



Transforming e Bulletin

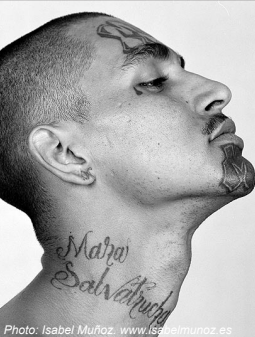


Photo: Isabel Muñoz. www.isabelmunoz.es



Photo: A-brazo.org



Photo: EFE USA. "Being young is not a crime".

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Young People at Risk: Exclusion, Violence and Crime

by Alejandra Lunecke* and Felipe Salazar**

The increase in adolescent violence is one of the main problems facing developing countries. Young people are the victims and perpetrators of all types of violent crimes, a fact supported by high homicide rates.

According to the Inter-American Development Bank, one out of every eight adolescents is a victim of sexual abuse before reaching the age of 18, with women being twice as likely to suffer from this type of violence.

Moreover, one of the most troublesome issues related to youth violence is the increase in gang-related violence, a problem particularly significant in Central America's Northern Triangle, but which also extends to other areas of the region.

Public opinion tends to consider young people among those primarily responsible for crimes and violence affecting their communities. While this is a fact and is reflected in their increased involvement in crime as well as in the juvenile penal system's reactions, there are also underlying structural factors that must be mentioned.

The first is inherent to the consumer society that offers attractive goods and services to young people as a supposed mechanism of social inclusion, but reduced job opportunities limit their access to these items, which generates frustration. The majority of countries show an excess of young workers and the levels of adolescent unemployment are comparatively higher than those of adults. The informal labor market is often the only option for a young person.

Moreover, life in marginal neighborhoods exposes young people to a series of risks, which are also associated with the absence of the State. Adolescents face danger from two sides: on one hand, there exists a higher exposure to drug-related violence, while on the other hand the possibilities of receiving psychosocial support or rehabilitation are significantly reduced, a situation that increases the vulnerability of a person who is already the victim of inequalities by birth.

This example can extend to other aspects such as education, access to health care and extracurricular activities. Exclusion is exacerbated when young offenders' only link with the State is via the police station, juvenile court or prison.

In this way, measures implemented by governments should not just aim to control juvenile crime or reduce drug use, but rather to create mechanisms that promote social inclusion through models that give priority to policies of prevention. Without a doubt, one of the main challenges lies in generating the capacity to develop mechanisms of social, economic, political and cultural inclusion for young people excluded from society.

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The Failure of Punitive Approaches: Violence and Juvenile Crime

by René Olate*

Crime constitutes one of the principal issues affecting the entire continent. According to statistics from the most recent Latinobarómetro survey, delinquency is cited as the primary problem in Latin America, surpassing economic crises, unemployment and poverty. However, it is important to mention that these statistics refer to the perception of crime and not necessarily real increases. One of the main indicators used when referring to situations of delinquency and extreme violence is the murder rate per 100,000 inhabitants. If the region is taken as a whole, the Central American nations of the so-called “Northern Triangle” (El Salvador, Guatemala and Honduras) have alarming indicators.

According to the UN Development Programme’s 2009 report on Central Ameri-

ca, the murder rate worldwide was 9 per 100,000 inhabitants in 2006, while for Latin America the average was 25. The rates for Argentina, Uruguay and Chile were 5, 4 and 1, respectively.

However, in the Northern Triangle the average was 53 homicides. Excluding nations at war, these statistics show

that the three countries were the most violent on the planet.

When faced with these severe levels of violence and criminality in the Northern Triangle, the answer from the nations’ governments was the implementation of repressive policies and strategies, also known as “zero tolerance” or “iron fist” policies. These methods are based on the classic theories of dissuasion, which hold that increasing sentences and penalties contribute to diminishing crime. The results of the discourses of law and order and the application of this punitive populism have been mediocre

ponderant actions of two: the Mara Salvatrucha (MS) and Barrio 18. Both gangs have their origins in Los Angeles, California. After the civil war, young Salvadorians that emigrated with their families in search of better opportunities dealt with the processes of integration and marginalization in US society in multiple forms, one of which was gang affiliation. Many of these young documented and undocumented people were deported for various crimes, and they brought with them the culture of US gangs.

