

Prof. Dr. Frieder Dünkel

Office:

Ernst-Moritz-Arndt-Universität Greifswald
Lehrstuhl für Kriminologie
Domstraße 20
D-17487 Greifswald/Germany
Tel.: ++49-(0)3834-862138; Fax: 862155
E-mail: duenkel@uni-greifswald.de
Internet: www.uni-greifswald.de/~ls3

Private:

Am Ryck 15, D-17498 Wackerow
Tel.: ++49-(0)3834-799236 or 01629182571

Greifswald, 15 December 2006

**“Juvenile justice systems in Europe – current situation,
reform developments and good practices”**

Youth justice systems in Europe in the last 15 years have experienced considerable changes, particularly in the former socialist countries of transition. But also in Western Europe different and sometimes contradictory youth justice policies can be identified: neo-liberal tendencies, particularly in England and Wales, but also in the Netherlands (see *Cavadino and Dignan* 2002: 284 ff.; 2006: 215 ff.). In other countries - like Germany for example – a moderate system of “minimum intervention” (priority of diversion and of educational measures) has been kept (see *Dünkel* 2005). In many countries elements of restorative justice have been implemented (mediation, family group conferencing, see e. g. Belgium).

Questions for the future development in Eastern and Western Europe will be: Where do we go from here? Will there be chances for a harmonisation towards a “European juvenile justice system”, and if yes, will it be oriented more to neo-liberal or to traditional educational, minimum intervention and/or restorative justice ideas?

Although some comparative approaches in the field of juvenile justice can be seen in recent juvenile justice literature (see *Albrecht and Kilchling*, 2002; *Cavadino and Dignan*, 2006), there is a lack of in-depth comparative research particularly including the new EU Member States and candidates. The earlier publications of *McCarney* (1996), *Dünkel, van Kalmthout and Schüler-Springorum* (1997) and also of *Dünkel and Drenkhahn* (2003) have covered some of these countries and/or aspects of comparative juvenile justice. The reports on national juvenile justice systems, however, need to be updated. Some of the comparative research does not or almost not include middle and eastern European countries (see *Albrecht and*

Kilchling 2002; *Tonry* and *Doob* 2004). So a larger and more comprehensive effort for comparing juvenile justice systems is necessary. This would enable the European Union to dispose of the necessary material for further harmonizing juvenile justice in Europe on the one hand and for disseminating “good practices” in this field on the other.

The following proposal is based on an international network which will be established by the Department of Criminology at Greifswald. The aim of the research is to collect knowledge about the legal situation and actual reforms or reform proposals and the practice of the juvenile justice agencies as well as the courts (sentencing practice, development of treatment and educational facilities etc.). It also includes the legal situation and practice in residential care institutions and/or youth prisons. A further focus is put on gathering examples of “good practices” in the field of juvenile justice and juvenile institutions.

The research will be divided in two parts:

- The first phase (12 months) is dedicated to an overview of the legal situation of juvenile justice systems, the development of reported juvenile delinquency (with special emphasis on problem groups like young migrants, violent and drug offenders etc.), the sentencing practice and the development of community and residential treatment/education facilities in the Member States of the European Union including the new members and candidates for membership of the European Union. We want to collect national reports which will be prepared by domestic contact persons in adherence to the same outline in each country (see the outline below). The national reports will be compared by a European overview which will describe different models of juvenile justice systems and their impact on juvenile delinquency. Therefore we will also include evaluation and recidivism studies as far as they have been conducted in the countries included in the study.
- The second phase (12 months) will concentrate on examples of good practices, which will be described in a second national report. They will be evaluated with respect to their practicability (also possibilities of their transfer to other countries) and their efficiency concerning crime reduction and rehabilitating young offenders.

The project could start in September 2006. We propose to involve two young doctoral students in the project, working under the supervision of the head of the Department of Criminology at Greifswald (Prof. Dr. Frieder Dünkel). One of them should cover the middle- and eastern European countries and be able to understand the main languages (Russian, Serbian,

and/or another language like Polish or Lithuanian). The second person should cover the Western-European countries and have language knowledge of English, French, Spanish and German. The two project coordinators will organise to receive the national reports and support the contact person in each country when collecting legal material, statistical data etc. The national reports as well as the comparative work will be presented in German and English (and could possibly also be translated into Spanish).

