

# **CONGRESS WORKSHOP**

## **FAMILY GROUP CONFERENCING IN JUVENILE JUSTICE PRACTICE**

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# SNAPSHOT of the COUNTRY

**Population:** 7 million (**children** - more than 3 million)

**Area:** 143.7 thousand sq. km.

**Geographical terrain:** mountains -93% (6% of which are glaciers); arable land -7%

**Administrative units:** 4 regions (Dushanbe with its sub districts, Khatlon, Sugd and Badakhshan) and 68 districts including cities

**Languages:** Tajik (official), Russian, Uzbek

**Government:** President and Parliament (Majlisi Oli)

# Background

Conclusions of the Commission on Child Rights Expert Group in 2004:

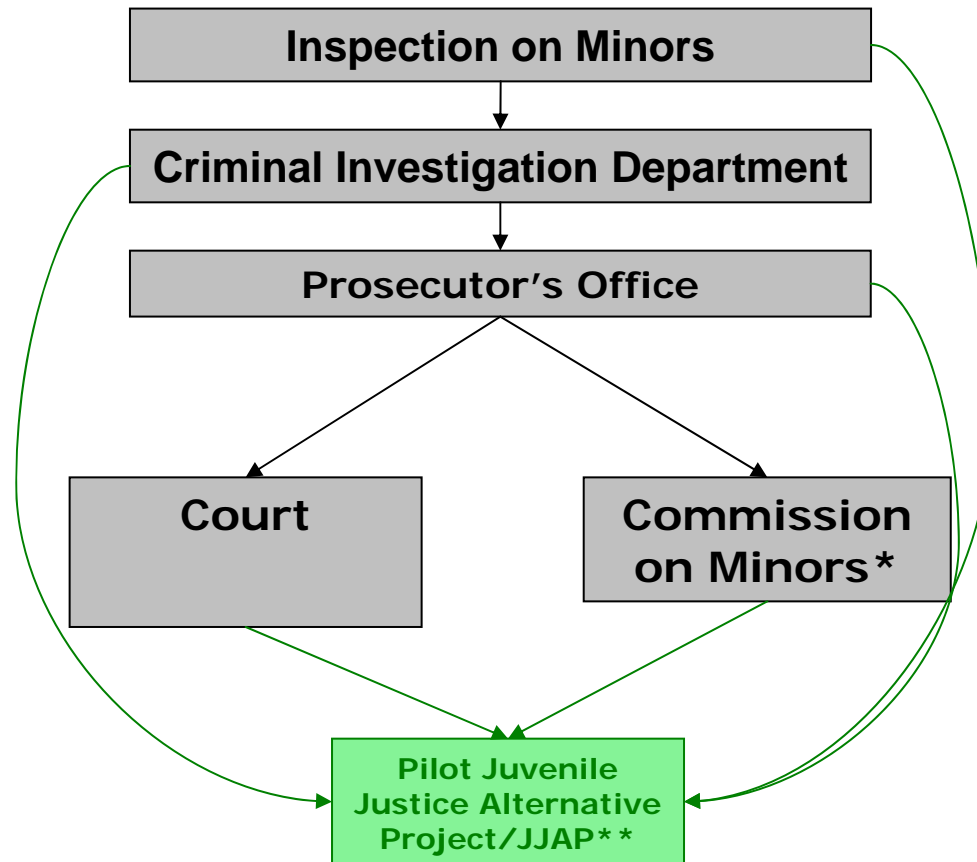
- Children deprived of their liberty for non-serious offences
- Institutions were not providing effective rehabilitation
- Lack of community alternatives



# Aims of the Juvenile Justice Alternative Project

1. To implement international juvenile justice standards:
  - deprivation of liberty shall only be used as a measure of last resort
  - wherever appropriate or desirable children under the of age 18 shall be dealt with outside the formal criminal justice system
2. To identify and address the needs of children who have offended and are at risk of re-offending
3. To bring State and NGO bodies together in order to prevent offending and re-offending.
4. Demonstrate the benefits of rehabilitating children within their own communities

# Referral to the Project



\*COM is one of the compulsory coordinating body which oversee FGC

\*\* JJAP is the service provision body which may also convene and coordinate the FGC

# Family Group Conferencing

- A key component of the JJAP project is family work
- An important part of this work involves **family group conferencing**
- The FGC is coordinated either by the **COM chair** (Local Authorities) Or **JJAP project coordinator** (NGO or Child and Youth Education Centre)
- JJAP teams assess and identify specific problems to assist offender and his family to address issues aimed at improving the relationship
- Parents and child work with a JJAP social worker in devising a plan which is aimed at repairing the damage caused by any offence and ensuring that the offending behavior is reduced
- Children and parents have to agree with the programme planned for the child and sign a detailed plan of action which is submitted to the **coordinator**
- This provides examples of individual plans to enable families to make their own plans specific to the needs and problems of their children (offenders)



# Needs for Victims Involvement

- ❖ Crimes often leave victims and families in a state of turmoil
- ❖ There is often significant loss or injury but the most devastating part is the emotional pain caused by the crime
- ❖ When young person explains to victim why he committed crime and he hears from the victim on the impact of crime, the young person for the first time engages with emotional side of his action
- ❖ Research shows that this engagement has a profound impact on the young person and they are less likely to re-offend
- ❖ It helps the victim exercise the feeling of control in their lives after the event /FGC





