariat organised this event in close collaboration with our DCI National Section in Kenya, and with the support of DCI's International Executive Council. The overall goal of this Regional Consultation in Africa was to lay the framework for a Regional Juvenile Justice Programme in Africa.

Representatives of DCI National Sections in Angola, Benin, DRC, Kenya, Nigeria, Senegal, Sierra Leone, Togo, Uganda and Mauritius participated in the consultation, as well as two representatives from the Regional Programme on Juvenile Justice in Latin America, staff of the International Secretariat, members of the IEC, and the Coordinator of DCI's *No Kids Behind Bars! Global Campaign*.

The consultation provided a rare opportunity for African DCI National Sections to come together in person, where they could interact, exchange ideas and experiences, and work together. African sections also benefited from an exchange of information and expertise with representatives of the Regional Juvenile Justice Programme in Latin America, Marcos Guillén (DCI Argentina) and Mario Torres (DCI Paraguay).

During the consultation, key decisions were made regarding the criteria to be met by national sections for participation in the programme, and regarding the regional coordination of the programme. Participants also divided themselves into small working groups to develop a comprehensive Regional Action Plan for the Programme. A first draft of the Action plan was completed. Mr Innocent Garakumbe (IEC Member/DCI Uganda) and Mr Laurencio Akohin (Vice President for Africa/DCI Togo) agreed to take the lead in finalising this draft once the consultation had ended, by identifying any gaps, and contacting sections to collate any complimentary information.

Throughout the consultation DCI National Sections also participated in a series of capacity building workshops including: *Sharing Experience with Latin American Sections, International Juvenile Justice Standards, and Advocacy (including the preparation of Alternative Reports for the UN Committee on the Rights of the Child)*. Ms Sharon Detrick, Coordinator of DCI's *No Kids Behind Bars! Global Campaign*, also gave a short presentation on the Campaign, and explained how it could be integrated in the Regional Juvenile Justice Programme.

African DCI Sections were in agreement that this Regional Programme on Juvenile Justice would not be the only or last programme in the region. They elected a Planning and Development Committee to draw up an overall vision for the Africa Region, which will inform this, and other Regional Programmes. The Planning and Development Committee also developed their own terms of reference which included: Follow up on the outcome of the Kenya 2006 meeting; Work with the International Advocacy Committee to raise the voice of DCI Africa at regional and international level; Develop a DCI Africa news letter in cooperation with the International Secretariat.

The Committee also worked hard to develop a Vision for Africa which was later approved by all participants.

VISION FOR AFRICA

A Responsible and Empowered Africa, guided by the United Nations Convention on the Rights of the Child and its Optional Protocols, the African Charter on the Rights and Welfare of the Child and other relevant Human Rights instruments, where Children enjoy a just and better life and their rights are respected and implemented.

UN RELATED NEWS

By Kate Bundra

DCI-International Secretariat

UN Study on Violence Against Children: A Focus on Juvenile Justice

On the 11th of October, 2006, the final study and recommendations for the United Nations' Study on violence against children were officially presented at the 61st Session of the UN General Assembly in New York. The first comprehensive global study conducted by the UN on all forms of violence against children, it marks a "turning point - an end to adult justification of violence against children(1)."

Groundwork for the Study began in 2003, when UN Secretary-General Kofi Annan appointed Professor Paulo Sérgio Pinheiro of Brazil as the independent expert to lead the global study on violence against children.(2) Guided by the principles in the UN Convention on the Rights of the Child, the project aims to promote action to prevent and eliminate violence against children at international, regional, national and local levels. It was mandated by the General Assembly ([UN GA Resolution 57/190](#)), to draw together existing research and relevant information about the forms, causes and impact of violence which affects children and young adults(3). The Study is a UN-led collaboration supported by the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), and the World Health Organization (WHO). Additional assistance was provided by non-governmental organizations (NGOs) and the NGO Advisory Panel, numerous governments, the Committee on the Rights of the Child, other organizations such as the International Labour Organization, and children themselves.

In the report, Professor Paulo Sérgio Pinheiro has verified that violence against children takes place in numerous settings including schools, the community, workplaces, institutions, and in the family. He further stated optimistically, "all violence can and must be prevented by every society(4)."

The UN Study on Violence against Children includes a section titled, "**Violence in Care and Justice Systems**," with relevant points for juvenile justice. A summary on some of the key findings are listed as follows:

- Problems with overcrowding and squalid conditions, societal stigmatization and discrimination, and poorly trained staff heighten the risk of violence.

- Millions of children, particularly boys, spend substantial periods of their lives under the control and supervision of justice systems, and in institutions such as prisons, juvenile detention facilities, police lock-ups and reform schools.

- Institutionalised children are at risk of violence from staff and officials responsible for their well-being, including torture, beatings, isolation, restraints, rape and harassment.

- Corporal punishment in institutions is not explicitly prohibited in a majority of countries.

- Long-term effects of violence against children includes severe developmental delays, disability, irreversible psychological damage, increased rates of suicide and recidivism, and greater involvement with the criminal justice system.

