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Improving the measurement of effectiveness in the Irish Youth Justice System: International Review of Youth Justice Systems

Item Type	Report
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Download date	2026-05-09 14:38:54
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Link to Item	https://hdl.handle.net/10344/7848

RESEARCH
EVIDENCE INTO
POLICY PROGRAMMES
AND PRACTICE



Improving the Measurement of Effectiveness in the Irish Youth Justice

System: International Review of Youth Justice
Systems

John Reddy and Sean Redmond

Research Evidence into Policy, Programmes and

Abstract

This report presents the process of selecting systems for inclusion in a review of effectiveness measurement in international youth justice. The review is the second stage of research exploring ways of improving the measurement of effectiveness in the Irish youth justice system.

2018

Improving the Measurement of Effectiveness in the Irish Youth Justice System: International Review of Youth Justice Systems

How to Cite: Reddy, J. and Redmond S. (2018) *Improving the Measurement of Effectiveness in the Irish Youth Justice System: International Review of Youth Justice Systems*. Research Evidence into Policy, Programmes and Practice (REPPP) Project, University of Limerick.

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The REPPP project is a strategic research partnership between the Department of Children and Youth Affairs and the School of Law at the University of Limerick. REPPP's purpose is to contribute to improving the evidence-base for policy, programme and practice reform in relation to youth crime in Ireland. The project implements practically focussed research studies linking directly with policy priorities identified by Irish Youth Justice Service, informed by multiple sources of evidence and focussed on better outcomes for children. REPPP examines the *policy* relevance of research evidence but also *programmes* and *practice* in recognition that reforms in the area of human programmes require change in all these areas to achieve substantial traction.

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1 International Review of Youth Justice Systems

This research is to study ways of improving the measurement of effectiveness in the Irish youth justice system. Its purpose is to improve knowledge of evidence-informed practice and decision-making in youth justice by describing how youth justice systems measure outcomes in responses to youth crime and offending in order to demonstrate effectiveness. An overall objective of the research is to provide a baseline assessment for data collection and the measurement of effectiveness in the Irish youth justice system.

1.1 Background to Study

This International Review of Youth Justice Systems is the second part of a multi-stage research process.¹ Report 1, *The Youth Justice System in Ireland: A Review* (2018), traces the development of the Irish State's response to youth crime before presenting an analysis of current policies and priorities. The review concluded that the Irish system is child welfare / justice oriented with a strong community-based approach. Initiatives ranging from efforts to reduce opportunities for crime by modifying the physical environment, diversion and restorative practices, family support and child welfare interventions, are coordinated and implemented by a range of criminal justice, welfare and voluntary / community agencies. Table One outlines the primary findings from Report One.

The purpose of this report is to identify systems that provide the study with the capacity to explore effectiveness measurement in international youth justice with a view to informing practice in the Irish system. The findings from Report One inform the review's focus. Identifying and assessing systems that may share and / or have similar policy goals and practice standards was considered to have practical benefits in achieving the aims of the study. This was important in terms of identifying common patterns in how comparable systems identify and demonstrate effectiveness and measurable outcomes in responses to youth offending which are compatible with the objectives and goals of Ireland's youth justice service. What follows presents the process of selecting youth justice systems for study in a review of effectiveness measurement in youth justice (in Report 3 and 4). The report includes:

- The methodology used to select youth justice systems;
- A summary description of models of youth justice;
- A review of international youth justice systems; and
- The process of selecting of youth justice systems for further study.

¹ Appendix A outlines the overall research process

Table One: Policy Objectives and Guiding Values in Ireland's Youth Justice System

A number of crime reduction and offending related assumptions underpin Ireland's youth justice policy including the recognition that:

- A range of complex and interconnected factors influence youth crime and offending and so require comprehensive and integrated responses;
- Youth crime is transitional and involvement in crime for most young people declines as they mature;
- Young people are accountable for their actions and behaviours, however, exposure to the criminal justice system and / or a criminal conviction can harm a young person's future life prospects; and
- A minority of young people engage in persistent offending and are at risk of long-term involvement in crime into adulthood.

Important normative policy assumptions in Irish youth justice include:

- An effective and responsive youth justice system is child-centred and rights focused;
- Detention should be used as a last resort in responding to youth crime and only imposed once all other community-based diversion responses and sanctions have been exhausted;
- A partnership approach across justice and child welfare sectors in reducing youth crime and in the delivery of youth justice services should be focussed and coordinated at both national and local levels;
- There should be ongoing development of an integrated, multi-layered model of crime prevention for at risk children and young people emphasising early intervention, family support, welfare and protection;
- Youth justice related decisions should consider the young person's age and level of maturity in addition to the importance of protecting family relationships and their home life;
- Practice based on a restorative ethos should be expanded in youth justice interventions, maintaining and maximising opportunities for victim-offender responses;
- There should be compliance with best practice and service delivery standards; and
- Programmes and services should be evaluated to indicate the effectiveness of and efficiency in achieving desired outcomes.

Youth justice interventions and programmes implemented in the Irish system should:

- Be proactive and rehabilitative, facilitating personal and educational development, enhancing life quality and prospects of young people;
- Combine the rehabilitation of young offenders and the diversion of offenders away from crime and the criminal justice system;
- Promote civic responsibility and employ pro-social development strategies;
- Challenge attitudes and behaviours that underlie an individual's involvement in crime and / or antisocial behaviour; and
- Balance the care and education of young people committed to detention schools with community safety and the need to protect society.

2 Methodology

2.1 Introduction

The process of selecting systems for inclusion in the review utilised a two-pronged screening strategy:

1. State Party Periodic Country Reports submitted to the United Nations Convention for the Rights of the Child (UNCRC) were examined in relation to international standards in youth justice and in terms of their compatibility with the policy priorities and values identified in Ireland's system;
2. Youth justice systems are subjected to a review of research literature (where available) in relation to youth justice and practice. Literature was utilised as context setting for each geographical area and to supplement CRC report evidence to indicate compatibility with the Irish youth justice system and to identify effectiveness measurement within individual systems.²

Under article 44 of the CRC, state parties are required to submit an initial report within two years of ratification of the Convention and thereafter submit periodic reports every five years.³ In CRC Country Reports (CR), member states are mandated to provide specific information in relation to the operation of youth justice and describe how they are applying the Convention's provisions within domestic law, policy and practice. The CRs provided the selection process with the opportunity to assess youth justice systems and practice within a standardised reporting framework. Moreover, country reports provide, as Muncie (2009: 2) notes, a starting point in efforts to evaluate the frequent gaps "between rights rhetoric and children's rights in policy and practice" observed across jurisdictions. The analysis of systems is underpinned, with references where possible to relevant literature and, particularly, evidence concerning effectiveness measurement in systems and practice.

2.2 Step 1: Inclusion Criteria

The process of selecting systems takes as its starting point the important policy objectives and guiding values identified in the review of the Irish youth justice system. Using the findings, specifications were formulated (see Table Two) in order to help identify jurisdictions likely to share similar characteristics to Ireland's youth justice system. These *key characteristics in youth justice* guide the selection process and are utilised in order to identify appropriate youth justice systems for further study.

² The screening strategy reviewed, where available, literature describing individual systems and regional system types (e.g. Scandinavian / Eastern European / South American youth justice models) in order to further inform the process of selecting youth justice systems for further study.

³ The UNCRC is composed of 18 independent experts appointed by state parties and who monitor the implementation of the Convention using country reports.

Table Two: Key Characteristics in Youth Justice

Categories of evidence	Specific Inclusion Criteria
1. Is the system child-centred and rights focused?	<ul style="list-style-type: none"> • A separate youth justice system; • Youth courts and juvenile judges, and specialised practitioners; • A combination of social and welfare responses to youth crime and offending.
2. Is there evidence to demonstrate that detention is a measure of last resort?	<ul style="list-style-type: none"> • Legal limits on use of detention; • A formal range of alternatives to detention; • Evidence of early intervention and preventive / diversionary initiatives, socio-educational and development programmes, restorative justice, training for practitioners, information regarding evaluation; • Partnership between service agencies / practitioners as well as standard justice bodies and organisations in youth justice.
3. Where detention is used is there evidence to demonstrate that the special status of children is acknowledged?	<ul style="list-style-type: none"> • Evidence of youth detention separate from adults; • Evidence of the provision of rehabilitative and reintegration focused responses (e.g. education, development / training programmes) to children held in detention.
4. Is there evidence of system effectiveness and effectiveness measurement	<ul style="list-style-type: none"> • Evidence of innovative youth justice policies and programmes and / or specific approaches to effectiveness measurement in youth justice.

Country Reports (3rd – 6th periodic reporting cycles) submitted to the CRC from 2008 to August 2017 were included in the examination. Member states with populations of less than 600,000 (i.e. very small countries, statelets, and overseas dependencies) were excluded from the selection process as it was judged that these states were less likely to support a developed youth justice system.⁴ In total, 163 youth justice systems were reviewed for possible further in-depth study.⁵ In addition, 75 of these systems also were examined using relevant literature in order to further evaluate appropriateness for inclusion based on the identified criteria.

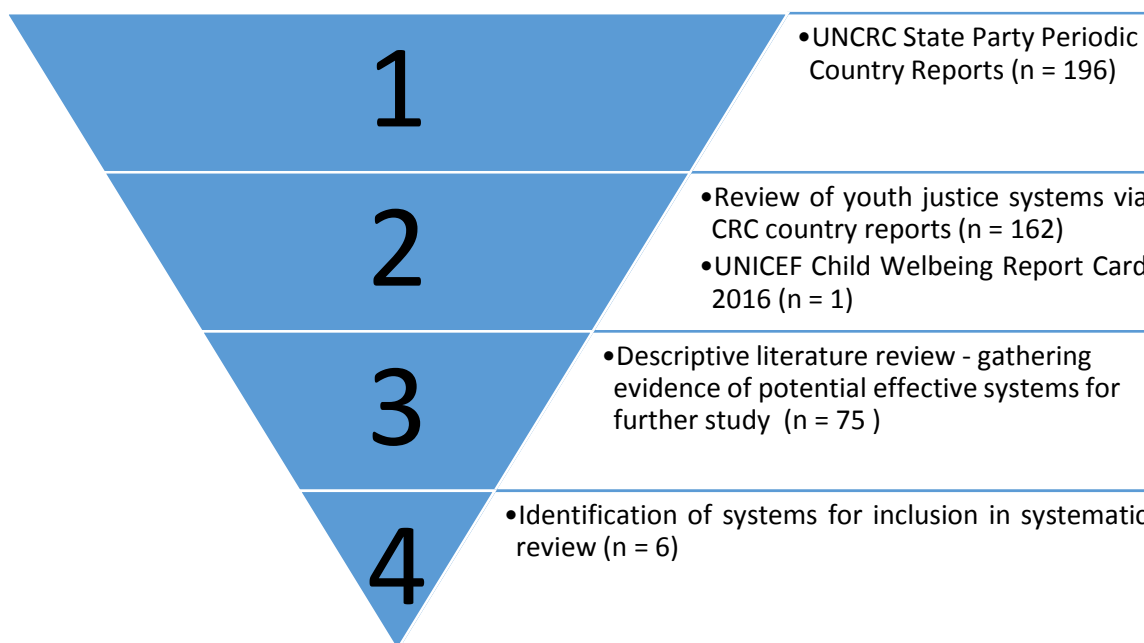
Countries who had not returned CRs to the CRC within the specified study time parameters (e.g. the USA, who are not party to the CRC) and who are recorded as being within the top 30 nations included

⁴ It is argued that countries with small populations are less likely to possess youth justice systems that would allow the study achieve its overall purpose – to study effectiveness in youth justice responses and their measurement in systems which are compatible and comparable to Ireland’s system. However, it is acknowledged that the research strategy potentially may exclude some systems with effective youth justice procedures and programmes. Appendix B provides a list of UNCRC members excluded from the study on these grounds.

⁵ Scotland and Northern Ireland report to the UNCRC via the overall CR for the United Kingdom and Northern Ireland.

in the *UNICEF Child Wellbeing Report Card 2016*, also were assessed for inclusion through a brief review of youth justice literature.⁶ Figure One presents a conceptual model of the selection process.

Figure One: Process for Identifying Youth Justice Systems



2.3 Step 2: Assessment Strategy

A grading system was developed to assess the information regarding youth justice systems accessed in CRC Country Reports and / or in literature. Systems were awarded points where evidence and indicators of meeting the specific inclusion criteria (in Table Two) were identified. For example, one point was awarded where evidence of a separate youth court system was apparent, another where separate detention (from adults) for juveniles was practiced, where rehabilitation and reintegration programmes for young offenders were implemented, a point for evidence of the implementation of preventive, diversionary and innovative programmes. Deductions (one point) were made where there was evidence of failure to meet inclusion criteria and international youth justice norms (mixed detention of juveniles and adults, absence of separate youth justice system, corporal punishment, etc.).

2.4 Step 3: Indicators of the Presence of Youth Justice Characteristics in Systems

Table's Five to Nine (in sections 5 – 7) present findings from the review of CRs and of descriptive literature regarding the administration of youth justice globally. The tables present indicators of the

⁶ The Report Card presents an overview of inequalities in child wellbeing in 41 countries of the European Union (EU) and the Organisation for Economic Co-operation and Development (OECD). All members of the United Nations except the USA have ratified the UNCRC.

presence (or not) in each system of the key characteristics in youth justice which resonate with practice and / or aspirations in the Irish system. In the tables, columns 1 and 2 identify the country, the dates of important youth justice reform legislation and the age of criminal responsibility. Columns 3 and 4 report information – primarily sourced in CRs but also from literature in some cases – in relation to youth detention and youth courts in each system. Column 5 reports findings from literature (where available) regarding the presence of welfare and youth justice responses in each system – i.e. programmes and procedures. Column 6 reports findings from an analysis of youth justice procedures and responses identified in CRs. Column 7 indicates the rating each individual system received in the grading process (see 2.3). Categories of evidence and specific inclusion criteria (as presented in Table Two) are highlighted throughout (in bold type).

2.5 Step 4: Selecting a Sample of System Types

An important aim of this report is to seek knowledge and understanding of the operation of youth justice in a broad sample of international jurisdictions. In attempting to accommodate structurally diverse approaches responding to youth crime in this analysis and reduce the possibility of over-representing one dominant approach, the highest scoring systems jurisdictions are re-classified by their general features or 'character' (in Table 10 Section 8.1). While no system can be characterised as representative of one model of youth justice, jurisdictions were assessed, in order of merit, and in accordance with a 'model' (or combination of models) of youth justice identified (in CRs and in literature) as being implemented in that system. This strategy provided the capacity to identify for further study a broad sample of system types among the highest rated jurisdictions.

2.6 Limitations

The study acknowledges the limitations of the assumptions underpinning this assessment process given the self-reporting basis of CRs and the well-documented shortcomings in research and academic enquiry concerning youth justice and practice globally (see Zimring, 2015; Beloff and Langer, 2015, Dunkel, 2015). It is acknowledged that CRs are 'self-reports' and so open to possible compliance manipulation and exaggeration. However, it is argued that official information provided in relation to youth justice provides a reasonable base upon which to identify potential effective systems for further in-depth study, within the resources available.

The rationale underpinning the selection process posits that the identification of CRC compliant systems (in terms of information regarding youth justice policy and practice and relevant literature) is a useful starting point in identifying effective implementation of youth justice responses and programmes. The selection process provides the study with reasonable capacity to explore system efficacy at global level and to identify and grade effective practice in youth justice. In addition, the purpose of the process is to identify a small number of youth justice systems for further study and not necessarily study better outcomes for children in conflict with the law. As highlighted, the selection process provides an

opportunity to assess youth justice systems and practice within an international and standardised reporting framework.

3 A Summary Description of Youth Justice

Excluding the Scandinavian (Nordic) countries of Norway, Sweden, Denmark, Finland and Iceland,⁷ a dual system of justice comprising adult and juvenile structures is almost universal in modern states (Zimring et al., 2015). Most countries studied use separate youth justice systems, however, substantial variations in the type and intensities of sanctions, and ages of offender responsibility exist. In most examples, nations have translated and adapted youth justice systems and juvenile courts in different ways (Winterdyk, 2015; Zimring et al., 2015).

Since the beginning of the 20th Century, many influences (e.g. power and colonial legacy influences, membership of supra-national alliances such as the United Nations and the European Union, global human rights standards, and policy transfer) have influenced the global diffusion of youth courts and development of separate youth justice systems (Zimring and Langer, 2015; Dunkel, 2015). Indeed, the way youth courts and youth justice systems spread and were implemented in countries, with many different cultures, languages, and social and political backgrounds, produced considerable divergence in youth justice responses across nations (Winterdyk, 2015: 7; Zimring and Langer, 2015). Therefore it is unsurprising there exists extensive commentary and debate regarding what are the 'most appropriate' and 'effective' responses to youth crime (e.g. rehabilitation and welfare intervention versus punitive and crime control responses) and the best ways of deterring reoffending (Winterdyk, 2015: 7).

Rehabilitation traditionally has been the cornerstone of youth justice (Zimring and Langer, 2015). In most examples, education, therapy and / or addiction treatment programmes are implemented to alter the behaviours and attitudes of young offenders (Zimring and Langer, 2015). Theories propose adolescents and young people are malleable and so are easier (than adults) to divert away from engaging in criminal and antisocial activities. Therefore, youth / children's courts should link young offenders with rehabilitative interventions and programmes that aim to deter offending behaviours and instil pro-social behaviours. According to Zimring and Langer (2015), for most of the 20th Century, rehabilitative responses to youth offending has defined youth courts, particularly in Anglo – American law, contrasting with the retributive or 'just deserts' approach to justice commonly administered by adult courts. Moreover, the use of detention or rather its infrequent-use, and when used its tendency to be of much shorter duration, marks youth courts out from adult criminal courts (Zimring and Langer, 2015).

Rehabilitative intervention and programmatic responses to youth offending appear policy priorities in most developed systems (Zimring and Langer, 2015). Research indicates the tendency in practice is to intervene less e.g. minimum intervention that typically results in diversion from the criminal justice

⁷ Nordic criminal justice systems are characterised by moderate welfare oriented policies and low detention rates and punitive policies (Lappi-Seppala, 2015). Generally, youth justice in these countries operates outside of the criminal justice system (Lappi-Seppala, 2015).

system with no further action taken (Dunkle, 2015; Stando-Kawecka, 2015; Zimring and Langer, 2015). According to Zimring and Langer (2015), commitment to implementing rehabilitative responses to youth offending is at best sporadic across systems. Despite general espousal of the concept of separation in youth justice, many systems implement few rehabilitative type programmes for young offenders (Zimring and Langer, 2015). An important and common pattern in the reform of systems, however, is that of implementing community-based initiatives and of keeping children in their family home, typically using probation and community supervision interventions (i.e. general diversion programmes) and in more recent times restorative programmes (Zimring and Langer, 2015; Dunkle, 2015).⁸

Most systems are described as multi-layered, depending on efficient and effective interagency partnerships. For example, diversion interventions typically involve aspects of both formal and informal support (Foussard and Melotti, 2016). In order to provide an effective (and organised) system, efficient coordination between different agencies, as well as the training of practitioners who work with children are vital components (Foussard and Melotti, 2016). Standard diversion or other alternative measures aim to:

- Reconcile perpetrator and victim;
- Avoid entry to the criminal justice system and particularly detention;
- Encourage community participation; and
- Foster a sense of responsibility in children.

According to Zimring and Langer (2015: 392), a clear rationale underpinning most youth justice responses is one of recognising the “unique character of adolescence as a period of development”. As young offenders mature, are educated and become involved in ever more and rapid change, they tend to grow-up out of crime (Zimring and Langer, 2015; Loeber and Farrington, 2012). Youth crime is thus considered a transitional problem. Accordingly, across systems, education, training and community-based responses are preferred by youth courts, balancing the need to deter harmful behaviour and punishment and a strategic aim to “wait out” (with minimal intervention) difficult development and transitional stages in adolescents’ lives (Zimring and Langer, 2015: 393). In most examples, a young offender’s welfare and development usually will be prioritised instead of detention and punishment.

Tension between welfare-developmental responses to youth offending and a need to protect society from youth crime appears to be common in youth justice systems (Gao, 2015; Hazel, 2008). The degree of welfare / justice emphasis varies between systems and often within systems at different times (Gao,

⁸ Generally, restorative justice (RJ) is “a problem solving approach to crime” which brings together the offender and victim, and the community generally (McGinness and McDermott, 2010: 38). RJ interventions aim to confront young offenders with the consequences of crime and thereby effect behaviour change and avoid future offending (O’Dwyer and Payne, 2016).

2015). Gao (2015: 137) argues that “the key indicator” of relative strength of welfare or justice emphasis in a system is most evident in the levels of the use of detention in responding to youth crime and duration of the sentences involved. However, gauging levels of detention in youth systems is complicated as youth detention is defined differently across systems (Muncie and Goldson, 2006; Kusa and Nurse, 2015). For example, in CRC Country Reports confinement in reformatories, special schools, and re-education centres commonly are not defined as imprisonment in some systems and are in others. A justice response seeks to deliver retribution and imprison the offender in order to avoid further criminal activity. Whereas a system that seeks to provide welfare-developmental responses to youth crime distrusts the merits of detention and therefore limits both its use and duration (Gao, 2015).

Table Three reproduces Winterdyk’s (2015) summary of the typical features present in youth justice models. It is important to note that no one system can be characterised as representative of one model only, rather it is typical in systems to mix some of the features identified in Winterdyk’s analysis.

