
REPORTS OF THE COURSE

GROUP 1

DEALING WITH CHILDREN: DIVERSION, COURT ACTION, COOPERATION

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I. EXECUTIVE SUMMARY

This paper discusses the various aspects of juvenile justice systems which are in place in different countries, looks into the shortcomings in these systems and finally comes up with certain recommendations for the improvements in the systems in all these countries which are in consonance with the standards provided by the Beijing Rules of 1985.

One of the main themes of juvenile justice systems is diversion from the normal justice procedures employed by the juvenile or family courts. The report will take an account of the diversion mechanisms at different stages that are in vogue in these countries. The procedures which are adopted by the courts while dealing with juveniles are discussed in the second part, followed by an account of the inter-organizational cooperation between different agencies involved in the juvenile justice system. The next part discusses the role of the community and the private sector in helping the government to improve the situation of juvenile offenders and providing the best possible environment for the rehabilitation and social reintegration of juveniles.

The final part of the report is on recommendations and suggestions on the above-discussed themes.

II. INTRODUCTION

A story is told about an ex-offender returning home from a distant prison. Prior to his release, he wrote to his wife as he was not sure whether he was going to be accepted or not. In his letter, he said that if they are to accept him, tie a yellow ribbon on the old oak tree. Upon his release and arrival at the front of their yard, he saw the oak tree with not one but a hundred yellow ribbons tied on its every branch.

And such was the concept of the "Yellow Ribbon". From a story that introduces forgiveness and acceptance springs forth the method that engages the community in giving ex-offenders, parolees and probationers, a second chance at life.

The rehabilitation and social reintegration approach is far better than the retributive approach, and this is especially true with juvenile offenders.

III. SIGNIFICANCE OF THE STUDY

Research suggests that children and adolescents are much more responsive to environmental pressure since they are typically less experienced and therefore have a different perception about what is right and what is wrong.

Further, guidelines from the United Nations on juvenile justice expressly provide for access to education, assistance, social support and normal social roles.

As such, this paper will examine the strategies and procedures that promote such reconnection, including rehabilitative diversion measures, fair access to court processes, expansion of access to basic needs and opportunities that will support not just the reintegration of juveniles back to the society, but more importantly the normal growth of children in the community.

IV. DIVERSION

A. Definition

Article 11 of the Beijing Rules describes how to conduct diversion. According to the commentary to Article 11, diversion—which involves removal from criminal justice processing and, frequently, redirection to community support services—is commonly practiced on a formal and informal basis in many legal systems.

Diversion may be used at any point of decision-making—by the police, the prosecution or other agencies such as the courts, tribunals, boards or councils. It may be exercised by one, several or all authorities, according to the rules and policies of the respective systems and in line with the Beijing Rules. The consensus reached is that there can be several types of diversion at each stage of juvenile justice procedure.

B. Basis of Diversion

In most of the countries diversion is based on the law except Cote d'Ivoire and Pakistan where its use is more of something informal. Most of the countries have specific rules to perform diversion. In each country diversion is performed for all offences but in cases of murder and drugs, diversion is not allowed. In Pakistan in case of a compromise between the two parties' diversion can be adopted in any offence, in some cases at the investigation level by police and in some cases by the court.

C. Competent Authorities and Procedure of Diversion

Judges, courts and officers can perform diversion in different countries. In Japan, a judge can dismiss a case without ordering a Family Court Investigating Officer (FCIO) to investigate. Most cases are minor offences. A judge can also dismiss a case as a result of a social investigation by an FCIO. In the social investigation, an FCIO interviews juvenile and his/her custodian. First of all, the FCIO confirms whether or not the facts of delinquency are true from the juvenile and his/her custodian using case records. If the juvenile and his/her custodian admit the delinquency, an FCIO continues to interview the juvenile, investigates his/her life history, family and items in relation to school/occupation etc. After that, certain measures can be taken for the purpose of preventing recidivism depending on the possibility of reoffending. There are mainly four educative methods: (a) On-site learning: a judge orders the juvenile to participate in community service activities such as cleanup and nursing care for the purpose of forming a bond with the community and enhancing his/her self-esteem, (b) Group Work: for the purpose of changing the parent-child relationship for a better environment, (c) Enhancing knowledge: (i) drug education/sex education by a medical officer of the Family Court; (ii) Lesson on traffic rules: car accidents, driving without a license and bicycle accidents. (iii) Classes to consider the harm of shoplifting or bicycle theft, (d) Employment assistance: instructions on writing a resume or on improving interview skills.

