



DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL DNI
DEFENSE DES ENFANTS INTERNATIONALE DEI
DEFENCE FOR CHILDREN INTERNATIONAL DCI

REPORT:

Panel Discussion - “Protecting the Rights of Children in Juvenile Justice Systems”

June 5th 2008, 13:00-15:00, Palais des Nations, Geneva

On the 5th of June 2008, Defence for Children International (DCI) organised a **Panel Discussion** entitled “**Protecting the Rights of Children in Juvenile Justice Systems: Follow-up to General Comment No.10**”. The panel was chaired by DCI’s founder and child rights expert Nigel Cantwell. Panellists included Nevena Vuckovic Sahovic and Jean Zermatten, members of the Committee on the Rights of the Child; Virginia Murillo Herrera, DCI Vice President for Latin America; and, Davinia Ovet, Secretariat Coordinator of the Interagency Panel on Juvenile Justice.

The objectives of this event were to raise awareness about pressing issues in juvenile justice, and relevant international standards, specifically the Committee on the Rights of the Child’s General Comment No.10 “Children’s Rights in Juvenile Justice” (GC 10). This event was part of DCI’s wider international programme aimed at promoting the use of GC 10 and monitoring its implementation.

In his opening words, **Nigel Cantwell** recalled that just 30 years ago we had no international standards at all in the field of juvenile justice. GC 10 consolidates the existing standards in one document, but also makes new recommendations, for example with regards to developing an appropriate minimum age of criminal responsibility.

Nevena Vuckovic Sahovic, Member of the Committee on the Rights of the Child, identified some of the most pertinent trends and issues in juvenile justice today. She said that the greatest challenge in juvenile justice at present is not legislative reform, but rather the implementation of existing legislation at the local level. Ms Vuckovic Sahovic also listed what she considered to be some of the most pressing issues including: the need to shift from repressive measures to prevention of juvenile delinquency; the need for greater implementation of diversionary measures; the over-use of pre-trial detention; the existence of status offences; and, the lack of attention paid to the situation of children below the minimum age of criminal responsibility. She noted that there is also a wider problem of violence against children and its root causes that needs to be addressed, as there is a strong relationship between violence and children coming into conflict with the law.

Jean Zermatten, Member of the Committee on the Rights of the Child, explained some of the Committee’s hopes and expectations for GC 10. He said that GC 10 is seen as a tool to guide States in the development and implementation of a comprehensive juvenile justice policy which includes prevention, diversion and clear rules for a child-rights friendly and coordinated juvenile justice system. The added-value of GC 10 is that it allows discussions on juvenile justice to focus more on the overall system rather than remaining purely factual or technical.

Davinia Ovet, Interagency Panel on Juvenile Justice presented the work of the Panel and discussed how GC 10 is being used by its 13 members in their advocacy, monitoring,

training and technical assistance actions. She said that GC 10 is useful for the provision of technical advice and assistance in juvenile justice. Examples were given on how Panel members are providing technical assistance to States Parties to develop comprehensive juvenile justice policies, as recommended by GC10. Some of these included UNICEF's comprehensive child justice reform projects in Azerbaijan, Moldova, Nigeria, Serbia (with focus on restorative justice) and Terre des hommes Foundation's projects in Burundi, Mauritania, Kosovo and Peru, which all include a component of multi-disciplinary training on juvenile justice for judges, lawyers, prison personnel, police, social workers and civil society.

Moreover, Ms. Ovetz noted that the fact that GC 10 supports a focus on both children in conflict with the law and child victims and witnesses of crimes making it a particularly important reference document. The recently adopted United Nations Common Approach on Justice for Children built upon it and covers both categories of children.

Finally, **Virginia Murillo Herrera, DCI's Vice President for the Americas**, presented DCI's international follow-up project on GC 10. The project is currently being implemented in 8 countries by DCI National sections (Albania, Cameroon, Costa Rica, Ecuador, Ghana, Sierra Leone, Sri Lanka and Uganda). National activities include advocacy, awareness-raising, training and monitoring to ensure that GC 10 is widely known, understood and used by States parties.

Ms. Murillo Herrera also shared some reflections on the context of juvenile justice in the Latin American region. She noted in particular that repressive measures such as detention as still the most common responses to juvenile delinquency and that further efforts need to be made to divert children from the justice system. Her main conclusions confirmed Ms. Vuckovic Sahovic's observations regarding the need for a better implementation of reformed juvenile justice legislation.

Several **NGO** partners participated in the discussion including OMCT, Save the Children, SOS Kinderdorf International, Quaker UN Office, APT, Inter-American Institute for Human Rights, World Vision International, the NGO Group for the CRC; and, staff members from DCI-Switzerland. Representatives from **permanent missions** of Italy, UK, Austria and Romania as well as representatives from **UNICEF** and the **OHCHR** were also present.

After panellists' interventions, Nigel Cantwell opened the floor to questions from participants. An interesting question was raised by the representative of OMCT regarding the worrying trend in some countries to lower the minimum age of criminal responsibility (MACR) to 12, based on recommendations made in GC 10. Members of the Committee on the Rights of the Child recalled that GC 10 does not say that States with a higher MACR should lower it to 12; rather that they consider age 12 to be the absolute minimum. The Committee will have to remind States of this on a case by case basis. Other interventions included questions on the structure of the Interagency Panel on Juvenile Justice and remarks on the need to mainstream juvenile justice in the UN Human Rights Council, Treaty Bodies and Special Procedures.

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