



## In this edition :

(click on title for direct access)

- **Editorial**
- **The Right to Education of Children in Detention**
- **...Did you know... ? DCI-Israel activities on juvenile justice**
- **Relating to General Comment No. 10: Reform of the field of action of the juvenile justice system from the point of view of diversion**

## Editorial

**D**ear Readers,

Welcome to issue No. 19 of DCI's Juvenile Justice Newsletter. The spotlight article of this January-February 2010 edition of the newsletter is dedicated to the issue of access to education for children in detention. Evidence shows that in many countries children in conflict with the law have limited or no access at all to education. We have invited Barbara Robinson, the author of our recent publication on this topic, to share with us her report's main conclusions, challenges and recommendations. As you will see, much work still needs to

be done in this area to avoid further discrimination against children in conflict with the law.

The second article is the first of a series of features presenting the activities on juvenile justice carried out by DCI national sections around the world. This month, we will present DCI-Israel's tireless efforts to protect and promote the rights of both Israeli and Palestinian children in conflict with the law in a very difficult political context.

## The Right to Education of Children in Detention

by Barbara Robinson, Volunteer at DCI-International

### Secretariat

**A** child's right to education is regarded as universal and inviolable. Children deprived of their liberty represent a particularly vulnerable group and often have special educational needs: many come from poor socio-economic backgrounds and have experienced neglect, exclusion, abuse or violence. States, therefore, have a special duty to ensure they are not further disadvantaged by missing out in education when deprived of their liberty. However, evidence suggests that the rights of detained children are frequently violated due to lack of political will, scarcity of resources and refusal on the grounds of punishment or 'security'.

In August 2009, DCI's International Secretariat published a research report titled *Education in Chains*, examining the right to education of children in detention in thirteen countries. The report developed from DCI's participation in a consultation by the UN Special Rapporteur on the Right to Education, focussing on the rights of persons in detention. Information regarding educa-

tional provision for detained children was contributed by a number of DCI national sections (Albania, Belgium, Colombia, Ecuador, Italy, Lebanon, Netherlands, Niger, Nigeria, Pakistan, Palestine, Sierra Leone and Uganda). While the Special Rapporteur examined the rights of prisoners in general, however, DCI's report focussed almost exclusively on the situation of children in conflict with the law, in order to contribute to the evidence base in an area where up-to-date and reliable data is scarce.

The report's findings demonstrate that children in conflict with the law continue to face denial of their basic social, cultural and economic rights. In spite of international legislation that establishes the right to education, there is no guarantee that children's rights are being upheld in national legislative contexts. In a number of cases, the State is failing to provide any education whatsoever to detained children, while non-governmental organisations (NGOs) are sometimes



January 2010

No. 19

## The Right to Education of Children in Detention

*(continued from page 1)*

the sole providers of education and often play a key role in enhancing existing provision. Detained children face many barriers to accessing their right to a quality education, including lack of appropriate facilities, staff shortages, overcrowding and ineffective organisation. Finally, the national sections often criticised the situation of children in pre-trial detention, where no or lower quality education is frequently provided.

The report emphasises that in order to address these problems, much more needs to be done to protect the right to education of vulnerable children, especially those in conflict with the law. First, it stresses that States should use deprivation as a measure of last resort and for the shortest possible period of time, while use of pre-trial detention should be avoided.

Secondly, as efforts to collect information were frequently hampered by lack of available data, there is a need to systematically collect and publish data about the provision of education in detention and ensure that the quality and quantity of education is monitored and reviewed appropriately. Thirdly, the participation of children in the development of educational programmes in detention should be considered. Finally, states should ensure that education is framed as an alienable right, integrated in the national legislation, policies and strategies. States have an obligation to guarantee children's right to a quality education in detention, suitable to their needs and abilities. Unfortunately, it appears that children deprived of their liberty continue to be failed and forgotten in national policies and in practice on the ground.

### ...Did you know...?

## DCI-Israel activities on juvenile justice

by Anna Volz, DCI-International Secretariat

*From now on, each edition of DCI's Juvenile Justice Newsletter will present the activities on juvenile justice currently being carried out by a DCI national section.*

*This month's newsletter presents DCI-Israel's activities, which were described by its director, Hadeel Younis, during a recent visit to the International Secretariat in Geneva.*

Compared to its Palestinian neighbour section, DCI-Israel is quite small; however, a closer look at the everyday efforts of its director and team reveals a dynamic section engaged in a wide array of activity. DCI-Israel is a member of several NGO coalitions, including the Forum for Prisoner's Rights, and it plays an especially important role in networking with Israeli government authorities.