In some countries, diversion is performed by the officers of juvenile police departments, with the mutual consent of the parties. In other countries, the prosecutor receives the police report, and then decides. Still in other countries, only the courts perform diversion. In fact, the courts may only proceed with reconciliation if the offences committed are not substantially of a personal or private nature and not aggravated in degree. The courts may in the process of promoting reconciliation in an amicable way consider the following terms: (i) payment of compensation, (ii) the giving of an apology in any appropriate manner, (iii) the giving of a promise or undertaking not to reoffend, or to respect the rights and interests of any victim, (iv) mandatory attendance at any counselling or other programme aimed at rehabilitation, or (v) a promise or undertaking to alter any habits or conduct, such as the consumption of alcohol or the use of drugs.

In Cote d'Ivoire, there are no effective procedures for diversion because the Penal Procedure Code (PPC) does not take this system into account.

D. Link with Recidivism

No countries in the group have official data to show the relation between diversion and recidivism. In Brazil, the diversion of juveniles can be linked to the hypothesis of recidivism when the offender does not understand it as a second chance, but as impunity. Thus, the adolescent thinks that if he/she commits another crime, it will not have consequences. There is a feeling that taking a very lenient view with the offender may enhance recidivism.

In some other countries, there is the same argument that the function of diversion serves as an avenue for recidivism. However, this notion is not satisfactorily supported because there is no exact data to prove this statement. In some other countries, diversion is considered as working well.

E. Analysis

Diversion in each country has different results and in some systems it works well because diversion is conducted on the basis of law and is very effective for rehabilitation of the juveniles. But, generally speaking, diversion in the case of juveniles is a better option for the effective rehabilitation of juveniles.

F. Court Procedures in the Juvenile Justice System

Court procedure is a necessary mechanism in the juvenile justice system. The Beijing Rules provide *Standard Minimum Rules* expected from any ratifying state when handling juveniles in such mechanism. The *Minimum Standard Rules* shall be applied without restrictions of any kind, form or color. The requirements are as follows:

1. Competent Authority to Adjudicate

Competent authority to adjudicate is seen in the Beijing Rules as the first issue that must be taken into consideration when a juvenile offender has not been diverted from the investigating agencies.

Most countries have a court specifically authorized to handle juvenile matters. For example, in Japan and the Philippines, it is the *Family Court* whereas other countries such as Brazil, Cote d'Ivoire and Jordan have courts such as *Child and Youth Court*, *Court of Children* and *Juvenile Court*, respectively.

On the other hand, Pakistan does not have a juvenile court even though it is enshrined in its laws.

The second issue considered by the Beijing Rules is that the juvenile must be dealt with by the competent authority according to the principle of a *fair and just trial*.

The principle of fair and just trial is exercised in all countries as the right of the child. Such right includes the right to be innocent until proven guilty, the right to be present when being tried, the right of appeal to, or review by, a higher court and so forth.

The third issue considered by the Beijing Rules is that *proceedings shall be conducted in an atmosphere of understanding, which shall allow the juvenile to participate therein and to express her- or himself freely*.

Japan and PNG take a leading role on this requirement as their courts employ a juvenile friendly concept. For example, the judge or the magistrate sits at eye-level, as opposed to the adult court, where the judge is seated above the defendant. The setup of the court is designed in a way that the juvenile feels at ease without pressure. Nevertheless, most countries recognize the importance of having a closed court.