We plan to edit two readers: A first reader after 12 months covering the national reports and an extensive comparative chapter. A second volume will include the reports on examples of good practices and be completed after another 12 months. It will include a manual for good practices giving advice and recommendations on how to implement good practices in the field of juvenile justice.

The **network of juvenile justice experts** is based on a long-lasting cooperation of the Department of Criminology at Greifswald University. In 1995 we organised a first international conference of juvenile justice experts resulting in a reader, edited by *Dünkel, van Kalmthout and Schüler-Springorum* (1997; “Reform tendencies and reform strategies in the juvenile justice system in a European comparison”). The national reporters of that book could be involved in the current research proposal as well. Furthermore, we would like to involve other, particular Eastern European researchers, who have been in cooperation with our department in a recent research project on youth violence in the countries of the Baltic Sea region. In 2003 we published a reader covering the problems of youth violence based on the proceedings of an international conference at Greifswald organised by our department in 2001 (*Dünkel and Drenkhahn* 2003).

In the years 2002-2005 we conducted an international empirical survey funded by the Ministry of Culture and Education of the federal state of Mecklenburg Western-Pomerania/Germany on “Juveniles as victims and offenders of violence in the countries of the Baltic Sea region” (“Mare-Balticum-Youth-Survey”), covering empirical data of about 4,500 pupils in Estonia, Finland, Germany, Lithuania, Poland and Sweden (see *Dünkel, Gebauer and Kestermann* 2005).

The participating researchers were members of the mentioned network and would be authors of the national reports outlined below.

Working structure:

The following persons would participate as partners of the applying University of Greifswald:

Francisco Legaz Cervantes, President of Fundación Diagrama, Murcia.

Prof. Dr. Alessandro Padovani, Institute Don Calabria, Verona.

Prof. Jim Dignan, University of Sheffield.

Dr. Gintautas Sakalauskas, Institute of Law, Ministry of Justice, Vilnius.

Dr. Barbara Stańdo-Kawecka, Jagiellonian University, Krakow.

Prof. Dermot Walsh, University of Limerick.

The task of the partners will be to organise the two expert conferences at the end of the first and of the second project year (possibly Verona and Madrid), where the national reports will be presented. Further they will support the two researchers in collecting the legal and other relevant material in order to create a data base of legal and statistical materials on juvenile justice systems in Europe. At the beginning of the first year the German applicant will organize a first meeting (“starter-workshop”) in Greifswald/Germany.

Prof. James Dignan is one of the best known experts on comparative juvenile justice in Europe (see *Cavadino and Dignan 2006*).

Prof. Alessandro Padovani has a longlasting experience in juvenile justice and in developing projects in this field.

Francisco Legaz Cervantes is president of the foundation “Diagrama”, which runs a nationwide system of juvenile welfare institutions in Spain as well as in France.

Dr. Gintautas Sakalauskas, Dr. Barbara Stańdo-Kawecka and Prof. Dermot Walsh are very well experienced and known experts of juvenile justice systems in the Middle and Eastern European countries resp. in Ireland.

Greifswald, January 2006

Literature:

