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## The Theological Law Firm Academy

Law & Justice By The Bible

Part III of IV

### The Juvenile Justice Legislative Reform Initiative

Guidance on Legislative Reform | International Standards  
De-Criminalization of Status Offenses | Alternatives to Court Involvement

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#### Proverbs 3:13-20 (MSG)

##### The Very Tree of Life

<sup>13-18</sup> You're blessed when you meet Lady Wisdom, when you make friends with Madame Insight. She's worth far more than money in the bank; her friendship is better than a big salary. Her value exceeds all the trappings of wealth; nothing you could wish for holds a candle to her. With one hand she gives long life, with the other she confers recognition. Her manner is beautiful, her life wonderfully complete. She's the very Tree of Life to those who embrace her. Hold her tight—and be blessed!

<sup>19-20</sup> With Lady Wisdom, GOD formed Earth; with Madame Insight, he raised Heaven. They knew when to signal rivers and springs to the surface, and dew to descend from the night skies.

#### Guidance on Legislative Reform

A juvenile justice system encompasses legislation, norms, standards, guidelines, policies, procedures, mechanisms, provisions, institutions and bodies specifically applicable to children in conflict with the law who are over the age of criminal responsibility.

This means that the juvenile justice system does not include primary (i.e. universal) or secondary (i.e. targeted) prevention programs to reduce offending by children, but does include tertiary prevention, i.e. the interventions throughout the process (from arrest onwards) that aim at avoiding repeat offending.

State policy to reduce offending by children should, of course, provide for primary and secondary prevention, but this is generally regarded as forming part of a social welfare provision, and not part of a juvenile justice system.

By nature, a juvenile justice system is complex, involving a variety of government bodies, agencies, departments, organizations and institutions, such as the police, prosecutors, lawyers, the judiciary, social welfare bodies, education bodies, probation services, detention facilities, after-care bodies and community-based non-governmental organizations.

#### International Standards

The most important **International Instruments for the Administration of Juvenile Justice** are the **United Nations Convention on the Rights of the Child (CRC)** and the **International Covenant on Civil and Political Rights (ICCPR)**.

The CRC sets out the basic principles that should be included in a juvenile justice system as well as specific due process guarantees.

In addition, Regional Instruments include, but are by no means limited to:

- the **European Court of Human Rights (ECHR)**;
- the **African Charter on Human Rights (Banjul Charter)**;
- the **Arab Charter on Human Rights**;
- the **American Convention on Human Rights**;
- the **Inter-American Court of Human Rights**, et al.

#### De-Criminalization of Status Offenses

Status offence laws focus disproportionately on poor, disadvantaged or children who live or work on the streets, who are forced to spend more time outside the home. The **Riyadh Guidelines** call for the repeal of status offenses, and the Committee on the Rights of the Child has recommended that such offences be abolished to ensure equality between children and adults. Status issues should be treated instead as a social welfare issues for child protection.

#### Alternatives to Court Involvement

Juvenile justice legislation should give the police, prosecutors and judges power to divert children immediately after the first contact and up to the first hearing.

Diverting the child does not mean that the offending behavior of the child is ignored. Rather, it allows steps to be taken to identify the needs of the child and tackle the root causes of the child's behavior in order to prevent further offending. The CRC provides that diversionary measures may include care, guidance and supervision orders, counseling, probation, foster care, education and vocational training programs and other alternatives to institutional care.

Measures often include social welfare or community reintegration services and restorative justice programs. Such projects and programs are often run by NGOs, civil society groups and community groups.

Always feel welcome to contact me directly with any questions, comments, or great ideas!

*Jack Johnson*

Founder & CEO

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ADVOCACY



*Helping Individuals, Organizations & Communities  
Achieve Their Full Potential*

**Our Mission**

The Mission of The Advocacy Foundation  
is Threefold:

**To Rescue**

Young persons from the prison pipeline  
and help redirect and restore their lives;

**To Teach**

New and fledgling nonprofit organizations to become  
fundable, to thrive, and to maintain compliance;

**To Train**

Qualified Juvenile Justice Professionals with a passion  
for effective careers in the Juvenile Justice system.

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