2. Legal Counsel, Parents and Guardians

On the matter of *legal counsel, parents and guardians*, the Beijing Rules state that *throughout the proceedings the juvenile shall have the right to be represented by a legal adviser or to apply for free legal aid where there is provision for such aid in the country*.

All member countries have embraced this issue as a right of the child. The child is given such right in writing on the opportunity for legal counsel and so forth. Most countries make it mandatory that the

parents and/or guardians are present in every enquiry stage during the police interview. This right is also exercised in the various courts.

3. Social Inquiry Reports

On the theme of *social inquiry reports* the Beijing Rules state that *before the competent authority (courts) renders a final disposition prior to sentencing, the background and circumstances in which the juvenile is living or the conditions under which the offence has been committed shall be properly investigated so as to facilitate judicious adjudication of the case.*

All the country members boldly had the probation officer (PO) or social worker (SW) taking the leading role in this matter except Japan who has the Family Court Investigating Officer (FCIO).

4. Various Disposition Measures

On the question of *various disposition measures* the Beijing Rules emphasize that *a large variety of disposition measures shall be made available to the courts, allowing for flexibility so as to avoid institutionalization to the greatest extent possible. Such measures include care, guidance and supervision orders; probation; community service orders etc.*

This emphasis has been abided by different country members. For example, the Fiji courts have alternatives to institutionalization such as the opportunity to have the matter discharged; order of fine/compensation or cost (Parents or guardian are ordered by the court to pay on behalf of the juvenile); probation orders; order the parent/guardian of the offender to give security for the good behaviour of the offender in a period of time; a care order in respect of the offender or imprisonment term.

The Philippines interestingly has a detailed alternative such as having the court exercise its discretion in imposing other diversion methods such as restitution of property; reparation of the damage caused; indemnification for consequential damages; written or oral apology; care, guidance and supervision orders; counselling for the child in conflict with the law and the child's family; attendance in trainings, seminars and lectures; participation in available community-based programmes, including community service and so forth up to institutional care and custody.

Nevertheless, it is noted that all countries have the institutional care and custody as the last option available when other methods are exhausted.

5. Institutionalization as a Last Resort

On the issue of *last possible use of institutionalization*, the Beijing Rules clearly highlight that *the placement of the juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period.*

This is reflected by the fact that most countries mandate the use of institutionalization as the last option. For example, in Papua New Guinea the courts can impose various sentences depending on the nature of the case and the law. Punishment such as non-custodial sentences where probation, community work, fines or good behaviour bonds are available in return for custodial sentences.

6. Avoidance of Unnecessary Delay

On the matter of *avoidance of unnecessary delay*, the Beijing Rules state that *each case from the outset shall be handled expeditiously, without an unnecessary delay.* In all member countries, this issue is regarded as a right of the child. There is no compromising on this issue. The child has the right to have a trial before a court of law begin and conclude without unreasonable delay.

7. Records

On the subject of *records*, the Beijing Rules state that *records of juvenile offenders shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the case at hand or other duly authorized persons.* It further states that *the records of juveniles shall not be used in adult proceedings in subsequent cases.*

In Fiji, the juvenile offenders' fingerprints cannot be taken without an order of the courts. The court

will only issue such order if and when necessary. Other countries have their strict confidentiality rule adhered to without hesitation.

8. Need for Professionalism and Training

Firstly, regarding the *need for professionalism and training*, the Beijing Rules state *that professional education, in-service training, refresher courses and other appropriate modes of institution shall be utilized to establish and maintain the necessary professional competence of all personnel dealing with juvenile cases.*

To begin with it is important to note that seventeen countries are represented in the 164th UNAFEI International Training Course on *Effective Measures for Treatment, Rehabilitation and Social Reintegration for Juvenile Offenders*. This is testimony to the participating and observing countries' intention to learn not only from one another but from the leading countries on this issue.