- Albrecht, H.-J., Kilchling, M. (2002): *Jugendstrafrecht in Europa*. Freiburg i. Br.: Max-Planck-Institut für ausländisches und internationales Strafrecht.
- Cavadino, M., Dignan, J. (2002): *The Penal System. An Introduction*. 3rd ed. London: Sage.
- Cavadino, M., Dignan, J. (2006): *Penal Systems. A Comparative Approach*. London: Sage.
- Düinkel, F. (2005): Juvenile Justice in Germany – Between Welfare and Justice. Internet-publication European Society of Criminology, www.esc-eurocrim.org, working groups: Thematic working group on juvenile justice.
- Düinkel, F., Drenkhahn, K. (2003) (Eds.): *Youth violence: new patterns and local responses – Experiences in East and West*. Mönchengladbach: Forum Verlag Bad Godesberg.
- Düinkel, F., Gebauer, D., Kestermann, C. (2005): Mare-Balticum-Youth-Survey. Selbstberichtete Delinquenz und Gewalterfahrungen von Jugendlichen im Ostseeraum. *Monatsschrift für Kriminologie und Strafrechtsreform* 88: 215-239.
- Düinkel, F., van Kalmthout, A., Schüler-Springorum, H. (1997) (Eds.): *Entwicklungstendenzen und Reformstrategien des Jugendstrafrechts im europäischen Vergleich*. Bonn-Bad Godesberg: Forum-Verlag.
- McCarney, W. (1996) (Ed.): *Juvenile Delinquents and Young People in Danger in an Open Environment*. Winchester.
- Shoemaker, D. S. (1996) (Ed.): *International Handbook on Juvenile Justice*. Westport/CT: Greenwood Press.
- Tonry, M., Doob, A. N. (2004): *Youth Crime and Youth Justice: Comparative and Cross-national Perspectives*. Chicago: Chicago University Press (Crime and Justice, Vol. 31).

**“Juvenile justice systems in Europe – current situation,
reform developments and good practices”**

Outline for national reports (maximum size: 35 pages):

1.	Historical development and overview of the current juvenile justice legislation (Justice or welfare approach, relation between welfare and justice, age groups covered by the juvenile justice system etc.) (max. 2 pages)
2.	Trends in reported delinquency of children, juveniles and young adults (with particular emphasis on violent, drug offenders, young migrants, male and female juvenile delinquency etc., statistical data since 1980) (max. 4 pages)
3.	The sanctions system Kinds of informal and formal interventions (diversion with and without conditions, mediation, educational measures, combined sanctions, youth imprisonment etc.) (max. 3 pages)
4.	Juvenile criminal procedure Involvement of juvenile welfare/justice agencies, social workers, defence councils; risk assessment strategies, the role and professional training of juvenile prosecutors and judges etc. Characteristics of juvenile criminal procedure, juvenile courts, rights of appeal etc. (max. 3 pages)
5.	The sentencing practice – Part I: informal ways of dealing with juvenile delinquency (diversion, victim-offender-mediation etc., statistical data since 1980) (max. 2 pages)
6.	The sentencing practice – Part II: the juvenile court dispositions and their application since 1980 (max. 3 pages)
7.	Regional patterns and differences in sentencing young offenders (max. 2 pages)
8.	Young adults (18-21 years old) and the juvenile (or adult) criminal justice system – legal aspects and sentencing practices (possibilities and practice to apply sanctions of the juvenile justice system on young adults) (max. 3 pages)
9.	Transfer of juveniles to the adult court (Legal conditions and practice for a transfer to the adult court, waiver; crimes, age group etc.) (max. 2 pages)
10.	Preliminary residential care and pre-trial detention (Legal conditions, statistical data etc.) (max. 2 pages)

11.	Residential care and youth prisons – legal aspects and the extent of young persons deprived of their liberty (age groups in residential homes and in youth prisons; transfer to adult prisons etc.) (max. 3 pages)
12.	Residential care and youth prisons – development of treatment/vocational training and other educational programmes in practice (max. 3 pages)
13.	Current reform debates and challenges for the juvenile justice system (max. 2 pages)
14.	Summary and outlook (max. 1 page)

The following **countries** and **national contact persons** are involved:

National contact persons

1.	Austria	Dr. Arno Pilgram, Vienna	arno.pilgram@univie.ac.at
2.	Belgium	Dr. Jenneke Christiaens, Els Dumortier, Free University of Brussels	jchristi@vub.ac.be
3.	Bulgaria	Dr. Krassimir Kanev, University of Sofia	krassimir.kanev@gmail.com
4.	Croatia	Prof. Dr. Igor Bojanić, University of Osijek	ibojanic@pravos.hr
5.	Czech Republic	Prof. Dr. Helena Válková; University of Pilsen	hvalkova@mbox.vol.cz
6.	Denmark	Prof. Dr. Anette Stoorgard, University of Aarhus	as@jura.au.dk
7.	England/Wales	Prof. James Dignan, University of Sheffield	J.Dignan@sheffield.ac.uk
8.	Estonia	Prof. Dr. Jaan Sootak, Dr. Anna Markina, University of Tartu	jaan.sootak@ut.ee anna.markina@ut.ee