Table Three: Youth Justice Models

Features	Participatory Model	Welfare Model	Corporatist Model	Modified Justice Model	Justice Model	Crime Control Model
General	Informality, minimal intervention, resocialisation	Informality, Generic, referrals, individualised sentencing, indeterminate	Administrative decision-making, diversion from court / custody programmes	Due process, informality, soft offenders diverted, hard offenders punished	Due process, criminal offences, less restrictive alternatives / sanctions / educational concerns	Due process / discretion, punishment / retribution, determinate sentences
Key Personnel	Educators	Childcare professionals	Youth justice specialists	Lawyers / Childcare professionals	Lawyers	Lawyers / criminal justice actors
Key Agencies	Community agencies, schools, voluntary bodies	Social work agencies and departments	Interagency structure	Law / social work department	Law	Law
Tasks	Help and education	Diagnoses	Systems intervention	Diagnosis / punishment	Punishment	Incarceration / punishment
Understanding of Client Behaviours	People are basically good	Pathology / environmentally determined	Un-socialised	Diminished individual responsibility	Individual responsibility	Responsibility / accountability
Purpose of Intervention	Re-education	Provision of treatment	Retraining	Sanctioning of behaviour / provision of treatment	Sanctioning of behaviour	Protection of society / retribution, deterrence
Objectives	Intervention through education	Respond to individual needs / rehabilitation	Implementation of policy	Respect individual rights / respond to special needs	Respect individual rights, punishment	Order maintenance

(Source: Winterdyk, 2015: 6)

4 A Review of Youth Justice in Europe

4.1 Introduction

There has been much change in European youth justice over recent decades (Dunkle, 2015). So called neoliberal influences are observed most notably in system reforms in England and Wales but also in France and the Netherlands (Goldson and Hughes, 2010; Cimamonti et al., 2010 cited in Dunkle, 2015). In Germany and Switzerland, a moderate system of “minimum intervention with priority given to diversion and of educational measures” is evident (Dunkle, 2015: 9). In many other youth justice systems, restorative measures are implemented including conferencing, mediation, and reparation and restitution (Dunkle 2015).

Across Europe, youth justice systems based on “notions of subsidiarity and proportionality of state intervention” remain in place or are “emerging afresh” according to Dunkel (2015: 10). However, as Dunkel (2015) notes, in several countries more punitive approaches have been introduced. Reforms in the Netherlands (1995), France (1996, 2002, and 2007), England and Wales (1994, 1998), for example, have been described in much literature as taking a ‘punitive turn’ (Dunkle, 2015; Matthews and Pitts, 2001). While the factors influencing youth justice reform are many, the “punitive trend” evident in the United States (US) over recent decades is likely to have influenced many European nations, particularly England and Wales (Dunkle, 2015: 10). However, in more recent times, there has been a significant shift towards “the educational aim in juvenile justice” in nations that had been driven by neoliberal ideals up to relatively recently, including England and Wales, the Netherlands, and the USA and Canada (Dunkle, 2015: 48).

Overall, justice and rehabilitative models appear to be most evident in youth justice systems. However, systems regularly mix models (e.g. Germany and other central European states) and pure versions of either are rare (Dunkel, 2015). In addition, over recent decades, systems have tended to strengthen justice models “by establishing or extending procedural safeguards and also implementing what may be regarded as welfare measures” (Dunkel, 2015: 16). The proportionality of sentences and educational measures appears important e.g. not disproportionately harsh.

Most systems aim to address criminal behaviour as defined by general criminal law; welfare or family laws define other harmful behaviours (Dunkel, 2015). Typically, systems combine welfare and justice philosophies with an overall minimum intervention approach (especially Germany). Indeed, systems tend to embody a range of approaches, some of which may appear contradictory, for example, restorative justice and elements of punitive / correctional responses (e.g. antisocial behaviour orders, tougher penalties for reoffending, and secure accommodation for children) (Winterdyk, 2015; Dunkel, 2015).

4.2 Reform in European Youth Justice

Reform strategies are evident in many European systems. Most European countries do not seek to impose punitive responses to youth offending (Dunkel, 2015). Education and special prevention responses are preferred, and in some instances 'justice' elements also have been reinforced (Dunkel, 2015: 12). There is evidence of this dual approach in reforms introduced in several European countries – Germany 1990, the Netherlands 1996, Spain 2000 and 2006, Portugal 2001, France and Northern Ireland 2002, Lithuania 2001, Czech Republic 2003, Serbia 2006. However, a tension between welfare and justice models remains, according to Dunkel, (2015). Reforms in Northern Ireland and Belgium in 2007 are important as they significantly strengthen the restorative elements in their approach to youth justice – including family conferencing. Research also suggests, in most systems, populist rhetoric and debates arguing for harsh penal reforms are evident without necessarily resulting in change to existing youth justice practice e.g. Germany (Dunkel, 2015; Winterdyk, 2015).

4.2.1 Youth Justice Reforms in Brief

- In Austria, Germany (reform through practice) and the Netherlands community sanctions and restorative justice responses are “systematically and extensively” piloted before full introduction (Dunkel, 2015: 18). (This takes time, implementation processes with stakeholders – training etc. with judges and prosecution service).
- Some countries England and Wales, Bulgaria, Ireland, Northern Ireland - have introduced legislation on certain behaviours – e.g. antisocial behaviour orders. Many of the more punitive elements of youth justice policies are restricted to recidivist offenders, for example, in England and Wales, France, and Slovakia (Dunkel, 2015; Kusa and Nurse, 2015).
- Other orientations are evident in systems, on one side, diversion, community sanctions and restorative justice are implemented and, on the other, harsher responses e.g. the neoliberal inspired 'get tough' on youth crime (as in in England and Wales, and arguably, France and the Netherlands) (Dunkel, 2015; Gelsthorpe and Kemp, 2015).
- Eastern European countries have tended (in the 1990s) to replace Soviet inspired justice systems with western models (based on UNCRC and Council of Europe guidelines). This has produced various criminal justice models and policies. However, according to Dunkel (2015), ex-soviet bloc countries have tended to implemented punitive youth justice reforms (e.g. Bulgaria, Romania, East Germany).
- The development of separate youth justice systems is apparent in Baltic States,⁹ Croatia, the Czech Republic, Romania, Russia, Serbia, Slovenia, and Slovakia, as well as in Turkey (Dunkel 2015; Kusa and Nurse, 2015).¹⁰ 'Youth committees' are used to respond informally to youth offending in

⁹ There are no youth courts yet in the Baltic States (Dunkel, 2015).

¹⁰ The first youth courts were recently piloted in some cities in Russia and in one city in Romania (Dunkel 2015).

some Eastern European countries (e.g. Bulgaria, Estonia, and ex-Soviet Union republics) however, they are not bound by law (Dunkel, 2015).

4.2.2 Trends in European Youth Justice

There is some evidence of an emerging European philosophy of youth justice which includes an education and rehabilitation ethos, with elements of restorative justice and mediation (i.e. the consideration of victims), and the recognition of legal procedural safeguards evident (Dunkel, 2015). However, there is no indication of more formal harmonisation of youth justice policy in Europe. Age of criminal responsibility, for example, varies across jurisdictions, for example, 10 years in England and Wales, Northern Ireland and Switzerland, 13 France, 14 in Austria and Germany and numerous eastern / central European nations, 15 in Greece and the Scandinavian countries, Ireland 12 (between 10 and 12 for certain serious offences); the most common is 14 years. In many countries, only educational sanctions are imposed on young offenders (typically under 14s) and detention is usually restricted to offenders at least 15 years and over.

Some countries impose adult criminal law (and / or youth courts transfer minors to adult courts in some circumstances) onto juveniles for offences. For example, in Belgium youth over 16 years may appear in adult criminal courts for rape, murder, attempted murder, aggravated assault / theft. In Serbia and Northern Ireland transfers are limited to young offenders charged with homicide. In Ireland, for serious crimes (murder, manslaughter, treason or crimes against the peace of nations) youths can be tried in the central criminal court. In Scotland, very serious crimes are dealt with in an adult court. In England and Wales, children of 10 years can be transferred to an adult court if charged with a very serious offence (Dunkel, 2015). In France, less serious offences are tried in an adult 'Police Court'. In Scandinavian countries, there is no distinction between juvenile and adult courts and, in general, "the same regulations apply in cases of "aggravated" as well as "normal" offenses" (Dunkel, 2015: 29).

Developments in youth justice in Eastern Europe typically has followed the Council of Europe's "standards for preserving human rights in the area of juvenile justice" including the special educational needs of young offenders (Dunkel, 2015: 19). Overall, however, as Dunkel concludes, "the required infrastructure for the introduction of modern, social pedagogical approaches to youth justice and welfare is widely lacking" (Dunkel, 2015: 19).¹¹ Many reform strategies involve community sanctions and some diversionary programmes but systems in most instances continue to use detention / custodial measures. Although the use of detention is common (50% of juvenile offenders are detained in Russia), what is clear is that in Eastern and Central European countries the ideal of detention as a last resort is now being taken "more seriously" and youth imprisonment is decreasing (Dunkel, 2015: 19).

¹¹ 'Infrastructure' includes qualified social workers and teachers in this example (Dunkel, 2015).

Moreover, there is a recognisable convergence among western, central, and eastern European systems according to Dunkel (2015). For example, ‘conditional criminal responsibility’ – a long standing tenet of German and Italian law has recently being adopted by Estonia (2002), the Czech Republic (2003), and Slovakia (for 14 year olds) indicating reforms in Eastern Europe are being influenced not only by international standards but practice in the proximal states of Germany, Austria and Italy (Dunkel, 2015).

However, transfers to adult courts i.e. applying adult law to juveniles, have been identified as a “systemic weakness” in youth justice systems and, according to Dunkel (2015: 29), challenges the justification of the “special treatment” for young offenders. In practice, transfers of juveniles from children’s courts to adult courts is declining in Europe (5% of all case against juveniles in Ireland). Nonetheless, the UNCRC recommends ending all provisions that provide for the trying of juveniles in adult courts.

Review of youth justice systems: Tables Four – Eight

Table Four is the first of five tables presenting findings from the review of CRC Country Reports and research literature regarding the administration of youth justice globally. The table’s present indicators of the presence (or not) in individual systems of the key characteristics in youth justice identified in the Ireland’s youth justice system. These include:

- Is the system child-centred and rights focused?
- Is there a mix of welfare and justice responses and programmes?
- Is there evidence to demonstrate that detention is a measure of last resort?
- Where detention is used is there evidence to demonstrate that the special status of children is acknowledged?
- Is there evidence of system effectiveness and effectiveness measurement?

Table Four: Youth Justice Systems in Europe

1	2	3	4	5	6	7
Country and date of important reform legislation	Age of criminal resp	Detention (CR and literature findings)	Separate system and youth courts	Research literature findings - information relating to welfare and justice policies and responses	Country Reports - information relating to welfare and justice policies and responses	Total rating
1. Albania (2008)	14	Yes - Some efforts to segregate juveniles and adults on remand, in police stations, prisons (-1). Convicted or detained juveniles should be accommodated in separate sections in prisons.	No (mixed mostly) (-1)	(Not available)	2011 - The amendments to reform legislation enacted in 2008 state that children <i>should be placed separately from adults and special treatment should be provided</i> to the minor. Alternative measures to imprisonment include half-freedom, suspension of execution of a prison sentence and release on parole, house arrest, and enforcing the obligation to do community work .	2
2. Armenia	14	In Armenia, on average, according to the CR, 30 to 40 juveniles serve a sentence in juvenile prison, whereas work with others is carried out without depriving of liberty, at their places of residence. It has six Community Rehabilitation Centres , which play a major role in the reintegration of juveniles			2011 – There is little specific information on administration of youth justice in CR.	1

<p>3. Austria (1988) (2008)</p>	<p>14</p>	<p>Measure of last resort (3% of total youth offending). Only in very serious cases e.g. resulting in death.</p> <p>Austria has a separate prison for juvenile delinquents and juvenile wards in prisons to cater for the enforcement of sentences. As a matter of principle, juveniles are detained separately from adults even if they are within the same prison compound.</p>	<p>Yes (and young adults 18 -20)</p>	<p>Diversion and restorative justice, constructive educational measures 90%</p> <p>Problems of juvenile delinquency are not exclusively dealt with using the instruments of penal law, and the detrimental effects of unconditional sentences are to be avoided as much as possible by largely foregoing the application of repressive means. In pre-trial detention, the question of proportionality is of tantamount importance.</p>	<p>2011 – Since 2008 - diversion alternatives, small fines, the discontinuation of criminal proceedings on probation, possibly linked with parole requirements and voluntary fulfilment of certain obligations, mediation and victim compensation as well as community service. Court and public prosecution are obliged to drop charges when the statutory requirements are met and diversion alternatives can be applied. Adequate education and facilitation of reintegration in the society.</p>	<p>7</p>
<p>4. Azerbaijan</p>	<p>14</p>	<p>“Child police rooms” are common in police stations. In Azerbaijan, child imprisonment “must be applied by the court only after thorough consideration of the case and to the possible minimum term”. Evidence of mixed detention (-1), however, they also state, “minors must be kept in custody separately from adults. Based on peculiarities of their age, sex and personality, they must be provided with appropriate care,</p>	<p>Youth justice system in development</p>	<p>Not available</p>	<p>2011 – Some evidence of collaborative youth justice pilot programmes with NGOs. Discussions and conferences held with other systems and international bodies on youth justice and human rights. Evidence of minors being held in isolation. (-1).</p>	<p>0</p>

		protection and other personal assistance.				
5. Belgium 2007	12	Limited detention - in 2002, Belgium gave the youth court and the investigating judge the possibility, subject to certain conditions, of assigning boys over the age of 14, who had committed an act categorized as an offence, to a temporary placement centre .	Yes but some transfer 16, 17 year olds to adult courts (-1)	2006 Principle of proportionality and procedural safeguards strengthened, RJ, mediation and family conferencing . Projects designed to encourage such children to talk about the perpetrator-victim relationship at group meetings, as well as group rehabilitation sessions. Projects designed to promote cultural activities , particularly music, among young people placed in IPPJs.	2009 – 2006 law change - Making parents (and young person) more accountable by encouraging them to be aware of their own involvement in their children’s criminal conduct and to shoulder their responsibilities in that regard. The development of alternative measures such as mediation or education . Training and community service orders thus enable young people to act to “repair” the damage caused and reduce the number of placements. Since 2005, special training in youth law for lawyers wishing to act for minors.	8
6. Belarus (2001)	14 (but lower if serious crimes)	Evidence in CR of “general-education and vocational- and technical-training schools” (i.e. training in trades) for minors confined to prison. Teachers, training officers and psychologists , carry out instruction and pedagogical work in juvenile correctional facilities. Juvenile correction education policy aims to offers offenders a “viable basis	Yes (under development)	Not available	2010 - Normative and procedural provisions safeguard the quality of the education and training offered by laying down rules and methods for study, for a preliminary assessment of the pupils’ personality, and for appropriate individual and collective measures. This approach facilitates the pupils’ adaptation to the correctional facility. Evidence of programmatic intervention with young offenders e.g. “have created the “Friend” and “Adolescent” clubs as a	4

		for organizing their life in the future, and provides them with habits and skills necessary for their successful social reintegration after release”			means for working with “problem youngsters”.	
7. Bosnia and Herzegovina	14	Detention is mixed (-1)	Yes - in development	Has ambitions to reform system in line with international standards.	2011 - The implementation of reform processes require a long-term support of the governmental institutions of Bosnia and Herzegovina. They have established a Coordination Body as a vocational and advisory body authorized to initiate and monitor agreements with representatives of responsible institutions.	2
8. Bulgaria 1996, 2004	14	Mixed detention (-1)	yes	A mix of proportionality regarding detention and neoliberal punitive responses (ASBOs and parental orders), procedural safeguards strengthened.	Only reporting round two submitted to the CRC and therefore excluded from selection.	2
9. Croatia (1998, 2002, 2006)	14	Detention may be imposed on a person under the age of 18 only if he/she has turned 14. Prison may be imposed for an offence punishable under the law by five-year imprisonment or up to 10 years depending on the severity of the offence.	yes	Due process standards and diversion, educational responses, mediation, only re-education imposed on 14 – 16 year olds	2013 - Parents responsible and accountable for behaviour of child and may be punished if lack of supervision is deemed a cause in a child offending. Sanctions are executed in the way that guarantees the respect for human dignity stimulates his/her physical, intellectual and moral development and protects his/her physical and mental health.	3

10. Cyprus (1996, 2006)	14	Mixed detention (-1)	yes	Educational sanctions expanded.	2011 - Children under the age of 16 years who commit minor offences are treated as children in need of care, protection and rehabilitation (i.e. provided with preventive/supportive services and child protection services) and are diverted from prosecution.	3
11. Czech Republic (2003, 2009)	15	Unconditional imprisonment of a maximum of five to ten years	yes	Educational sanctions and diversion used. In 2009 more repressive sanction (preventive detention) introduced.	2013 - Nothing of note in CR regarding youth justice.	3
12. Denmark (1998, 2001)	15	In Denmark, A youth contract may be offered to persons aged 14 to 17 if a criminal charge cannot be settled with a fine or an unconditional discharge and if the young person has not committed a serious crime or entered a more permanent pattern of crime (i.e. detention as a last resort). It requires participation from the child in educational course or enrolment in various forms of leisure activities . Denmark offers measures to ensure social reintegration for young persons under the age of	No (young offenders dealt with in a combined penal and welfare model)	Special dispositions for youth offenders exist, rehabilitative sanctions , 'youth contract' to 'responsibilise' young offenders. Institutional detention managed by social welfare department. Secure confinement for those under 18 typically lasts approximately 2 months and placement in open facilities normally lasts 6 months in duration (Lappi-Seppala, 2015). The SSP concept involves systematic collaboration among schools, police and social support agencies that educates children, parents, teachers about crime prevention and other risky behaviours including	2016 – Denmark operates specialised separate youth courts . Solitary confinement of persons under the age of 18 is not prohibited in Denmark.	8

		18 who have served a detention sentence.		drugs and alcohol misuse (McGinness and McDermott, 2010).		
13. Estonia (2001, 2002)	14	Maximum detention for minors is 10 years. In Estonia, the level of the moral and mental development of a person 14–18 years is considered in court proceeding. The court may release a person from punishment and apply as a sanction a warning, subjection to supervision of conduct, placement in a youth home, or sending to schools for students with special needs.	yes	The Estonian Education Information System - by the secretaries of the Juvenile Committees – monitors the work done with young people in the committees, including the speed of proceedings and sanctions imposed. It is used as a basis for preparing annual overviews of the activity of the juvenile committees.	2015 – Juvenile committees work on the principle of networking, and their primary duty is to find a solution to the problem of the young person who has ended up before the committee. Evidence of expanded diversion and community sanctions, some RJ elements (reparation, mediation) , and 2 special schools.	4
14. Finland (1989, 2006)	15	Only in exceptional cases. Under 18s separated from adults. More lenient sentences for under 18s than those imposed on adults	no	Minimum intervention model, social control of adolescents through child welfare system. Scandinavia places strong emphasis on prevention of youth crime through whole-of-community collaboration between various authorities and services on a local level. Tertiary responses	2010 - Juvenile punishment involves supervisory meetings, tasks and programmes to be carried out while under supervision and support and guidance. Includes work try-outs and getting accustomed to work unless these are deemed clearly unnecessary.	7

				emphasise diversion, community service and the combining of prosecution together with therapeutic services . The 'Secure Together' programme takes an 'overall view' and a 'broad policy approach' to address crime. Secure Together implements local level and early intervention initiatives which include a variety of areas in society in combatting youth crime (McGinness and McDermott, 2010).		
15. France (2002, 2004, 2007/8)	8 / 10 –	No specific age but minors under the age of 13 can be subject only to reprimands or protective measures. In no circumstances can they be convicted to serve a sentence.	yes	Neoliberal 'get tough' approach, general; educational approach, supervision in the community, high quality juvenile prison / institutions with strong rehabilitative approach The EPIDE programme is based around three modules: behavioural and civic education ; general training to bring educational basics up to scratch; and drawing up and carrying out vocational plans	2015 - When minors are convicted of a crime, the courts make priority use of educational measures . A range of measures with an educational focus will be chosen as interim measures by the juvenile court judge, such as release under supervision pending trial, the various measures involving placement (in hostels and secure or closed supervisory centres). Measures of restorative justice or day activities . In principle, the aim should be to educate rather than to punish, whatever the age of minors and their degree of maturity.	7

