

GROUP 3

SOCIAL REINTEGRATION

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I. INTRODUCTION

The question of reintegration is certainly one of the most difficult problems linked to juvenile offenders, as it implies the effort of a lot of different stakeholders to impulse a real change and a real chance for those juveniles. The participants of Group 3 agreed in stating that detention is not always the appropriate way to deal with most juvenile offenders. Therefore, the discussion of different ways to deal with children in conflict with the law will be the main goal of this paper, as we firmly believe the final aim of all treatment should be the successful social reintegration of juvenile offenders.

Following this guideline, Group 3 agreed to base its discussion on the following agenda:

- Diversion and alternatives
- Crime prevention
- Inter-agency cooperation with the community and the private sector

The paper highlights a brief summary of the current situation and the challenges related to social reintegration of children in conflict with the law (CICL) in the countries represented. A focus is placed on best practices and solutions relevant to the topic of social reintegration.

According to Group 3, social reintegration is intended to re-establish a place in society for children that have been in conflict with the law so they can still feel included and contribute to the society.

II. SUMMARY OF DISCUSSION

A. Diversion and Alternative Measures to Detention

1. Current Situation and Challenges

For social reintegration to be effective, it is significant to put the emphasis on both diversion and alternatives measures (to detention). As each country has different mechanisms and structures in place concerning juvenile offenders; therefore, for the purpose of this report, a common understanding for the definition of the following terms was made. They are:

- **Diversion** According to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('Beijing Rules') (1985) Article 11.1, consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority, and under Article 11.2 the police, the prosecution or other agencies dealing with juvenile cases shall be empowered to dispose of such cases, at their discretion, without recourse to formal hearings, in accordance with the criteria laid down for that purpose in the respective legal systems and also in accordance with the principles contained in these Rules.

- **Alternatives** (to deprivation of liberty or to detention): Measures that may be imposed on children who are being formally processed through the criminal justice system that do not involve deprivation of liberty. Alternatives can be applied from the time of apprehension until final disposition for children who have not been diverted away from the formal justice system.

All countries recognize the importance of effective diversion and alternative measures to judicial proceedings that are child friendly and gender sensitive and are generally based on community-based programmes. However, looking at the current practices, few countries have implemented specific dispositions to divert cases by the police, prosecutor or other agencies. Also, the forms of diversion measures practiced differ widely from one country to another. However, there are few countries that use diversion as a pilot project without any laws backing such practice. In this regard, Japan has a very unique system of dismissal of cases by the family court as the family court judges have the discretionary power to dispose of cases prior to the beginning of the trial, as prescribed by law. Similarly, Japan has a special way of dealing with children under the age of 14 who violate criminal laws, considering them as children in need of care and protection (as prescribed in the Child Welfare Act).

Members of the group also agreed that some countries rely on the adjudication and institutionalization of juvenile offenders. On the other hand, while some countries do have some diversion programmes in place, the effectiveness of these programmes is in question as little information exists on the quality of the programmes and the skills possessed by those delivering them.

Some of the diversion measures before the entering the formal juvenile justice system include cautioning, reparations and restorative justice measures. However, some participants from countries find their diversion options too limiting.

Diversion away from custody applied at both pre-trial and sentencing stages is an important method of reducing reoffending. Almost all countries have this form of diversion. Meanwhile the alternative measures taken to divert children away from custody include probation, community service, conditional or unconditional discharge, training and rehabilitation treatment.

All countries were able to identify challenges hindering the effective social reintegration of children in conflict with the law after exposure to the criminal justice system. The primary difference noted in the feedback provided by the countries is that the challenges reported originated from carrying structures. While some countries identified such challenges to exist within the juvenile justice system itself, the challenges experienced by some countries were external to the system. The following issues were raised:

- i. Juveniles often feel excluded after exposure to the juvenile justice system. Negative identities are developed and a challenge exists to reverse the negative narratives developed for children who come into conflict with the law. Stigmatization was generally highlighted as a concern. One country brought to attention how the juveniles' own parents or extended families tend to reject them, which forces them to their criminal associates as the only individuals ready to accept them. Few participants shared their concerns due to the negative impact of harmful images and distribution of inappropriate information by media regarding juveniles and youth involvement in crimes.
- ii. Juvenile offenders often lack protective measures such as opportunities for employment after receiving interventions, which makes it difficult for them to desist. Therefore, even when rehabilitation programmes are provided, lack of community support and acceptance renders such programmes futile.
- iii. It was brought to light by some participants that even in cases where juveniles are offered some opportunity to reintegrate, such opportunities are often limited in scope mainly due to lack of specialized skills and knowledge. On the other hand, sometimes juveniles themselves contribute to challenges in diverting as some are not interested in the opportunities afforded to them.
- iv. Lack of professionals with capacity to specifically cater to the needs of juvenile offenders was also identified as an obstacle to providing diversion and alternative measures for case-by-case situations for children in conflict with the law (CICL). However, for some countries where those professionals

are well trained, the juvenile justice system structure is not effective in ensuring quality, monitoring, and evaluation. Furthermore, for some countries the limited number of officers is cited as a reason for not frequently making use of probation services. Others attributed the poor utilization of such programmes to lack of awareness by those responsible for enforcing such options. Thus, issues of resource constraints and training also came to the fore.

