



UNESCO house - Paris

**WORLD CONGRESS ON
JUSTICE FOR CHILDREN**

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UNESCO PARIS – MAY 28-30TH 2018**

STRENGTHENING JUSTICE SYSTEMS FOR CHILDREN

المكتب الدولي لحقوق الطفل

OFICINA
INTERNACIONAL DE
LOS DERECHOS DEL NIÑO

INTERNATIONAL
BUREAU
FOR CHILDREN'S RIGHTS

BUREAU
INTERNATIONAL
DES DROITS DES ENFANTS

Key competencies of judges at the heart of juvenile crime prevention

« So that all child has the right to grow up and be a child »

Sabine Michaud L.L.B
Institutional Standards Officer - IBCR



Introduction

⇒ Tertiary prevention

⇒ 3 main goals :

- Prevent recidivism
- Reduce the consequences of the infraction (child + society)
- Prevent any negative consequences of the judicial proceedings

C. MAES dans Séminaire de formation en justice des mineurs pour magistrats et autres acteurs en justice juvénile de l’Afrique Francophone – Séminaire de Ouagadougou 2004, page 58)



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Introduction

In order to prevent crime, the experience of a child in the justice system has to be :

- Educative
- Protective
- Curative or remedial
- Deterrent
- Empowering



Key competencies and international norms

- Often refers to « competencies » of the juvenile justice personnel

Art. 1.6 of Beijing rules

Juvenile justice services shall be systematically developed and coordinated with a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes.



COMPETENCIES ?

Which competencies allow judges to decide in respect of ...

- ✓ child's specificities ?
- ✓ child participation ?
- ✓ child personal situation and the protection of the society ?
- ✓ educative and preventive mainstreamed goals of the judicial intervention ?



Competencies - Definition

3 categories of knowledge :

1) Knowledge - 2) Skills - 3) Attitudes

ABILITY TO ACT



Use professional discretion to manage and appreciate complex situations, and to take initiatives based on the rule of law and the best interests of the child



Guiding principles - Repository

- ✓ UNCRC (+ 3 Protocols)
- ✓ Beijing Rules
- ✓ Havana Rules
- ✓ Tokyo Rules
- ✓ Riyadh Guidelines (primary prevention)
- ✓ Strengthening basic principles of judicial conduct (ECOSOC resolution 2006/23)
- ✓ Basic principles of the independence of the judiciary
- ✓ Bangalore principles of judicial conduct



Guiding principles

- Independance
- Impartiality
- Integrity
- Efficiency/effectiveness
- Celerity
- Education/Empowerment



6 KEY COMPETENCIES

Rule and act in the best interests of the child

Specialised judges are able to :

1. Interact and communicate in an adequate and adapted manner with the child
2. Apply with flexibility and reasonable discretion the rule of law and procedures related to juvenile justice
3. Collaborate with efficiency with other formal and non formal child protection stakeholders within the child protection systems, particularly the child's family and close environment
4. Actively ensure the respect of child's rights
5. Efficient use of child-friendly tools and documentation
6. Contribute to the evolution of application of child's rights and juvenile laws interpretation



SKILL 1

Interact and communicate in an adequate and adapted manner with the child

KNOWLEDGE OF :

- the rights of the child
- the child specificities in connection to the stages of development, the evolving capacities of the child (in relation with gender)
- the components of active listening
- communication techniques applicable to children
- factors which influence the child development
- various bias
- magistrate's own personal limits
- limits of the mandate

KNOWING HOW TO :

- listen and observe
- assess the stage of development and the « personality » of the child
- adapt the communication techniques to the specific situation and the characteristics of the child
- create a climate of confidence and mutual respect with the child
- facilitate child's expression of his or her version of the facts and self opinion
- evaluate, with a global approach, the child's needs and situation

SKILL #2

Apply with flexibility and reasonable discretion the rule of law and procedures related to juvenile justice

KNOWLEDGE OF :

- the fundamental rights of the child
- the general rule of law and procedures of the justice for children
- the specific standards and provisions applicable to the child according to his or her profil
- available diversion measures and alternative resources
- applicable rules of ethics and deontology
- rules related to protocol within the court room

KNOWING HOW TO :

- concretely apply child's rights and international standards
- adapt the application of the law and the standards to the specificities of the child
- interpret the law in conformity of the educative/preventive goal of the juvenile justice
- decide in respect with the law and the spirit of the juvenile justice provisions
- create a child sensitive environment before, during and after the audience
- determine what is in the best interest of the child at all stages of the procedures

SKILL #3

Collaborate with efficiency with other child protection system formal and informal stakeholders, particularly the child's family and close environment

KNOWLEDGE OF :

- the diversity of child's needs
- the formal and non formal actors of the child protection systems
- the role and responsibilities of formal and non formal actors of the child protection systems
- the accessible public and community resources and services for children
- the operating procedures (formal and informal) applicable between the sectors

SKILL #3

Collaborate with efficiency with other child protection system formal and informal stakeholders, particularly the child's family and close environment

KNOWING HOW TO :

- involve the child's family and close environment in the judicial process
- identify the more relevant and competent actors according to the child's level of development, maturity, specific needs and situation of the child
- apply a coordinated and integrated approach
- contribute to multidisciplinary concertation spaces related to specific juvenile justice topics
- follow-up the referrals
- coordinate inquiries respectful of child's rights and due process

SKILL #4

Actively ensure the respect of child's rights

KNOWLEDGE OF :

- child's rights
- applicable general sanction in case of violation
- rules of ethics and deontology applicable to the divers professional sectors of the child protection systems
- the main child's rights violation which occurs in the child protection systems in general and in the judicial system in particular
- the general and specific causes and consequences of child's rights violations
- the monitoring resources available
- the solutions put in place so far

KNOWING HOW TO :

- prevent and sanction institutional child's rights violations
- create personal and collective engagement for the respect of child's rights
- install accountable measures for the respect of child's rights
- reject any evidence obtained in violation of child's rights

SKILL #5

Efficient use of child-friendly tools and documentation.

KNOWLEDGE OF :

- existing child-friendly tools and documentation

KNOWING HOW TO :

- use and adapt the existing child-friendly tools and documentation

SKILL #6

Contribute to the evolution of child's rights application and juvenile laws interpretation

KNOWLEDGE OF :

- the vocabulary (judicial, psychological, social, etc.) applicable to child rights and condition
- challenges that children face
- challenges that the society face related to child protection
- the applicable law and jurisprudence
- the applicable guiding principle about human rights laws' interpretation
- legislative drafting technics

KNOWING HOW TO :

- deliver completed, reasoned, accessible and educative decisions and judicial orders related to child's rights and child's protection in reasonable delay

Thank you for your attention

The main goal of any intervention has to be the child (re)integration in the society not his or her exclusion !



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