Secondly regarding the *need for professionalism and training*, the Beijing Rules state that *the juvenile justice personnel shall reflect the diversity of juveniles who come into contact with the juvenile justice system. Efforts shall be made to ensure the fair representation of women and minorities in juvenile justice agencies.* In most countries women and minorities are actively represented in the juvenile justice agencies.

G. Inter-Organizational Cooperation among Related Agencies

Inter-organizational cooperation between or among related agencies continues to play an integral part in the efficient and effective administration of juvenile justice procedures. While some of the things are not common, there are also many things in common. The police play a vital role in apprehension of juvenile offenders and are usually the first point of contact between the juvenile offender and the justice system. The various organizations involved in this process are police, the courts, the prosecution, the probation officers, the correction facilities and the rehabilitation centres.

First and foremost, Japan: Police, prosecutors, family courts, probation offices, juvenile classification homes, probation offices, child consultation centres and children's self-support facilities are the organizations involved in the process. Cooperation between all of them is necessary for the smooth functioning of the system.

The type of cooperation in Côte d'Ivoire is vertical. At the top the system of procedure, there are public prosecutors and children's judges for matters of juveniles. A police officer submits his investigation report to the public prosecutor who is the director of penal procedure. The officer cannot do anything without the prosecutor's advice. When a police report is sent to a prosecutor, he refers it to the children's judge if he decides to initiate court proceedings, otherwise, he dismisses the case.

Then, the children's judge investigates, and he can direct the police officer or social worker to collect any information with regard to the offence. In cases of murder, the children's judge refers the case to the General Attorney, and in other cases he can refer the case to a public prosecutor also. If he doesn't refer to the magistrate, he tries the case in his Chamber of council. In the second case, it's the Children's Court which deals with it. However, there is cooperation which is instituted by law and current practices.

In Papua New Guinea the key players in the Juvenile Justice System include the police, courts, probation/juvenile justice services, remand centres and corrective institutions. In the juvenile justice system, one system cannot work without the other. They are interdependent. There are specific policies and guidelines that key players of the juvenile justice system are to work together in improving justice for juveniles in the country. This also goes in line with the international rules. Nothing is considered legal until there are written documents. These is also a need for the proper court procedures. From the point of arrest to the point of sentencing from the courts, certain actors are engaged such as probation officers, or juvenile justice officers.

The court information is widely shared. Reports such as the social enquiry reports provided by the Probation Office to the courts are only for the Courts and the Probation Services, and they are inaccessible to other stakeholders to protect the identity of the offender.

There are monthly or quarterly meetings that are held to discuss any grievances faced by each player

in the delivery of the juvenile justice services. This meeting is usually referred to as the Court User Forum. Also, there is the formation of the Provincial Juvenile Justice Working Group (PJJWG) where all stakeholders also come to meet and discuss. This meeting is held quarterly, and there are PJJWGs in almost all provinces.

In Brazil, police, prosecution, child and youth courts, social work centres, clinics where treatment against drugs takes place and juvenile prisons are the organizations that require inter-organizational cooperation in regard to the juvenile justice system. There is no law that specifies the need for inter-organizational cooperation among the related agencies. The communication with other agencies is performed using email, letters of notification or reports by a specific sector in the prosecution office.

In Jordan, there are neither laws nor policies that specify a need for inter-organizational approaches between agencies. Regular meetings are held among agencies.

For the Republic of Fiji, the different stakeholders that are vital in juvenile justice procedures are the police, the Director Public Prosecutions, the Legal Aid Commission, the judiciary, social welfare, and Fiji Correction Service, and these agencies are all stipulated by the Constitution of the Republic of Fiji; the Criminal Procedure Decree; the Juvenile Act; and the Probation Act. Engaging stakeholders during the juvenile justice system is not fixed. It is based on when the need arises. Any engagement will include written and/or oral communication.