- v. Most agreed that there were challenges with regard to the availability of community resources and support from non-governmental organizations (NGO's) to aid the reintegration of CICL.
- vi. While some countries seem to have effective juvenile justice systems in place that are well able to cater for the reintegration needs of such offenders, it was observed that some of the behavioural changes (e.g., the development of discipline) fostered by governmental agencies during the rehabilitation process are not sustained within the community after reintegration. Societal and family behavioural norms and practices were, thus, also identified as factors reducing opportunity for effective reintegration.

B. Best Practices and Solutions

The group identified the following as possible solutions to the challenges identified in implementing diversion and alternative measures:

- i. To create a culture of respect for children's rights and to implement supportive diversion and alternative practices across professions with specialized training for professionals.
- ii. Support the engagement of volunteers to compensate the lack of professionals.
- iii. To promote better management practices, also by sanctioning malpractice, to ensure that the professionals respect the law.
- iv. To bring out legislative reforms and/or develop enabling legislation to support diversion and alternative measures.
- v. To ensure that contextual issues such as the lack of sufficient community agents (e.g. volunteer probation officers) are addressed alongside the laws, because laws alone are insufficient to address the challenges being experienced.
- vi. To transform media into partners by sharing information on the positive actions led by all stakeholders of the criminal justice system. Sensitize the media to their role and responsibility in the social vision of juvenile offenders and its potential harmful effect for their reintegration.

C. Crime Prevention

1. Current Practices and Challenges

Some countries reported that they lack specific laws and strategies relating to crime prevention at the national level. It was also recognized that where such laws exist, it is often the case that crime prevention programmes are not coordinated and sustained by the various agencies involved in such initiatives.

Many of the countries represented identified the lack of resources as a big hindrance to crime prevention efforts. It was noted that often no specific budgetary allocations are made for social reintegration, and those primarily charged with the responsibility of doing so have no means to address the reintegration needs of juvenile offenders on their own.

It was agreed that public education and awareness are critical to crime prevention as low understanding by the public was found to affect opportunities for the successful reintegration of juvenile offenders in some of the countries. Yet, it was observed that when effort is made to educate and create public awareness, the mediums used for crime prevention initiatives were found to be limited with a number of countries primarily relying on the use of the media.

While it was generally the case that most of the countries were able to narrate a number of positive

initiatives aimed at crime prevention and, ultimately, the successful reintegration of juvenile offenders, it was also noted that a few countries lagged behind in this regard. It was for instance reported that too much emphasis is placed in these countries on punitive measures with little effort being placed on sensitization as a preventative and protective measure. Correspondingly, no programmes are in place to assist with reintegration after incarceration to prevent recidivism especially if the child has reached the age of 18 or more.

2. Best Practices and Solutions

Various countries were able to draw out good practices relating to crime prevention. The following are some of the practices outlined:

- i. In Hong Kong, it was noted that extensive prevention programmes are in place particularly in terms of awareness creation and intensive education for juveniles to deter them from offending.
- ii. Other good practices noted included the effective crime prevention measures in place in Japan. The country's reoffending prevention measures include assisting juvenile offenders to have training and obtain employment after detention. Japan also conducts an annual crime prevention programme, which is stipulated by law and conducted within the country as it is a multi-sectoral effort in which various governmental and non-governmental organs collaborate.
- iii. Kenya reported that the probation service customizes its interventions based on the crimes most prevalent in certain localities and that all children that leave penal institutions are also supervised in the community to provide them support. This serves as a preventative measure.
- iv. Namibia identified how the correctional service widely makes use of various forms of media, both electronic and print, to create awareness on issues relating to offending in general including the need for community support in reintegrating offenders as a means to prevent offending. The development of a new community supervision framework specifically focusing on supporting offenders after release in Namibia was also identified as a good preventative measure.