16. Georgia	14			(not available)	2014 – Very little information of youth justice. In 2009, Georgia introduced a Juvenile Justice Strategy and Action Plan to address and prevent of juvenile delinquency, improvement of fair trial guarantees, promotion of alternatives to criminal proceedings/prosecution, provision of education, reintegration and rehabilitation schemes for children in conflict with law.	2
17. Germany (1990, 2006, 2013)	14	Yes - Those aged between 18 and 24 — should in principle continue to serve their sentences in youth prisons which have an educational leaning , unless they are unsuited for this. Separation is guaranteed only in some provinces (Lander) and deprivation of liberty as a last resort only in some lander (-1).	Yes since 1923	Germany combines elements of educational measures with legal guaranties and a procedural approach. Diversion, mediation, social training courses, community service, and special care and supervision by social workers – preventive detention and short-term detention (4 weeks)(both symbolic punitive reforms), prioritising prevention of reoffending, reintegration of juvenile and young	2012 - Considerable degree out-of-court settlement with discontinuation of criminal proceedings on grounds of other adequate educational measures (e.g. by parents, school or youth welfare). Roughly two-thirds of all proceedings under criminal law relating to juveniles are dealt with in this way without a formal criminal conviction – diversion .	8

				adult offenders into society (Dunkle, 2015).		
18. Greece (2003)	13	Last resort - Detention of minors in special detention institutions is effected on pedagogical grounds and aims at the social reintegration of minors. Persons aged 18 but not over the age of 21 are characterized as “young adults”. They may be treated with clemency and their sentence may be reduced. They are detained separately from other adult prisoners.	yes	Expansion of diversion, supervision, mediation, community sanctions / service to further limit the use of detention. Training of young detained persons aims at giving the above persons the opportunity to acquire or complete education of all grades, as well as vocational training.	2011 - Reformatory measures are imposed when there is a need for deterring a minor from re-offending e.g. consultative therapeutic programme. Minors who have attained the age of 13, if they commit any punishable act, are imposed educational or therapeutic measures , unless the imposition of criminal sanctions is deemed necessary Mix of welfare and justice responses is the norm in Greece - Such measures are ordered following diagnosis and opinion by a specialized group of physicians, psychologists and social workers.	7
19. Hungary (1995, 2000, 2007)	14 -	Last resort and in the shortest duration possible - in reformatory institutions where juveniles separated from adults. An offender aged between 14 and 18 years is deemed a minor, subject to more lenient rules under criminal law than adult offenders.	yes	Crime control model, no separate juvenile legislation (-1) . Special prevention, procedural safeguards strengthened, RJ (mediation) and diversion expanded – short term detention up to 90 days	2013 – According to the CR, the primary aim of the youth justice system in Hungary is prosocial rehabilitation – e.g. the social integration of juveniles, and, to that end, mitigate adaptive disorders, improve their psychological condition, school and professional qualifications, acceptance of basic moral standards, and prepare them for a healthy lifestyle. Further training is organised once a year, at the education centre of the prosecutor’s office.	5

20. Italy (1988, 1998)	14	The majority of minors as offenders are in charge of the Ministry of Justices Offices and benefit from alternative measures to detention in respect of Juvenile Criminal Institutes. Italy has a separate dept. of Juvenile justice and ad hoc courts for family and personal issues in all Prosecutors' offices and ordinary courts at different levels.	Yes	Welfare – justice model. Alternative sanctions including diversion, mediation, prison under 3 years should be suspended	2017 (5th and 6 th periodic reports) In juvenile institutes the primary role is assumed by social and educational services . Penitentiary police are appropriately trained to exercise its mandate. juvenile justice offices and the personnel is composed of social professionals, health operators and psychologists to collect information on each situation to be submitted to the competent judge for the adoption of appropriate measures.	7
21. Kazakhstan	14	Most juveniles who have committed a criminal offence receive suspended sentences. Some evidence of educational programmes for youth in detention.	yes	Not available	2014 – In 2009, Kazakhstan has introduced a framework in order to implement “elements of a juvenile justice system that will result in more effective and higher-quality administration of justice in respect of minors at all stages of the process”. 241 additional juvenile justice experts recruited to district and city probation offices in 2010. The local administration and UNICEF and is implementing a project to offer effective community-based alternatives to the placement of children in closed State institutions or pre-trial detention and the imposition on them of custodial sentences.	4
22. Kyrgyzstan	14	All minors in temporary detention facilities are held in cells separate	No evidence in CR.	Not available	2014 - In Kyrgyzstan boys (aged 11-14) who break the law are sent to the Belovodskoye special	-3

		<p>from adults at all stages of police investigations commencing with their arrest. According to the CR, International rules for the administration of juvenile justice cannot practically be fully implemented due to the lack of financial resources needed for the upkeep of convicted juveniles or those remanded in custody (-1). Detention is mixed. Some evidence of very basic educational and sports programmes for youth in detention.</p>			<p>school, an institution that bears all the hallmarks of a prison, since children there are not permitted to leave of their own free will and re-join their families, and their lives and movements are strictly regimented by the administration and supervised by personnel (-1). Most young offenders aged 14 and over are given custodial sentences, while other, alternative, forms of punishment are virtually non-existent (-1).</p>	
<p>23. Latvia (1998, 2002)</p>	<p>14</p>	<p>Latvia imprisons juveniles separately but in adult facilities (-1)</p>	<p>Yes</p>	<p>Procedural safeguards, diversion, sanctions mediation and community orders</p>	<p>2014 – Imprisoned juveniles supported by trained specialists – mediation and conferencing now practiced (starting in 2010) - implements various re-socialisation programmes with imprisoned juveniles – includes multi practitioner developed ‘social correction’ plan for the minor prisoner (education, training and reintegration) – uses EQUIP programme (adopted from the Netherlands, originated in USA)</p>	<p>6</p>
<p>24. Lithuania (2003, 2007)</p>	<p>16 / 14</p>	<p>Age of criminal responsibility is 16 years, although certain crimes or offences incur criminal</p>	<p>Yes</p>	<p>Educational measures, supervision and community sanctions, diversion, mediation and</p>	<p>2012 - Organises training / seminars in juvenile justice practice for police officers.</p>	<p>4</p>

		liability at a younger age, i.e. from the age of 14 years.		community service but also further restrictions on the deprivation of liberty. a UN funded study 'Facilitation of the Delivery of an Effective Juvenile Justice System in Lithuania' (2005-6) found inadequate qualification of officers dealing with juvenile offenders, negative attitudes of officers towards juveniles, weak inter-institutional cooperation, inefficient prevention of juvenile offences (-1).	Mainly aspirational policy ideas and no precise information on what procedures are used when dealing with young offenders.	
25. Macedonia (2013)	14	In Macedonian law a "juvenile prison sentence will be served in separate juvenile institutions " according to its CR. according to the CR "every punitive-correctional and educational-correctional institution organizes upbringing, education and training, as well as vocational training of the convicted minors by educators, teachers, instructors and other trained persons . The goal of the treatment of minors is to encourage and help them develop positive characteristics	Unclear in Cr (-1)	In 2013, Macedonia introduced criminal justice reforms which emphasises the use of restorative principles and "is reflective of a participatory model" (Winterdyk, 2015: 10)	2009 – CR contains mainly information on what Macedonia intends to do to improve ways of responding to youth offending and not what is being implemented. for example the RC states that Macedonia's is "aiming for the best possible well-being and protection of children through activities that prevent juvenile delinquency and uphold principles of legality, social inclusion and child development, the principle of preventive and educational measures limiting repression and the principle of responsibility of institutions for protection, care or assistance to children"..	3

		and develop their person and to facilitate training and preparation for life in society”.				
26. Moldova	16 / 14	Moldova’s CR indicates that “alternatives to imprisonment, replacing criminal liability, deprivation of liberty as a measure of last resort ” all are central in the system of justice. according to the CR “children under pre-trial detention, as well as those serving sentences of imprisonment are held separately in specialized areas of criminal investigation isolators and, respectively, in prisons”	No (-1)	Not available	2016 - One case of child torture was confirmed in the period 2009 -2014 (-1) . In Prison’s its educational, psychological and social assistance services implement “ psychological and correctional programs , and interventions to “develop socially useful skills and interpersonal communication skills, and vocational guidance programs ”.	2
27. Montenegro	14	According to its CR Montenegro’s system is based “on avoiding of detention and obligation of its substitution with other alternative measures , and avoiding of traditional criminal proceedings and the application of criminal sanctions, especially juvenile imprisonment”. In addition, it states that “activities in the professional services are	Yes and no - Only juvenile courts to hear most serious crimes (-1)	(not available)	2015 - (The CR is very aspirational and lacks precise information on the system). The reform of the juvenile justice is related to the creating the conditions for avoiding of traditional criminal proceedings against juveniles and criminal justice through the criminal sanctions which must be based on non-discrimination, respecting human rights, respecting the best interests of the juveniles	2

		performed by professionals of various specialized professions (social workers, psychologists, pedagogues, special education teachers etc.) that can provide expert opinions, information and other help in the treatment of juvenile offender”.				
28. The Netherlands (1995, 2001, 2005, 2014)	15	<p>‘Tackling youth crime’ programme focuses on five subjects: (1) Early intervention and prevention, (2) An approach tailored to the individual child, (3) Rapid disposal of criminal cases against children, with consistent and foreseeable action, (4) Aftercare, and (5) Reduction of recidivism rate following juvenile community service orders.</p> <p>According to the CR the aim of the system “is to create a better, cohesive set of diagnostic tools for the juvenile criminal justice system and to make effective behavioural change programmes available”.</p>	<p>Yes - special juvenile public prosecutors and children’s judges</p> <p>In serious cases involving 16 /17 year olds adult courts can be used (-1)</p>	<p>Modified justice model - Mix of alternative sanctions, diversion, community service orders, restorative practices and serious punishment for 16/17 year olds (serious cases) detention up to two years of transferral to criminal court, remand abolished, 2005 neoliberal tougher community sanctions 2014 lower aged of responsibility, extended juvenile justice to 23 year olds. Over half of the sanctions imposed on juveniles are alternative sanctions</p>	<p>2014 – According to the CR the system is “geared towards encouraging young offenders’ development, reforming their behaviour, rehabilitating them, and deterring them from pursuing a life of crime”. The aim is to keep young offenders “out of criminal proceedings as much as possible, and to seek other solutions while respecting the child’s human rights” Alternative sanctions under the HALT (diversion) system - young offenders are encouraged, more than in the past, to offer apologies and compensate for damage caused i.e. RJ and mediation. ProKid, a screening instrument pinpoints children under 12 who have been in trouble with the police for some reason or other. Also, the behavioural programme order (GBM), giving courts a sound instrument to include an</p>	11

		<p>The Offending Behaviour Programmes Accreditation Committee assesses all offending behaviour programmes to see whether they help, or may help, to reduce or prevent repeat offending.</p> <p>The principle that deprivation of liberty is the last resort is also expressed powerfully in the introduction of the behavioural programme order</p> <p>Mechanical restraints (handcuffs, helmets, straightjackets) are used only as a last resort, and then as briefly as possible.</p>			<p>emphatic concern for the child's care needs when dealing with transgressive behaviour.</p> <p>Confinement to a young offenders' institution or an institution for closed youth care is not possible within the framework of a GBM. Rather, the child takes part in a programme that may consist of behavioural interventions, addiction care, needs-assessed youth care, and juvenile psychiatric care. Also, the Netherlands also implements a Youth Aftercare Responsibility Framework.</p>	
29. Northern Ireland¹² (1995/6, 2001)		<p>According to its CR (UK), in Northern Ireland very few children are sentenced to custody. The vast majority of children who commit offences are dealt with in the community, mostly through use of restorative practices.</p>	yes	<p>Justice model by strengthening procedural safeguards and due process for youth offenders, diversion and community sanctions expanded, educational measures strengthened, 2001 – RJ model, conferencing introduced.</p>	<p>2015 - Northern Ireland's anti-social behaviour action plan focuses on intervention and diversionary activity. In <i>Northern Ireland</i>, education and vocational learning classes are compulsory and form a core part of the ethos and regime of the Juvenile Justice Centre.</p>	7

¹² Northern Ireland reports to the CRC via the overall Country Report submitted by the United Kingdom and Northern Ireland (2015).

30. Norway	15	According to its CR a mixed system is implemented. However, minors must be placed in a juvenile unit with a multi-disciplinary team addressing their needs and preparing for their release. Separate juvenile units for juvenile prisoners have been established in a trial project. The aim is to avoid minors either having to serve sentences or endure pre-trial detention together with adults or in isolation.	no	Welfare – modified justice model, with alternative sanctions, restorative justice, mediation, family and community-based measures (defenceforchildren.org). New criminal sanctions are to prevent children and young people from continuing to commit crimes. A multi-agency cooperation and the involvement of the young peoples' networks . A time-limited, personal, interdisciplinary plan is drawn up together with the young person that they are obliged to follow. Norway implements Multi-Systemic Therapy (MST) as a diversionary alternative to detention (McGinness and McDermott, 2010).	2016 - Sentencing – In Norway, one of the goals is to avoid imprisoning children. Other forms of sanction should be used to the extent possible. Two new non-custodial sanctions for offenders who were under 18 at the time of the offence were implemented from July 2014. These sanctions are based on the principles of restorative justice .	8
31. Poland (1982, 2000) mostly	15	Detention is use only as a last resort according to the CR. high levels of violence in juvenile detention facilities (more than in adult facilities) (Stando-Kawecka, 2015). (-1) No penalties provided for adults may be imposed on juveniles. decisions to impose	yes	Hybrid model of Justice and welfare model, which implements RJ, educational measures and punitive, 'just deserts' measures . Lower levels of protection of juveniles' procedural rights in proceedings than in other European countries (Stando-	2014 – CR mostly references polish law regarding juveniles (in reaction to previous CRC recommendations) and has little specific information on what is implemented and how.	6

		educational, medical and correctional measures must take into account the interests of the child concerned		Kawecka, 2015). In 2000, mediation and victim-offender reconciliation (RJ) introduced.		
32. Portugal (1999, 2001, 2007)	16	Programs aims to support and encourage them to find solutions (restoring or others), increasing their sense of responsibility, their engagement in the assumed commitments and their predisposition not to practice, in the future, acts qualified as crimes.	yes	Educational approach for 12 – 15 year olds, 16 to 21 fully criminally responsible with special mitigating regulations and alternatives have been introduced.	2012 - Little specific information on administration of youth justice and programmes in CR. For young offenders between 12 and 16, the Social Reintegration Services have an action plan aiming to create technical and logistical conditions that allow the resort to mediation (Mediation and Reparation Programme) .	4
33. Romania (1992, 1996, 2004)	14	According to the CR “children and youth serve their custodial sentences separate from adult convicts (-1) or in special detention facilities (juvenile detention centres), and during their time in prison they are included in special counselling and assistance programmes according to their age and personality”.	Yes – however, according to the report they are moving towards a separate court system for youth (-1) .	Educational measures but also harsher punishment implemented in Romania. In 1996, educational approach and community sanctions introduced . In 2004, procedural safeguards strengthened and moved to a stronger justice orientation. Also, more mediation interventions after 2011.	2016 – Mixed system - According to the CR minors must attend school classes held in juvenile detention facilities and may be signed up all through assistance, even when they are provisionally detained in adult prisons. The Romanian legislator states that repealing sentences for children and the execution – in most cases – of custodial sentences in specialized institutions and turning them into educational measures can lead to great results for the education and social reintegration of minors.	5
34. Russian Federation (1996, 1999)	14	According to the CR, a” juvenile offender who has committed a minor or moderately serious	The Russian Federation is studying the possibility of	Educational measures, diversion and community-based sanctions (e.g.	2012 - According to the CR, “criminal legislation makes provision for five forms of punishment for juveniles which	4

		<p>offence may be released from punishment by the court and placed in a special closed reform school operated by the Department of Education. Juveniles who have committed an offence serve their sentence in juvenile correctional facilities. Programmes available focus on aftercare primarily according to the CR.</p>	<p>introducing a juvenile justice system (-1)</p>	<p>community service). In 1999, procedural safeguards strengthened also diversion and mediation and reparation expanded. The most widespread sentence imposed on juvenile offenders is compulsory labour (community service) (-1).</p>	<p>do not entail deprivation of liberty: fines, loss of the right to engage in a particular activity, compulsory labour, correctional labour and restriction of liberty, and it also establishes the possibility of imposing a suspended sentence of deprivation of liberty with probation and deferral of the serving of sentence”.</p>	
<p>35. Scotland¹³ (1995, 2004, 2010)</p>	<p>12</p>	<p>In Scotland, custody is an option of last resort for young people under age 18. The Scottish Government’s “Whole System Approach” promotes the use of diversion from prosecution. The approach aims to put in place a streamlined and consistent planning, assessment and decision making process for young people involved in offending to ensure they receive the right help at the right time (Scottish Government, 2011). This approach aims to connect all systems and</p>	<p>Yes</p>	<p>The Scottish juvenile justice system adopts a welfare-based approach (with some justice elements) whereby young people who commit offences are dealt with through the same community-based system as children requiring care and protection. RJ, mediation and reparation are implemented. In 2004 ABSOs and parenting orders introduced. Longitudinal research with 4,300 young offenders found imprisoning juveniles was ineffective in reducing youth crime</p>	<p>2015 - According to the CR, in Scotland, the Government and local authorities have published a joint Framework for tackling antisocial behaviour, Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland. The Framework focuses on prevention and early and effective intervention. Antisocial Behaviour Orders for young people in Scotland remain a measure of last resort.</p>	<p>8</p>

¹³ Scotland reports to the CRC via the overall Country Report submitted by the United Kingdom and Northern Ireland (2015).

		agencies. According to the Scottish Government (2011: 1) it brings together “key policy frameworks into one holistic approach to deal with young people who offend”. In Scotland, under-16s within the secure estate receive support in a number of areas, including education . In <i>Scotland</i> , children under the age of 16 are not prosecuted in court unless under the explicit instruction of the Lord Advocate. The Children’s Hearing System remains the primary forum for responding to the needs of children involved in offending behaviour.		(McAra and McVie, 2007b).		
36. Serbia (2006)	14	There is little detail on the administration of youth justice in the CR.	yes	Education, minimum interventions, and proportionality, diversion and RJ emphasised.	2016 – The CR is aspirational and has little detail on the youth justice system. The Judicial Academy, ISP, Child Rights Centre, financially supported by UNICEF, are carrying out a project Towards Child-Friendly Justice in order to draw up recommendations for the improvement of precedent, and for decision-making in the child’s best interest and fully observing	4

					the right of the child to participate in civil and criminal lawsuits.	
37. Slovakia (2005)	14		yes	Modified Justice with some welfare orientation, community sanctions expanded – also for reoffenders and violent offenders increased sentences	Report is from 2 nd period of reporting submitted to the CRC in 2006 so therefore outside of the parameters for investigation for inclusion in this study.	
38. Slovenia (1995, 2004, 2008)	14	According to the CR, one juvenile prison is operating: where minors older than 16 years serve their sentences. Minors (14–16) can only receive educational measures e.g. reprimand; instructions and prohibitions imposed by the court; supervision of the social services authority; committal to an educational institution; committal to a juvenile correction institution; committal to an institution for physically or mentally handicapped youth. Minors (16–18) may receive in addition to the above measures a fine and juvenile prison; revoking of a driving license and banishment from the country can be imposed as accessory sentences (-1) .	Yes - detention must be separate from adults . Juvenile judges can order a minor to be placed into custody with an adult only by way of exception (-1) .	Diversion, mediation, reparation, and community service introduced. Also, procedural safeguards have been strengthened. In 2004-2008 neoliberal measures, 3 strikes legislation introduced.	2012 - According to the CR, measures in relation to institutions, as well as instructions and prohibitions, have a rehabilitative character. Courts can impose treatment in an appropriate medical organization, admittance of an educational, vocational, and psychological or another consultation programme of such kind, or participation at social training programmes .	6

<p>39. Spain (1992/5, 2000, 2006)</p>	<p>14</p>	<p>According to the CR, justice and rehabilitative measures implemented in Spain's system. With regard to measures taken for children's physical and psychological recovery and social reintegration, there is widespread concern among the various judicial and administrative authorities about the recovery of juvenile offenders. This is in keeping with the principle of re-education that characterizes juvenile criminal law in Spain.</p>	<p>Yes</p>	<p>Justice orientated, diversion, RJ (mediation and reparation), community service, also some harsher responses.</p>	<p>2008 (2017 report only in Spanish) The report is aspirational and not specific, it refers to regional legal developments rather than the system as a whole. Police attending training events that focus on dealing with young offenders. Training activities are organized for all professionals dealing with the juvenile justice system. The CR states "training is being conducted for professionals working in social conflict and with immigrant populations".</p> <p>In Spain, according to the CR, "criminal liability of minors, by comparison with that of adults, is chiefly a matter of educational intervention". The report notes "appropriate channels to ensure the best performance of that system, e.g. through the annual reports of the juvenile prosecutors, from which data can be drawn pointing to factors of success which are regularly associated with the more effective programmes of intervention with juvenile offenders, for example as to the effectiveness of the measures imposed, and cooperation with specialized institutions".</p>	<p>6</p>
<p>40. Sweden (1999, 2007)</p>	<p>15</p>	<p>Detention is a last resort - In 2011, a series</p>	<p>no</p>	<p>A welfare based approach (closed youth care</p>	<p>According to the CR, special penalties for young people and</p>	<p>10</p>

		<p>of changes were introduced designed to improve the enforcement of closed institutional youth care and increase opportunities for gradual release in controlled forms. This was accomplished using measures including the Action Plan that must now be developed for each offender. During the latter part of a sentence in order to be prepared for a life of freedom the young offender will be offered measures such as education, training, housing provision and leisure activities. Juvenile homes (they do not impose punishments) operated by States Institutional Administration rather than the prison system are used to detain (and provide treatment) juveniles sentenced to detention (Lappi-Seppala, 2015)</p>		<p>institutions instead of prison), based on diversion, and principle of proportionality (Persson, 2017). In 2007, special juvenile sanctions were introduced (youth care / youth service) to increased transparency and measure effectiveness.</p> <p>A youth care sanction obliges the social welfare board to intervene to promote the future social development and reintegration of young offenders (under 21s). Youth service sanctions – unpaid community work with attendance at a programme or education (Lappi-Seppala, 2015). The programme ‘Our Community’ takes an ‘overall view’ and a ‘broad policy approach’ to address crime. Our Community implements initiatives which include a variety of areas in society in combatting youth crime (McGinness and McDermott, 2010).</p>	<p>sanctions are characterised by the principles of proportionality, predictability and consistency, as well as being needs-adapted.</p>	
41. Switzerland (2007)	10	Detention is a last resort - According to the CR, where a minor has committed a punishable	Yes	Crime control model, with moderate educational and justice approach, community sanctions	2012 - In 2010 - According to the CR, juvenile criminal law in Switzerland focuses on the perpetrator rather than on the act;	11