Agencies that are involved in the juvenile justice system in Pakistan have a certain level of cooperation between them, and it is a must for the smooth functioning of the system. Although these departments are independent in working with their own chain of command, at the same time they are somewhat dependent on each other for the smooth running of affairs. Formal communication is done through official written correspondence on a regular basis as well as periodic meetings in which everything between them is reviewed. Informal communication is between the officers at their own ends on a regular basis.

The police, after completing the investigation, submit the case to the court through the prosecution, and the court starts the trial and summons the witnesses. Pretrial detention is also permitted by the court. During this time the offenders are kept either at the police station or later at the prison so in this loop all the organizations have to work with each other and cooperation is a must. At the trial stage, the summoning of witnesses desired by the court is the responsibility of the police; thus, cooperation between the two is required. In Pakistan, there are no rehabilitation centers or halfway houses that are run by the government for the released offenders before sending them to the community.

While in most countries, juvenile laws provide for cooperation between agencies in the justice system, the Philippine Juvenile Justice Act also provides for cooperation among agencies engaged in the protection of children and those involved in providing basic and technical education to them. Primarily, this kind of collaboration aims to come up with programmes that prevent children from committing crime and delinquency.

Nonetheless, the cooperation continues even in institutional treatment of juveniles. When children in conflict with the law are taken into custody or detained in rehabilitation centres, they are provided the opportunity to continue learning under an alternative learning system with basic literacy programme or non-formal education accreditation equivalency system.

Although there is existing inter-organizational corporation between agencies as presentenced in most countries, most still believe that a lot more can be done to improve the inter-organizational systems in their respective countries. Under the Riyadh Guidelines in Part III of General Prevention 9(b), (c), (f), (g), there has to be inter-organizational cooperation among all relevant agencies for the juvenile justice system to function.

H. Forging Public and Private Partnerships in Dealing with Children

1. Point of Agreement

The point at issue here is not whether cooperation between and among government agencies and the private organizations is a must—the members all agree that it is. The question rather is, what are the

existing ties of the government agencies of Japan, Brazil, Fiji, Papua New Guinea, Pakistan, Cote d'Ivoire, Jordan, and the Philippines with the private sector or the community in general, that each of the participants can learn from.

2. Spirit of Volunteerism in Japan

The following community-based correction system provides a picture of the public and private partnership backed primarily by a fervent spirit of volunteerism in Japan:

(a) Volunteer Probation Officers (VPOs)

VPOs are citizens commissioned by the Minister of Justice, who cooperate with probation officers in providing various rehabilitation services to offenders. Their main activities are (i) to assist and supervise probationers and parolees; (ii) to coordinate the social circumstances of inmates; and (iii) to promote crime prevention activities in the community. They do not receive salaries: only a certain amount of their necessary expenses is reimbursed.

(b) Offenders Rehabilitation Facilities (Halfway houses)

Halfway houses in Japan are officially termed Offenders Rehabilitation Facilities. They accommodate probationers, parolees, or other eligible offenders and provide them with necessary assistance for their rehabilitation such as: (i) help in obtaining education, training, medical care, or employment; (ii) vocational guidance; (iii) training in social skills; and (iv) improving, or helping them adjust to their environment. Most halfway houses are run by juridical persons for Offenders Rehabilitation Services. The government supervises and provides financial support to such juridical persons and other entities that operate halfway houses. The government exempts them from taxes and offers tax deductions to individuals who donate to these organizations.

(c) Rehabilitation Aid Associations

Rehabilitation Aid Associations exist throughout Japan. They provide offenders with temporary aid, such as meals or clothing, and/or engage in "co-ordination and promotion services" for Offenders Rehabilitation Facilities, Volunteer Probation Officers Associations, and other volunteer organizations. "Co-ordination and promotion services" include providing subsidies, textbooks for training, and tools and materials for crime prevention activities.