The new gang culture, along with factors such as poverty and social exclusion, a culture of violence, the presence of drugs, family problems and difficulties in the construction of an individual identity, are typically seen as the causes of this phenomenon. According to re-

cent estimates from the Salvadorian police, there are over 13,500 young people affiliated primarily with the MS and Barrio 18, of which more than half are in prison. The same source also indicates that during 2009 and 2010, cases of homicide and extortion attributable to gangs were 22% and 32%, respectively.



Photo: Radio Nederland

and have produced effects contrary to those that were expected. In fact, during the application of these policies, the murder rates in general in the three countries continued to rise.

It has been attempted to explain the situation by the presence of transnational gangs, specifically by the pre-

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Therefore, gangs contribute to violence and delinquency in El Salvador, but they are not the only ones responsible, as the press tends to declare. Moreover, the nation's prison system has capacity for approximately 8,000 inmates, while the actual prison population exceeds 23,000.

Although policies for confronting violence and delinquency based on a punitive approach include a community component and prevention, the emphasis on resources and strategies are clearly defined from a law enforcement perspective. The effects of the implementation of these types of policies have resulted in the stigmatization of poor and marginal communities, especially young people, and the increase and subsequent overcrowding of the prison population.

Policies based solely on repression are destined to fail. Combating crime and violence requires significant advances in the strategies of prevention that increase the social integration of communities and create alliances between communities and the police.

Reforms to the penitentiary system are essential in order to promote rehabilitation and reintegration into society and the work force. The community work carried out by professionals in the field of social intervention must

be an essential element of any strategy that aims to decrease the levels of violence and crime.

The structural causes are more complex to deal with and require a greater understanding of the structures of inequality and social exclusion in our societies. In this way, nations that place an emphasis on social inclusion, on social protection networks and on expanding educational and labor op-

portunities for young people will advance more rapidly in the reduction of this problem.

**Assistant Professor, Graduate School of Social Work, Boston College*



Photo: Scene from the film La vida loca

SUGGESTED DOCUMENTS

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Reforming Child Justice: A Summary of the South African Experience

By Charmain Badenhorst*

When a child is in conflict with the law it is, more often than not, an indication that there has been, at an earlier point in that child's life, a fundamental failure to adequately protect that child's right to care and protection. Community-based interventions and protection and child justice systems that place such children's best interests at their core are therefore essential in an attempt to compensate for the earlier failures.

However, the reality is that as soon as a child commits a crime, the community often demands that the police remove the child from the community and that the child face the full force of the law. Somewhere along this road, these children, in the eyes of the community and often the law, forfeit their right to be protected and to be treated as the children that they still are.

The notion to regard and treat child offenders as adults is often reflected by the reluctance, lack of political will or failure by countries to establish separate child justice systems that are specifically suited and cater for the special needs of children in conflict with the law.



Photo: Laparadigital.com

The South African Experience

In South Africa the process of developing and establishing a separate child justice system took more than a decade of advocacy, deliberations, lobbying and drafting of legislation.

It started in 1992 with campaigns, both nationally and internationally, by non-governmental organisations to highlight the predicaments facing children in conflict with the law in South Africa. Following these campaigns and the establishment of a democratic government in 1994, South Africa ratified the United Nations Convention of the Rights of the Child (UNCRC), 1989 on 16 June 1995. The rights of children in general and specifically those of children in conflict with the law were enshrined in both the Interim Constitution of the Republic of South Africa, 1993 and the 1996 Constitution.