	<p>act, a decision is made as to whether he or she needs particular educational or therapeutic care. Depending on the child's needs, he or she may be monitored, provided with personal assistance or outpatient treatment or placed in an institution. The authorities may refrain from instituting criminal proceedings or suspend them if an agreement is reached between the injured party and the juvenile perpetrator through mediation.</p> <p>Detention staff – at least three quarters of the persons responsible for educational activities must have completed recognized training in, for example, special education or social work. Detention is rare and is short-term (and is less than one month in 80% of cases where it is used) (Dunkel, 2015). Minors must be separated from adults during pre-trial detention. Juveniles and adults must be separated in prisons. However, the</p>		<p>(mediation and reparation) introduced, minimum intervention and proportionality emphasised, and detention is in welfare homes. Diversion programmes available but offenses are reported to judicial authorities (defenceforchildren.org).</p>	<p>its primary purpose is not punishment but reform and educate. Switzerland launched two nationwide five-year programmes: the first is aimed at more effective prevention of violence and the second at helping young people to acquire the skills necessary to make the most of the opportunities available to them and avoid the risks associated with electronic media. Also, evidence of cross-disciplinary working in CR. In Fribourg, for example, it has had a juvenile division chiefly responsible for juvenile crime cases and prevention. Solothurn has also established a police force for juveniles, responsible for both prevention and punishment. Initiatives also work to combat violence against young people, whether perpetrated by other young people or by adults.</p>	
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		Act grants the cantons a transitional period of 10 years in which to establish the necessary institutions.				
42. Tajikistan (2008)	14 / 16	According to the CR, Judges <u>may</u> take into account the social and family circumstances of a young offender when making decisions in court. Juveniles held in custody are held separately according to the CR.	Yes but no separate juvenile court system (-1)	Not available	2016 - According to the CR, some evidence of training for judges and other justice professionals and refurbishment of juvenile court facilities funded by UNICEF. Social workers and lawyers are said to work with juveniles in the months preceding their release in order to aid reintegration .	2
43. Turkey (1992, 2003/5)	12	According to the CR, some detention is mixed with adults (-1) . Children of the age group 15–18 bear criminal liability. However, their sentences are reduced. Children of the age group 12–18 are sheltered in child prisons and ‘houses of education’. In places where no child prisons exist, children are kept in child sections of regular prisons (-1) ; In ‘houses of education’ child convicts are trained with a view to helping them learn a profession and re-integrating them with the society .	Yes – separate detention awaiting trial – children of age group 15–18 are not anymore tried before the adult courts.	Some procedural safeguards for youth, in 2005 diversion expanded and community sanctions (reparation and community service) strengthened.	2011 – Penalties, which require obligatory short term suspension of freedoms can be executed in form of measures like labouring in works useful for the public order and training.	2

44. Turkmenistan	14 /16	<p>According to the CR, Juvenile offenders sentenced to imprisonment are confined at juvenile correctional facilities.</p> <p>Remedial measures applied to persons under 18 years of age are primarily focused on reinstating their social, political and civil rights (rehabilitation), returning them to society and reuniting them with their families (reintegration)</p>	In development	Not available	<p>According to the CR, “as part of measures to rehabilitate convicted juveniles and prepare them to lead independent lives, an integrated education and training scheme is implemented in order to instil them with “respect for law and order and a responsible attitude to work and study”.</p>	3
45. Ukraine (2001)	16	<p>According to the CR, detention or arrest as a repression measure may be applied to a minor only in exceptional cases, when warranted by the seriousness of the offences. In the case of minors convicted of an offence, the court may impose such basic types of punishment as a fine, community service, correctional work, detention or deprivation of liberty for a specified period. no evidence of separate detention for juveniles in CR (-1)</p>	<p>Yes – 2010 report states Ukraine in the process of setting up a juvenile justice system as recommended by CRC by 2016.</p>	<p>Educational sanctions and diversion, reparation, community service – educational schools for young offenders focus on social rehabilitation.</p>	<p>2010 – According to the CR, reform and new youth justice system will include strengthening of the role of the community in delinquency prevention, rehabilitation and social reintegration of minors sentenced to deprivation of liberty, having incurred other penalties, or released without punishment.</p>	4

<p>46. United Kingdom (England and Wales) (1998) (2013)</p>	<p>10</p>	<p>In England and Wales, according to the CR, the majority of offences committed by children between 10 and 14 are dealt with outside the courts. Having the age of criminal responsibility set at 10 allows frontline services to become involved at an early stage and enables robust measures to be put in place to prevent re-offending and enable children to develop a sense of personal responsibility for their actions. There is a distinct custodial estate for under-18s in <i>England</i> and <i>Wales</i> with young people always held separately to adults. All have access to education and training.</p>	<p>Yes – a vast majority of young offenders are dealt with in youth courts.</p>	<p>Neoliberal reforms introduced, closed welfare and justice institutions for 10-14, ABSOs, community sanctions, get tough approach, more custodial sanctions – also, however, multi-agency approach adopted, preventing offending strategy, evidence of expanded diversionary responses and restricted custodial sentences in recent years.</p>	<p>2015 – Report mostly speaks about antisocial behaviour. Reparation and restitution orders – acceptable behaviour contracts to be used to deal with youth ASB. In <i>Wales</i>, the Government has funded the Community Safety Volunteering Project to pilot a new and innovative approach, using adult volunteers with appropriate interpersonal skills to work directly with young people known to be involved with/or at risk of involvement in crime and anti-social behaviour. In <i>Wales</i> the Youth Justice Board has produced guidance for Youth Offending Teams (YOT) about the special educational needs of under-18s in custody.</p>	<p>10</p>
<p>47. Uzbekistan</p>		<p>According to the CR, juveniles (boys and girls) are detained in facilities with adults but are in separate parts (-1). Educational and vocational training is available to detained juveniles.</p>	<p>In development</p>	<p>Not available</p>	<p>According to the CR, social workers and other justice professionals are being trained to work with young offenders. The CR mostly includes what the development of a youth justice system is going to include.</p>	<p>1</p>

5 A Review of Youth Justice in the Americas

Separate youth justice systems and juvenile courts first originated in the United States of America (USA) in 1899 and spread to Europe, Latin America and elsewhere throughout the 20th Century (Winterdyk, 2015; Zimring and Langer, 2015: 401). According to some commentary, the USA has been and remains a major influence in the development of youth justice, particularly in terms of process (on the back of court decisions), research and evaluation, and new scientific knowledge concerning the development of the adolescent brain (Zimring and Langer, 2015; Loeber and Farrington, 2012).

Others observe that youth justice in the USA has transitioned from a rehabilitative, developmental system to one focused on retribution and 'getting tough' on youth crime and now more recently to one that is concerned "about how youth are treated in the legal system" (Benekos and Merlo, 2015: 387-8). Bernard and Kurluycheck (2010 cited in Benekos and Merlo, 2015: 388) suggest that youth justice policies in the USA have "undergone cycles from lenient treatment to harsh punishment" indicating that responses to youth crime are motivated by socio-economic and political forces. This they suggests limits the system's effectiveness as it "rarely considers" the underlying causes of youth crime but rather responds to prevailing pressures (Benekos and Merlo, 2015: 388). Indeed, some academics and youth justice advocates consider the USA as "a problematic case not to be followed" due to its retributive and punitive approach in juvenile justice over recent decades (Zimring and Langer, 2015: 401). In more recent times, however, while there are continuing concerns regarding how young people are treated in the US system, there also has been evidence of a shift towards "softening strategies and more compassionate principles" in youth justice (Benekos and Merlo, 2015: 388).

Overall, youth justice in the United States is complex and systems vary considerably from state to state (McGinness and McDermott, 2010). According to Benekos and Merlo (2015: 370), each of the 50 US states "are guided by policies and philosophies that reflect state and regional differences while also maintaining some continuity with established national guidelines and judicial opinions and mandates". Two states, Pennsylvania and Washington, were selected for inclusion in the selection process as they were judged as implementing potentially effective responses to youth offending and which may be compatible with the objectives and goals of Ireland's youth justice system. These states were reviewed – via the United States Office for Juvenile Justice and Delinquency Prevention (OJJDP) Juvenile Offenders and Victims: National Report (2014) and Statistical Briefing Book (2012), as well as other relevant literature. Box One briefly describes the rationale underpinning Pennsylvania and Washington inclusion in the selection process.

Canada has largely jettisoned its former punitive youth justice system in favour of increasing the number of initiatives and responses that provide alternatives to detention in all but the most serious crimes (Winterdyk and Miller, 2015). Since reform legislation was enacted in 2003, the Canadian system has "attempted to strike a better balance between accountability and providing young offenders alternative

options that facilitate reintegration, rehabilitation and resocialisation” (Winterdyk and Miller, 2015: 132). However, Canadian youth justice varies from state to state. For example, Quebec largely implements a welfare model in youth justice, whereas western provinces tend to favour a justice approach (Winterdyk, 2015).

Over the last 25 years, South and Central American countries have reformed their youth justice systems primarily based on the recommendations of the UNCRC (Beloff and Langer, 2015). Reforms have included greater due process protections for young offenders and detention as a last resort. However, there has been little evaluation of impacts of reforms in youth justice in Latin America largely because of the lack of good and reliable data pertaining to the operation of youth justice both before and after reforms were implemented (Beloff and Langer, 2015).

Box One: Youth Justice in the Pennsylvania and Washington

Pennsylvania and Washington describe their juvenile court systems as being “balanced and restorative justice” based (OJJDP, 2012). According to the United States Office for Juvenile Justice and Delinquency Prevention (OJJDP), juvenile courts in these states “give balanced attention to three primary interests: public safety, individual accountability to victims and the community, and the development in offenders of those skills necessary to live law-abiding and productive lives” (www.ojjdp.gov).

Pennsylvania and Washington are included in the MacArthur Foundation’s “Models for Change” initiative (McGinness and McDermott 2010: 9). According to McGinness and McDermott (2010), primarily this is because both states have a record of sustained and progressive leadership and commitment to reform in youth justice and that these systems have in the past and are likely to influence change and innovation in other youth justice systems over the coming years. Pennsylvania, for example, is described in the “Models for Change” initiative report as a “bellwether state in juvenile justice”, and for implementing changes leading to more effective youth justice policies and systems reforms at a local level (Ziedenberg, 2006: 10). A number of national organisations collaborating in the Models for Change initiative describe Pennsylvania’s system as exhibiting the ‘keystones for reform’:

“In Pennsylvania strong leadership, strong partnerships among Pennsylvania’s stakeholders, and considerable consensus about the strengths and weaknesses of the state’s juvenile justice system have created a positive political climate where good public policy can flourish” (quoted in Ziedenberg, 2006: 10)

Washington State has a long history of utilising research evidence to improve effectiveness in youth justice policies and programmes and is a leader in best practice standards in relation to youth justice (Ziedenberg, 2006). For example, the Washington State Institute for Public Policy (WSIPP) is mandated to conduct impartial research and evaluation (including cost-benefit analysis) of the outcomes of the State’s youth justice policies and programmes (Ziedenberg, 2006). Consequently, Washington has adopted an effective evidence-informed approach to youth justice (McGinness and McDermott, 2010), and has, as Ziedenberg (2006: 28) argues, “a good sense” of what works and is effective (and what’s not) in reducing youth crime and reoffending. Washington is a leading exponent of the use state-wide risk assessment and evidence-based practices (e.g. Family Functional Therapy and Aggression Replacement Training).

Table Five: Youth Justice in North and South America

1	2	3	4	5	6	7
Country and date of important reform legislation	Age of criminal resp	Detention (CR and literature findings)	Separate system and youth courts	Research literature findings - information relating to welfare and justice policies and responses	Country Reports - information relating to welfare and justice policies and responses	Total rating
1. Argentina	16	<p>A child older than 16 but younger than 18 can only be held criminally responsible where the offence is punishable by deprivation of liberty for more than two years.</p> <p>According to the CR, the use of deprivation of liberty as a last resort and for the shortest time possible. Promotion of the implementation of measures involving deprivation of liberty in special detention centres for adolescents. Argentina aims to create and/or strengthen of programmes involving alternatives to detention.</p> <p>Institutions are regularly visited by different external actors, representing the judiciary, the Public Defence Service and civil society organizations.</p>	Mixed – The CR does not specify	<p>Justice model, Recent reforms in 2005. There is little evidence of research completed in relation to youth justice.</p> <p>Some alternatives to detention available including community sanctions, diversion restorative justice (defenceforchildren.org). Rehabilitation and responsible citizenship emphasised.</p>	<p>2009 (2016 report in Spanish) – The CR is mostly aspirational and speaks of ongoing reform of the system.</p> <p>Argentina has a range of alternative measures to confinement. In particular, it has increased the number of places available in Rehabilitation and Community Integration Residences, which are open institutions that focus on rehabilitation and responsible citizenship. In the CR it states “it has been decided that socio-educational goals should serve as the guiding principle of public policy aimed at preventing and repressing juvenile crime”.</p>	4

<p>2. Bolivia</p>	<p>12</p>	<p>Maximum confinement of three years for 12 and 13 year olds and five years for 14 and 15 year olds</p> <p>CR attempts to respond to critical CRC observations in relation to juvenile justice including very poor living conditions of juveniles detained in police stations or other institutions (-1) and because thousands of persons below the age of 18 are detained with adults (-1) among others. In general, the report concludes that prison centres do not carry out activities aimed at restoring family and social ties of adolescents under sentence.</p>	<p>yes</p>	<p>Not available</p>	<p>Bolivia has not yet implemented effective socio-educational measures aimed at adolescents in conflict with the law (-1). Detention remains the sentence most often used in cases of offenses or crimes committed by adolescent. Inmates of both sexes aged 16 to 21 who are held in prisons in Bolivia do not receive specialized treatment with a socio-educational approach.</p>	<p>-2</p>
<p>3. Brazil (2012)</p>	<p>12</p>	<p>According to the CR, 12 – 17 years can be sent to detention centres. Maximum confinement period of three years. In 2006, pilot projects of restorative justice in two states and the Federal District</p> <p>Centers of Integrated Assistance (NAI) are also being created, with an impact on the national level, despite small numbers.</p>	<p>yes</p>	<p>Modified welfare – justice model. Despite efforts to reform in line with international guidelines there are still abuses of due process and institutional violence in relation to youth offenders (-1). Also, inadequate and excessive use of detention, overcrowding, and poorly managed socio educational programmes (-1). Although not regulated by Law, restorative justice pilot projects have been implemented in Brazil with the support of the Ministry of</p>	<p>2014 – (CR has very little information of youth justice programmes in such a large country). Sinase (body governing youth justice) proposes adolescents in conflict with the law should have the opportunity to reevaluate the causes of their offense and its consequences to themselves and to society. In addition to proper accountability, it aims to ensure respect for their basic rights to health, education, social assistance, professional training, culture, entertainment and sports.</p>	<p>2</p>

				Justice and UNDP (defenceforchildren.org).		
4. Canada	12	<p>According to the CR, the system focuses on diversion, reintegration, and self-development rehabilitation.</p> <p>The Youth Criminal Justice Act requires that a young person found guilty of the most serious violent offences receive an adult sentence unless the youth applies to the youth justice court and satisfies the court that a youth sentence would be sufficient to hold him or her accountable.</p> <p>The National Anti-Drug Strategy, support is provided for extra-judicial diversion and treatment programs for youth offenders with drug-related problems at various stages of the criminal justice system, including rehabilitation and reintegration</p> <p>Alternative measures are available to police in an effort to keep children who commit non-violent minor offences away from the courts and correctional facilities</p> <p>The Young Offender Project (2007), a collaborative undertaking by the Government of Alberta, focuses on the mental health</p>	yes	<p>Modified justice model (some provinces favour a more justice / crime control oriented model) (-1), which aims to balance the needs of young offenders with a degree of accountability. Has evolved from a punitive system to providing more welfare-based alternatives to detention. Includes rehabilitation, reintegration, and resocialisation measures with provisions to transfer young offenders to adult court.</p> <p>According to McGinness and Mc Dermott (2010: 4) Canada is “a good example of effective practice in juvenile justice”. The Canadian system has reduced the number of youth in custody with the view that community-based programs are more effective than imprisoning young offenders (Winterdyk and Miller, 2015; McGinness and Mc Dermott, 2010).</p>	<p>2012 – (The CR includes individual description from each state rather than an overall view). Variations across states in the use of risk assessment, effective case management, reintegration and community-based programming, diversion, restorative justice, alternative measures and the use of detention.</p> <p>e.g. Programmes include:</p> <p>Pre-Trial Services Program has been developed to reduce the number of youth in detention and the amount of time a youth is detained in custody pending trial and to partner with a continuum of community-based services in supporting youth and their families. This program incorporates a number of best practices for youth in conflict with the law. It has three main components: verification, supervision, and programs/community linkages in working with youth and their families. The “Our Kids Are Worth It” strategy has a crime prevention focus and concentrates on the needs of children and youth, containing a mix of both immediate and longer-term priorities - Build a strong foundation, Identify problems, help early, Co-ordinate</p>	11

		of youth, with the purpose of developing assessment and treatment services, enhancing program planning, implementation and evaluation across the partners. Aims for the effective use of resources by working together, sharing of information and common frameworks.			programs services, Improve access, close gaps; Engage youth, and promote shared accountability. The Youth Restorative Action Project (YRAP) is involved in cases where young persons have committed offences involving social issues such as racism, homelessness, poverty or drug and alcohol abuse. Unlike other Youth Justice Committees, YRAP is made up of young people supported by adult advisors. YRAP receives referrals from judges and other youth justice professionals.
5. Chile	14	<p>No formal legislation but if found guilty of an offence 16 – 18 year olds can be imprisoned</p> <p>Custodial sentences are used either as a precautionary measure or as a sanction, in other words as a last resort. Penalties are based on a rehabilitative approach, e.g. imprisonment with a social reintegration programme, imprisonment in a semi-open institution with a social reintegration programme, special probation, and community service, reparation of harm, fine and reprimand. Drug Treatment Courts Programme (TTD-RPA) allows adolescent suspects to opt for</p>	Yes (established separate system in 2007, however no youth courts) (-1)	<p>Modified welfare-justice model - The pillars of this system are accountability and social reintegration of young offenders.</p> <p>Chilean reform in youth justice has improved due process protections for youth offenders and by reducing the percentage of young offenders in pre-trial detention, but since reforms came into effect in 2007, the levels of youth confinement has increased generally (Beloff and Langer, 2015).</p>	<p>2014 - This system is based on full recognition of the criminal capacity and of the procedural rights of juvenile offenders and, at the same time, on the particular circumstances of the individual since it concerns young people in development.</p> <p>Reforms are underway but are yet to be implemented in all providences e.g. not all parts of the country have juvenile criminal defenders and none have youth courts.</p> <p>Eleven Measure Plan for Youth Rehabilitation seeks to hold juveniles accountable for crimes, but also ensure that individuals will not resort to a life of crime but rather build a new life plan based</p>

		rehabilitation treatment for substance abuse problems. Treatment is a precondition for a conditional stay of proceedings, thereby avoiding a possible sentence. Its main objective is to reduce recidivism, reduce drug use, and promote social integration of adolescent.			on the full development of their potential and opportunities. Ongoing training is being provided to justice related practitioners.	
6. Colombia (2009)	14	Rehabilitation measures include confinement and can be no longer than 3 years. According to the report offenders below the age of 14 years do not come under the criminal justice system but undergo administrative procedures for the restoration of rights . Offenders from 14 – 16 can only receive custodial sentences if they have committed very serious crimes (homicide, rape, kidnapping, extortion) and then they may be committed to specialised care centres. No information in relation to separation of juvenile and adults in detention (-1).	Yes	Modified justice model –	2013 – Colombia implements a “special system for the prosecution and care” of children 14 – 18 who come into conflict with the law. Colombia adheres to international YJ standards and “work is currently being carried out to ensure that all measures imposed have an educational and rehabilitative function” according to the report. In 2009, a reform statement set its aim for strengthening the system as being “to align and adapt institutional services of a specialized, educational and differentiated nature”. Little information concerning youth justice programmatic responses or services, however, educational measures undertaken with young persons in detention.	4
7. Costa Rica (1996)	12	Detention only used in “exceptional circumstances” and must be proportional. Maximum confinement of 10 years for 12 -15 year olds, 15	Yes	Not available	2010 - According to the report, Costa Rica implements a model of accountability for offences committed by minors and an essential and minimal approach to	4

		years for 15 -18 year olds. Some evidence of separate detention facilities but also juveniles detained separately in adult prisons			criminal law. Modified-justice model- evidence of socio-educational / training programmes at special centres, restorative justice , supervision, community service and sanctions . Report concludes the absence of a programme to provide systematic training for staff is a major problem (-1) but there is some evidence of staff training e.g. to work with young people who are addicted to drugs and with sex offenders.	
8. Cuba	16	Under- 16 are not judged by the courts of justice but dealt with by the Councils for Minors, multidisciplinary teams made up of jurists, psychologists and educators who decide collectively on the educational measures to adopt after considering the specialist reports. Detention is used only as a last resort - the aim is to keep juveniles in their social and family environment in order to implement the intervention strategy decided upon	Yes	Progressive welfare-based model incorporation multi-disciplinary education and development / training (in trades) based responses to youth offending and involvement in antisocial behaviours.	2010 - The juvenile justice system, which is legally grounded and complements the education and internal security systems (-1) , has teams of educators, psychologists, psychiatrists, social workers and other specialists who work with the parents or other legal representatives to secure the best interests of the children concerned. Underage offenders with behavioural disorders or antisocial tendencies are dealt with by a system based on a comprehensive pedagogical approach with a scientifically grounded procedure that is coordinated, consistent and unitary, and legal improvements are progressively being made.	6
9. Dominican Republic	12	Maximum confinement of 10 years for 13 -15 year olds, 5 years for 16 -18 year olds. According to the report,	Yes	Not available	2013 – In the report there is evidence of specialised interventions and interagency work with young offenders, and training	6

