CONCLUSIONS
FOR THE FIRST MEETING OF THE
ASIA-PACIFIC COUNCIL
FOR JUVENILE JUSTICE

“TOWARDS AN ASIA-PACIFIC STRATEGY ON JUVENILE JUSTICE”
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The situation of children in conflict with the law, child victims and witnesses of crime have become an increasing concern for most of the countries of the Asia and Pacific region. Significant reform initiatives are underway in many countries to give response to several issues concerning: violence against children, child trafficking and protection of the rights of the children in conflict with the law. In some countries there is a lack of specific juvenile justice systems to guaranty the right of children between the ages of 16-18.

In order to assist countries in the region in the implementation of international standards and the development of the reforms, the IJJO established the Asia-Pacific Council for Juvenile Justice to formulate recommendations on juvenile justice in Asia-Pacific; to gather quantitative and qualitative information on the situation of children, adolescents and young people in conflict with the law.

The Asia-Pacific Council for Juvenile Justice brings together representatives of public administrations, universities and civil society, all of them with expertise in legislation, implementation, supervision, research or intervention in the field of juvenile justice.

In particular the Asia-Pacific Council for Juvenile Justice assumes the following functions:

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

- Development of strategies to ensure the respect for the rights of children and adolescents in conflict with the law and to promote crime prevention policies toward regional institutions, based on existing initiatives and programs.

In June 2012, The IJJO has organized, in Bangkok, the First Meeting of the Asian-Pacific Council for Juvenile Justice together with the Department of Juvenile Observation and Protection of the Thai Ministry of Justice. The objective was to translate the know-how and conclusions drawn from meeting into documents which can be used for advocacy purposes as well as for the training of the judiciary and law enforcement officials, civil society and community based organisations. This Meeting was part of the National and Regional Conference on ‘Towards comprehensive and effective Juvenile Justice System in Thailand and the Region’.
These Conclusions provide a brief summary of the closing comments drawn from the National Conference and First meeting of the Asia-Pacific Council on Juvenile Justice (APCJJ) “Towards and Asia-Pacific Strategy on Juvenile Justice”, held in Bangkok - Thailand on the 14th June 2012, and hosted by the Thai Department of Juvenile Observation and Protection, under the Thai Ministry of Justice of Thailand. They have been used to further develop the APCJJ Council’s first report ‘A voice for the future of Juvenile Justice in Asia-Pacific’, and serve as an aide memoire for the council members concerning the final outcomes of the 14th June First Meeting of the APCJJ.

From the meeting of the 14th June 2012, the conclusions were broken down into 5 main areas for reform. Regional collaboration across the Asia Pacific through the Council will be a strong tool to improve the realisation of these reforms.

The areas are as follows:

- Prevention
- Administration of Juvenile Justice – Creating a ‘Specialised Juvenile Justice System’
- Policy and Legislative Reform
- Development and Implementation and of Reintegration and Rehabilitation Programming
- Advocacy

Below, provides a brief summary of the key conclusion points which emerged from the meeting.
Crime prevention and planning, as well as development of country based strategies remains a challenge for governments. Of note, a dialogue amongst APCJJ member representatives ensued around the identification of ‘risk’ factors - ie who are ‘at risk’ children, how do we define ‘risk’ and how do we prevent a child engaging in crime? Members concluded that important features to address ‘risk factors’ for children across the region include:

- A safe home – no violence/neglect
- A caring FAMILY (extended or close) – this should be the starting point for ALL prevention programming
- Opportunity for education
- Parental employment
- Access to health care
- Continuity of Residence
- Encouragement for the child to achieve and support to fail

Following APCJJ conclusions, the IJJO has made comments on the recommendations made in “Joint Report of the Office of the High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against children on prevention of and responses to violence against children within the Juvenile Justice System” (herein called the “Joint Report”) which builds on the 2006 United Nations Study on Violence Against Children global study, and reinforces the call to States to address the fundamental importance of strategic development around crime

“Joint Report of the Office of the High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against children on prevention of and responses to violence against children within the Juvenile Justice System” A/ HRC/21/25 at page 5 para14
prevention and better understanding the cost saving benefits of prevention, as we now better understand the potential for violence that exists when children enter the criminal justice system.

Participants concluded that APCJJ could contribute to the dialogue on how to implement effective programming and engaging sectors outside the traditional criminal justice systems and how states can effectively fund crime prevention initiatives.

APCJJ Regional collaboration is required in the field of crime prevention and members dialogued around the idea that basic tool kits for country based tailored programming required, and this regional platform could be useful lobby vehicle for governments and donors to take prevention programming into account. It was further identified that stakeholder coordination which involves community and non-government contributors is essential (starting with family-led interventions was reinforced). How to engage other sectors to become more holistic in prevention programming?

Decentralised programming is also important where programming is tailored to the needs of a particular child in a particular community. Some examples of non urban decentralised programing were showcased at the APCJJ meeting. It was concluded that this will ensure more effective prevention programming as different communities are linked to different risks – liking to existing network in civil society, community grounds, sports a recreational activities, anti-drug programs that already exists is advised.
APCJJ members concluded that fundamental principles as brought to life by the Convention of the Rights of the Child and other leading human rights instruments related to juvenile justice need to be reinforced and, in some cases, brought to life (in jurisdictions where there still exists domestic legal barriers - see "Key Conclusion 3. Policy and Legislative Reform"). These include:

- Presumption of innocence an absolute. This fundamental principle needs to be emphasised in programming as a starting point from which reform programming begins.