- In 1999, it was estimated that 1 million children were deprived of their liberty, most of these children charged with minor or petty crimes, and many are first-time offenders, and the majority of children in detention are awaiting trial and have not been convicted of a crime.

In the conclusion of the Study, there are several compelling recommendations. They are directed primarily towards states and their legislative, administrative, judicial, policy-making bodies. Recommendations are also made for other sectors of society, including trade unions, research institutions, employers, NGOs and community-based organisations. Points for juvenile justice include:

- **Enhance the capacity of all who work with and for children:** “Initial and in-service training which imparts knowledge and respect for children’s rights should be provided. States should invest in systematic education and training programmes both for professional and non-professionals who work with or for children and families...

- **Provide recovery and social reintegration services:** “...States should provide accessible, child-sensitive and universal health and social services, including...legal assistance to children....criminal justice and social service systems should be designed to meet the special needs of children.”

- **In care and justice systems:** Reduce the numbers of children entering justice systems by decriminalising “status offences”...survival behaviours, and victimization by trafficking or criminal exploitation. States should also establish comprehensive, child-centred, restorative juvenile justice systems that reflect international standards. Detention should be reserved for child offenders who are assessed as posing a real danger to others, and significant resources should be invested in alternative arrangements, as well as community-based rehabilitation and reintegration programmes.

The full list of recommendations and research findings can be retrieved from the UN Study on Violence against Children, available at the following web address: <http://www.violencestudy.org/IMG/pdf/English.pdf>

The work of Professor Pinheiro in the UN Study on Violence against Children has demonstrated the vast need to further address problems involving violence against children worldwide. The foundation has been laid, enabling the international community to move forward and build on the research and recommendations presented by strengthening mechanisms for protection, awareness, research and social services. The Study has also reinforced the need for states to follow international standards for juvenile justice. As Cora, a young girl from the Philippines who assisted Professor Pinheiro launch the report in New York in October stated,

“...it is, last but not least, the moment that we ask for what’s been our right from birth: our right to survival, dignity, health, development and participation, our right to be protected from violence against children. We the children and young people need your support to end violence. We can do it - but only with your support(5)”.

(1): UN General Assembly. A/61, 23 August 2006. Report of the Independent Expert for the United Nations Study on Violence against Children, available at: <http://www.violencestudy.org>

(2): More information on Professor Pinheiro is available at: <http://www.violencestudy.org/a30>

(3): UN Secretary-General’s Study on Violence against Children. “About the Study”. Available at: <http://www.violencestudy.org/rl>

(4): CRINMAIL 822: Special edition on the launch of the UN Study on Violence against Children. 12 October 2006. Available at: http://www.crin.org/email/crinmail_detail.asp?crinmailID=1666

(5): CRIN. “Violence Against Children”: UN General Assembly Discusses Study” available at: <http://www.crin.org/violence/search/closeup.asp?infoID=10658>

Juvenile Justice and Child Soldiers

“The impact of armed conflict on children is everyone’s responsibility, and it must be everyone’s concern.”
Graça Machel, UN Expert to the Secretary General for the Study on the Impact of Armed Conflict on Children (1).

In November 2006, the United Nations focused on children in armed conflict. A report released by UN Secretary-General Kofi Annan, identified “persistent violators” of international standards prohibiting the recruitment and use of child soldiers since 2002(2). In addition to Annan’s report, the Security Council has been working on the development and implementation of Security Council Resolution 1612. Unanimously adopted in July 2005, the Resolution establishes a monitoring and reporting mechanism, as well as a Working Group on Children and Armed Conflict. Lastly, on the 9th of November, a pre-trial hearing took place at the International Criminal Court (ICC), for Mr. Thomas Lubanga Dyilo from the Democratic Republic of Congo (DRC). Mr. Lubanga Dyilo was the Commander-in-Chief of the *Forces Patriotiques pour la Libération du Congo* (FPLC), one of the most dangerous militias in Ituri. He is charged with enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities.

These parallel events have marked significant steps in the defence of children involved in armed conflict. They provide positive reinforcement on standards for international law and the expansion of children’s rights. As the Prosecutor, Mr. Luis Moreno-Ocampo, who formally charged Mr. Lubanga Dyilo on the 28th of August 2006, stated, “this case is a landmark in the fight against impunity for these crimes affecting children in the DRC and worldwide(3).”

Notably, the events also present an opportunity to reflect on the issues surrounding child soldiers and juvenile justice, including criminal responsibility, the rehabilitation, reintegration and detention of child soldiers. Although the issue has not been widely addressed, there is a pressing need to ensure that standards of juvenile justice extend to child soldiers.

Understanding the Problem

It is estimated that currently, 300,000 boys and girls under 18 years of age are soldiers in State armies and opposition groups worldwide. According to a new book launched at the United Nations University this past October, some child soldiers are as young as six years old, and nearly 40% of them are girls recruits(4). In approximately 85 other countries which are not at war, several hundreds of thousands of minors are also serving in State armies and militias, or in non-State armed groups. Kofi Annan’s report identified 38 parties from 12 countries that have recruited or used children as soldiers in violation of international standards during the past year. It also named 16 parties from nine countries as having violated the standards for the fourth consecutive time(5).