		Pretrial detention is conducted in specialized centers, where adolescents are separated from those convicted of crimes. The Dominican Republic has four comprehensive Care Facilities for adolescents where the report indicates social and educational measures are implemented.			for youth justice practitioners. e.g. multidisciplinary teams play an integral part in the work of the specialized courts and are involved in the social reintegration of children and adolescents at social risk who have been placed under a protection measure. Since 2008, literacy and educational booster courses have been included in the framework of alternative sanctions for young offenders.	
10. Ecuador	12	Maximum confinement of 4 years. According to the report there are 11 internment camps for juvenile offenders in Ecuador. In these camps inmates are provided with “a comprehensive socio-educational care model” includes health, education and employment training.	Yes	Not available	2016 – Overall, report contains little information concerning the administration of your justice. The report shows evidence of training for youth justice practitioners in what is referred to as “a specialised system”	4
11. El Salvador	12	Maximum confinement of 5 years for 13 -15 year olds, 7 years for 16 and older. For less serious crimes, alternative sanctions (to detention) include mediation and referral to community programmes. No clear information on whether detained young offenders are held separately from adults (-1) . The CR includes information on El Salvador’s efforts to implement programmes in conjunction with NGOs aiming	Yes - specialized juvenile courts and judges for offenders over 12 and under 18	Not available	2009 – According to the report there are 4 rehabilitation centres staff by trained practitioners in El Salvador. Detained juveniles take part in programmes of reintegration, teaching or vocational training and also programmes of formal education, recreation, culture, health and vocational training. The Youth Secretariat’s <i>Mano Extendida</i> (Outstretched Hand) project for adolescent gang members aims to rehabilitate young people by educating them and integrating	5

		to address gang membership and violence among youth.			them into society and the employment market , isolating them from antisocial behaviour and high-risk environments.	
12. Guatemala	12	Maximum confinement of 2 years for 13 -15 year olds, 6 years for 15 -18 year olds. Reform of the justice system introduced a number of new penalties that may be imposed including socio-educational sanctions, confinement to the home, and Detention in a specialized sentence enforcement centre (as a last resort only).	Yes – first regional juvenile courts est. 1998 (7 courts now in operation in Guatemala)	Not available	2008 – According to the report the focus of the new reforms is “to promote, implement and apply public policies on the assumption that the best way to combat juvenile delinquency is through prevention by means of social and educational policies ”. Cultural development and social reintegration include human and professional development, environmental education, dental health (for girls), baking and gardening workshops	4
13. Guyana (2006, 2010)	10	The report confirms that recent reforms (2006) dictate that juveniles must be held when in detention separately from adults and the administration of juvenile justice should emphasise rehabilitation and reintegration of young offenders. First offenders (16 years of age and above) are held in a separate prison from the rest of the prison population according to the report.	Yes	Not available	2012 - There is one detention / rehabilitation centre in Guyana. According to the report it provides “guidance, services and the necessary support to children in conflict with the law for them to be fully reintegrated into their communities”. In 2010, legislation was introduced that urges proportionality in how young people in conflict with the law are dealt with, responses should promote rehabilitation and reintegration into society , and where appropriate use diversionary responses.	4
14. Haiti	13	Children are detained in adult prisons (-1) . Moves to open juvenile detention facility (no	Yes – but only juvenile	Not available	2015 - There are no physical and psychological therapy and social	0

		date yet). Juvenile court in capital badly damaged in the 2010 earthquake.	courts in two cities		reintegration services in Haiti's Haitian child protection system.	
15. Honduras	12	Maximum of 8 years confinement. Young offenders often are detained with adults. There are only 4 youth detention facilities in Honduras. According to the report, new legislation is due to be passed that will facilitate the introduction of regional children's advocates offices, programmes and specialized services for the care, rehabilitation and social reintegration of child and adolescent offenders, prioritizing non-custodial measures and restorative justice.	Yes	The Honduran report mostly responds to recommendation from the CRC regarding serious non-compliances with the Convention, particularly in relation to prison conditions and safety of juveniles. The report mostly speaks about the country's aspirations to change its system (e.g. what it will do as opposed to what is done presently) and includes little practical information concerning the administration of youth justice.	2014 – According to the Report, most court decisions involving minors are made with a punishment rationale focusing on deprivation of liberty, without considering alternative measures such as probation, community service and others that have proven to be more appropriate (-1) . (Honduras's significant gang problem must be considered in considering its youth justice system). The document does report that the state should give priority to prevention, always encouraging rehabilitation and social reintegration .	0
16. Jamaica (2001)	7-14	According to the report, some children (80) sentenced for serious offences are confined in adult prisons due to 'a lack of physical space' in juvenile facilities (-1) .	Yes – has children's and Family courts	Corporatist model	2013 - There is evidence that a number of educational and behavioural and sport programmes are implemented in Jamaica's juvenile correction centres	2
17. Mexico	12	Confinement rates vary across provinces.	Yes	Not available	2014 - Little specific detail on youth justice.	1
18. Nicaragua	13	Maximum of 6 years confinement. According to the report, "Juveniles found to be criminally responsible shall be subject to educational measures, guidance and supervision and only in the	Yes (under reform)	Welfare-justice model with socio-educational / training responses.	2010 - Staff in the national prison system has been trained in the rights of children and adolescents. Nicaragua is in the process of reforming its criminal justice system to include youth justice system that is "a non-inquisitorial	3

		last instance to deprivation of liberty". Juveniles are detained mostly in adult prisons (-1)			accusatory system aimed at the social reintegration of young people".	
19. Panama	14	Detention as a last resort. Maximum of 5 years confinement. Juvenile courts may impose socio-educational sentences, guidance and supervision orders and custodial sentences and sanctions against adolescents. Juvenile detention facility currently being built, at present juveniles may be detained in adult prisons (-1).	yes	Welfare-justice model with family support, pro-social and educational development, restorative justice.	2017 – Panama provides for children 12 to 14 years re-education programmes that develop of training in technical skills, provide recreational activities, and full academic training. Training activities for all professionals working in the juvenile justice system are carried out on an ongoing basis.	5
20. Paraguay	14	Maximum of 8 years confinement. Detention is only used as a last resort . Detention centres for juveniles are based on a "socio-communitarian model".	Yes	Not available	2009 - Socio-educational measures are applied in preference to detention	3
21. Peru	12	Maximum of 6 years confinement	Yes	The system includes various responses to youth justice including diversion, restorative justice, community service, cautioning, supervision, detention, social and educational measures, reintegration measures and therapy appropriate to the offense / offender.	2015 – There is a youth justice system, juvenile courts, justice officials, and special family justice system. The system is described as using a rights-based approach and focuses on reintegration programmes.	4

22. Trinidad and Tobago	Not defined			Not available	No CR submitted to the CRC within the specified study time parameters.	
23. United States	7 – 15+ varies	<p>Young offenders can be subject to “socio-educative measures”, including deprivation of liberty, for criminal offences from the age of 14 - upper limit can range up to 20 in some states, for most its 17; includes provisions to transfer young offenders to adult courts</p> <p>Several US states detain juveniles in adult prisons. Solitary confinement can be used on juveniles in adult prisons (-1).</p>	yes	<p>Crime control model / with modified justice elements (legalistic model with elements of a welfare model); rehabilitation has been reaffirmed with the re-emergence “rehabilitative ideal and a transition to a more prevention-based and early intervention model” according to some research (Benekos and Merlo, 2015: 390) e.g. a significant development is the advance of scientific research and evidence-based practice (EBP) in responding to youth crime the USA e.g. the ‘what works’ paradigm. Major EBP programmes with youth include multi-dimensional foster care, functional family therapy, and multi-systemic therapy. (However, the percentage of potential young offenders participating of EBP programmes is estimated to be low (as low as 5% in some research e.g. Hennigan et al., 2007).</p>	<p>USA’s juvenile justice system is complex in that it varies greatly from state to state. Research has identified Pennsylvania and Washington as states with progressive systems. For example, Pennsylvania incorporates strong partnerships across government and community in promoting better integration between the mental health and youth justice systems, improving aftercare services and reducing disproportionate minority contact with the system. Strong emphasis is placed on evidence-based practices and treatments and financial incentives are provided to counties to keep young offenders in the community rather than in custody. Washington applies rigorous program evaluation and cost-benefit analysis techniques to juvenile justice policy-making and has a comprehensive range of evidence-based programs in operation. The state has made significant progress in combating disproportionate minority contact and integrating juvenile justice programs with child welfare and mental health services.</p>	9
24. Uruguay	12	No one under the age of 18 can be held criminally	yes	The youth justice system needs reform as “the lack of	2013 – Little specific detail on youth justice. Uruguay has given	3

		responsible under the definition adopted by Uruguayan legislation, though children can be subjected to socio-educative measures from the age of 13. Maximum of 5 years confinement		human, material and budgetary resources, organizational management problems and the lack of a clear and consolidated bureaucratic and hierarchical structure, all of which result in serious levels of inefficiency” (Uruguay Country Report, 2013). The creation of the Adolescent Criminal Responsibility System (SIRPA) to implement reforms in youth justice was approved in 2011.	commitments to overhaul its youth justice system - “The socio-educational approach to the accountability of adolescents in conflict with the law will be expanded, from a rights-based perspective”. More child-friendly detention facilities and more specialised juvenile courts are envisioned.	
25. Venezuela	12	Maximum confinement of 2 years for 12 -13 year olds, 4 years for 14 and older		Not available	2013 – No section on juvenile justice in the Country Report	0

6 A Review of Youth Justice in Asia and the Pacific Region

In recent years, the issue of children in conflict with the law has become an increasing concern for countries in Asia, and significant reform legislation has been enacted in most countries in the region. Since the early 1990s, the People's Republic of China (PRC) has, for example, "a national mandate for juveniles courts" and has enacted legislation (1991) that places the "healthy development and welfare" of youth offenders alongside the social control of crime as a priority in responses to youth crime (Gao, 2015: 127, 136; Zhao et al., 2015). However, this new era of reform and improvement in youth justice is hindered, according to Zhao et al. (2015), by shortages of suitably qualified and trained practitioners, and heavy caseloads. In addition, Goa (2015) suggests, data on youth crime is lacking, and particularly regarding sentencing in criminal proceedings that involve juveniles. Therefore, he argues, it is unclear to what extent responses to youth crime in the PRC are oriented towards the welfare of young offenders or are likely, as he contends, to emphasise punitive sanctions with penal outcomes (Gao, 2015).

India also has introduced reform legislation, the Juvenile Justice Act (2000), which has as its "ultimate aim" the rehabilitation of young offenders and their reintegration into society (Kumari, 2015: 162). The Act emphasises welfare and protection approaches in addition to justice responses in addressing youth crime (Kumari, 2015). However, similar to the PRC, there is, according to Kumari (2015: 186), a need for "accurate and substantive data" for adequate and effective implementation of youth justice laws and for future policy and planning. Japan, in contrast, has moved to strengthen crime control responses to youth crime (Minoru, 2015). Wide public revulsion at several high profile serious crimes committed by minors and an increasing concern for the victims of crime has influenced the introduction of tougher measures to make young offenders more accountable for their behaviour (Minoru, 2015). The revised Juvenile Law of 2000 (revised again in 2007 and 2008), for example, has mandated greater powers to police to investigate crimes by minors and toughened probationary policies in a system that traditionally has favoured welfare-based responses to youth crime (Minoru, 2015; Chung, 2015).

Overall, however, diversionary interventions facilitating the development and welfare of young offenders increasingly are implemented across the Asia-pacific region. According to the International Council for Juvenile Justice, new programs are often inspired by the initiatives first implemented in New Zealand and Australia (www.icjj.org).¹⁴ In Australia, for example, youth justice systems incorporate elements of both justice and welfare models. The eight youth justice systems in Australia have shifted from a 'welfare' based approach to a 'justice approach', and more recently have adopted restorative approaches (O'Connell and O'Connell, 2015). O'Connell and O'Connell, (2015) cite Australian research (Richards et al., 2011 and Little and Allard, 2011) that identifies effective responses to youth crime as including those that incorporate community-based and family support responses, and interagency /

¹⁴ The International Council for Juvenile Justice brings together representatives of competent public administrations in juvenile justice, universities or academic centres and NGOs with expertise in legislation, implementation, supervision, research or intervention in the field of juvenile justice.

multi-disciplinary and inter-departmental approaches. Australian literature also highlights the need for better trained practitioners, more and better quality research and data in relation to youth justice systems and programmes (O'Connell and O'Connell, 2015).

Table Six: Youth Justice in Asia and Oceania

1	2	3	4	5	6	7
Country and date of important reform legislation	Age of criminal resp	Detention (CR and literature findings)	Separate system and youth courts	Research literature findings - information relating to welfare and justice policies and responses	Country Reports - information relating to welfare and justice policies and responses	Total rating
1. Afghanistan	12			Not available	Report is from 1 st period of reporting (due in 1996) submitted to the CRC in 2010 so therefore outside of the parameters for investigation for inclusion in this study.	-
2. Australia	10	<p>A child aged 10 to 14 is presumed incapable of committing an offense (although this a “rebuttable presumption”)</p> <p>17 year-olds charged with offences committed before they turned 17 will continue to be managed through the juvenile justice system. Seventeen year olds in adult prisons (-1) have access to specialised programs tailored to meet a range of needs including educational, vocational, substance abuse treatment, anger management, life skills such as budgeting and applying for jobs, as well as</p>	Yes (varies across states)	The eight youth justice systems in Australia have shifted from a ‘welfare’ based approach to a ‘justice approach’, and more recently have adopted restorative approaches . The system utilises diversion, family conferencing , and has an overrepresentation of minorities in system (-1) . The national average rate for detention is 31 per 100,000, however rates vary considerable across systems (e.g. 9 percent in Victoria to 38 percent in New South Wales to 99 percent in the Northern Territory reflecting differing policy and practice methods).	2011 – Australia’s 8 systems vary on youth justice. In NSW there is a separate juvenile justice system where detained young people are held separately from adults up to the age of 18, with provision for them to remain in the juvenile system until the age of 21. In Victoria, the notion of “best interests” of the child underpins all activities relating to children, including detention. This is supported in the Youth Justice system by policies and programs based on the principles of diversion and minimal progression into the custodial system .	8

		<p>programs to address specific offending behaviour</p> <p>NSW - The custodial facilities in detention centres built after 2005 have been designed to facilitate easy access to programs within the centres, while ensuring privacy for individual detainees. The Australian Institute of Health and Welfare (AIHW) collects annual statistics on child protection in Australia. The AIHW has worked with the Australasian Juvenile Justice Administrators to develop nationally consistent data on juvenile justice supervision in the form of the Juvenile Justice national minimum data set.</p>				
3. Bangladesh	9	<p>Juvenile courts exist in each district of Bangladesh. The report indicates that the country is striving to end detaining children in adult prisons. However, 53 (of whom 5 were girls) were held in adult facilities at the time of submission of the report to the CRC (-1).</p>	Yes	<p>Only 23 of the 64 districts in Bangladesh are currently staffed by probation officers and overburdened social workers from the same Ministry are often called upon to act as probation officers (http://www.icjj.org) (-1).</p>	<p>2014 – There is little information concerning the administration of youth justice in the report. However a new framework has been proposed which will implement international standards in youth justice, including diversion and other alternatives to prevent and/or reduce deprivation of liberty of children coming in conflict with the law. Evidence in report of youth justice practitioner training.</p>	1

4. Bhutan	12			Not available	2016 – Very little information regarding the administration of youth justice in the Country Report. Instead, there is some indication of what Bhutan may do in this regard in the future.	-
5. Cambodia	None			Not available	Report is from 2 nd period of reporting submitted to the CRC in 2010 so therefore outside of the parameters for investigation for inclusion in this study	-
6. China (1991) (2006)	14-16	<p>Children partially responsible until 18. Has juvenile court system. Despite youth courts being more focused on rehabilitation, many youth are imprisoned. Between 2002 and 2008, people's courts sentenced a total of 520,000 juvenile offenders, of whom over 170,000 were sentenced to punishments other than deprivation of liberty, constituting around 32 per cent.</p> <p>Re-education through labour is a form of mandatory measure for education and rectification that is administered to persons who have repeatedly violated public security rules or who have committed minor offences. In order to ensure</p>	<p>mixed-some elements but with crossover with adult criminal system (-1)</p>	<p>Crime control model with educational / welfare elements (hybrid with prevention and sanctions, and restorative justice and some (but rare) community-based programmes) (Hong Kong - corporatist model) (Zhao et al., 2015). Criminal Procedure Code 2012 stipulates that it will implement educational, reformative, and redemptive guiding principles for juvenile offenders and uphold the principle of education first, punishment second. Also, policy of “dual protection” emphasising the protection of youth and the protection of society (Gao, 2015). Reform of juvenile justice largely has been at local level.</p>	<p>2012 - Courts, procuratorates, and public security and judicial organs at all levels, guided by their respective functions, conscientiously implement policies of education, reform and rescue in respect of minors. In cases of juvenile crime, the procuratorial organs not only investigate the facts of the crime, but also take care to listen to the views of the juvenile criminal suspect's family and school, the local neighbourhood police, his community or residents' committee and village committee.</p> <p>Juvenile reformatories arrange classroom education and vocational skills training for juveniles, and hold a wide variety of cultural activities</p>	5

		that deprivation of a juvenile's liberty is only used as a last resort, China has promoted pilot work in community-based correction of juveniles - Pilot Work for Community-based Correction.			and tutorial-based educational activities , so enhancing their ability to adapt to society	
7. Fiji	10				The Country Report is from 1 st period of reporting (due in 1995) submitted to the CRC in 1996 so therefore outside of the parameters for investigation for inclusion in this study.	
8. India (1986) (2000)	12	Young offenders may be committed to a 'special home' is convicted of an offense. The ultimate aim under the Juvenile Justice Act 2000 is the rehabilitation and reintegration into society of young offenders , specifically focusing on adoption, foster care, sponsorship, and aftercare measures (Kumari, 2015: 162). India mandates the segregation of children in conflict with law from those in need of care and protection by providing for observation homes and special homes for young offenders and children's homes for children in need of	yes	A welfare-justice model - The Juvenile Justice Act 2000 covers the wider field of prevention of youth offending by incorporating (in theory) welfare and protection approaches in addition to justice responses in addressing youth crime (Kumari, 2015). What is needed is implementation not reform of the law, according to Kumari (2015), if India is to achieve the objectives of the JJA 2000 of reformation, reintegration, and rehabilitation of young offenders. There also is a need for accurate and substantive data for adequate and effective implementation of youth justice laws and for future policy and planning (-1) (Kumari, 2015).	2011 – 3 rd and 4 rd report to CRC states a process is underway to establishing greater inter-agency (government departments, social workers, voluntary organisations, child welfare professionals) coordination in implementing and monitoring of the juvenile justice system. In responding to India's juvenile justice system in 2014, the CRC urged it to bring its system fully into line with the Convention and to ensure that detention is used as a last resort. India provides technical support in capacity-building on issues of child rights and child protection to those working in	4

		care and protection. A review of observation homes in 2007, found that overcrowding, sub-standard food, poor sanitation, absence of water, lack of productive activity and lack of segregation between young offenders and those in need of care and protection were common problems (-1) . 57% of children in institutions were subjected to physical abuse by staff members (-1) .			the system. Department officials, magistrates and judges, police, social welfare officers, institutional staff and NGOs, receive training on issues of juvenile justice and child protection	
9. Indonesia	8	According to the report, Indonesia supports educating young offenders towards their mental and physical recovery, and reintegration into society (CRC Report). However, a lack of facilities at correctional institutions exists to allow this to take place is reported. No detailed information with regard to imprisoned children.	yes	Problems occur in the juvenile justice process caused by neglect, lack of understanding and wrong perception of a child's existence. Lack of proper facilities in correctional institutions (-1) (Criminology Study Center, 2006). Davies and Robson (2016) argue that despite being an early signatory of the UNCRC, Indonesia has failed to comply with the convention over subsequent years.	2012 – Problems identified in the report include Inadequate training programs on juvenile criminal justice system - Un-integrated systems of data and information regarding - in many instances, juvenile justice system is still not child-friendly (-1)	0
10. Iran	7	Juvenile Correction Centers are established to keep, correct, train and educate young offenders. In some provinces detained juveniles and mixed with adult prisoners (-1) . Reported to	Yes – juvenile courts	Iran has implemented preventive policies that seek to address the social harms impacting young people and is moving to implement international standards in youth justice (Bashiriyeh and Ali	2015 – Little specific data on what the juvenile justice system does. Mostly about what the law and Islamic laws seeks / intends to do.	0