In an attempt to fulfil the obligations incurred through the ratification of the UNCRC, in 1997 the South African Law Reform Commission launched an investigation into the feasibility of establishing a separate child justice system. The final report was submitted to the then minister of Justice and Constitutional Development, together with a draft Child Justice Bill. The Bill was first introduced into Parliament in August 2002 and public hearings and deliberations followed in February and March 2003. Civil society organisations, both as individual organisations and as a collective under the auspice of the Child Justice Alliance, actively participated in the Parliamentary pro-

cess. Various submissions (both written and orally) were made on different topics requiring reform, including the minimum age of criminal capacity, diversion, detention and restorative justice.

The legislative process was interrupted by the national elections in 2004 and only resumed in January 2008 when a substantially amended version of the Bill was once again submitted to Parliament. Again public hearings and submissions followed in March 2008. The influence and weight of submissions by civil society organisations are clearly visible in the final version of the Bill that was adopted and passed by Parliament in 2008 and enacted in 2009. The long awaited Child Justice Act, 2008 (Act 75 of 2008) was finally implemented on 1 April 2010.

The Child Justice Act, 2008 (Act 75 of 2008)

The Child Justice Act aims to establish a child justice system that expands and entrench the principles of restorative justice, while ensuring children's responsibility and accountability for crimes committed without necessarily criminalising their conduct. It recognises the need for proactive crime prevention by placing emphasis on the effective rehabilitation and reintegration of children in order to minimise the potential for re-offending; and balances the interests of children and those of society, with due regard to the rights of victims.

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It also creates special processes or procedures for children in conflict with the law by:

- raising the minimum age of criminal capacity of children from 7 years to 10 years;
- ensuring the assessment of all children in conflict with the law;
- providing for special procedures for securing attendance at court of, the release or detention and placement of, children;
- creating an informal, inquisitorial, pre-trial procedure, designed to facilitate the disposal of cases in the best interests of children;
- providing for the adjudication of matters, not diverted, in child justice courts; and
- providing for a wide range of sentencing options specifically suited to the needs of children,

The Child Justice Act is not only significant because it establishes a separate child justice system in South Africa, but also because it provides legislative frameworks for various processes (such as the evaluation of

criminal capacity, restorative justice, pre-sentence reports, victim impact statements and diversion) that were, until implementation, governed by either common law principles or practice, which in itself increased the risk of discriminatory applications and practices.

Conclusion

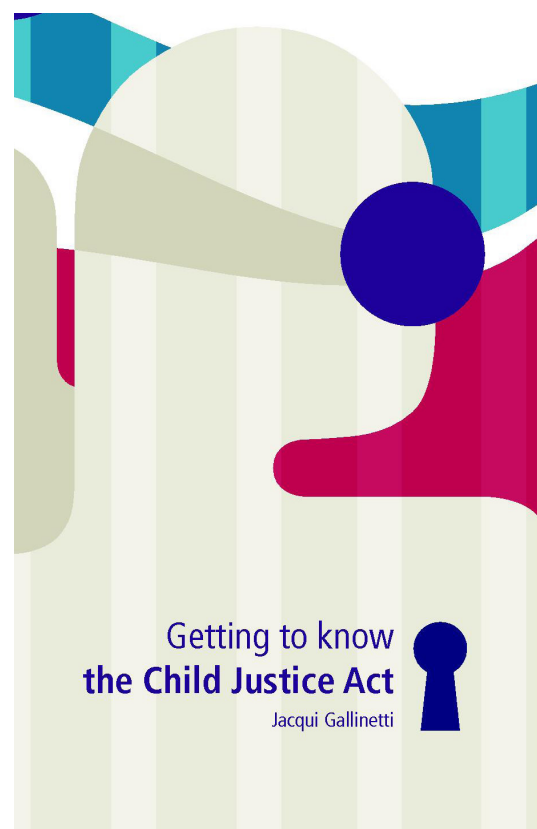
South Africa came a long way in improving the situation of children in conflict with the law and reforming the criminal justice system to focus on the special needs of these children.