D. Inter-Agency Cooperation

1. Current Practices and Challenges

The participants agreed that multi-agency cooperation exists in their countries, though in varying degrees. In some countries, the cooperation among agencies was found to be strong while in other countries it was weak and almost non-existent. Generally, it was observed that among those countries with strong multi-agency cooperation there is strong inter-agency collaboration among juvenile justice agencies such as the police, prosecution, courts, prisons and community corrections. The converse was true for those countries that did not have strong multi-agency cooperation. However, this notwithstanding, it was found that challenges existed in all countries regardless of the level of interaction with stakeholders as we shall see below:

- i. *Lack of legislation.* In some jurisdictions, it was reported that at the very basic level, they lacked policy guidelines or legislation to guide cooperation among different actors in juvenile justice. As a result, engagement of stakeholders was an activity whose sustainability was not assured because there were no structures in place for longevity.
- ii. *The problem of prioritising.* It was found that in most countries, priority was given to children in need of care and protection, while children in conflict with the law were neglected. The participants agreed that this had resulted in inequitable resource allocation, bearing in mind that the rights of the child were to be maintained indiscriminately.
- iii. *Lack of awareness.* This was a common problem in many of the countries. It emerged that many people, including public officials, were unaware or disinterested in issues relating to CICL. In some countries, the situation was worsened by the media where negative media attention was focused on actions of juvenile offenders. Altogether, these issues contributed to a negative attitude by the society towards child offenders, thus, making it difficult for children to socially reintegrate when they return home.

- iv. *The problem of insufficient resources.* Most participants agreed that this was the most difficult problem because of the existing negative mind-set towards children offenders. In some countries, it was reported that there were no organizations dealing with child offenders. On the contrary, organizations dealing with children in need of care and protection were found to be numerous. These problems were equally replicated among government agencies, where the least priority was given to children in conflict with the law.

2. Best Practices and Solutions

Through discussions it was agreed by all participants that best practices of multi-agency cooperation existed in all countries. However, some of these practices were context specific and difficult to be replicated. Nonetheless, the following observations and suggestions were made:

- i. *Legislation.* In countries where multi-agency cooperation was found to be strong, the existence of government policies and laws was a major contributing factor. In Japan, the existence of the Volunteer Probation Officers Act provides the basis upon which individuals in the community can be involved in the social reintegration of juvenile offenders.
- ii. *Structure.* Another common feature found in countries with strong multi-agency cooperation is the existence of properly laid down procedures and processes. In some countries, these procedures were either anchored in law, contained in standard operating procedures or were part of government policy.
- iii. *Strategy.* The existence of plans and strategies purposely created to engage participation of various public and private sector organizations was found effective. In Malaysia, the National Blue Ocean Strategy (NBOS) is one such programme developed by the government to ensure multi-agency cooperation in social reintegration of child offenders.
- iv. *Community involvement.* The involvement of the community in discussion of cases relating to juvenile offenders encouraged multi-agency cooperation. In Maldives, such discussions took place in case conferences where organizations dealing with juvenile matters were present.
- v. *Government incentives.* In order to retain existing partnerships with organizations and individuals assisting juvenile offenders, some governments gave reimbursements to meet costs incurred. This not only helped in meeting expenses incurred, but also attracted potential partners willing to assist juvenile offenders but found it too expensive to do such an undertaking without additional support.
- vi. *Increasing resources.* This being one of the main drawbacks in all countries, it was generally recognized that training of staff members to increase their capacity of dealing with juvenile offenders, increasing the number of staff to match the number of juvenile offenders as prescribed in international standards, and increasing the financial resource base is necessary in sustaining partnerships.

III. CONCLUSIONS AND RECOMMENDATIONS

All participants agreed on the following conclusions and recommendations.

1. In order to create a protective and enabling environment for children, it is important to have a holistic support system in place to provide **early response and support** for those children whose needs are violated. Programmes and activities can include strengthening family ties; creating community awareness programmes, strengthening parenting-skills programmes such as multi-systematic therapy and other welfare support directed to families and not just to the child.
2. Improving case management and existing programmes for juvenile offenders by applying the Good Lives Model practices, desistance, risk and needs based assessment, SWOT analysis, system binding and so on. Moreover, the participants felt that it was always vital to look at the strengths of juvenile offenders more than the weaknesses, questioning also the push and pull factors as much as assessing practitioners' mindsets.

3. Creating more awareness-raising and behaviour-change campaigns will eventually help in curbing negative attitudes of society and media.
4. Following the example set by countries such as Japan, bring reformative changes to laws and regulations to allow more involvement of the private sector and passionate individuals or NGO's to work proactively toward crime prevention and to assist children who are in conflict with the law. A vivid example is the volunteer probation officer system in Japan and its adaptation in Kenya.
5. Some members from countries felt more resources need to be pooled to strengthen the existing juvenile justice system. This includes financial support, increased numbers of probation officers etc.
6. Establishment of multi-sectoral (national, district level etc.) work by creating specialized institutional bodies to ensure and control effective and efficient (juvenile justice system) programmes and processes. For example, Kenya has a National Council on the Administration of Justice among other committees.
7. Members also felt that it is important to ensure that all practitioners working with juvenile offenders undergo a basic juvenile justice training.
8. Members also felt that it is important to create a platform on both the national and international level to share the lessons learned and the best practices among countries or multi-disciplinary agencies (including public and private).
9. In order to create awareness and to strengthen the system, data management, clear language and guidelines are important. Furthermore, a common recognition of the importance of a balance between data sharing and confidentiality seems to be an aim to fulfill.