		have executed juvenile offenders between 2005 and 2011 (-1) (Human Rights Watch, 2008; Amnesty International, N.D.).		Rajab, 2015). Iran aims to introduced restorative initiatives and evidence of training in youth justice rights for justice officials and police		
11. Japan (2000) (2006-7)	14	Last resort. Juveniles who are 14 years of age or older can, as well as being administered protective measures , be punished for criminal offenses. Japan has 52 Juvenile Detention and Classification Homes (13,189 juveniles detained in 2013 down from 23,063). Japan's laws include provisions to transfer juvenile offenders to adult courts (-1) . Correctional institutions promote the juvenile's awareness of human dignity and value and reinforcement of the juvenile's respect for the human rights and fundamental freedom of others. Institutions treat juveniles fairly and appropriately in accordance with their age and in a way that will encourage them to reintegrate and play a constructive role in society . e.g. vocational training has been further improved and expanded in juvenile prisons to include	Yes –	Welfare / Participatory model, however, since the mid-1990s a crime control model gradually has been adopted by family courts when dealing with young offenders – Japan utilises early intervention (interventions implemented mainly by police has helped divert many youth from crime), preventive, behavioural treatments and educational responses for at risk youth (juvenile guidance centres managed by local governments had 66,000 volunteers in 2012)	Japan has been working on the promotion of collaborative efforts among the relevant organizations for the protection and guidance of juveniles with problems. New measures for detained juveniles treat offenders in a well-planned way, specifically, to promote respect for human dignity and value and reinforce respect for the human rights and fundamental freedoms of others, by analysing and clarifying the underlying problems that have led to an offense and by developing a personalized treatment plan in accordance with the juvenile's personality. Such a treatment plan includes individual guidance including a personal interview, diary writing etc.; guidance by type of treatment and other forms of guidance with the use of various treatment techniques; and guidance to make juveniles understand the mental pain of the victims	8

		new subjects such as forklift operation training.			and to awaken their sense of guilt (restorative) .	
48. Kyrgyzstan	14	All minors in temporary detention facilities are held in cells separate from adults at all stages of police investigations commencing with their arrest. According to the CR, International rules for the administration of juvenile justice cannot practically be fully implemented due to the lack of financial resources needed for the upkeep of convicted juveniles or those remanded in custody (-1) . Detention is mixed . Some evidence of very basic educational and sports programmes for youth in detention.	No evidence in CR	Not available	2014 - In Kyrgyzstan boys (aged 11-14) who break the law are sent to the Belovodskoye special school, an institution that bears all the hallmarks of a prison, since children there are not permitted to leave of their own free will and re-join their families, and their lives and movements are strictly regimented by the administration and supervised by personnel (-1) . Most young offenders aged 14 and over are given custodial sentences, while other, alternative, forms of punishment are virtually non-existent (-1) .	-3
12. Laos	15	According to the report, Laos cannot afford to house young offenders separately to adults. Therefore "large prisoner numbers and the limited prison space make it inevitable that, in some places, adults and children (of the same sex) will be held together" (-1) .	In development	A child must be 15 years old to be criminally responsible; younger children can't be charged. In case of an offence they are still required to apologize to the victims, according to the law, or the parents or guardian must pay compensation to the victims. For children between 15 and 17, if the offence is punishable with detention of less than three years, and if the offender admits to the crime and the victim consents to mediation, then	2010 – Laos has committed itself to protect the rights and interests of children and those in conflict with the law. Some evidence of education and training for young offenders in prisons. According to the report, no special arrangement or project to provide education and training to minors who have been released from custody. Education and training is provided in reformatories	2

				diversion can be invoked (http://www.oijj.org).		
13. Malaysia	10	Under the Syariah Criminal Offences (Federal Territories) Act 1997, Muslim children can be held criminally responsible from the onset of puberty.		Malaysia uses a multi-pronged approach to improving justice for children through legislative reform. The Ministry of Women, Family and Community Development has developed a Social Workers Bill that aims to improve the competency of social workers.	The Country Report is from 1 st period of reporting submitted to the CRC in 2007 so therefore outside of the parameters for investigation for inclusion in this study.	-
14. Mongolia	14	Children can be held criminally responsible for all offences from the age of 16 and for specifically named offences from the age of 14. As of July 2014, there were 35 boys aged 14-18 serving imprisonment sentences at the only Juvenile prison of Mongolia. Girls charged with imprisonment serve their sentences in a special division for children at the prison for adult women (-1) . In 2013, one case of imposing torture on under aged children was registered (-1) .	Yes	Not available	2016 – According to the report, all districts of the capital city and provinces have established Juvenile Justice Committees headed by their respective governors. Local Juvenile Justice Committees explore the ways to avoid juvenile incarceration and determine other forms of punishments. “Committees can issue a recommendation letter to the relevant authorities to suggest an appropriate diversion options for juveniles”. Committees focus on re-socializing juvenile offenders through providing counselling services to and involving in community services (in collaboration with the relevant organizations) Complete secondary education and vocational	3

					training was made available to juvenile prisoners in 2013.	
15. Myanmar	7	Children aged seven to 12 may only be held criminally responsible where they have “attained sufficient maturity of understanding to judge the nature and consequences” of their conduct. According to the report, juvenile courts have been established in in 2 provinces, Yangon and Mandalay.	Yes (in development)	Not available	2011 – The report has little specific detail on the administration of youth justice. Evidence of youth justice training in the report e.g. “ training courses on child protection and juvenile justice were provided to personnel from relevant departments, including judges, police, prison officers and officers from the Social Welfare Department” and “judges have attended advance training courses workshops and symposiums on Child Law, they are well trained in the fields of the Juvenile Justice System and awareness programmes relating to the child’s rights”.	2
16. Nepal (2006)	10	Children aged 10 years to 13 years can only be given a warning for offences that carry a maximum penalty of a fine.	In development	Resource constraints have prevented the implementation of a community service programme (diversion from prison system) and there is a considerable lack of social workers and other professionals (-1) .	2013 – The report has little information regarding the administration of youth justice apart from intentions to open reform houses for young offenders in each province and the planned adoption of child friendly guidelines for the youth justice officials and personnel.	0
17. New Zealand	14 - 17	(10 for murder or manslaughter) MoH guidelines assist service providers to comply with the	yes	Welfare model - The New Zealand system emphasises diversion from courts and custody and holding young	2016 – According to the report, New Zealand’s system is based on principles such as addressing the	8

		<p>non-age-mixing provisions of article 37(c). The guidelines advise that the best interests of the child should be considered paramount and that upholding the right of detained children to separation from adults. Family Group Conferencing enables those involved in the life of the young person and the victim(s) to be involved in decisions with the aim of ensuring accountability, repairing harm and enhancing wellbeing.</p>		<p>person's accountable. The system aims to facilitate rehabilitation and reintegration of young people, provide support for their families and serve the needs of victims. The system of family group conferencing has been largely successful in reducing reoffending and promoting the wellbeing of young offenders.</p>	<p>causes underlying the child's offending, strengthening families and considering the interests and views of the victim, and, unless the public interest requires otherwise, not instituting criminal proceedings against a child if there is an alternative means of dealing with the matter. The Reinvigorating Family Group Conferences Project will ensure that FGCs, including youth justice FGCs, are well managed and well informed, which will assist appropriate decision making in FGCs.</p>	
18. Pakistan	12	<p>Reported to have executed juvenile offenders between 2005 and 2008 (Human Rights Watch, 2008) (-1). According to the country report, "probation is the only system of non-custodial punishment in Pakistan but there is lack of awareness (and probation officers) about the system and its significance" (-1). No exclusive Juvenile Courts could be established except one in Karachi. Since the number of Borstal Institutions is limited in the country, juvenile inmates are kept in separate sections of</p>	Yes - In development	Not available	<p>2009 – Some evidence of youth justice training and workshops / seminars concerning youth justice in the report. The report lacks specific detail on youth justice responses but does include the wish to strengthen the system's capacity to improve imprisoned youths physical and psychological recovery and social reintegration, but it does not record how this may be done.</p>	1

		the prisons called “Juvenile Section” (-1).				
19. Papua New Guinea				Papua New Guinea have introduced a specialised Police Juvenile Policy and Diversion Protocol, supported by a specialised Juvenile Policy Monitoring Unit within PNG Police. This unit monitors the effective diversion and juvenile processing practices carried out by police (http://www.icj.org).	Report is from 1 st period of reporting submitted to the CRC in 2003 so therefore outside of the parameters for investigation for inclusion in this study	-
20. Philippines (2006) (2013)	12	Age of criminal responsibility lowered from 15 to 12 in 2013. Children are oftentimes detained with adults in cells that are overcrowded and where sanitation is poor, food is inadequate and health care and educational programmes are non-existent (-1). The Juvenile Justice and Welfare Act of 2006 call for restorative justice in all programmes for juvenile offenders.	Yes (in developmental stage)	The Filipino Juvenile justice and welfare act 2006 seeks to deal with youths in a manner that is appropriate to their stage of development, while reinforcing the fundamental importance of restorative justice . It provides for the adoption of a diversion and dictates that “each child goes through an individualized program that responds to his or her needs, based on the assumption that youth offenders come from different backgrounds and their degree of involvement in delinquency also varies”. “The goal is to teach the CICL mechanisms for self-regulation so that when they are released to the community, they will be able to avoid or refuse opportunities to re-offend” (Aguliar, 2017: 1-2).	2009 - Youth justice reforms provide for restorative justice, diversion programmes , and prohibits detention of youth offenders below the age of 15 in jails. It is however a big challenge, according to the report, getting the law properly understood and implemented, particularly at the level of local government units.	3
21. Republic of Korea	14	The Juvenile Court examines the cause of	Yes	Statistical data on juvenile justice are gathered by	Before orders for probation, community service, or school	8

<p>(South) (2007)</p>	<p>misconduct and tries juvenile protection cases and bases rulings on reviewers' and classification judges' opinions regarding the juvenile's character, environment, motives for misconduct, and possibility of repeat offense, and advice from other related experts.</p> <p>According to the report, persons under 16 in age and persons aged 16 or more should be separately accommodated so as to prevent the schooling of delinquency.</p> <p>Juvenile reformatories provide young offenders with regular education but also character development — often through psychotherapy and community service — to aid their development into responsible young persons. In probation cases, alternative education, counselling and instruction in youth groups, orders limiting juveniles' departures from the premises, and orders for guardians to take instruction classes were also made possible</p>		<p>analysing crimes committed by minors as well as from various published sources such as <i>Criminal Analyses</i>, <i>Yearbook of Justice Statistics</i>, <i>White Paper on Crime</i>, <i>Statistics on Juvenile Probation</i>, <i>Yearbook of Probation Statistics</i>.</p> <p>South Korea provides various forms of support for victims (including children) of sexual abuse or sex trafficking such as counselling, shelters, and medical care for physical and psychological illness or injuries, resolution of legal issues including damage compensation, and education and vocational training to help them return and adjust to normal life.</p>	<p>attendance, the probation office must investigate the defendant's motives for the crime, vocation, general environment, relationships with friends, family situation, and whether losses from the crime have been recovered.</p> <p>Alternative Education Centres are to protect attendees from the stigma of attending a juvenile correction institute and provide many different programs, including delinquency prevention education for maladjusted students or those with suspended indictments, identification of causes of delinquency for prosecuted juveniles or young people in early stages of delinquency — e.g. those subject to probation without detainment — aptitude tests for youth, and education of guardians and legal education.</p>	
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<p>22. Republic (Democratic Peoples) of Korea (2004)</p>	<p>14</p>	<p>The age of criminal responsibility is 14, however, children can be subject to protection measures from the age of 12. The report states minors in conflict with the law are committed to public education and “all juvenile offenders are committed to public education, there are no juvenile inmates in the reformatories”.</p>	<p>-</p>	<p>Justice-welfare youth justice model</p>	<p>2008– Little detail in the CR concerning the administration of youth justice. However, the report states “no child faces trial even if he or she has committed a crime, and there is no child put in prison” and therefore the need for programmes, reintegration interventions etc. are not necessary.</p>	<p>-</p>
<p>23. Singapore</p>	<p>7-16</p>	<p>16-21 considered young adults. Regulations provide for corporal punishment as a form of discipline in isolated incidences and for very serious misconduct, and only as a last resort (-1). <u>As far as possible</u>, offenders under 21 years are housed separately from adult offenders (-1).</p> <p>The Giant Trampoline Programme, - to help youth involved in secret societies or street gangs to turn away from anti-social behaviours and to develop their potential instead. Participants go through a one-year intensive and challenging curriculum, with the objective of providing community-based rehabilitation</p>	<p>yes</p>	<p>Islamic law - welfare justice model- early intervention, preventive and diversionary principles. E.g. The Guidance Program is a 6-month counselling and rehabilitation program for juveniles who are assessed to be suitable for the rehabilitation, instead of being charged in Court. GP Plus - 16 -19 years group (introduced in 2003) recognises that offenders may be entering a different phase of their lives, for example, they may be entering the workforce or moving on to tertiary education. Community Court - problem solving approach has been taken towards young offenders aged from 16 to 18 years. Community and family support are key principles in</p>	<p>2010 - Separate juvenile justice system with a strong emphasis on restorative justice, early intervention and diversion and rehabilitation, mentoring - premised on a graduated system of intervention, based on the rehabilitative needs of the young offender. Reforms after 2007 - focus on positive youth development and prevention strategies (positive activities and to create further opportunities for their growth and development). Also, takes into account the evolving maturity levels of children in their phase of development. Various programmes include the honorary Voluntary Special Constabulary</p>	<p>8</p>

		<p>supported by trained volunteers. The Prison Visit Education Programme for Schools (PVEPS) is to deter would-be first time offenders and to prevent their induction into the criminal justice system by allowing these at-risk youth a glimpse into prison life.</p> <p>“Youth Hanging Out Late” initiative informs parents by letter when the Police comes across youth below the age of 17 in the company of questionable characters, loitering in public places or engaging in at-risk activities after 11pm.</p>		<p>the rehabilitation of these young offenders.</p> <p>The GP also aims to educate young people and their families on how to prevent such occurrences through counselling, group work and constructive activities and ensuring programs are tailored to fit the individual therapeutic and developmental needs of the young person.</p>	<p>(School) Scheme, Prison Visit Education Programme for Schools (PVEPS), Youth Crime Prevention Road Show, Youth Hanging Out Late initiative, National Police Cadet Corp (NPCC) Youth Crime Prevention Ambassadors (YCPA) Programme, National Crime Prevention Council (NCPC) Crime Prevention Corner and Joint School Talks.</p> <p>As the lead agency for juvenile rehabilitation in Singapore, MCYS monitors the trends of rehabilitation closely to ensure effectiveness and professionalism in service delivery. MCYS also consults with international experts to ensure that programmes are based on evidence and research. MCYS continues to work closely with community organisations, schools and employers in ensuring the successful reintegration of youth leaving residential care.</p>	
24. Sri Lanka	8		In development	Not available	2017 – Very little information in Sri Lanka’s CR concerning the administration of youth justice.	-

<p>25. Thailand (1991) (2005)</p>	<p>7</p>	<p>Recent “achievements” in youth justice included the abolition of corporal punishment in detention institutions and introduction of child-centred approach in caring for juveniles in training centres, with a focus on their participation in decision-making and self-development. It is the practice is to send child offenders aged below 18 to be dealt with by the Juvenile Observation and Protection Centre. However juveniles also are sent to adult facilities (only as a last resort) (-1).</p>	<p>Yes</p>	<p>Justice and welfare model, with educational, restorative measures. System claims to emphasise rehabilitation instead of punishment and where an emphasis on life skills development, education, employment skills development and meaningful family reintegration is paramount (http://www.icjj.org).</p>	<p>2011 - Alternative care is provided mainly for two categories of children, namely children with family problems but not in conflict with the law. Efforts have been made to create knowledge and understanding of the standard treatment and care for juvenile offenders among officials at all levels to enable them to become professionals. Positive forms of discipline has been introduced, emphasizing awards for good behaviours, such as permission to leave the centre on a provisional basis, and taking into consideration safety, restorative benefits, personality, physical and mental health of the child. Restorative measures have been adapted to take into account the culture and social conditions, emphasizing rehabilitation instead of punishment.</p>	<p>5</p>
<p>26. Timor-Leste</p>	<p>16</p>	<p>According to the 2014 report, an educational guardianship of children’s law which applies to children between the ages of 12 and 16 is forthcoming and which will “exempt children aged 14 to 16 years from criminal</p>	<p>Yes (under review and reform)</p>	<p>Children in prison are provided with a variety of training to equip them with skills prior to their reintegration into the community. The training programmes include</p>	<p>2014 – East Timor’s youth justice system is in development and the report speaks mostly about changes that are planned. The reforms are intended to “secure the rights, freedoms and guarantees of minors and</p>	<p>1</p>

		liability". There is separate accommodation block for juveniles in detention (in an adult prison). However, in common areas juveniles are frequently with adult prisoners (-1) .		vocational training such as carpentry.	youth, with the purpose of protecting minors and youth in danger, as well as the education, training and correction of minors with deviant behaviour and their education for their rights by way of a specific procedure which shall include the participation of a multidisciplinary network which shall rely on the structures of the state, family, community, international organisations and agencies, civil society and religious confessions.	
27. Viet Nam	14	<p>A child aged 16 or older can be held criminally responsible for any offence. Juveniles should be separated from adults if detained.</p> <p>Apart from general education as the first priority, vocation training has been organized in reform schools, which is based mostly on the students' and schools' capacity and includes training on computers, mechanics and sewing etc.</p> <p>About 70–80 per cent of students in reform schools</p>	Yes	<p>Welfare-justice model with diversion, justice recovery and social reintegration.</p> <p>Counselling centres have been established in some provinces and cities. They provide children, especially disadvantaged children with legal, psychological and socio-psychological advice, and assist them with reintegrating into the community</p> <p>The administration of children after imprisonment or reform schools are inadequate resulting in inadequate care and support for children and adolescents as well as letting them feel complex and</p>	<p>2011 – Viet Nam provides children in conflict with the law interventions including education, prevention, and support for community reintegration</p> <p>Problems include – lack of awareness and sense of responsibility by some local leaders, families and communities on the best interest of the child (-1). The legal system relating to youth justice has not yet been completely and synchronously developed. Practitioner, officials, police knowledge about relevant national and international laws and understanding of</p>	4

		are narcotics addicts or have used narcotics.		confused and in some cases, recommit a crime.	children's psychology and skills to work with children, are still limited.	
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7 A Review of Youth Justice in Africa and the Middle-east

Assessing youth justice systems in Africa and the Middle East is limited by a lack of research data. In addition, while developing nations regularly endorse international standards in youth justice; because of resource and other implications, many are unable and / or unwilling to provide adequate services. Indeed, serious poverty and underdevelopment, and the frequent absence of the most basic human rights, as Sloth-Nielson (2008: 3) has argued, taint any notion that children growing up in many African and some Middle Eastern nations can “benefit positively through conferring human rights-compliant legal rights upon them”.

However, the UNCRC may lay the foundations of legal reforms in child rights and youth justice, as countries upon ratification agree to undertake the “all appropriate legislative, administrative and other measures recognised in the Convention” (Sloth-Nielson, 2008: 54). Moreover, the reporting processes that come into force under the CRC may instigate reform processes within nations. These developments can benefit children, for example, through the review and development of rights legislation and through the continued integration of civil society into delivery of welfare and justice services (Sloth-Nielson, 2008). While the extent and depth of the implementation of reforms in African counties has been questioned by Sloth-Nielson, it has, she notes, resulted in child / youth law reform processes in several countries including Nigeria, Uganda, South Africa, Ghana and Namibia (Skelton and Morgan Courtenay, 2015; Schulz, 2015; Sloth-Nielson, 2008). Several of whom have or are in the process of implementing separate youth justice systems and enacting child welfare and rights legislation.