Successful implementation of the Child Justice Act depends, to a large extent, on awareness and knowledge about the Child Justice Act. Such awareness, as well as educating communities about the long-term benefits of the Child Justice Act, not only to children in conflict with the law, but also to communities remains a challenge.

All role-players in the child justice system have to fully understand, and implement the true spirit and principles of the Child Justice Act in all decisions affecting children in conflict with the

law. This can be achieved through ongoing training and increased professional specialization in children's rights approaches, which should be a priority.

**Senior Researcher at the Council for Scientific and Industrial Research (CSIR), South Africa.*



Getting to know
the Child Justice Act

Jacqui Gallinetti

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DEVELOPING PROJECTS

Poljuve: Towards the Prevention of Violence Associated with Young People in Central America

by Isabel Aguilar*

We are witnessing an alarming increase in the incidences of violence in Central America. Day after day, young people in the region are involved, in one way or another, in this spiral of violence, whether as the perpetrators of these heinous acts or as victims. In this context, Interpeace created the Public Policies Program for the Prevention of Youth Violence in Central America (Poljuve) in 2007.

Since then, we have been motivated to contribute so that the topic of youth violence is centered on a transforming vision towards the ideals of the consolidation of peace.

What Are We Looking For?

To strengthen the capacity of states and civil society to confront the growing problem of youth violence in Central America. This involves the adoption of approaches that deal with the structural causes of violence, as well as the specific manifestations and the reestablishment of social relationships between the sectors involved and/or affected.

We promote the prevention of violence as a fundamental mechanism to bring about a transforming and sustainable change. Our fundamental objective is to contribute to a comprehensive approach to the problem of youth gangs in the region.

How Do We Work?

Poljuve divides the preventative approach and the transformation of conflicts in order to approach the problem in a comprehensive manner. Both methods are complementary and require the participation of all actors involved and/or affected by the problem.

Poljuve develops this via three specific strategies:

Participatory Investigation: We strive to rely on the best information of the reality that affects youths, the dynamics of violence, and its implications, causes and effects. Research processes are systematized and disseminated, so that key actors understand better the problems they have to face and acquire the tools to design more effective solutions. This strategy applies the methodology of investigation-action-participation.

Facilitation of Dialogue: Poljuve summons different sectors and key actors related to the problem – including youths – to discuss and design proposed solutions. We encourage the idea of creating, through inclusive participation and dialogue, public policy proposals to prevent youth violence.



Photo: INTERPEACE

Promotion of Social Networks and Advocacy: In its role as an impartial third party, Poljuve contributes to the construction of social networks that carry out acts aimed at influencing decision makers who are related to the problem, with a view towards resolutions that produce policy changes in

favor of children and adolescents.

How Do We Operate?

At the National Level: Poljuve operates in Central America, where it applies its three key strategies. We create conditions of trust and dialogue with actors both from civil society and the state; we nurture the opportunities for dialogue with knowledge acquired via investigation; we facilitate meetings between actors and social networks in order to create a framework of legitimacy and influence in favor of the region's young people.

At the Regional Level: Poljuve offers advice and technical assistance on the topic of youth violence. The organization establishes dialogue with regional authorities that address the issue or are in one way or another interested in carrying out actions in favor of youths.

This has led Poljuve to work with the Central American Integration System (SICA), in particular the Regional Commission for the Prevention of Youth Violence (CRPVJ).

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NEWS



GCST News

New year, new digs

As many of you already know, the GCST Secretariat has moved out of Flacso-Chile and is now hosted by the think tank ProyectAmérica, where we will advance ongoing projects and undertake an exciting new phase of research and dissemination of SSR initiatives. With physical changes came also virtual change: the GCST is now hosted by a new hosting company, GreenGeeks, which stands out for its eco-friendly strategy (CO2 neutral emission policy). We are proud of the work we have accomplished so far, and are confident in the future of the GCST.

Board Meeting

In November 2010 the Steering Board of the GCST met in Madrid to define our institutional development strategy, evaluate the progress made so far and tackle future challenges. A new agenda for the following years has been defined in order to obtain funding for the GCST and focus our work on pertinent topics.