Children are often targeted to become soldiers specifically because of their status as children. International lawyer, Matthew Happold explains:

“[Children] are more easily led and more suggestible than adults. They are less socialised, and more docile and malleable than adults, and hence are more easily persuaded or coerced into committing atrocities...children’s lack of mental and moral development may mean that they are more prone to behaving badly than adult troops...”

Child soldiers are usually made to commit serious crimes alongside adult soldiers in war-torn regions such as Darfur, the DRC, Sierra Leone, Sri Lanka, Colombia and Nepal. They suffer from multiple abuses such as forced conscription into the armed groups, beatings and other forms of torture, and psychological damage resulting from being forced to kill others. Child combatants are used as sex slaves, forced labourers, messengers, informants and servants in continuing and newly erupting conflicts. Boy soldiers in Liberia were often drugged prior to facing combat by commanders handing out pills in order to make them fearless during fighting(6).

There are also groups of children who become soldiers voluntarily. They join for various reasons such as protection, a desire to avenge abuses against their families, or it is seen as a method for survival. One former child soldier describes, “I would laugh at death, even when my friends were killed. Sometimes I would feel bad

afterwards, about my brothers killed, but by fighting I could bring food to my parents and relatives(7).”

Victims or Criminals?

Each year, many child soldiers are held by State military authorities in connection with penal offences, as defined by either military or civilian law. There is a dilemma however, on whether child combatants can be held criminally responsible, and what steps are taken for their rehabilitation, punishment or reintegration. The relevant questions are posed poignantly in the book, *Child Soldiers in International Law*(8) which debates, “to what extent can child soldiers be held criminally liable for their conduct? How should they be treated when captured? How are states obliged to demobilise and reintegrate them into their societies?(9)”

There are no straightforward answers to these questions. The controversy is explained by one child protection worker:

“Many of them were forcibly recruited, drugged, beaten, and made to commit horrible acts. These children killed, raped and abused members of their own communities. Because of these acts, they are both victims and perpetrators.”

Child soldiers have frequently committed acts amounting to international crimes(10), but because they are children, they arguably need protection, assistance and support. They may be children physically if they are under 18 years of age(11), but emotionally, psychologically and mentally, child soldiers have endured or experienced events which leave them with a maturity far beyond their years.

International Law

At present, international law has not directly addressed the issue of whether child soldiers should face prosecution for atrocities they commit during armed conflict. The UN Convention on the Rights of the Child (CRC), the Optional Protocol to the CRC on Children in Armed Conflict, the 4 Geneva Conventions, ILO Convention 182, and the African Charter on the Rights and Welfare of the Child do not contain any specific provisions on whether child soldiers should be prosecuted, or what is an appropriate age for criminal responsibility (12). Additionally, states do not face an obligation to reintegrate and rehabilitate children in international law. It demonstrates the need to extend standards for juvenile justice to child soldiers, and provide protection as well as appropriate methods for support.

Case Study: Colombia

Recently, Colombia has taken exemplary measures in juvenile justice for child soldiers. In 2005, the Colombian Congress approved the Justice and Peace Law. The British Foreign and Commonwealth Office (FCO) describe, “the law is designed to disarm, demobilise and reintegrate ex-combatants from illegal armed groups. (13)” The law aims to promote peace and justice Colombia, and includes work with UNICEF and others to promote the demobilisation and reintegration of child soldiers.

The FCO stated that by August of 2006, 30,000 paramilitaries will have been demobilised under the law. There has been evidence that some of the demobilised paramilitaries have been forming new criminal groups. The aim is to prevent further criminalisation involving youth, and for Colombia to reintegrate the demobilised combatants successfully by addressing the needs of victims.

Ideally, more states will begin to take action as Colombia has demonstrated, in order to secure the best interests of the child and to better provide standards of juvenile justice for child soldiers. As demonstrated, there is potential to stop the cycle of violence and juvenile delinquency if the proper methods for support and rehabilitation are provided.

Moving Forward

In the midst of recent progression with the United Nations, the fight for juvenile justice must continue. There are recommendations to initiate steps forward. For example, Amnesty International argues that if a child is under 18 years of age and aware of their actions, it is vital that they are "...held to account for their actions in an appropriate setting.(14)" Popovski and Arts further point out in their book, *International Criminal Accountability and Children's Rights*, that criminal responsibility for children's war crimes should lie with the adults who enlist them, and children can be held accountable in ways that serve both justice and the child's interests in the short and long terms(15).

The recent actions taken by the UN for the benefit of child soldiers have helped solidify aspirations for justice and the improvement of human rights internationally. Yet there is more work to be done. The focus on child soldiers should consider further expansion to include juvenile justice issues, specifically rehabilitation, reintegration and criminal responsibility. The examples offered from Colombia's Justice and Peace Law, Amnesty International, Popovski and Arts, and Matthew Happold are worth taking into account as the issues are debated and examined from various angles. At the very least, it provides a foundation as we continue working together for children's rights and in the field of juvenile justice, aiming to better serve the needs of children around the world.

(1) UN Security Council, S/PV.5129, 23/02/05.