Table Seven: Youth Justice in Central and Southern Africa

1	2	3	4	5	6	7
Country and date of important reform legislation	Age of criminal resp	Detention (CR and literature findings)	Separate system and youth courts	Research literature findings - information relating to welfare and justice policies and responses	Country Reports - information relating to welfare and justice policies and responses	Total rating
1. Angola	14	The minimum age was lowered from 16 to 14 despite criticism from the UNCRC Committee. Some evidence of non-confinement sanctions and measures in the probation services and the provision of community service . Sentencing must take account of the child's rehabilitation and social reintegration into society.	Yes – has juvenile courts	Not available	2017 – According to the report, programmes adopted to improve the situation of children in conflict with the law “have not been effective” (-1) . However, Angola is planning to construct ‘re-education centres’ to help with the reintegration of young offenders. The report contains evidence of educational and training and social development and reintegration of young offenders. Such interventions are implemented joint by state services and NGOs. Also, there is evidence that ‘justice professionals’ are receiving training courses in youth justice and child rights practice.	3
2. Benin	13			Not available	The CR is from 1 st period of reporting (1997) submitted to the CRC in 2005 so therefore outside of the parameters for investigation for inclusion in this study.	
3. Botswana	8			Not available	The CR is from 1 st period of reporting (1997) submitted to the CRC in 2005 so therefore outside	

					of the parameters for investigation for inclusion in this study.	
4. Burkina Faso	13	Several 'children's judges' in place in some cities since 2004. The country aims to establish youth courts and appoint of children's judges in the other judicial districts, according to the report. Children's judges can impose community service sanctions on children over 16 years (as opposed to detention) which may include manual labour, professional tasks (literacy activities, vocational training or other services) or social solidarity duties (assisting hospitalized patients, elderly persons or orphans in orphanages).	Yes (in development)	Not available	2009 - No specific training programmes for all juvenile justice professionals exist. There are no plans for setting up special prisons for children (young offenders are held in adult prisons) (-1) . Capital punishment is available in law and minors over 16 may be treated as adults and receive such a sentence, however the report states "no minor has in fact so far been sentenced to capital punishment or life imprisonment" (-1) . An analysis of the CR in relation to youth justice found there is no separate system of justice for children (under 18 years) in any real sense in Burkina Faso.	
5. Burundi	15			Not available	The CR is from 2 nd period of reporting submitted to the CRC in 2010 so therefore outside of the parameters for investigation for inclusion in this study.	
6. Cameroon	10	According to the CR, there are no special courts for children (-1) . Young offenders are housed in spate parts of adult prisons (-1) .		Not available	2016 – There is some evidence in the report of human rights and humanitarian law training for justice professionals at (police and law) training centres. The system nonetheless faces serious challenges including "the shortage of specialised structures for placement and care of incarcerated minors, lack of a framework to regulate the	-1

					functions of assessors and probation officers, insufficient human and financial resources adequate to support alternatives to the detention of minors are all obstacles to the proper administration of juvenile justice”	
7. Chad	13			Not available	The CR is from 1 st period of reporting (1997) submitted to the CRC in 2007 so therefore outside of the parameters for investigation for inclusion in this study.	-
8. Central African Republic	14	The report states the CAR has one juvenile court and four judges trained in youth justice and child rights practices . There are no detention centres specifically for children, who are treated as adults (-1) .	No (-1)	Not available	2016 – There is little information on the administration of youth justice. An analysis of the CR in relation to youth justice found there is no separate system of justice for children (under 18 years) in any real sense in the CAR.	-1
9. Congo	13	According to the CR, children are held in adult prisons (-1) .	Yes (evidence is very basic)	Not available	2012 - Congo has never provided educational programmes to prisoners of any age, however, it plans to overhaul and modernise its system of youth justice.	0
10. Congo (Democratic Republic of)	14	According to the CR, a juvenile justice system is under development with the aid of UNICEF. 8 youth courts are already in place. Justice practitioners have been trained in child rights / justice in recent years. “Special temporary detention facilities” for children have been construction while	Yes	Not available	2016 – There is very little information of the administration of youth justice in the CR. The DCR is in the very early stages of developing a youth justice system.	1

		more permanent youth detention and education facilities are constructed.				
11. Comoros	13			Not available	The CR is from 1 st period of reporting (due in 1995) submitted in 1998 so therefore outside of the parameters for investigation for inclusion in this study.	
12. Djibouti	13			Not available	The CR is from 2 nd period of reporting (due in 1997) submitted to the CRC in 2007 so therefore outside of the parameters for investigation for inclusion in this study.	-
13. Equatorial guinea	Unknown			Not available	The CR is from 1 st period of reporting (1994) submitted to the CRC in 2004 so therefore outside of the parameters for investigation for inclusion in this study.	
14. Eritrea	12	According to the CR, Eritrea has taken 'modest steps' in developing a youth justice system. "It has established a probation service, which attempts to provide counselling" for young offenders in their community to help them integrate into their neighbourhoods and schools. Courts can order measures like admission to a curative, correction or rehabilitation institution, supervised education , reprimand, school or home arrest, for a young person	Yes (in development)	Not available	2014 – There is little information on the administration of youth justice in the CR. Training on international juvenile justice was given to prison officers.	2

		found guilty of a crime. The report states “only after the above-mentioned measures have been applied and failed would courts order fine, penitentiary detention or imprisonment of a young offender”.				
15. Ethiopia	9	According to the CR, “juvenile offenders ... of 9 to 15 years, admitted to corrective or rehabilitative institutions shall be kept separately from adults ”. Courts should consider the special needs and circumstances of the child and principle of proportionality. The Justice for All and Prison Fellowship-Ethiopia (JFA-PFE), an NGO organization with interventions in over 110 prisons all over the country. Some initiatives are aimed at enhancing community engagement in matters relating to youth justice. Young offenders are not held separately from adults (-1) .	Yes (in development)	Not available	2013 - According to the CR, the capacity building initiatives targeting the personnel of specialized justice system structures have contributed to an increase in the capacity and skills relevant to their activities . Initiatives have sought to address child justice at different levels and within different sectors, e.g. a comprehensive Human Rights Training Project aiming to build the capacities of law enforcement and judicial personnel. A “Child Rights Protection Training Development” project aimed at establishing a child sensitive and protective justice system in collaboration with UNICEF. Training on child development, child rights, child abuse and its impact, child friendly services, and juvenile justice issues targeting YJ practitioners.	3
16. Gabon	13			Not available	The CR is from 1 st period of reporting (due in 1996) submitted to the CRC in 2001 so therefore outside of the parameters for	-

					investigation for inclusion in this study.	
17. Gambia (2005)	12	According to the CR, the Children's Act 2005 provides for the establishment of a National Rehabilitation Centre for children, but this has not yet come into being. There are no existing rehabilitation centres. The infrastructure e.g. appropriate youth detention facilities, to detain young offenders separately from adults does at present not exist in Gambia (-1)	Yes (in development)	Not available	The Children's Act 2005 established of the children's court and child justice administration. There is, however only one children's court in Gambia.	1
18. Ghana (2003)	12	According to the CR, Ghana does not detain children in adult detention facilities, but a number of juveniles were found held in police stations (pretrial detention) (-1) . Children are likely to be detained in adult detention facilities when they increase in age.	Unclear	Not available	2014 – There is very little information in the CR regarding the administration of youth justice. According to the report, the primary aim of Ghana's youth justice system is to ensure that "the rights of the child are guaranteed in all actions taken". the report states that "a number of training programmes have been held periodically for professionals who work in the administration of juvenile justice"	1
19. Guinea		The CR states that while "UNICEF regularly monitor the conditions of detention of children in conflict with the law. Nevertheless, children are still detained in difficult conditions owing to the chronic lack of public	Yes (in some areas)	Not available	2012 - According to the CR, in Guinea "whatever the stage of their remand in custody, children are exposed to degrading treatment. While in police custody, they are mistreated by security force officers (-1) . Once in prison they are most often mixed with the	-2

		services and funding from development agencies". "All prisons are overcrowded and lack water and latrines, thus exposing children to contagious diseases such as scabies and tuberculosis, diarrhoea, parasitic infection and respiratory illnesses". Most prisons lack separate quarters for minors (-1). Children share the same courtyard as adults, which poses a risk to the children (-1).			adults, who lay down the law and subject them to violence and physical and psychological assaults which mark them for life"	
20. Guinee-Bissau		According to the CR, no public institutions are specialized in the social reinsertion of young offenders (-1).	No (-1)	Not available	2011- There is very little information in the CR regarding youth justice. According to the CR, "a new draft law was presented which aimed at demanding a multidisciplinary follow-up of minors who are in conflict with the law, giving more weight to civil society's intervention through organized groups or NGOs that work towards protecting children".	-1
21. Ivory Coast	10			Not available	The CR is from 1 st period of reporting (due 1993) submitted to the CRC in 2000 so therefore outside of the parameters for investigation for inclusion in this study.	-
22. Kenya	8 -18			Kenya's system is still evolving and is not considered "well suited" to the needs of children (Winterdyk, 2015). Some	The CR is from 2 nd period of reporting (due in 1997) submitted to the CRC in 2004 so therefore outside of the parameters for	1

				diversion exists and is mostly at the discretion of the children's magistrate or judge due to the absence of a Specific legislation on children.	investigation for inclusion in this study.	
23. Lesotho	10	There is very little information in the CR regarding youth justice. There are no approved schools or probation hostels and children also rarely receive legal representation given that they cannot afford it.	No (-1)	Not available	2017 – The CR states that in 2010, a “comprehensive assessment of children detained ... concluded that there is no effective juvenile justice system in Lesotho. In addition, it found that authorities responsible for setting up such a system had very little knowledge or experience with child justice”. In policy, restorative justice measures are available in order to give children the option to be returned to their families under an order to continue with schooling. Supervision orders where children report to Probation Officers. However, in reality, a lack of resources prohibits the Probation Unit from providing adequate supervision to children released from detention. Diversion measures are also used minimally as magistrates' fear that supervision orders will not be enforced.	-1
24. Liberia	7	There is one juvenile court and one juvenile judge in Liberia. Separate detention centres for children are yet to be established (-1) .	Yes (In development)	Not available	There is very little information in the CR regarding youth justice	0

<p>25. Madagascar (1962)</p>	<p>13</p>	<p>According to the CR, due to an absence of programmes that implement alternatives to detention, judges must resort to remanding children to their parents, foster care or even incarceration in cases in which parole could have been applied (-1). Alternatives to prison for minors, include the eight re-education centres in Madagascar. However, children sentenced to detention are held in adult prisons (-1).</p>	<p>Yes (In development)</p>	<p>Not available</p>	<p>2010 - According to the CR, there is a lack of specialised professionals to deal with young offenders (Judges, prosecutors). Since 2006, three family court judges have been in charge of cases involving minors. Also, there is a lack of social services for young offenders. Only the family court in the capital has a social worker charged solely with handling cases of children at risk. Efforts remain to be made to improve the food, care, education and vocational training provided in both penal institutions and re-education centres. There is some basic primary education in for detained minors, often education is provided by NGOs. E.g. volunteer resource persons provide apprenticeship and professional training courses in mechanics or agriculture with the goal of preparing children for social reintegration.</p>	<p>0</p>
<p>26. Malawi</p>	<p>7</p>	<p>A child in detention shall be separated from adults and if possible (-1)</p>	<p>Unclear</p>	<p>Not available</p>	<p>2016 - There is very little information in the CR regarding the administration of youth justice. What is included primarily what should or will happen in the future.</p> <p>A process of diverting a child offender away from the normal criminal justice system procedures has been provided for under the CCPJA.</p>	<p>0</p>

27. Mali	13			Not available	The CR is from 2 nd period of reporting (due in 1997) submitted to the CRC in 2006 so therefore outside of the parameters for investigation for inclusion in this study.	-
28. Mauritius	14	According to the CR, in 2009, the Community Service Order (Amendment) Act was adopted and provides for the suspension of a sentence of imprisonment on a minor aged 16 years and above, and makes him the subject of a Community Service Order .	Unclear (-1)	Not available	- There is very little information in the CR regarding the administration of youth justice.	0
29. Mozambique				Not available	The CR is from 2 nd period of reporting (due in 1997) submitted to the CRC in 2009 so therefore outside of the parameters for investigation for inclusion in this study.	-
30. Namibia	7	According to the CR, there are no separation of juveniles and adults in Namibian detention facilities (-1)	no	Partially compliant with some articles or the UNCRC (Schulz, 2015). Modified justice model (still very much in development mode) – some evidence of diversion (two projects-not regulated), very few justice professionals are trained in child-friendly developmental youth justice, no specialised youth justice police and	2011 - According to the CR, the Child Welfare Programme aims to provide services to the court system in cases where a child is in trouble with the law. The Child Justice Bill is still in draft form. It aims to regulate the juvenile justice system and ensure that children and young people in conflict with the law have access to diversion programme.	-1

				courts, little evidence of criminal justice database use and statistics (Schulz, 2015). Namibia is not in compliance with the CRC (Schulz, 2015). (-1)		
31. Niger				Not available	The CR is from 2 nd period of reporting (due in 1997) submitted to the CRC in 2008 so therefore outside of the parameters for investigation for inclusion in this study.	
32. Nigeria (2003)	Unclear	Family Courts are being established in Nigeria as the platform for effective implementation of the child justice administration. According to the CR, diversion programmes are currently being introduced into the child justice system.	Yes	Crime control model rather than a prevention or intervention (Winterdyk, 2015)	According to the CR, Child offenders are not often prepared for life after detention due to the inadequacy of vocational and educational facilities, counselling services, and after-care services that should assist in their rehabilitation and reintegration into society. The Social Welfare and the Child Development Departments have in place programmes on rehabilitation and re-integration of vulnerable children. Children in Borstal training institution have access to life skills, anger management, and conflict resolution/provision of psychosocial counselling services.	3
33. Rwanda	14	There is very little information regarding the administration of juvenile justice or the imprisonment of children. Children between 14 and 18 years can be confined to	Unclear	Not available	2012 – According to the CR, practitioners and justice officials receive training in child rights and juvenile justice.	1

		prison for a range of serious crimes.				
34. Senegal	13			Not available	The CR is from 2 nd period of reporting (due in 1997) submitted to the CRC in 2006 so therefore outside of the parameters for investigation for inclusion in this study.	
35. Sierra Leone	14			Not available	The CR is from 2 nd period of reporting (due in 1999) submitted to the CRC in 2006 so therefore outside of the parameters for investigation for inclusion in this study.	-
36. Somalia				Not available	Somalia has not submitted a Country Report to the UNCRC.	-
37. South Africa (2010)	10	Detention is a measure of last resort and if unavoidable must be of the shortest period of time possible (Skelton and Morgan Courtenay, 2015).	yes	Modified justice model (under-development) – evidence of diversion, community-based programmes , restorative justice, and programmes around reintegrating young offenders into their communities (Skelton and Morgan Courtenay, 2015).	South Africa not submitted a report to the CRC in the research time frame.	3
38. South Sudan				Not available	South Sudan has not submitted a Country Report to the UNCRC.	-
39. Sudan (2004)		Reported to have executed juvenile offenders between 2005 and 2008 (Human Rights Watch, 2008) (-1) . The report highlights the absence of a juvenile court system in South Sudan and	Unclear	Not available	2010 - There is very little information regarding the administration of juvenile justice or the imprisonment of children. According to CR, Sudan has “started building these specialized courts, training judges socially and	0

		lists a range of human rights abuses regarding juvenile justice rights of children.			psychologically and helping them acquire the skills and knowledge on how to apply juvenile justice standards and instruments”.	
40. Swaziland				Not available	Swaziland has not submitted a Country Report to the UNCRC.	-
41. Tanzania	7 - 12	Children sentenced to imprisonment are confined to ‘retention homes’ or ‘approved schools’. “A child committed to an approved school shall be detained for a term not exceeding three years”. However, an inspection in 2011 found 1,400 children held in adult prisons and detention facilities (-1).	Yes	Elements of welfare model	According to CR, diversion may be applied when a child comes in conflict with the law, instead of initiating a prosecution against the child, record the particulars of the offence and caution the child not to reoffend. According to CR, there is insufficient specialised training for practitioners and justice officials in youth justice and child rights. There is evidence in report of education and reintegration programmes for young offenders.	2
42. Togo (2006)	13	According to CR, “the maximum penalty imposed on a child aged over 16 may not exceed a cumulative 10-year prison term (art. 336), while a child aged under 16 may not normally be given a prison sentence”. Togo has created juvenile wings in prisons but children are commonly held with adults, and often with adults who have committed more serious crimes than they have (-1). Togo has created juvenile reintegration centres (within an adult centres for rehabilitation) which are	Yes (since 1978)	Not available	2010 - According to CR, juvenile courts may only order measures of protection, supervision, assistance and education. Alternatives to prison include mediation. Also, “individual measures are taken for the juvenile’s education, re-education, guardianship or assistance”. However, the report states that “only a handful of professionals are familiar” with international juvenile justice and child rights standards. Specialised training does not exist in Togo’s system (-1).	2

		“responsible for the rehabilitation and re-education ” of convicted children. Once convicted, supervision of the minor passes to social workers, who are responsible for working with prison administrators to ensure the child’s rehabilitation and re-education.				
43. Uganda				Not available	The CR is from 2 nd period of reporting (due in 1997) submitted to the CRC in 2004 so therefore outside of the parameters for investigation for inclusion in this study.	
44. Zambia		According to CR, some selected police stations have separate detention cells for children. Juveniles are regularly detained in adult prisons although steps are taken to keep juvenile offenders from adults at all times (-1) .	Yes (in development)	Welfare justice model –	2015 – According to CR, legal representation for children “not guaranteed” due to insufficient funds (-1) . There is evidence of practitioner / officials being trained in child-friendly practice, evidence of diversion . However, diversion options are only ordered after a child has gone through the criminal justice system and is found to have committed an offence.	1
45. Zimbabwe				Not available	The CR is from 2 nd period of reporting (due in 2002) submitted to the CRC in 2015 so therefore outside of the parameters for investigation for inclusion in this study.	

Table Eight: Youth Justice in North Africa and the Middle East

1	2	3	4	5	6	7
Country and date of important reform legislation	Age of criminal resp	Detention (CR and literature findings)	Separate system and youth courts	Research literature findings - information relating to welfare and justice policies and responses	Country Reports - information relating to welfare and justice policies and responses	Total rating
1. Algeria	8	Children under the age of 13 can only be sentenced to protection and education measures. However, children as young as 8 can be detained in “re-education centres”. According to the CR, “all facilities, except for remand units if the layout of the premises does not permit it, have one or more special sections for minors” (-1). Facilities are staff who have received “appropriate training” according to the report. Also, minors are educated within the establishment and their vocational training is similar to what non-offending children receive. Specialized centre for the rehabilitation of minors has a re-education board, chaired by the juvenile court judge, whose task it is to organize annual education and vocational training programmes and make any necessary changes	Yes	Not available	2011 - Youth workers, teachers and re-education staff are responsible for ensuring that the minor is provided with education, training and appropriate moral education while in detention.	2
2. Bahrain	15	According to the CR, deprivation of liberty is only used as a measure of last resort and young people charge with an offence	Yes	Not available	Juvenile Welfare Centre operates on the basis of a ‘family system’ i.e. children are best left in the family home if possible. Children	4

		shall have access to legal representation. Non-institutional responses for juveniles at risk of offending include the following: “a reprimand; delivery into the custody of a parent or guardian; enrolment in vocational training ; fulfilment of specified obligations; judicial probation”. The CR states that those under 18 cannot receive by law capital punishments, however, no data on death sentences was available at the time of writing according to the report according to the report (-1) .			committed (cannot be more than one year) to JV centres receive cultural, educational, apprenticeships, recreational and after-care programmes .	
3. Egypt	12	According to Egypt’s Children’s Act, “a child shall not be detained or held in prison with adults and shall be classified by age, sex and offence committed when held in custody”. Detention institutions “prepare programmes covering social, psychological and health care as well as educational and training schemes ”.	Yes (in development)	Not available	2010 - According to the CR, “social care institutions have rehabilitation programmes intended to reintegrate children into society and to encourage them to enrol in the various education and vocational training systems ”. In collaboration with NGOs, Egypt implements a Women and Child Programme for combating violence. The programme evaluates Egyptian legislation, guidelines and practices in youth justice and child rights. It aims to develop a strategies and programmes in youth justice including a database of street children.	4