9.	Finland	Dr. Tapio Lappi-Seppälä, Ministry of Justice, Helsinki	tapio.lappi-seppala@om.fi
10.	France	Prof. Robert Cario, University of Pau, Prof. Joceline Castaignède, University of Bayonne	robert.cario@univ-pau.fr isabelle.joye@univ-pau.fr
11.	Germany	Prof. Dr. Frieder Dünkel, University of Greifswald	duenkel@uni-greifswald.de
12.	Greece	Prof. Dr. Angelika Pitsela, University of Thessaloniki	pitsela@law.auth.gr
13.	Hungary	Dr. Erika Varadi-Csema	jogvarad@uni-miskolc.hu
14.	Ireland	Prof. Dr. Dermot Walsh, University of Limerick	dermot.walsh@ul.ie
15.	Italy	Prof. Dr. Alessandro Padovani, Institute Don Calabria, Verona, Prof. Dr. Lorenzo Picotti, University of Verona	mediazione@doncalabria.it lorenzo.picotti@univr.it
16.	Kosovo	Dr. Dierk Helmken, Heidelberg	dhelmken@web.de
17.	Latvia	Doz. Dr. Andrejs Judins, Police Academy of Riga	andrejs@providus.lv
18.	Lithuania	Dr. Gintautas Sakalauskas, Dr. Algimantas Čepas, Academy of Law, Vilnius	gintautas@teise.org
19.	Netherlands	Prof. Dr. Anton van Kalmthout, University of Tilburg	A.M.vKalmthout@uvt.nl
20.	Northern Ireland	Prof. Dr. David O'Mahony, Durham University	d.omahony@durham.ac.uk
21.	Poland	Dr. Barbara Stando- Kawecka, University of Krakow and Joanna Grzywa, University of Krakow and University of Greifswald	Kawecka@cicero.law.uj.edu. pl czpijot@gmx.de

22.	Portugal	Prof. Dr. Anabela Miranda Rodrigues, University of Coimbra	anarod@fd.uc.pt
23.	Romania	Andrea Parosanu, Leipzig	aparosanu@web.de
24.	Russia	Prof. Dr. Nikolai Schtschedrin, University of Krasnojarsk; Evgenia Balabanova, State University of Irkutsk	sveroboy@law.krasu.ru balabanova@gmx.de
25.	Scotland	Prof. Dr. Michele Burman et. alt., University of Glasgow.	m.burman@lbs.gla.ac.uk
26.	Serbia	Prof. Dr. Milan Skulic	
27.	Slovakia	Prof. Dr. Helena Válková; University of Pilsen	hvalkova@mbox.vol.cz
28.	Slowenia	Prof. Dr. Alenka Šelih und Katja Filipcic, University of Ljubljana	alenka.selih@siol.net katja.filipcic@pf.uni-lj.si
29.	Spain	Prof. Dr. José Luis de la Cuesta, University of San Sebastian Prof. Dr. Esther Giménez-Salinas, University Ramon Llul, Barcelona	joseluis.delacuesta@ehu.es gimenez-salinas@rectorat.url.edu
30.	Sweden	Prof. Dr. Hanns von Hofer, University of Stockholm	hanns.hofer@crim.su.se
31.	Switzerland	Dieter Hebeisen, President of the Youth Court District “Berner Oberland” and President of the Swiss Assosiation of Juvenile Law	Dieter.Hebeisen@jgk.be.ch
32.	Turkey	Prof. Dr. Bahri Öztürk, University of Izmir	simoneartuk@gmail.com
	Conclusion	Prof. Dr. Frieder Düinkel, University of Greifswald, Prof. James Dignan, University of Sheffield	

Co-Coordiators:

Cedric Foussard, Fundación Diagrama/Murcia, cfoussard@oijj.org

Francisco Legaz Cervantes, President, Fundación Diagrama, Murcia,
PLegaz@fundaciondiagrama.es