Apart from its activities on juvenile justice, the Israeli section also runs a child help hotline and is part of a forum on internet safety. In addition, DCI-Israel

lobbies on behalf of Palestinian children. Each time a Palestinian child is killed by the Israeli army, the section writes a letter to the authorities asking for an investigation to be opened. An Israeli soldier under investigation faces a three-year promotion freeze; therefore, even though soldiers are generally never punished for killing a Palestinian child, the idea of risking a promotion is believed to prevent many of them from committing such acts.

### Juvenile Justice Activities

Until late 2007, DCI-Israel was permitted to run detention monitoring programs which included visiting prisons and conducting face-to-face meetings with detained children. This is no longer the case; indeed, a large majority of NGOs today are no longer allowed to visit detention centres. Along with other NGOs, **DCI-Israel lobbies the government to allow child rights organizations to once again have access to places of detention.**

[Click here to download the full report in pdf format](#)

January 2010

No. 19

## ...Did you know...? (continued from page 2)

Throughout the juridical process, Palestinian and Israeli child offenders are not treated in the same way. While Israeli children in conflict with the law are sent to specialised juvenile courts, Palestinian children are considered to be “enemies of the state” and are thus sent to military courts. DCI-Palestine closely follows the situation and condition of Palestinian children in Israeli military courts. DCI-Israel assists its neighbour in writing to authorities and establishing contacts, since, being an Israeli NGO, it has a better chance of receiving a response from the government.

Regardless of the fact that they are treated and protected better than Palestinian child offenders, Israeli children in conflict with the law should still have a chance to change and improve their situation and their lives. With a view towards

making this possible, DCI-Israel runs a **program for Israeli children who are awaiting trial**. During the pre-trial period, which can last up to one year, juveniles usually don't go to school. Faced with this lack of daily structure, they are apt to become further engaged in risky behaviours, worsening their already precarious situations. DCI-Israel's lawyer and social worker help these young people in finding a way to occupy their time with volunteer positions or other small jobs. This not only helps them to avoid committing any further offences, but also offers them an opportunity to engage in something that will cast them in a more favourable light come trial time.

Contact DCI-Israel: Hadeel Younis, Director DCI-Israel; Email: [info@dci.org.il](mailto:info@dci.org.il)

## Relating to General Comment No. 10: Reform of the field of action of the juvenile justice system from the point of view of diversion

**P**resentation of research conducted by the Interdisciplinary Centre for Child Rights, led by Héloïse Tracqui and Jean-Vincent Couck, under the supervision of Isabelle Ravier.

In 2006, the Belgian legislature restructured the field of action of the juvenile justice system, namely by introducing a “system of diversion” within the reformed law of 8 April 1965 relative to the protection of youth. After having analysed the manner in which the legislature and Minister of Justice L. Onkelinx saw, understood and integrated it into the legal framework, we have put the founding “modalities of diversion” of the system in perspective with international standards of diversion, advocated in General Comment No. 10, which complements the international Convention on the Rights of the Child. The system's implementation was also examined

via questioning, through interviews and a round table, the magistrates and criminologists involved in the application of the new “intervention possibilities” at the disposal of the juvenile justice system (letters of warning, legal cautioning, “rappel à la loi”, mediation and parenting courses) and the social stakeholders of the Educative and Philanthropic Funding Service, which carries out mediations. We questioned them on their interpretation(s) of the norms, their positions and their conceptions of diversion and their practices, as well as the links which these factors foster. Do the actions of the judiciary actors aim at an objective of diversion? Do action or decision-making schemes exist which favour diversion? Is mediation—which assumes the most diversionary features at the level of the legal realm—used as an alternative measure to judicial procedures?

[www.defenceforchildren.org](http://www.defenceforchildren.org)

[Click here to download the research abstract in pdf format \(French\)](#)

[Click here to download the full report in pdf format \(French\)](#)

# Juvenile Justice Newsletter

## Contributors:

Barbara Robinson

Anna Volz

.....

## Editing:

Annelaure Bornand

.....

## Format:

Annelaure Bornand

January 2010

No. 19

You can now access DCI's report on the 53rd session of the Committee on the Rights of the Child (February 2010) by [clicking here](#).

This report covers the review of the periodic reports of Cameroon, Ecuador, Israel and Paraguay.

Juvenile Justice Programme Desk  
International Secretariat  
Case postale 88  
CH-1211 Geneva 20

[juvenilejustice@dcj-is.org](mailto:juvenilejustice@dcj-is.org)



*Please note that the articles contained in this newsletter are the individual contributions of DCI's national sections and the International Secretariat, and as such do not constitute the official position of the IEC members or the movement as a whole.*