(2) UN Security Council Report by Kofi Annan, 26/10/06, available at:
<http://daccessdds.un.org/doc/UNDOC/GEN/N06/577/95/PDF/N0657795.pdf?OpenElement>

(3) International Criminal Court, 9/11/06, "Prosecutor Presents Evidence that Could Lead to First ICC Trial," available at:
<http://www.icc-cpi.int/press/pressreleases/201.html>

(4) United Nations University, 25 October 2006, Book Launch: "Child Soldiers", Available at:
www.unu.edu/media/archives/2006/files/mre40-06.pdf

(5) UN Security Council Report by Kofi Annan, 26/10/06, available at:
<http://daccessdds.un.org/doc/UNDOC/GEN/N06/577/95/PDF/N0657795.pdf?OpenElement>

(6) Human Rights Watch, "How to Fight, How to Kill: Child Soldiers in Liberia", available at:
<http://hrw.org/reports/2004/liberia0204>

(7) Ibid

(8) Happold, M., 2005, *Child Soldiers in International Law*, Manchester University Press, Manchester.

(9) Ibid

(10) Happold, M., 2005, *Child Soldiers in International Law*, Manchester University Press, Manchester.

(11) According to article 1 of the UN Convention on the Rights of the Child, available at:
<http://www.unhchr.ch/html/menu3/b/k2crc.htm>

(12) Human Rights Watch, "International Legal Standards Governing Child Soldiers", available at:
<http://hrw.org/campaigns/crp/int-law.htm>

(13) British Foreign and Commonwealth Office, 2006 Annual Report, available at:
<http://www.fco.gov.uk>

(14) Amnesty International, "Child Soldiers: Criminals or Victims?" available at:
<http://web.amnesty.org/library>

(15) "International Criminal Accountability and Children's Rights", TMC Asser Press, The Hague, Netherlands

RECENTLY PUBLISHED REPORTS RELATING TO JUVENILE JUSTICE

The 2006 Annual Report of the British Foreign and Commonwealth Office Highlights on Juvenile Justice

Afghanistan

“Women and girls face difficulty accessing basic services including education, justice and health care. However, there have been marked improvements over the last five years. In 2005, 528,000 girls enrolled in primary school across the country.”

Albania

The Foreign and Commonwealth Office (FCO) stated in their annual report for 2006 that “conditions for prisoners and detainees are still major problems.” Albania is party to several international human rights treaties, but the nation continues to have difficulty with the implementation of legislation and reform in various areas. The FCO further stated:

...we continue to receive reports regarding the ill-treatment of detainees and, notwithstanding improvements to existing facilities and some new prison buildings, conditions remain poor. There are relatively few minors in custody, but they are often housed in pre-trial detention centers or with adults. There are plans to open a new juvenile detention centre in Pogradec, but its size and location may hamper rehabilitation and access for family visitors.

Myanmar

“Child rights issues are an area of concern, including trafficking...the situation of children in institutions...Child labor, juvenile justice system and a lack of access to education...are areas of serious problems.”

China

The Foreign and Commonwealth Office is working on a range of human rights projects in China. There are nine in total which are being funded by the FCO's GOF Sustainable Development Programme, but only several of the programmes are linked to juvenile justice:

- Promoting judicial justice by reforming the criminal trial procedure
- Training Chinese police in international human rights standards
- Working with the police to reform case-handling and interrogation procedures
- Improving rights protection in Chinese prisons by training staff and reforming prison management
- Exposing Chinese prison supervisors to international human rights standards
- Making recommendations on prison reform to the National People's Congress
- Reforming the death penalty review system

Colombia

Similar to China, the FCO has aimed to promote children's rights in Colombia, and further strengthen the “rule of law” in detention centers and within the judicial system. The FCO contributed funding to a pilot project in Bogotá's Buen Pastor women's prison, in order to promote better relations between inmate and the prison authorities.

Cuba

The British Foreign and Commonwealth Office reports that the Cuban government maintains tight control over information about its prisons. The Cuban Commission for Human Rights and National Reconciliation (CCHRNR), cited that thousands of young Cubans remain in jail on the charge of “peligrosidad predelectiva,” meaning they are being considered likely to commit a crime. The FCO further states that prison conditions are a cause for concern. In 2006, Christine Chanet, the UNHCHR's personal representative in Cuba, described food

and hygiene levels as sub-standard, and medical care as either unavailable or inappropriate. She also reported mistreatment and abuse of prisoners.

Democratic Republic of the Congo

There are several problems within the judicial system in the Democratic Republic of the Congo according to the FCO. The Office reports that illegal detention is common, and prison conditions remain poor. Children are detained together with adults, and are frequently abused by guards and fellow prisoners. The FCO has made efforts to strengthen the judicial system in the DRC, including prisons, police and the judiciary.

Iran

The FCO states that with evidence from international human rights organisations, Iran was the only country to continue the execution of children and juvenile offenders in 2005, and the numbers are increasing. The FCO reports that on the 13th of May, 2006, there was a hanging of two youths, ages 17 and 20, in Khorrambad, the Lorestan province. The hanging occurred barely one month after their alleged crime. There was an additional report that at least five other youths were executed for crimes they committed while under the age of 18.

