

Technical Round Table on Juvenile Justice in CEE/CIS

8 -10 July 2008

CICG, Geneva, Switzerland

CONCEPT NOTE

Background

A recent review of juvenile justice data, made available through the UNICEF TransMONEE project, reveals interesting developments in Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS). After a sharp increase in juvenile offending in the 1990s, there is now a decrease in juvenile offending in most countries across the region. This trend seems to be following the economic growth that most countries have been experiencing in the last few years. At the same time, changes in demography - with shrinking child populations - have created a new window of opportunity for countries to invest in the development of systems that can give juvenile offenders a second chance and allow them to assume a constructive role in society.

Although the rate of juveniles placed in correctional institutions and prisons has been coming down slightly in most countries, there are still a number of grave concerns with current justice systems in CEE/CIS, notably:

- The high number of children in so-called «educational» or «rehabilitation» institutions, which may be the most common way of depriving children of liberty in the region
- The fact that procedural rights of children in conflict with the law and their entitlement to non-custodial and diversion measures are not systematically promoted or implemented.

Hence, justice systems in CEE/CIS are in need of in-depth reforms, and the time is ripe for accelerating change. UNICEF is currently actively involved in supporting the creation and/or reform of juvenile justice systems in more than 15 countries in CEE/CIS. Some of the areas of the reform that require urgent attention are:

- **Child rights' principles:** Justice systems need to fully conform with the right of the child stated in article 40 of the CRC to be treated *in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.* This calls for the respect for the child's dignity and individuality, adaptation of justice systems to children and ensuring that the best interests of the child offender, together with those of victims and communities, are a primary consideration in all actions undertaken.
- **Detention as a last resort:** All juvenile justice systems should have a variety of measures and programmes available, so as to respond to child offenders in the best suited manner. Alternatives to imprisonment should be available both prior to adjudication, as a diversion measure, and as a sentence. Community-based programmes, including rehabilitation and restorative measures, are necessary in order to respect the principle that *the arrest, detention or imprisonment of a child shall be (...) used only as a measure of last resort and for the shortest appropriate period of time.* (CRC Art.37(b)). While alternatives to imprisonment are reported to be on the increase, there is a lack of documentation of good practices based on robust evaluations.
- **Decision-making bodies:** There is grave concern that child offenders who are below the “minimum age of criminal responsibility” or juveniles who have committed petty offences can be deprived of their

liberty in proceedings that do not comply with international standards on due process and that some judges who currently deal with juvenile cases within the justice system are neither trained on children's rights, nor specialised in juvenile justice. The absence or poor quality of legal representation of accused juveniles and lack of specialised prosecutors are also concerns throughout much of the region.

- **Prevention:** Some efforts are being made in primary prevention (i.e. creating safer and supportive environments for children) but community-based programmes to provide effective assistance to children at high risk of offending (secondary prevention) are rare.
- **Rehabilitation / Reintegration:** Too many correctional facilities fail to provide convicted juveniles with effective assistance in overcoming the social and behavioural problems that led to their offending and the skills and values that would help them return to the community. In addition, programmes to provide support and assistance to offenders after their return to the community are often weak or non-existent.
- **Data:** Many countries lack data needed to evaluate delinquency prevention strategies and plan juvenile justice reform, such as data on recidivism. Indicators on juvenile offending often have not been modified to reflect the international commitments and standards acquired since 1989 e.g. regarding diversion and the use of non-custodial sentences. The data that is available is often not disaggregated in ways that would enhance its relevance and usefulness.
- **Monitoring:** The lack of transparency, of effective complaints procedures and of specialized independent monitoring mechanisms hamper progress in eliminating practices that violate the rights of children in conflict with the law, such as arbitrary arrests, lengthy pre-trial detention, violence and substandard conditions in facilities for juveniles deprived of liberty.

The Council of Europe, at the 28th Conference of European Ministers of Justice in October 2007, adopted a resolution requesting its various legal bodies to prepare "*European guidelines for child-friendly justice*". As a major partner, the EU is currently expanding its financial support to countries to reform their justice systems, including juvenile justice. Other partners, such as bilateral donors, are also greatly contributing to on-going reform efforts in CEE/CIS.

UNICEF in CEE-CIS has accumulated experience at country-level in identifying and/or establishing good practices and 'best investments' for juvenile justice reform. It is now in a position to better respond to increasing CEE-CIS governments' demand for normative guidance and high-quality policy expertise tailored to country specific needs. Thus, a significant momentum can be built in the region systematically and consistently with the wide range of engaged partners, institutions and individuals. The Round Table on Juvenile Justice Reform in CEE/CIS to be held on 8-10 July 2008 in Geneva will represent an important milestone in this process.

Objectives and participants of the Round Table on Juvenile Justice Reform in CEE/CIS

This technical meeting will bring together professionals involved in implementing, monitoring and supporting the reform of juvenile justice systems in CEE/CIS. The objectives of the meeting are the following:

- Sharing latest global knowledge and lessons learnt on juvenile justice reform;
- Presenting the *Lost in the Justice System* report on latest trends and developments in CEE/CIS
- Presenting country specific processes of in-depth assessments of juvenile justice systems
- Defining regional priorities in supporting and accelerating the national reforms in juvenile justice
- Networking and sharing of experiences among actors involved in juvenile justice

Participants will be representatives of governments, civil society and UNICEF offices from Albania, Armenia, Azerbaijan, Georgia, Kazakhstan, Former Yugoslav Republic of Macedonia, Montenegro, Romania, Serbia, UN Administered Province of Kosovo, Turkey, Turkmenistan and Ukraine, as well as regional partners and experts active in juvenile justice.