# Difficulties in Victims Involvement

- ❖ Victims are sometimes unwilling to attend as they do not want to face perpetrator or they are too angry or scared or may even perceive a threat of abuse
- ❖ Coordinators are often not skilled in identifying the victims main concerns and in explaining that the conference is about reparation in order to gain the victim's cooperation
- ❖ Sometimes professionals and coordinators are concerned regarding possible threats of violence if the victims are involved in the Family Group Conferencing (it is evaluated in the time of victims visits)
- ❖ The venue - the Commission on Minors office (where some FGC cases happened) which is located in the local authorities building - often deters the victims' attendance

# Strategies of Victims Involvement

- ❖ COM introductory letter to the victims, explaining the purpose of restorative justice FGC with young people and his families
- ❖ Preliminary meeting or visit of victim with COM secretary or JJAP coordinator to clarify the purpose of involvement and FGC process
- ❖ On going further contact (via phone or letter) in order to answer the victim's questions and consider proposals to motivate and support him through the FGC process
- ❖ Seeking the support of victim's parents, relatives, community leader or religious representatives in enabling him to understand the needs and attendance in the FGC

# Ways of Making Contacts

- ❖ Preliminary meeting takes place with JJAP coordinator, social worker and COM chair to discuss the appropriateness and approach to victim involvement in the FGC
- ❖ In majority cases, the JJAP or COM secretary contact victim and arrange a home visit to explain the FGC process
- ❖ Should the initial visit fail, the referral may end at this point if it appears inappropriate to continue
- ❖ The COM as a local authority representative can send a formal letter of invitation to the family inviting participation (in particular cases)
- ❖ If visits and letters do not help and the victim does not want to participate -JJAP team withdraws in consultation with local authorities and FGC may go ahead without victim participation



## At the FGC – part 1

The FGC is in 4 parts in Tajikistan

### Part 1 – The offence and reparation issues

- ❖ COM or JJAP coordinator welcomes and makes introductions
- ❖ COM gives factual details about the offence
- ❖ The young person is asked to agree these facts
- ❖ Victims who usually send their representatives (brother or relatives in majority cases), are asked to talk about the impact of the offence, ask any questions, and make suggestions about reparation
- ❖ The young person is expected to respond to the victim or representative verbally or in writing (for the purpose of imparting to victim), including an apology

## At the FGC – part 2

### Part 2 - Actual session for clarifications

The COM or JJAP co-ordinator will:

- ❖ Ask the social workers and others (IOM, teachers, prosecutor) present to share relevant information with the participants of conference (including young offender and their family)
- ❖ Recap on information that has been given by the participants
- ❖ Summarise the 'bottom-line' issues that have to be addressed in the family plan
- ❖ Ask everyone present to leave the young person and their family for their private planning time
- ❖ Usually JJAP social workers or sometimes the secretary of the COM play a very important role in the planning process as they study the case before the conferencing

## At the FGC – part 3

### Part 3 - Private planning time

- ❑ The young offender and their family will be left alone for as long as they require (about an hour, usually) in order to form a plan that will:
  - ❖ begin to make reparation to the victim as requested; and
  - ❖ address the bottom-line concerns of the professionals about the risk of re-offending (non school attendance, working in bazaar, attitude of parents, step father)
  - ❖ include anything else the family wish (support from school, social benefits, vocational skills education, residential care institution\*)
- The COM or JJAP coordinator and social workers will remain on hand to clarify any points for the family (usually debates go on placement to residential care institutions which coordinator tries to use as a last resort)

\*Families often asks for their child to placed in an institution due to poverty

## At the FGC – part 4

### Part 4 - Sharing the family plan:

The COM or JJAP coordinator reconvenes the conference for all participants /professionals

- ❖ The young offender and their family will outline their plan (usually presented with assistance of social worker)
- ❖ All others remaining are invited to comment on the plan (coordinators usually asks everyone's opinion)
- ❖ Further private planning time may be given if parts of the plan need further detail, or further elements need to be added
- ❖ The COM or JJAP coordinator informs the young offender and family that they can ask for a review FGC to consider how things are going
- ❖ Everyone is thanked for their co-operation in developing the family plan, and their roles are clarified
- ❖ If the involvement of victim is difficult, the plan for the offender is shared with the victim (imparted via representative) - implemented either by the coordinator or social worker

# Case Study

- A 14 years old child who are orphan and referred to the Firdarvsi JJAP due to his non violence offence during his living in his grandmother home
- He was expelled from two schools for theft and was arrested for stealing a mobile phone and because of that he was planned to refer to the Special Vocational School
- However, the JJAP coordinator was able to persuade both sister and the Commission on Minors to be referred to the project
- At first, the child viewed the project as being a punishment and ran away to live on the streets but thanks to persisted encouragement he started to attend the Centre
- The project team held a meeting bringing together all those family members who were responsible for the child, as well as the child himself to arrange a Family Group Conference
- This process allowed a care plan for the child to be developed, which ensured that he was provided with supervision, care and support that he needed from his family. At this time the child wrote a letter of apology to the victim
- The team followed this up with family support and family work which helped to resolve the problems in family relations and allowed the child to be successfully reintegrated into his sister's family
- The letter and plan of the child have been shared with the victim of offence who had accepted the apology and expressed his positive reaction to the JJAP social worker



Questions

Comments

Proposals

Thanks