Iraq

The FCO's annual report on Iraq includes a focus on detention facilities. The FCO claims UK does not currently hold women or juveniles in security detention and furthermore, "there is strict oversight of the way in which the British security detention facility is run to ensure that the rights of people held in detention are respected." The FCO states that there are no dedicated detention facilities for women or juveniles in U.S. detention centres, but women and juveniles are segregated from adult males unless they are family members."

The full 2006 annual report can be obtained at the following web address: <http://www.fco.gov.uk>

Information relating to corporal punishment concerning Mexico and Burundi, provided by NGOs in Alternative Reports for the 37th session of the UN Committee against Torture (6th-24th November 2006)

From 6 to 24 November 2006, the Committee against Torture (CAT) held its 37th session in Geneva. Several countries reported to the Committee including Burundi and Mexico. DCI has two member organizations in these two countries: a section in Burundi and an associate member in Mexico (REINTEGRA). In order to supplement the reports presented by each country, non-governmental organizations such as Amnesty International and the Global Initiative to End All Corporal Punishment of Children have provided alternative reports. The information presents invaluable insight on issues related to juvenile justice, such as corporal punishment in the penal system. All reports can be obtained in full at the following web address: <http://www.ohchr.org/english/bodies/cat/cats37.htm>

Information from Global Initiative to End All Corporal Punishment of Children

Mexico

In its concluding observations on the State party's second report in 1999, the UN Committee on the Rights of the Child (CRC) expressed concern at the lack of legislation at federal and state levels prohibiting corporal punishment in schools and recommended "that the use of corporal punishment [in] institutions, be explicitly prohibited by law... to combat traditional attitudes within society regarding this issue."

Global Initiative explains that currently, juveniles in detention have legal protection from violence under the *Federal Act on the Administrative Responsibilities of Public Servants, and the Federal Public Defenders Act of 1998*. In the penal system, corporal punishment is unlawful as a sentence for crime but it is not explicitly prohibited as a disciplinary measure in penal institutions. Furthermore, Global Initiative points out that in *The Law for the Treatment of Juvenile Offenders for the Federal District in Common Matters and for All the Republic in Federal Matters (1992)*, Article 3 states that children must receive fair, humane treatment, and it further prohibits "abuse, being held incommunicado, psychological coercion or any other action that threatens their dignity or

physical or mental well-being.” However, according to legal opinion, this is inadequate as a prohibition against corporal punishment. Corporal punishment is lawful in other institutions and forms of care.

Full article available at: <http://www.ohchr.org/english/bodies/cat/cats37.htm>

Burundi

The CRC stated in its concluding observations from the State party’s initial report in 2000, that the State party must “...end corporal punishment within...juvenile justice and alternative care.” Global Initiative explains that in the penal system, corporal punishment is unlawful as a sentence for crime under the *Code of Criminal Procedure*. However, there is no explicit prohibition of its use as a disciplinary measure in penal institutions and in other institutions and forms of care. New laws concerning juvenile offenders and young people in difficult circumstances were under consideration in 2000, but Global Initiative does not have any further information.

Full article available at: <http://www.ohchr.org/english/bodies/cat/cats37.htm>

Information from Amnesty International

Amnesty International (AI) reports to the Committee Against Torture that age does not protect children from torture in Burundi. Children have been subjected to severe and sustained beatings using, “electric flex, sticks, and other improvised weapons, beatings on the soles of the feet, some had been cut or stabbed with bayonets or knives, tied in excruciating positions for long periods of time, some had been threatened and intimidated, or subjected to death threats or other psychological abuse.” Few had received any sort of medical care. AI noted that in 2006, children remain at grave risk from human rights violations, including torture and ill-treatment in the early stages of detention.

Amnesty further reports that children in Burundi are also at risk of sexual abuse in prison. The practice of detaining children with adults exposes them to the risk of abuse. Boy detainees appear to be particularly vulnerable to sexual abuse as girls attain a degree of protection where they are held in women’s wings. Amnesty reports, “several boys said they had been approached by other prisoners who said they would pay to have sex with them. Others complained of, and said they were frightened by, sexual activity by adults in their room.”

Full article available at: http://www.ohchr.org/english/bodies/cat/docs/ngos/Amnesty_International_briefing_on_Burundi.doc

Police brutality in the framework of the juvenile justice system: a HRW follow-up report on Papua New Guinea

Nearly two years ago, Human Rights Watch (HRW) released a report on the treatment of children in custody of the police titled, “Making Their Own Rules: Police Beatings, Rape, and Torture of Children in Papua New Guinea.” On the 30th of October 2006, HRW presented a follow-up report which states that police violence against children continues to be a problem despite recent juvenile justice reform efforts.