- Including the programming needs and requirements for reforms related to child victims and witnesses is also needed – most countries still not including in national Juvenile Justice.

- Age of criminal responsibility – regional collaboration can advocate for reforms.

- Age determination – shared learning and collaboration re current leading in practices in the region welcomed.

- Separate criminal justice system for children.

- Abolish status offences.

- Diversion and Restorative justice.
  - Methodologies.
  - Key reforms and leading practices – can we share and learn and collaborate better as a region?
  - Detention as a last resort – how are managing this across countries and what methodologies are we employing to realise this? Ie Reforms to Police discretionary powers to divert etc.

- Training and capacity building.
  - Building skills of key actors and sharing models of ‘Child Friendly’ best practice within the region and promotion of attitudinal change amongst key Juvenile Justice actors – creating ‘champions’ to help the sector move from legalistic to therapeutic/social justice approach.
  - Creating regional networks across Juvenile Justice disciplines.
  - Employing new methods of capacity development – ie long term coaching and mentoring perhaps rather than isolated incidental trainings.

Members agreed also that Decentralisation of justice administration was a reform concept that remains underdeveloped in the region and a potential entry point.
A practical guide to improving probation and the use of Community Service was called for by APCJJ participants where shared learning around best practice methodologies can be referred to and used as a potential advocacy tool as well.

There was a strong element emphasis by delegation to improve access to quality Monitoring and Evaluation tools and to improve regional collaboration, also to assert the reality that juvenile offending still remains relatively low across the world and that ‘tough on crime’ messages delivered by politicians and other groups and perpetuated by media will only stifle efforts – resulting in a continuation of the prevalence of violence and malpractice in some justice settings as detailed in the “Joint Report”. Many examples were delivered regarding improved practices (ie knowledge and experience sharing on use of UN JJ Indicators, India peer to peer ‘social auditing’) – can we learn from this and replicate in our own countries? Member agreed that Evaluation as a critical feature of a program cycle is often left off the programming agenda but essential for positive improvement.

Members agreed that Mainstreaming of issues of mental health and drug use into Juvenile justice system administration in very important and countries expressed desire to share regional lessons, share resources and identify challenges that still present. APCJJ could provide a library to showcase leading research and innovative tools and perfectly positioned with IJJO as the leading oversight body for APCJJ as it has generated mental health materials, and training guides.

2 ibid
The APCJJ is an important vehicle to reinforce leading best practice guidelines such as Beijing, Havana, Riyadh, Tokyo rules etc through programming, inclusion into domestic legislation and regional collaboration. The delegation expressed a desire to give priority to the “UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)” since it is the first instrument that addresses females (including juvenile offenders) in detention and children of women. Members were interested by developments already made in Thailand in the implementation of these rules. Other challenges included the lack of awareness and knowledge of the Rules, the entrenched attitudes towards girls who offend (deriving from gender-based stereotyping), and also available resources to implement the Rules. This links also to a question many countries raised – is there a political will to bring about these reforms, where many countries still not have State operated/funded legal aid mechanisms etc and access to justice for children in compromised.
A key concern for many representatives of the delegation is to improve measures for reintegration and rehabilitation. A field trip on the 15th June to Thai detention facilities displayed world leading examples and member agreed that regional ‘innovative practice’ showcase/knowledge exchange where continue learning occurs and where sustainable collegial relationships are developed. Members agreed that a consolidated approach to developing aftercare plans is made with the participation of the child and family to ensure long term success and again, regional collaboration would guide domestic improvement ideas. Multi stakeholder/holistic approach essential which links also very neatly with Prevention programming, and again, issues such as treatment of drug and mental health issues whilst in detention require much more work according to most member countries (links to APCJJ as a resource and information sharing vehicle). The delegation also expressed desire to know more about how to involve the voice of children in to PROGRAMMING and reintegration planning. Again, APCJJ could be a valuable information vehicle for this.
APCJJ will predominantly be a vehicle that aims to use Advocacy as a platform to drive the reforms above is essential. This could be a key feature of the APCJJ as the Delegation expressed a desire to have clear tools to help State based advocacy initiatives and that a regional collaboration could give weight to driving domestic reforms. Can we create a regional advocacy network within the APCJJ where ideas are staged to help transform the observations made by the CRC Committee in State Reporting into action? Can States do more to drive our own advocacy initiatives? Can each arm of the Juvenile Justice system do more, through measures such as creating sector ‘champions’ (child friendly police, judges etc who are focal points for the profession). Can APCJJ develop useful hints/guidelines for sectoral groups (as an example) such as encourage lawyers to appeal decision of the domestic courts to put CRC on the agenda and help create legal precedents?

As we see in the case of law and policy reform initiatives - linking effective data collection and analysis to advocacy initiatives is fundamental – many countries expressed chronic gaps in effective data management. And measure outlined already to improve this will also assist advocacy measures.

APCJJ wish to be able to meaningfully and intelligently engage with the media to drive juvenile reforms. The APCJJ could create regional tool to meaningfully use media both domestic and regional to encourage the implementation of JJ reforms.

Accountability of service providers was earmarked also as priority and the “Joint Report” on Violence against Children specifies that this is a key action that states need to take to combat violence within the juvenile justice system – effective complaints and inspection mechanisms with appropriate follow up mechanisms can be a powerful tool to advocate for reforms. Countries expressed a desire to share tools for effective programming in this area and to develop Information Education and Communication (IEC) materials and methodologies to further promote these ideas. APCJJ again is a very good platform to collaborate, share and co-develop existing and new juvenile justice awareness material.
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