

**Recommendation from the Council for the Administration of Criminal Justice and Protection of
Juveniles
Summary for publication**

title : 'Young offenders institutions after 2010, a conceptualisation of young offenders institutions in the penal process'
submitted to : The State Secretary for Justice
date : 30 March 2007

The Council has formulated these recommendations in response to the Minister for Justice's report entitled 'A conceptualisation of young offenders institutions in the penal process'. Broadly speaking, the Council supports the view outlined in this report, which emphasizes the programmatic approach. However, few of the proposals have been fleshed out in the report, and the Council awaits such elaboration with interest; the details are often the crux of the matter.

The Council suggests adding a preface to the conceptualisation report, setting out the general principles on which further policy and implementation will be based. One important principle is to use the International Convention on the Rights of the Child (ICRC) as a guideline. A second important principle is that children and juveniles should be detained at a location as close to home as possible. Other principles include:

- that special preventive measures should prevail over retribution in deciding about punishment and orders for juveniles. Treatment, in the personal and therapeutic sense, should be linked in with this principle;
- that juveniles should be on remand for as short a time as possible;
- that, whenever possible, punishment and orders should be implemented on a non-institutional basis;
- that juveniles should be supervised by one and the same person, or that person should at least coordinate the entire process from arrest through to after-care.

The Council points out that if a successful start is to be made with the programmatic approach, the emphasis must lie on the programme as a whole - not just on the juvenile's stay in the custodial institution - and that substantial investments will need to be made in after-care. It is the after-care phase that gives the Council most concern, since the chances of juveniles being held in institutions local to their homes will decrease even further in the future. The Council therefore advocates the establishment of smaller juvenile detention centres spread over all parts of the country, as suggested in the preparatory recommendations on this issue (recommendations for secure crisis centres dated 29 September 2005). The involvement of parents is another aspect which, in the opinion of the Council, has not been adequately elaborated, even though their involvement in all phases of the programme is deemed essential. Finally, the Council considers the professionalisation of the teams supervising juvenile groups and a reduction of group size to be absolute preconditions for improving the quality of the juvenile's stay in a custodial institution.