In their initial report, HRW describes that brutal beatings, rape, and torture of children, as well as confinement in sordid police lockup, are widespread police practices by Royal Papua New Guinea Constabulary, the country’s police force. Many of the abuses the children recounted to Human Rights Watch rise to the level of torture. HRW states:

According to victims and eyewitnesses, police typically beat individuals at the moment of arrest, during the time they are transported to the station, and often at the station itself. Beatings are so routine that police make little or no attempt to hide them, beating children in front of the general public and international observers. A man who said police beat him and forced him to fight naked with other detainees in a police station when he was sixteen or seventeen years old noted: “We thought it was their job and we just had to accept it.” Although police violence is endemic and adults described similar experiences, children’s particular vulnerability and the assumption that boys and young men are “raskols”—members of criminal gangs—make children especially easy targets.

Human Rights Watch argued that although high level government officials acknowledge the existing problem, almost nothing has been done to prevent it from continuing. In the follow-up report, titled "Papua New Guinea: Government must end continuing police brutality against children", HRW tracks developments in 2005 and 2006, and determines that abusive officials rarely face punishment. For example:

Police officers opened fire on unarmed school boys in October 2005. Two officers were charged, but police officers have not sent the cases to the public prosecutor.

Police beat and gang-raped girls and women during a well-documented raid on an alleged brothel in March 2004. To date, no police officers have been punished.

Correction officers at Buimo prison beat and sexually abused boy detainees by forcing them to have anal sex with each other in January 2006. The officers continue to work at the prison.

The continuing abuse and violence inflicted upon children by the Royal Papua New Guinea Constabulary Papua New Guineans is a serious matter of concern. Sadly however, Papua New Guineans describe that police violence is so common that it is considered normal. People around the country have stated that they want a police force that protects, not endangers them. Zama Coursen-Neff, senior researcher at the Children's Rights division of Human Rights Watch describes that progress in juvenile justice is encouraging but extremely fragile. "The government must do all it can to entrench these developments and avoid falling back to business as usual."

The HRW reports are available on the web at: <http://hrw.org/doc/?t=children>

Abuses of children in Rehabilitation centers in Vietnam: a report by Human Rights Watch

This month, the human rights non-governmental organisation, Human Rights Watch (HRW) revealed a report detailing the abuse of children in "rehabilitation" centres in Hanoi, Vietnam(1). From 2003 to 2006, HRW claimed they received credible reports of serious abuses of street children in Hanoi. The street children, primarily from poor areas of the countryside who go to Hanoi to find work, are routinely and arbitrarily rounded up by police in periodic sweeps. They are sent to two compulsory state centres on the outskirts of town, Dong Dau and Ba Vi Social Protection Centre, where they may be detained for periods ranging from two weeks to as much as six months. HRW reports that these centres are also closed institutions for beggars, homeless adults and children, sex workers, drug addicts, orphans, disabled and elderly people without family support, as well as street children. The Vietnamese Government is responsible for violations of international standards for juvenile justice according to HRW, specifically, the Department of Labor, Invalids and Social Affairs (DOLISA) together with local People's Committees and the Ministry of Public Security. HRW claims the children are:

...locked up for 20-three hours a day in filthy, overcrowded cells, sometimes together with adults, with only a bucket for excrement....They are released for two half-hour periods a day to wash and to eat...they are offered no rehabilitation or educational and recreational activities, and no medical or psychological treatment... subject to routine beatings, verbal abuse, and mistreatment by staff or other detainees, sometimes with staff acquiescence. Children reported that Dong Dau staff members slap, punch, and beat children with rubber truncheons for violations of rules, which sometimes have not been clarified with the children. Children reported being beaten for benign behaviour...Afterwards, they rarely receive medical treatment for their injuries, nor are staff persons who carry out the beatings disciplined.

HRW argues that rather than serving as rehabilitation centre, Dong Dau is in fact a detention facility, where "upon release, many of the children are battered, bruised, and less equipped for basic survival(2)."

The Vietnamese Government strongly refuted the report by Human Rights Watch, claiming it was "a complete fabrication(3)." Ministry of Foreign Affairs spokesman, Le Dzung, said Vietnam "has always placed importance on the protection, care, and education of children, including underprivileged and street children..." He claimed there have been a number of projects undertaken by the Government to reunite street children with their families, and all measures aimed at "creating conditions for disadvantaged and street children to be protected, cared for, and educated ... so that their lives become better(4)."

Although the Socialist Republic of Vietnam was the second country to ratify the UN Convention on the Rights of the Child in 1990, the evidence by Human Rights Watch demonstrates a clear violation of international standards for juvenile justice. Sophie Richardson, deputy Asia director of Human Rights Watch stated, “Vietnamese authorities need to protect street children from abuse, not condemn them to further harm by throwing them into detention centres. Visiting world leaders should press Vietnam to uphold basic rights and freedoms.”

The full titled, “Children of the Dust: Abuse of Hanoi Street Children in Detention,” can be retrieved at the following website: <http://hrw.org/reports/2006/vietnam1106/>

(1) Human Rights Watch. “Children of the Dust: Abuse of Hanoi Street Children in Detention”. Available at: <http://hrw.org/reports/2006/vietnam1106/>

(2) Ibid

(3) Thanhniien News. « Vietnam rejects « fabricated » reports on street children abuse ». 14/11/2006, Available at: <http://www.thanhniiennews.com/politics/?catid=1&newsid=22191>

(4) Ibid

JUVENILE JUSTICE: WORLD NEWS

New Zealand

November 13, 2006

“An escalation in violent crime by teenagers has spurred a tough official line on young criminals. Child Youth and Family Services, and the Ministry of Justice plan to introduce longer jail sentences. They also want longer monitoring periods for young offenders after they are released from jail. However, child law advocates are not convinced the move is in the right direction to get troubled teens back on track.”

