

JUVENILE JUSTICE SYSTEMS: AN INTERNATIONAL COMPARISON

Colombia's Adolescent Penal Responsibility System (SRPA, by its Spanish acronym) emerged out of Law 1098 (2006), which updated the Code for Adolescence and Childhood. The System joins institutions related to childhood well-being and justice under a set of principles, norms, and procedures designed to provide a specialized response to the investigation and judgment of crimes committed by adolescents.

Adolescence in Colombia is defined as 14-18 years of age at the time of the commission of the crime; children under 14 years old cannot be held criminally responsible. Guided by the 2006 law, SRPA contains 12 guiding principles for managing juvenile justice in the country, which prioritize protection of the rights of young people, restorative justice practices, and rehabilitation.

When adolescents are determined to be responsible for a crime, possible sanctions include the following: reprimand, community service, probation, or deprivation of liberty in a semi-closed or fully-closed facility. Specialized Attention Centers only house adolescents and are managed by the Colombian Family Welfare Institute (ICBF) in order to ensure the rights of the

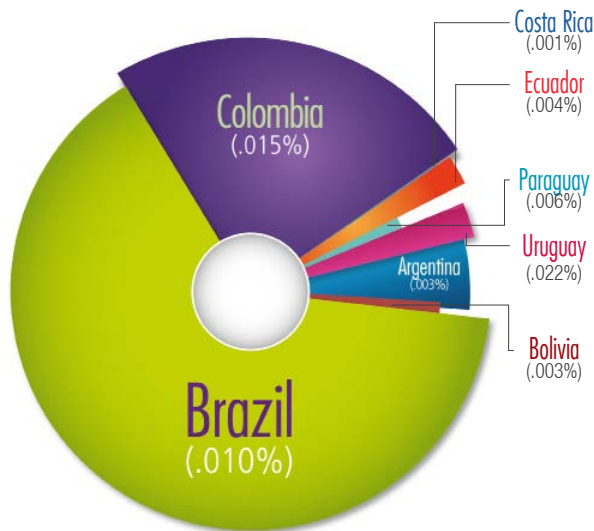
child are protected. If the juvenile turns 18 before finishing their sanction, they are permitted to stay in the facility up through 25 years of age.

A recent report by the Defence for Children International (DCI) on juvenile justice systems in Latin America found that, as of 2014, Colombia had the second highest percentage of juveniles deprived of their liberty in Latin America, second to Uruguay. Curiously, the country also has a notably high proportion of female adolescents in custody (see figure below for comparative analysis among Latin American Countries). However, these proportions differ based on the source of the data, with ICBF reporting 12.49% females instead of DCI's reported 30%.

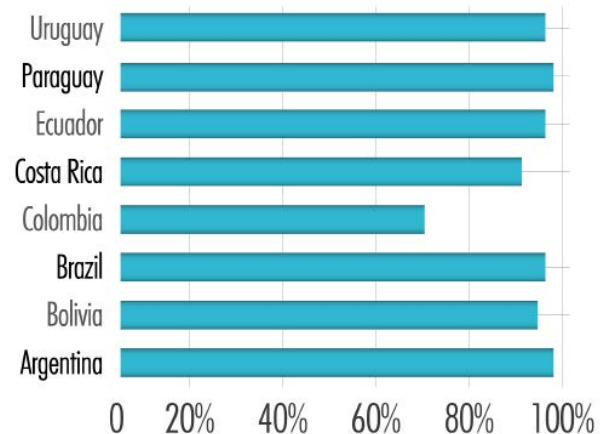
Primary concerns related to the Colombian juvenile justice system include facility overcrowding and degrading conditions and unsupported social inclusion provisions that can leave youth stranded in detention centers after their release due to the absence of a guardian. These challenges are certainly not exclusive to the Colombian juvenile justice system, but were highlighted by DCI as areas requiring attention.

COMPARATIVE ANALYSIS OF JUVENILE JUSTICE SYSTEMS IN LATIN AMERICA BY COUNTRY, POPULATION, AND GENDER

Total adolescents in custody in Latin America and Percentage of Total Country Population



Percentage of Population in Custody male



Source: *Monitoring Report on Juvenile Justice Systems in Latin America 2014*

INTERNATIONAL FRAMEWORKS FOR JUVENILE JUSTICE SYSTEMS

A multitude of international frameworks inform or attempt to govern the scope and limits of juvenile justice systems worldwide, perhaps most notable among them is the U.N. Convention on the Rights of the Child (CRC) (1990), and in particular, Articles 37 and 40, which call for States Parties to comply with the following:

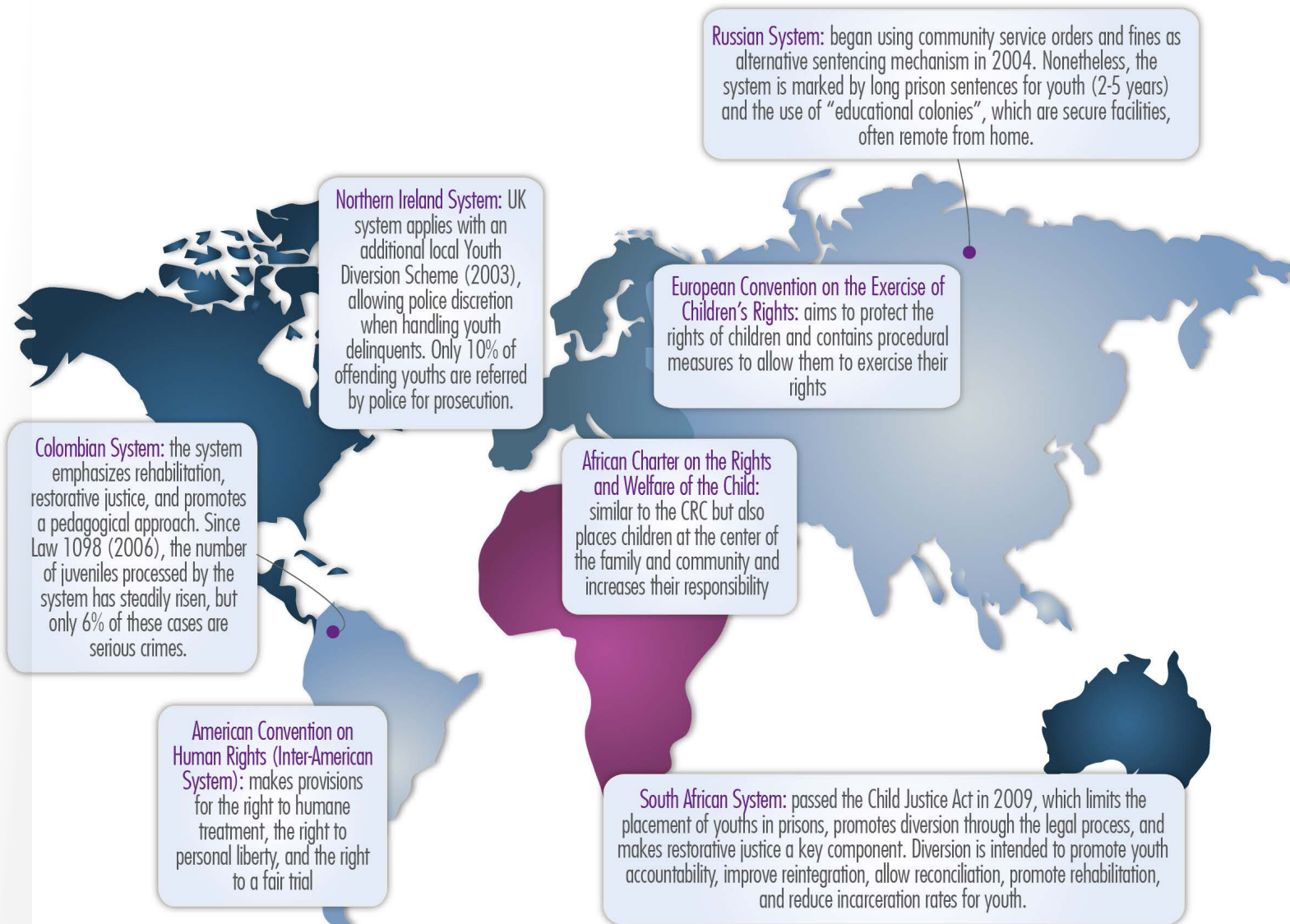
**Article 37:** Detention of children should be neither unlawful nor arbitrary, and arrest or detention in any form should be used as a measure of the last resort and for the shortest possible period of time.

**Article 40:** Children passing through the justice system should be treated with dignity, assumed innocent until proven guilty, and granted fair and impartial access to representation, their guardians, and the appropriate

adjudicating authorities. The CRC treats adolescents as individuals the protection of their rights and individual liberties. They are responsible for their actions without that responsibility being regarded as equivalent to an adult's.

Additionally, the U.N. Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") (1985) attempt to inform social policy for juveniles that focuses on prevention, impartiality, and harm reduction. Other regionally diverse policy bodies and documents are summarized in the figure on the following page, along with examples of juvenile justice systems in South Africa, Northern Ireland, Russia, and Colombia.

## REGIONAL JUVENILE JUSTICE MECHANISMS AND SPECIFIC COUNTRY SYSTEMS



Source: [John Jay College of Criminal Justice Research and Evaluation Center; Child Rights International Network](#)

## RECOMMENDATIONS FOR JUVENILE JUSTICE SYSTEMS WORLDWIDE

Several international research bodies, including the Child Rights International Network (CRIN) and Save the Children, offer recommendations regarding the design and administration of juvenile justice systems. They tend to coincide along the following lines:

1. Institutionalization should be a last resort, and alternative measures (such as community service or restorative justice initiatives) should be favored.
2. Preventative measures should be taken – i.e., diversion, or granting discretionary powers to arresting police officers as mentioned above – in order to minimize the number of juveniles who enter into the justice system processes.
3. Member states to the CRC should establish restorative juvenile justice

systems that are comprehensive and child-centered, according to international standards.

4. Complaint, investigation, and enforcement mechanisms should be effective and independent, with legitimate means for investigating abuses within the system.
5. Juveniles should be ensured effective monitoring and regular access to care and justice institutions by independent bodies.

These recommendations are certainly not exhaustive, but offer policy designers some goal posts against which they may align their institutions and initiatives.