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Joint Declaration Harmonising juvenile justice systems at the European level

Being aware of the differentiating aspects as well as the common basis shared by the juvenile justice systems within Europe, and of the ongoing process towards the **harmonisation** of the implementation of the international rules in all member states in justice matters for minors in conflict with the law;

Having in mind that most of the **national statistics** show that juvenile delinquency in general, came to a standstill over the last years and has even decreased, since some justice systems have been obtaining successfully some of their objectives¹;

Considering the crucial role that **academic research, evaluation and analysis** play in obtaining appropriate responses to matters regarding, for instance, the legal reform process, ways of treatment, educational/interment centres, alternative and restorative measures as well as recidivism and social integration, as put forward by experts of the AGIS Research Programme;

Taking into account recent **international trends**, such as **Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures (Council of Europe)** aiming at promoting the establishment of an approximation framework between countries in justice matters for minors in conflict with the law;

1) As proofed for instance, by the report of the General State Prosecutor's Office in Spain, where delinquency has decreased of almost 2 % in 2007 comparing to figures of 2006.

Therefore, we recommend:

1. That internationally recommended principles and postulates are considered as **minimum standards to be respected by national legislations**, and used as indicators of violation of the constitutional parameters on the minor's rights and guarantees;
2. That sanctions or measures follow the aim of social reintegration and support the minor according to their educational need and are based on the **minors' best interests** and according to their age, dealing with their physical and mental welfare, development, skills and adapted to the personal circumstances (principle of individualisation); avoiding as much as possible deprivation of liberty ,



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favoring alternatives such as mediation, work in public interest etc.;

3. That answers to offences committed by minors should be varied and constantly **subjected to assessment** in order to improve them, reinforcing their educational impact as well as ensuring minor's participation in the procedure and sanctions execution, as far as possible;
4. That versatile **preventive approaches** should be promoted and given priority, opening deviation ways at all intervention levels with minor offenders that allow resolving the conflicts caused as far as possible, avoiding judicial intervention;
5. That authorities should provide the institutions for minors with **enough resources**, means and staff to extend the best practices in order to guarantee that the interventions have a really significant influence in the minor's lives;
6. That appropriate selection, **special training and working conditions** are ensured for those who work with minors and youth development in order to guarantee multidisciplinary teams offering quality care and positive behaviour models;
7. That the **minimum age of criminal responsibility** should not be too low, and that the law should stipulate that under that age children should be in care and not punished, as recommended by international instruments;
8. That is necessary to **intensify the efforts** of ensuring the protection of **minors deprived of their liberty**, and in particular their physical and mental integrity and their welfare;
9. That European Institutions and Member States takes the **European Year 2010 to Combat Poverty and Social Exclusion** as an opportunity to demonstrate their willing to make the protection of the rights of the children in conflict with the law a priority issue and to include juvenile justice related matters as part of European-wide actions foreseen to combat social exclusion;
10. That European Institutions create a **budget line** on protect youngsters from social exclusion to support efficient activities of civil society organisations working with them and criminological research and studies to avoid magnifying exceptional events or facts in youth delinquency that could unnecessarily harden law response;
11. That action on setting **common criteria and shared basis** should continue towards the establishment of a **shared re-education and reintegration projects** for minor offenders, as highlighted by some community bodies.