Source: www.tvnz.co.nz/view/page/411366/890466

India

November 13, 2006

The Public Grievance Commission (PGC) has directed the Delhi Government to constitute a Juvenile Justice Fund by the end of this financial year. The direction was given due to a complaint made to the Commission regarding implementation of the Juvenile Justice Act and the condition of the juvenile homes in the capital.

In reply to a question on whether a Juvenile Fund had been constituted, the government replied that the file was under progress and financial approval has been obtained for the same. The Commission, upon inquiry, was told that there was no timeframe for constituting the fund, but it would become operative in 2006-07. The reply also revealed that there have hardly been any inspections of the juvenile homes in the capital in the last two years.

The PGC responded by explaining that the competent authority should write letters to the deputy commissioners underlining of periodic inspections by area SDMs who are in charge of the inspection committees for children's homes. The Commission also gave direction that the department should keep up-to-date the list of contact numbers of the area SDMs.

Source: <http://www.newkerala.com/news4.php?action=fullnews&id=50267>

Baku, Azerbaijan

November 7, 2006

"The justice system for youth offenders cannot be administered without a strong element of education and social welfare."

Ambassador Maurizio Pavesi, Head of the OSCE Office in Baku

"The Organization for Security and Co-Operation in Europe (OSCE) Office in Baku opened a computer education centre in a correctional facility for youth in Baku. The initiative is part of an ongoing project of the OSCE Office and Azerbaijan's Ministry of Justice that aims at promoting juvenile justice reform in the country.

Primary focus of the education centre is to take a long-term approach to the education of juvenile convicts, equipping them with new skills and reducing their hostility towards society. The project includes the establishment of an electronic library and systematic training courses on basic computer skills to improve the young people's education. In addition, trainers will periodically organize interactive role-playing games."

Source: <http://www.osce.org/item/21986.html>

Iran

October 3, 2006

"According to Human Rights Watch, Iran's president has blocked efforts to stop juvenile executions in Iran. Two teenagers in Iran narrowly escaped the death penalty last month for crimes committed when they were minors. The incident, Human Rights Watch says, highlights Iran's status as the "world leader in juvenile executions."

Sina Paymard, 18, and Ali Alijan, 19, were facing death by hanging for a murder committed when they were under the age of 18. They were spared after the victim's family granted a pardon. Under Iranian law, the victim's survivors can grant clemency, sometimes taking "blood money" or financial compensation for the crime committed.

Iran continues to carry the death penalty for juveniles despite having signed and ratified the U.N.'s Covenant on the Rights of the Child, a document that prohibits capital punishment for crimes committed by anyone under 18 years of age. The justice system in Iran is such that if any item in a treaty conflicts with Islamic law, the latter wins the day. Islamic law as practiced in Iran allows the execution of minors.

Lawyers and activists in Iran have been fighting to change the juvenile execution policy and were making progress before the election of President Mahmoud Ahmadinejad, says Hadi Ghaemi of Human Rights Watch. Since then, momentum has stalled, and legislation has been opposed by Iran's Council of Guardians, a group of conservative clerics with veto power over any law passed by parliament.

Since 2001, the execution of minors has been confirmed in China, Pakistan and the United States. The juvenile death penalty was legal in the United States until a March 2005 Supreme Court ruling struck it down. "There is a clear trend away from the death penalty internationally...most of our close allies have abandoned it," says attorney and anti-death penalty activist Richard Dieter. "There may be rogue states and exceptions to the pattern, but the death penalty is dwindling in the international sphere."

Source: http://blogs.abcnews.com/theblotter/2006/10/iran_killing_ki.html

United States

November 28, 2006

"Jailing juvenile suspects who are waiting for court dates can increase their likelihood of committing future offences compared to those who are placed in treatment or not detained at all, according to a new study being released today."

Source: <http://www.nj.com/news/ledger/jersey/index.ssf?/base/news-5/116469365841710.xml&coll=1>

Democratic Republic of the Congo

November 27, 2006

“Human rights groups are protesting what they say is the eviction of street youths from Democratic Republic of Congo's capital, Kinshasa. Hundreds of children and young adults have been rounded up recently, and the adults sent to the province of Katanga a thousand kilometres away...Dozens of homeless children chat and play in the cramped yard of Sainte Famille Oseper, one of Kinshasa's many shelters for street children...the home is comprised of three musty rooms, where 160 children and youths sleep when they are not on the street. Outside, portions of beans and fufu, a starch paste, are lined up for them on a table.”

Source: UN Mission in DR Congo: <http://www.monuc.org/news.aspx?newsID=13249>

Germany

November 24, 2006

“Is the German juvenile justice system doing its job? A torture scandal that ended in death has unleashed a flurry of soul-searching and recriminations among justice officials.