(d) Volunteer organizations or forms of volunteering

There are other notable volunteer organizations or forms of volunteering in Japan, such as (i) the Women's Association for Rehabilitation Aid; (ii) Big Brothers and Sisters (BBS) Associations; and (iii) cooperative employers. The BBS (Big Brothers and Sisters Movement) is a volunteer activity in which mentors spend time, tutor, and engage in social activities with juveniles. It was named in honor of the Big Brothers Movement and Big Sisters Movement which began in the United States about 100 years ago.

(e) Commissions of Correctional Guidance

Family courts in Japan have community-based institutions which are called Commissions of Correctional Guidance. These institutions are mostly used in test supervision (Juvenile Act, Article 25).

By test supervision, a family court selects an appropriate volunteer, using the investigation report of the Family Court Investigating Officer (FCIO) which is based on the problem the juvenile has or the challenge the juvenile should overcome. The family court puts the juvenile under the care of a private volunteer for some time and commissions the volunteer to provide correctional guidance, and observes the juvenile's living conditions. An FCIO also provides his or her expertise in the commissioning of correctional guidance by giving advice to the juvenile and the volunteer.

The private volunteers who participate in correctional guidance commissions are various individuals, including managers of construction businesses, farming, and restaurants. The family court scrutinizes the background of the volunteer, and if found to be fit, they are permitted to register as an institution or a person to which correctional guidance is commissioned. The government provides only the cost of juveniles' meals and the office expenses which are allotted by law.

Rather than making static observations of the juvenile, these systems institutionalized in Japan provide

a dynamic process of placing the juvenile in environments conducive to educational and rehabilitative approaches.

V. RELIGIOUS INSTITUTIONS AND REMAND CENTRES OF PAPUA NEW GUINEA (PNG)

The Juvenile Justice Act 2014 of PNG stipulates the following mode of detaining juveniles: (a) a juvenile section of a corrective institution, (b) a juvenile institution; and, (c) a remand centre. Due to a lack of human resources in the government, the operations of juvenile institutions and remand centres are relegated to religious entities. Through a Memorandum of Understanding (MOU) between the Department of Justice and the Catholic and Anglican Churches, the government gives a quarterly grant to the institutions for daily expenses. The churches provide the facilities and human resources for the management of the institutions. They are also tasked to send at the end of each month, reports such as statistics and financial reports.

VI. BRAZIL'S *CORONA*

Providing occupations to offenders is crucial to enhancing their self-reliance and, in that process, also reduces the probability of recidivism. Bearing this in mind, Brazil has encouraged multi-agency cooperation with the private sector by encouraging them to invest in prison facilities.

In the State of Sergipe, *Corona*, a manufacturer of washroom showers has established one of their manufacturing yards inside a prison and has been hiring male inmates to assemble the showers. Females, on the other hand, learn handmade crafts. A bank also built a facility near the prison so that the salaries of inmates can be deposited therein and withdrawn by their families.

Juvenile offenders are also taught livelihood skills such as brick laying, baking, hairdressing, automotive, playing of instruments and operating the computer, not just by the prison staff but by private entities as well.

VII. FIJI'S TRYING AND TYING THE YELLOW RIBBON

Fiji institutionalized the yellow ribbon initiative. The yellow ribbon initiative provides opportunities for the inmates to be employed in the private sector with certain conditions. Currently there are inmates with mechanical skills working in renowned companies such as ASCO Motors, a subsidiary of Toyota Tsusho Corporation of Japan. The country also integrates the concept of religion in their rehabilitation efforts. Through encouraging religious organizations to conduct activities inside the jails, inmates practice their faith among members of the community.

VIII. DE-RADICALIZATION IN PAKISTAN

Although the role of non-government organizations (NGOs) in Pakistan is too small compared to the magnitude of intervention needed, several points bear mentioning. A number of these are working in the education and health sectors in some poor communities. The law which regulates the working of these organizations is the Registration Act which binds companies to get registered with the government authorities.

Some rehabilitation centres in the Northern Region of Pakistan are run by the military in collaboration with the community, and these cater to radicalized segments of the area who were arrested in military operations. Some individuals and organizations are providing legal assistance to the inmates by bailing them out of these places.