2nd Meeting of the Working Group on Crime Prevention

The Working Group on Crime Prevention of the GCST held its second meeting at the Centre of Criminology, University of Cape Town from the 3rd to the 4th November 2010. Several specialists on the subject tackled the topics of crime prevention strategies, violence and youth, and policing and community participation, among others. The full report and presentations can be downloaded from [the working group's webpage](#).

Workshop on Non-Proliferation of Nuclear Weapons

On December 6, 2010, the GCST held at Flacso's headquarters in Santiago, Chile, the workshop "South America and the World beyond the NPT 2010," organized by GCST executive manager Rodrigo Álvarez. The Ambassador of the Royal Norwegian Embassy in Chile, Mr. Martin Tore Bjorndal, and the Deputy Director of the Office of Multilateral Nuclear and Security Affairs of the U.S. Department of State, Mr. Scott Davis participated in the event. This year we will be publishing further information in the GCST website. We also expect to put online soon a new series of publications on this topic.

Conference on Security Sector Reform in the Arab World with Comparative Examples From Latin America and Spain

This conference in Madrid, organized with Casa Arabe, was the final stage of a study on SSR which will result in the publication of an edited book with all the contributions, some of which have been already discussed and are posted on [ARI's website](#). The conference devoted an extensive discussion to the experiences of Latin American countries in security sector reform and the connection with the overall process of democratic reform.

Other News

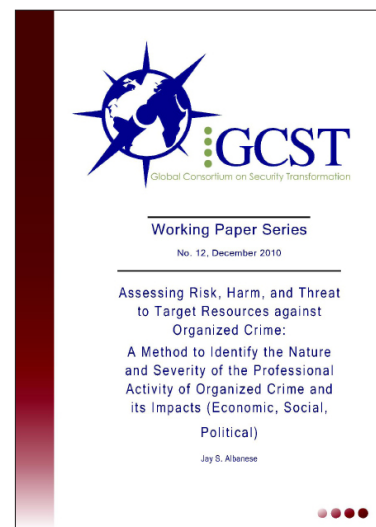
Interactive Atlas of Urban Safety

The Bogota Chamber of Commerce launched the Interactive Atlas of Urban Safety, a tool designed to analyze crime statistics and the main indicators of the Victimization and Fear of Crime Survey: <http://camara.ccb.org.co/documentos/ia/reporte/atlas.html>.

PUBLICATIONS

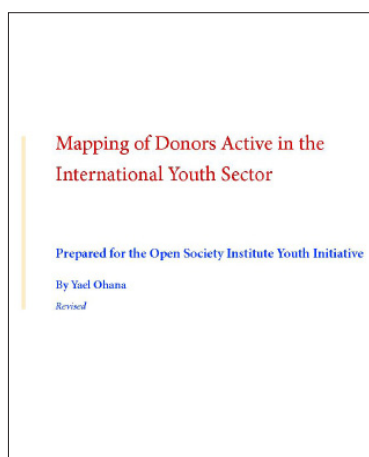
Working Papers, Policy Briefs and New Voices Series.

Since the last edition of our E-Bulletin, several new additions have been made to our three series of publications on security topics. Be sure to check our website for the latest documents: http://www.securitytransformation.org/gc_publications.php



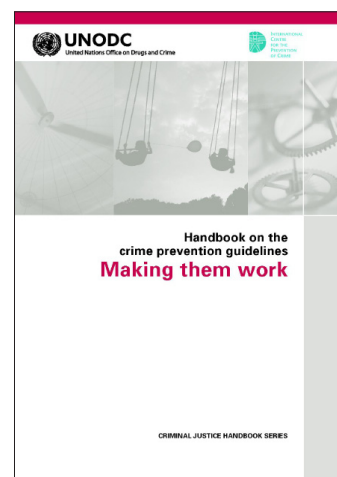
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