The brutal killing of an inmate earlier this month in a German juvenile detention hall has prison reform advocates demanding sweeping change, and a top politician trying to sidestep growing public ire. Much of the uproar turns on the case of a juvenile detainee named Herman H. On November 11, the 20-year-old was found dead in his four-man cell at a correctional facility in the western German town of Siegburg. He had been tortured, beaten and sexually abused before being forced to hang himself by his cellmates.

A lawsuit has been brought against the cellmates, three youths between the ages of 17 and 20 who have confessed to the acts. Another may be started against prison personnel; guards at the scene failed to notice anything awry despite the fact that the brutal ordeal went on for hours.”

Source: <http://www.dw-world.de/dw/article/o,2144,2246874,00.html>

Argentina

November 27, 2006

“Authorities estimate that today more than 3,000 poor children—from babies to teenagers—crisscross the city begging for money, scrounging through trash, snatching purses or juggling plastic balls for some change—twice as many as in 2001. Some of them have a home and a family to go back to at the end of the day, but at least 700 sleep on the streets every night, exposed to violence, hunger, sickness and drugs...Today, almost 50 percent of Argentine children are poor, according to government figures...Statistics show that 70 percent of the children that have been institutionalized end up in jail when they grow up...`What these children need is a future.”

Source: <http://www.miami.com/mlc/miamiherald/16104827.htm>

Philippines

November 24, 2006

“Senator Francis Pangilinan pushed for the full implementation of the juvenile justice system, which he said, would go a long way towards administering rehabilitation and removal of youth offenders from the street. He said the juvenile justice system law would help reform and not merely prosecute the youthful offenders, who grow up to be hardened criminals due to their prison experiences.”

Source: <http://www.sunstar.com.ph/static/cag/2006/11/24/news/senator.pushes.law.on.juvenile.justice.html>

Tonga

November 29, 2006

“The National Centre for Women and Children (NCWC), concerned by recent allegations of prisoner abuse and mistreatment by security forces in the wake of the November 16 Nuku’alofa riots in the Kingdom of Tonga, has today released an independent report, “The systematic torture and abuse of prisoners by the Government of Tonga following civil unrest in November 2006.”

Source: <http://www.crin.org/violence/search/closeup.asp?infoID=11609>

United Kingdom

November 24, 2006

“Roger Davy, a West Yorkshire magistrate and a national spokesman on youth courts said: “Children – and that’s what they are – as young as 12, 13 and 14 are coming before us for offences of theft and robbery, which they admit are to raise money to feed their cannabis habit.” As a result, Magistrates are calling for tougher laws on cannabis to halt a crime wave among children who are stealing to buy drugs and graduating to more dangerous drugs.”

Source: <http://www.timesonline.co.uk/article/0,,2-2469094,00.html>

UPCOMING EVENTS

United States

34th National Conference on Juvenile Justice

Date: 4th– 7th March 2007

Venue: Town & Country Resort and Convention Center, San Diego, California

70th National Council of Juvenile and Family Courts Judges Annual Conferences

Date: 22nd– 27th July 2007

Venue: The Westin St. Francis, San Francisco, California

United Kingdom

The Social Context of Pathways in Crime: Assessing the Role of Individual Differences and the Environment in Crime Causation. National Conference

Date: 6th– 8th December 2007

Venue: The SCOPIC Network. University of Cambridge, Cambridge

Austria

Youth Participation, Governance and Democratic Citizenship

Date: 11th– 14th December 2006

Venue: Vienna, Austria

PUBLICATIONS

From Punishment to Problem Solving

A New Approach to Children in Trouble

Author: Allen, Rob

2006

Mineurs en Prison. Pourquoi donc tant de juges n'appliquent-ils qu'imparfaitement la loi?

Littérature grise

OIJJ. II Conférence Internationale sur la Justice pour Mineurs.

Auteur: Dunant, André

2006

Prevalencia de trastornos mentales en menores internados por comportamientos antilegales

Literatura gris

OIJJ. II Conferencia Internacional sobre Justicia Juvenil

Autor: Rafael Forcada Chapa

2006

European Sourcebook of Crime and Criminal Justice Statistics

Grey literature

IJJO. II International Conference on Juvenile Justice

Author: Aebi, M. F

2006

Rougher Justice: Anti-Social Behaviour and Young People

William Publishing

Authors: Squires, P & Stephen, D

2005

5th DCI Juvenile Justice Newsletter. November–December 2006

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Defence for Children International (DCI) is an international children's rights movement that bases its work on the principles of the UN Convention on the Rights of the Child. DCI is active at the national, regional and international levels, with members in over 40 countries. DCI was at the forefront in the drafting and adoption process of the UN Convention on the Rights of the Child.

Since the establishment of the movement in 1979, DCI sections have increasingly engaged in activities relating to juvenile justice, such as the establishment of socio-legal defence centers. The organization both offers assistance to children in conflict with the law and lobbies to include the issue of juvenile justice on the international debating agenda. Recently, DCI has identified juvenile justice as its priority theme on the international level. In light of this decision, the movement is implementing an international action plan to ensure that states develop and implement a juvenile justice system in compliance with relevant international standards.