Religious leaders visit the correctional facilities on a regular basis to impart teaching to the inmates for education and counselling purposes. But there is much room for intervention from the community and the private sector to help the government in this regard.

IX. JORDAN AND COTE D'IVOIRE

The same is true with Jordan and Cote d'Ivoire wherein a few NGOs are involved in the rehabilitation efforts for offenders to include juveniles. Most of these NGOs though are involved in educational efforts.

X. IDEALS AND LAWS: THE PHILIPPINE SETTING

Non-stock and nonprofit NGOs operated or organized exclusively for charitable purposes are generally exempt from taxes in the Philippines. Donors of these organizations also enjoy certain tax privileges like deductibility of donations and exemption from donor's taxes regardless whether they are individuals or corporations. This kind of environment fosters the growth of NGOs, which provide regular religious and skill-enhancement services to inmates to include children in conflict with the law incarcerated in youth detention homes and regional rehabilitation centres. The social security system of the country also provides services to detained inmates.

The Philippines recently strengthened the implementation of recognizance, or the process of releasing persons in custody or detention that are unable to post bail due to abject poverty. The court shall allow the release of the accused on recognizance to the custody of a qualified member of the barangay, city or municipality where the accused resides.

Perhaps what is uniquely from the Philippines is the prime importance its constitution puts on the family as the basic social institution. Statutes such as labour and personal laws are replete with provisions supporting the protection of families like ruling out divorce, mandatory family planning services by employers to their employees, solo-parent leave, etc.

The constitution likewise provides for the responsibility of the State in providing basic education to all. Schools, whether public or privately-owned, are mandated to provide individualized educational schemes for children manifesting difficult behaviour to include CICL. The mass media is also enjoined to promote child rights and delinquency prevention by relaying consistent messages through a balanced approach. The Sangguniang Kabataan (Youth Council) is given the right and responsibility to propose measures to the local councils for the protection of children, juvenile intervention and diversion programmes in the community.

XI. CONCLUSIONS AND RECOMMENDATIONS

The treatment, rehabilitation and social reintegration of juveniles into the society needs a holistic approach on the part of all the stakeholders of the criminal justice system as well as active participation on the part of the community and the private sector.

Thus, the group proposes the following:

1. Diversion should be enlightening and educational where juveniles will learn responsibility accountability and empathy;
2. An objective parameter should be established to determine the effectiveness of diversion, to include a gathering of data regarding recidivism;
3. The spirit of patriotism through volunteerism among the citizenry should be fostered;
4. There should be sharing of information among government agencies through formal meetings, informal channels and an integrated information system;
5. A seamless flow of information between private entities and government agencies and stricter measures need to be in place to ensure full implementation of government subsidies;
6. Laws should be enacted to provide tax incentives for corporations or individuals employing ex-offenders, considered as persons with special needs;

7. The private sector should be encouraged to consider cutting its labour costs by expanding their manufacturing workshops inside prisons, as they realize their corporate social responsibility and cause-related marketing;
8. Legislators should pass laws which protect the family as the social fabric binding the ties of the community;
9. The educational system should be strengthened through the efforts of the state hand-in-hand with private institutions and the media;
10. The youth must participate in the formulation of policies and in governance of the community; and
11. International organizations such as UNICEF and others should play a more active role and support the resource-constrained countries to strengthen their social sectors to deal with the issues of juveniles in a more appropriate manner.

Lastly, this paper could go on and on in enumerating how a certain country handles diversion, court action and inter-organizational cooperation. After all, this programme is certainly intended to gather participants and learn from each country's best practices.

And yet, just like the astonishment that the released prisoner felt in learning that his wife filled the oak tree with yellow ribbons, so is the amount of surprise that each participant had upon knowing their respective communality with the others.

All countries experience problems, set-backs and detours. Yet, each also shares the same aspiration—a future secured by a justice system which fosters inclusive prosperity and protects the most vulnerable in society, the children.