German guests:

Prof. Dr. Wolfgang Heinz, University of Konstanz

Prof. Dr. Heribert Ostendorf, University of Kiel

Prof. Dr. Bernd-Rüdiger Sonnen, University of Hamburg

Prof. Dr. Michael Walter, University of Cologne

Jochen Goerdeler, DVJJ Germany

12.	Greece	Prof. Dr. Angelika Pitsela, University of Thessaloniki
13.	Hungary	Prof. Dr. Miklos Levay, University of Miskolc
14.	Ireland	Prof. Dr. Dermot Walsh, University of Limerick
15.	Italy	Prof. Dr. Alessandro Padovani, Institute Don Calabria, Verona, Prof. Dr. Lorenzo Picotti, University of Verona
16.	Latvia	Doz. Dr. Andrejs Judins, Polica Academy of Riga
17.	Lithuania	Dr. Gintautas Sakalauskas, Dr. Algimantas Čepas, Academy of Law, Vilnius
18.	Malta	N. N.
19.	Netherlands	Prof. Dr. Anton van Kalmthout, University of Tilburg
20.	Northern Ireland	David O'Mahony, Durham University
21.	Poland	Dr. Barbara Stando-Kawecka, University of Krakow and Joanna Grzywa, University of Krakow and University of Greifswald
22.	Portugal	Prof. Dr. Anabela Miranda Rodriguez, University of Coimbra
23.	Romania	Andrea Parosanu, Leipzig
24.	Russia	Prof. Dr. Nikolai Schtschedrin, University of Krasnojarsk; Evgenia Balabanova, State University of Irkutsk
25.	Scotland	Prof. Dr. Michele Burman et al., University of Glasgow.
26.	Serbia	Prof. Dr. Milan Skulic, University of Belgrade
27.	Slovakia	Prof. Dr. Helena Válková; University of Pilsen
28.	Slovenia	Prof. Dr. Alenka Šelih and Katja Filipcic, University of Ljubljana

29.	Spain	Francisco Legaz Cervantes, President, Fundación Diagrama, Murcia, Prof. Dr. José Luis de la Cuesta, University of San Sebastian Prof. Dr. Esther Giménez-Salinas, University Ramon Llul, Barcelona
30.	Sweden	Prof. Dr. Hanns von Hofer, University of Stockholm
31.	Switzerland	N. N.
32.	Turkey	Prof. Dr. Bahri Öztürk, University of Izmir
33.	Conclusion	Prof. Dr. Frieder Dünkel, University of Greifswald, Prof. James Dignan, University of Sheffield

Greifswald, 5th February 2007

Prof. Dr. Frieder Dünkel

Guidance for Legislative Reform on Juvenile Justice © Children's Legal Centre and United Nations Children's Fund (UNICEF), Child Protection Section, New York, 2011. Child Protection Section UNICEF 3 UN Plaza, NY, NY 10017 May 2011. This is a working document. The Children's Legal Centre carries out research and analysis of systems, legislation, policy and practice and implements reform programmes, undertakes consultancies and delivers training in child rights for a range of United Nations and other international bodies. It also provides free and accessible legal information on a range of children's rights topics, which are available on its websites. On uvenile justice reform and the aims of expert debate. 271. Russia has a tradition of state-welfare which could surely be drawn upon, but selectively, and with attention to today's dysfunctional features"too many institutions seeking to control social activities while remaining themselves immune from social control. Forthcoming. Juvenile Justice Systems in Europe"Current Situation, Re-form Developments and Good Practices. MÃ¶nchenglad-bach: Forum Verlag. Maksudov, R. R., ed., 2008. of law reform: examples of good practice Example: Law reform in Uganda Status offences Age of criminal responsibility Table: Official age of criminal responsibility in countries round the world International guidelines on the minimum age of criminal responsibility Laws relating to mothers in prison. The positive developments in community-based restorative justice are often from the developing world. How can the call to action be addressed? Juvenile justice - modern concepts in working with children in conflict with the law. What is a juvenile justice system? There are many aspects of a juvenile justice system: the people involved in it, the way they act, the procedures, the physical and other facilities.