4. Iraq	9		No (-1)	Not available	Iraq's CR does not include information on the administration of a youth justice system	-1
5. Israel (2008)	12	<p>According to the CR, detention of children is of a last resort "used for the shortest possible time" and not if "there is an equivalent alternative". Trail - detention until the termination of proceedings shall not apply to a minor who is under fourteen years of age. Courts take into consideration the age in cases involving minors, which is evident in the low rates of prison sentences imposed on minors. Only 13 per cent of the cases in 2007, compared to 12.1 per cent in 2002, resulted in sentence of imprisonment.</p> <p>12 to 17 years are processed either by a specialized juvenile court or, for more serious offences a court of higher Court constituted as a Juvenile Court, if the minor refuses to accept treatment in the closed facility or if the Probation Officer did not recommend integrating the minor into a closed facility, there is no alternative but to send her/him to prison. This means they will not be separated from adult prisoners (-1).</p>	Yes,	Juvenile courts imbued with a welfare model (Borowski and Ajzenstadt, 2007) whose function is the rehabilitation and social care of juvenile offenders . Probation officers are social work-trained and are part of the social welfare system	<p>Children are placed in a secured group home if they are closely monitored and receive treatment.</p> <p>When a hearing is conducted, the youth investigator and/or the prosecutor in the minor's pre-trial or arrest hearing must notify the minor's parent or a close relative of the hearing (emphasis on family involvement, less on child's voice being heard)</p> <p>Supervision by a Probation Officer includes: Assessments of psychological and psychiatric diagnosis; employment, educational, social, developmental and clinical diagnosis as well as a prognosis for drug abuse and alcohol and the evaluation of the child's functioning within the family and community environment.</p>	6
6. Jordan	-	According to the CR, a Juvenile Police Department was established in 2011 to provide young people in conflict with the	In development	Not available	2011 – Information in the CR on the administration of juvenile Justice is combined with child welfare policy (i.e. no separate	3

		law and children in need of protection and care with the best possible services; to help them to escape from delinquency; to facilitate their participation in restorative justice, rehabilitation and social reintegration programmes			section regarding YJ). However, Jordan's Judicial Institute has, according to the CR, carried out juvenile justice reform projects that introduce new measures relating to restorative justice and alternatives to custodial penalties that are in the best interests of children. Judges participate in all the committees that review draft laws, particularly those concerning children. The focus of their work is on the introduction of new concepts that serve the best interests of the child	
7. Kuwait	7	According to the CR, children over seven years if convicted of a crime may receive "a reprimand, delivery into the custody of a guardian, legal probation, placement in a juvenile welfare institution, or placement in a correctional facility" (-1).	unclear	Not available	2012 – there is little information on the administration of youth justice and the detention of children	-1
8. Lebanon	7	According to the CR, "in order to improve living conditions in the juvenile wing of the prison, the Ministry of Justice has contracted, since 2011, with two NGOs to provide educational, vocational and rehabilitation programs inside the wing" (mixed detention -1).	Yes	Not available	According to the CR, " training courses have been implemented for social workers, juvenile court judges and lawyers by the Ministry of Justice ... regarding basic concepts for dealing with juveniles".	3
9. Libya	14			Not available	Report is from 2 nd period of reporting (due in 1997) submitted to the CRC in 2002 so therefore outside of the parameters for	

					investigation for inclusion in this study.	
10. Mauritania	7			Not available	2017 – Mauritania’s Country report only in French	
11. Morocco	12	According to the CR, in Morocco it is prohibited to place a minor under the age of 12 in a prison facility, regardless of the offence committed”. In addition, “minors between the ages of 12 and 18 may only be placed in a prison facility if that measure appears to be essential or if it is impossible to make any other arrangement”. Minors should be held separately from other detainees and placed in separate quarters or wings (i.e. in an adult prison -1).	Yes (Morocco has juvenile court structures)	Not available	The “vast majority of minors” are placed in Morocco’s 3 reform and rehabilitation centres, which have teaching facilities and trained staff . Young offenders may receive “vocational training, education, religious instruction, physical education and the organized practice of hobbies”. According to the CR, “efforts are being made to improve the conditions of reception, rehabilitation and reintegration of minors in the child protection centres”. These centres are social welfare and educational establishments which help children who have committed criminal offences. In addition, since 2009, reform centres and child protection centres have been refurbished and provided with the requisite infrastructure and equipment; the programmes reviewed and staff trained in effective protection and integrated care to help them in “the rehabilitation of minors and to their educational, social and occupational reintegration ”	3
12. Oman	9			Not available	The Country Report is from 2 nd period of reporting (due in 2004) submitted to the CRC in 2006 so	

					therefore outside of the parameters for investigation for inclusion in this study.	
13. Palestine	12			Not available	Palestine has not submitted a Country Report to the UNCRRC.	
14. Qatar	7	Qatar provides care and protection to minors through social workers and psychologists. The Juvenile Court meets in closed sessions with the attendance of the social case worker. Qatar uses a Social Supervision Facility for juvenile delinquents until they are brought before the Juvenile Court; a Social Guidance Facility that specializes in sheltering and caring for juveniles exposed to delinquency; and a Social Reform Facility that specializes in sheltering, caring for, reforming and rehabilitating juvenile delinquents. The Juvenile Court orders the detention or placement of juveniles in the Social Reform Facility. Adult prisoners are held separately from minors	yes	Not available	2016 – according to the CR, Qatar implements educational, health and social services ; creating appropriate conditions for rehabilitating young offenders and re-integrating them into society, taking into account their needs, human dignity, age and sex; and ensuring the safe return of victims in cooperation with their countries of origin or permanent residence. Also, a number of courses to train security sector personnel (officers and investigators) in skills for dealing with cases of abuse and violence against children have been implemented.	5
15. Saudi Arabia	7 / 12	Reported to have executed juvenile offenders between 2005 and 2011 (Human Rights Watch, 2008; Amnesty International, N.D.) (-1) . Saudi Arabia has established special juvenile courts and, the CR states, holds young offenders in separate (to adults) detention facilities and provides access to a lawyer for juveniles	Yes	Not available	2015 - According to the CR, Saudi Arabia has, following earlier recommendations from the CRC, continued to reform its youth justice system. However, as the CR informs, the Kingdom is “working to prohibit” corporal punishments in institutions which includes police stations and prisons (means it still takes place)	2

		charged with a crime. In addition, special courts under the supervision of competent judges to try children on the basis of a clear distinction between children and adults (i.e. proportionality). Correctional measures, and solutions are “restricted to treatment, rehabilitation and reintegration into society”. Placement of juveniles in social surveillance centres is restricted to those who commit punishable acts and are over 12 and under 18 years of age.			(-1) . The kingdom also is engaged in training justice officials and practitioners in juvenile justice and child rights standards of practice.	
16. Syria (1974)	10	Syria’s CR (2010) was compiled before the civil war began and provides information on how the country was at that stage planning to reform its juvenile justice system. At that point, juveniles, according to the CR, were held separately from adults and juvenile centres were staffed by trained professionals .	Unclear	Not available	2010 – According to the CR, Juvenile reformatories provide young offenders vocational education and training and suitable work, together with advice on life issues or on how to earn a decent living.	-
17. Tunisia	13	According to the CR, Tunisia responding to the earlier recommendations of the CRC states it implements a youth justice system which is in compliance with the CRC. This includes the introduction of special juvenile courts , which are managed by specialised officials and Judges, and where children have access to legal representation. In juvenile courts	Yes	Not available	2008 - According to the CR, young offenders placed in rehabilitation centres are provided with Courses to provide children with the skills to take vocational or agricultural training courses. The CR mostly includes in relation to youth justice information regarding how the country aims to develop its youth justice system in accordance with the CRC.	3

		young offenders may be, if appropriate, sentenced to rehabilitative measures including placement in an institution or a public or private establishment approved for education or vocational training or placement in a rehabilitation centre.				
18. United Arab Emirates	7			Not available		
19. Yemen	7	Reported to have executed juvenile offenders between 2005 and 2008 (Human Rights Watch, 2008) (-1) – however, the CR disputes this. Yemen’s CR (2008) was compiled before the civil war began and provides information on how the country was at that stage planning to reform its juvenile justice system. According to the CR, Yemen’s juvenile justice has “been expanded through the establishment of new authorities, institutions and procedures, represented in two new juvenile courts ”. Young offenders are held in central prisons (in special wards i.e. not separate facility -1), social care homes and juvenile justice institutions.	Yes	Not available	2008 - According to the CR, juvenile justice personnel have received training and capacity-building to improve their knowledge of the youth justice and child rights standards and practice. The CR has information on the intended reforms and suggestions for developing its youth justice system rather than specific information on how the country treats young offenders.	1

8 Conclusion and Selection of Youth Justice Systems

This report reviewed youth justice policy and practice in international jurisdictions. There are significant differences between youth justice systems. Most countries studied implement a separate youth justice system. However, extensive variations in the type and intensities of sanctions, categorisations and uses of detention and ages of criminal responsibility exist. It is clear that most nations have and or are in the midst of reforming their systems in line with the UNCRC, and the adoption of international guidelines and practice standards is common. However, most countries have translated and adapted youth justice courts and systems in different ways.

English speaking countries primarily implement a justice type model of youth justice that holds young offenders accountable for criminal and antisocial activity and enforcing sanctions through due process (as noted by McGinness and McDermott, 2010). Generally, in continental Europe, countries tend to employ welfare-based models of youth justice characterised by an informality of proceedings and interventions based on the best interests of the child. There is, however, a growing trend towards hybrid juvenile justice systems incorporating elements of both justice and welfare models (Winterdyk, 2015; Dunkel, 2015). According to some literature, elements of the 'welfare' model appear to be gaining popularity in North America and, conversely, there is evidence of increasing use elements of the 'justice' orientated model in European youth justice (Benekos and Merlo, 2015; Winterdyk, 2015; Dunkel, 2015). In Latin American, systems that implement welfare and justice oriented youth justice models increasingly are more common (Dunkle: 2015).

Much commentary advocates diverting young people at risk of becoming involved in crime, and utilising community-based programs when they do enter the justice system, claiming that this is the most effective way to reduce youth offending. It is generally acknowledged that 'get tough' and penal responses are ineffective in most cases, but the challenge in many youth justice systems, it appears, is balancing public safety outcomes, public perceptions (of crime and victimisation), and the needs of young offenders.

Assessing youth justice systems in some parts of the world (in Latin America, the Middle East and Africa) is limited by a lack of research data. When available, most literature is focused on describing the policies and services available within systems, and not evidence-based evaluations of youth justice outcomes. In addition, many developing nations endorse international standards in youth justice, however, because of resource and other implications, are unable and / or unwilling to provide adequate services. Such findings indicate gaps between normative ideals and practice.

8.1 Assessment of Youth Justice Systems

As highlighted earlier, the selection process provides the opportunity to assess youth justice systems and practice within an international and standardised reporting framework. Overall, 163 youth justice systems were reviewed. The *key characteristics in youth justice* identified in a review of the Irish system guided the selection process (see Table Two page 4). Evidence of these specific inclusion criteria in CRC Country Reports and in the research literature accessed provided the capacity to identify effective systems for further in-depth study. In the review process, systems were awarded points where indicators of the specific inclusion criteria were identified. Table seven displays the 37 countries whose systems were graded five or above using the selection process described in Section 2.

Table Nine: Youth Justice Systems and the Inclusion Criteria

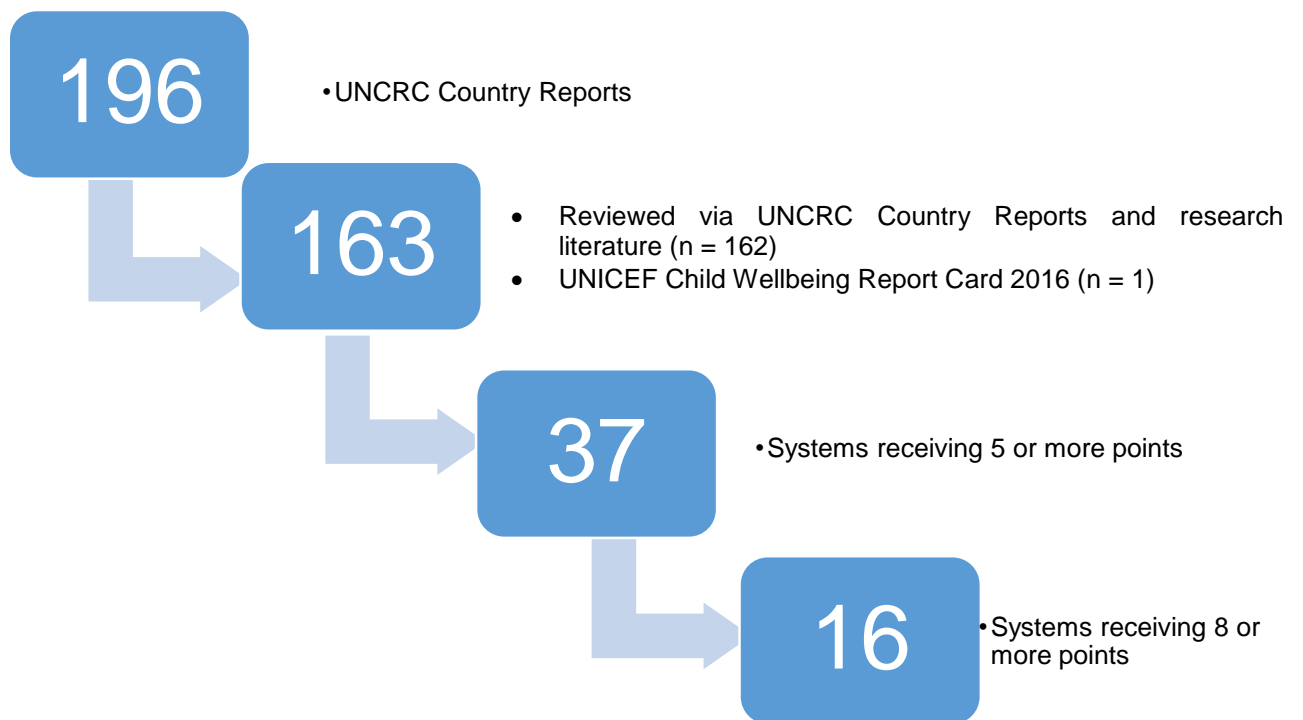
Youth Justice Systems	Child-centred and Rights Focused	Detention as a Last Resort, Rehabilitative / development focused	Welfare and Justice Responses, coordinated, interagency, and specialised support	Policies and Programmes	Total
1. Canada	2	2 (-1)	3	4	11
2. The Netherlands	2	1 (-1)	4	5	11
3. Switzerland	2	2	4	3	11
4. England and Wales (UK)	1	2	3	2	10
5. Sweden	2	2	3	2	10
6. United States	2	1 (-1)	3	4	9
7. Australia	3 (-1)	2	3 (-1)	2	8
8. Belgium	2 (-1)	2	3	2	8
9. Denmark	1	2	3	2	8
10. Germany	2 (-1)	1	4	2	8
11. Japan	3 (-1)	1	3	2	8
12. New Zealand	2	1	3	2	8
13. Norway	3	-	3	2	8
14. Republic of (South) Korea	3	1	2	2	8
15. Scotland	1	1	3	3	8
16. Singapore	2 (-2)	1	4	3	8
17. Austria	2	3	2	-	7
18. Finland	2	1	2	2	7

19. France	2	1	2	2	7
20. Greece	2	1	2	1	7
21. Italy	1	1	3	2	7
22. Northern Ireland	2	1	4	-	7
23. Cuba	2	1	2	2 (-1)	6
24. Dominican Republic	2	1	-	3	6
25. Israel	2 (-1)	1	3	1	6
26. Latvia	1	(-1)	3	2	6
27. Poland	3 (-1)	1	3	-	6
28. Slovenia	2	1 (-1)	3	1	6
29. Spain	1	1	3	1	6
30. Chile	1	2 (-1)	2	1	5
31. China	2	2 (-1)	1	1	5
32. El Salvador	3 (-1)	1	-	2	5
33. Hungary	2	1	3 (-1)	-	5
34. Panama	1 (-1)	1	2	2	5
35. Qatar	2	1	1	1	5
36. Romania	2 (-1)	1 (-1)	4	-	5
37. Thailand	2	1 (-1)	2	1	5

Sixteen youth justice systems received a rating of eight or more; they include Canada, Switzerland, The Netherlands (11), England and Wales, Sweden (10), the United States (9),¹⁵ Japan, New Zealand, Denmark, Germany, Australia, Belgium, Norway, the Republic of (South) Korea, Scotland and Singapore (8). These countries are identified as implementing potentially effective youth justice systems, and where there was initial evidence of effectiveness measurement available. Figure Two conceptualises the process of selecting youth justice systems for further study (196 to 16).

¹⁵ Refers to the states of Pennsylvania and Washington.

Figure Two: System Selection Process



At this point, the study has refined from 196 to 16 the potential number of youth justice systems for inclusion in a descriptive review. Finally, in attempting to accommodate structurally diverse approaches responding to youth crime in this analysis and reduce the possibility of over-representing one dominant approach, the 16 highest scoring systems jurisdictions are classified by their general features or 'character'. While no one system can be characterised as representative of one model only, each jurisdictions was positioned in Table Ten, in order of merit, in accordance with a 'model' of youth justice, presented in Table Three (page 11).

Table Ten: Effective Systems and Models of Youth Justice

	Welfare Model	Modified Justice / Welfare Model	Justice Model (crime control)
11 points		Canada (some provinces favour a more justice / crime control oriented model) The Netherlands (with elements of a crime control model)	Switzerland (with moderate educational and justice elements)
10 points	Sweden	England and Wales (with elements of a crime control model)	
8 points	Australia (with elements of a justice model and a strong restorative approach) Denmark (with some justice elements) Japan (a welfare / participatory model with some justice elements) New Zealand (with elements of a justice model and a strong restorative approach) Scotland (with some justice elements)	Belgium Germany Norway Republic of (South) Korea Singapore (implements a Islamic law – welfare / justice model)	United States (with modified justice elements)

8.2 Youth Justice Systems for Further Study

The purpose of this review of was to identify a small number of systems for inclusion in an in-depth descriptive review of effectiveness measurement in youth justice. Identifying and assessing systems that may share and / or have similar (to Ireland’s) youth justice policy goals and practice standards was considered to have practical benefits in achieving the aims of the study. This is particularly important in terms of identifying common international patterns in how comparable systems identify and demonstrate effectiveness and measurable outcomes in responses to youth offending which are compatible with the objectives and goals of Ireland’s youth justice service.

It is clear that many of the youth justice systems reviewed have much to offer in terms policy, practice and programmatic responses to youth crime and offending. However, systems nominated for further study are those that best meet the inclusion criteria that guide the selection process. Evidence of system compatibility with the important policy priorities and values identified in Ireland’s youth justice system and evidence of potential system effectiveness and of effectiveness measurement in responses to youth offending are the key outcomes in this regard. Finally, this selection process accessed a broad range of knowledge and understanding of models used in responding to youth crime and offending. The systems that most meet these criteria are:

- The Netherlands;
- Sweden;
- The states of Pennsylvania and Washington in the United States of America;
- England and Wales;
- Scotland.

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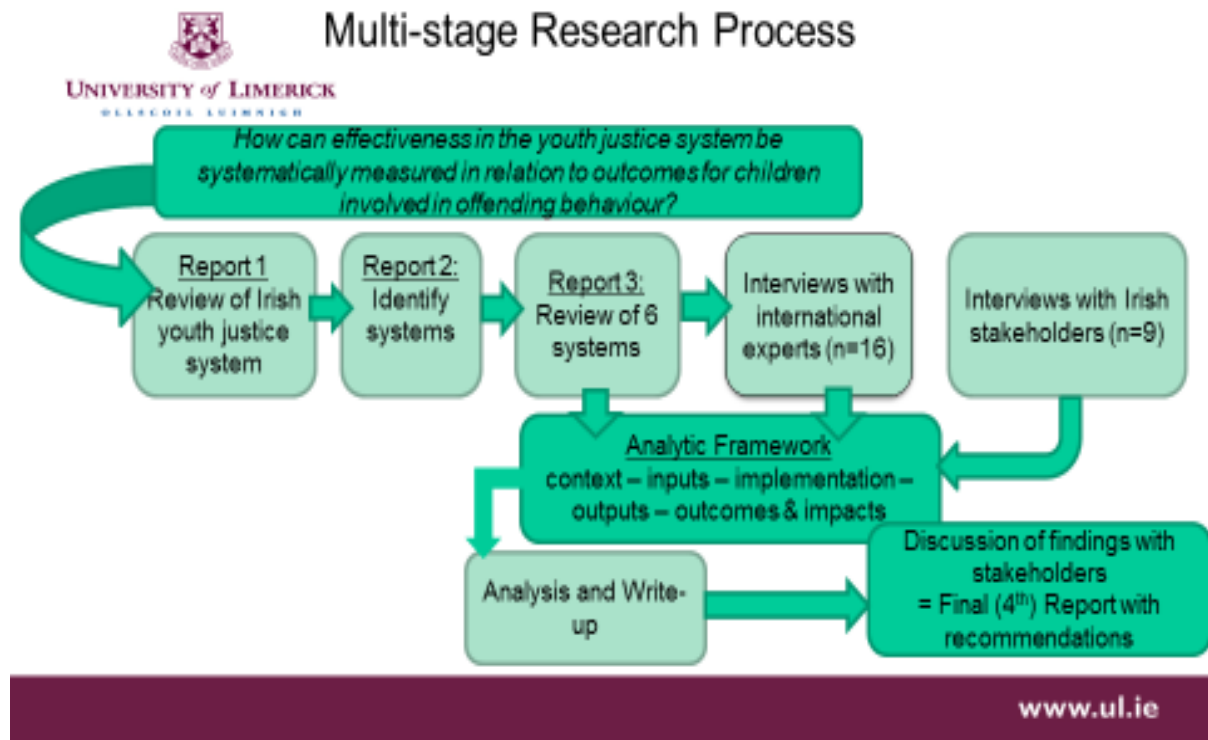
9.2 Appendices

Appendix A: Improving the Measurement of Effectiveness in the Irish Youth Justice System: Research Design

The research process included: (1) A review of the Irish youth justice system; (2) A process of identifying six systems for in-depth study; (3) A systematic descriptive review of (mostly 'grey' government and some relevant research literature) material exploring what constitutes effectiveness in youth justice and what are the ways of measuring effectiveness in systems. The review aims to identify and create understanding of the features and processes in systems that support the measurement of effectiveness and data collection processes; (4) Interviews with officials / experts working in selected youth justice systems outside Ireland. In interviews, primary objective was to gather detailed and first-hand accounts of the features and processes in youth justice systems that support the measurement of effectiveness and data collection; and (5) The analyses of research data and the creation of an auditing framework. An analytic framework (or logic model) was utilised in order to identify in research findings the important features and (data collection) processes of systems that provide the capacity to identify and measure effectiveness. The auditing framework also guided data collection and analyses of research data gathered in research of effectiveness measurement and data collection processes in the Irish youth justice system.

The study also researched the important features and factors that support the measurement of effectiveness and data collection processes in Ireland's youth justice system. The primary research methods were: (1) An analysis of data gathered in the youth justice systems and data gathering processes utilised (using grey material produced by youth justice stakeholders); and (2) Interviews with officials in youth justice stakeholder agencies. Interim findings from the study were shared with youth justice stakeholders in order to gather feedback on the research and identify possible recommendations for data and measurement processes in the Irish youth justice system.

Figure Three: Conceptual Model of Research Strategy



Appendix B: UNCRC member states with populations of less than 600,000 and which were excluded from the study

1. Europe (13)	Luxembourg	Netherlands Aruba**	United Kingdom Overseas Dependencies*
Andorra	Malta	Portugal Macau	United Kingdom Crown Dependencies*
Iceland	Monaco	San Marino	
Liechtenstein	Netherlands Antilles**	The Holy See	
2. Asia and Pacific Region (14)	Marshall Islands	Palau	Tonga
Brunei Darussalam	Micronesia	Samoa	Tuvalu
Kiribati	Nauru	Solomon Islands	Vanuatu
Maldives	Niue	The Cook Islands	
3. The Americas (10)	Barbados	Grenada	Saint Vincent and the Grenadines
Antigua and Barbuda	Belize	Saint Kitts and Nevis	Surinam
Bahamas	Dominica	Saint Lucia	
4. Africa (3)	Cape Verde	Sao Tome and Principe	The Seychelles

* Reports to the UNCRC via Country Reports submitted by the United Kingdom and Northern Ireland.

** Reports to the UNCRC via the Country Report submitted by The Netherlands.