

INTERNATIONAL ASSOCIATION OF YOUTH AND FAMILY JUDGES AND MAGISTRATES
ASSOCIATION INTERNATIONALE DES MAGISTRATS DE LA JEUNESSE ET DE LA FAMILLE
ASOCIACION INTERNACIONAL DE MAGISTRADOS DE LA JUVENTUD Y DE LA FAMILIA

CHRONICLE

CHRONIQUE

CRÓNICA

Editorial Board : Dr Willie McCarney (Ireland), Editor-in-Chief; Judge Oscar D'Amours (Canada); Judge Jacob van der Goes (Holland); Judge Gabriela Ureta (Chile); Atilio Alvarez (Argentina); Dra. Mónica Vazquez Larsson (Argentina); Prof. Jean Trépanier (Canada). Secretariat: Judge Corinne Dettmeyer-Vermeulen, Mesdagstraat 63, 2569 XV, Den Haag, Holland

EDITORIAL

Dear Colleagues,

On this occasion I have decided to dispense with the Chronicle Editorial as I thought it might be more appropriate to bring you my acceptance speech following my election as President of this great Association. I wanted you to know what my thoughts and wishes are for the next four years and I felt that this is the best way to present the information to you. My plans have been approved by the General Assembly but many of you have been prevented from attending by a range of circumstances beyond your control. This will ensure that everyone is fully briefed.

You will see from the plans outlined below that there is much work to be done. The objectives I have set out cannot all be achieved with the current reliance on voluntary support. Professional secretarial backup is essential. To this end an urgent priority for the new Executive will be seeking to secure a permanent office and to secure a permanent funding stream. It seems likely that this will require us to form partnerships with a number of organisations.

Your Executive cannot meet the objectives I have set alone, nor the Council, nor even the General Committee. Success will only come if all members of the Association become involved in its activities. I intend to work energetically on your behalf over the next four years. What I ask from you is that you also show commitment to the Association. I ask you to work with me. Together we can make this great organisation go from strength to strength. I look forward to working with you.

Anyone wishing to contact me may reach me at the following address:

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Willie McCarney

**Dr Willie McCarney, OBE, JP, Lay Magistrate
Belfast Youth Court and Belfast Family Proceedings Court**

Dear Colleagues,

It is with great humility and with great pride that I accept the symbol of office of the Presidency of our Association.

I accept it with humility because, as a lay magistrate, I come from the lowest ranks of the judiciary. My predecessors have been very distinguished judges, distinguished not only in their own country but on the international scene. The distinguished lineage stretches from the first two Presidents – Henri Rollet of France who was elected informally in 1928 and Paul Wets of Belgium who was elected at the first Congress in Brussels in 1930. We are honoured to have four of our more recent distinguished presidents with us at this congress – Horst Schüler Springorum of Germany, André Dunant of Switzerland, Jean Zermatten, also of Switzerland and, of course, Lucien Beaulieu of Canada who has just handed over the symbol of office to me for safe keeping for the next four years. I have had the honour to work with all four of these former Presidents and I hope that I have learned something from them.

I accept this symbol of office with pride because this is a great organisation which can trace its roots back to 1911 when the *Tribunaux Des Enfants* held their first international congress in Paris.

This medallion has a particular significance for me because it was a gift to the Association from the only other Lay Magistrate to become President of this Association, Clare Spurgin of England who was President from 1966 to 1970. Clare had the medallion designed and presented to the Association at the Congress in Oxford in 1974 to be worn as a symbol of office by all future presidents. Gaston Fedou of France was the first president to wear it. This had added significance because while the con-

cept and the design was English the motif derives from French history.

The motif of the medallion derives from the famous Ivory Hand in the Louvre Museum. French Kings in the XII century bore it as a sceptre to symbolise their judicial role. The hand indicated that every accused person could rely on judicial protection. Two fingers of the hand are extended upwards to indicate benediction and mercy two are lowered to indicate justice. For an Association most of whose members are judges and magistrates dealing with youth, I cannot think of a more suitable emblem.

Equally, since our daily work is concerned with offending or endangered youth, I can think of no more suitable words to keep in our minds than the words so simply depicted in our emblem – “benediction, mercy and justice”.

I had the honour to serve with Clare on the Executive of the British Juvenile and Family Court Society. A lady of great energy and expertise she had a great love for the International Association and served on its various committees for more than 30 years. She filled the role of President with distinction. A Lay Magistrate who became a great President, she is an inspiration to me.

I will wear this very beautifully designed and executed medallion with pride. It records the names of all the distinguished persons who have preceded me. So I will not forget any of them.

What are my hopes and expectations for the next four years?

STRATEGIC OBJECTIVES

1. The primary role of the IAYFJM is to support judges and magistrates in applying the rule of law in the light of international conventions and local State and Federal laws. To this end we will:
 - a) focus on the support, the maintenance, the education and the training of judges and magistrates to do their judicial job properly;
 - b) advance the standard of legal education internationally by all practicable means, including the interchange of Judges, Magistrates, teachers of law and practitioners who provide professional services directly linked to youth and family justice or welfare, and the provision of advanced studies in these areas.
2. The IAYFJM represents worldwide efforts to deal with the protection of youth and family. To this end we will:
 - a) promote the administration of justice and the maintenance of the rule of law, particularly as it affects children and their families;
 - b) promote the protection of children's rights;
 - c) further the diffusion of knowledge of laws and practices as they affect children and their families within the various countries of the world;
 - d) promote the development of the law affecting children and their families internationally;
 - e) advance the understanding and development of international law and comparative law, particularly as it affects children and their families;
 - f) promote uniformity internationally in these areas of law;
 - g) further international understanding and goodwill amongst all those who provide professional services directly linked to youth and family justice or welfare;
 - h) assist and cooperate with international, regional or other organisations having all or any of the above mentioned objects.
3. Through our Research and Development Committee we will support research which seeks to identify programme interventions that will stop the violence, abuse and neglect, exploitation and discrimination and that will mitigate the impact of those violations on children. We will:
 - a) identify good practice, garner, collate and disseminate information, to enable all to share in the expertise of those whose good practice has been identified;
 - b) support innovative approaches and provide an international view of what works well in the area of child offending and child welfare.
4. We will set up a communications network to:
 - a) facilitate the sharing of information, ideas and expertise;
 - b) further the diffusion of knowledge of laws and practices as they affect children and their families within the various countries of the world;
 - c) put all information on-line, in our three official languages, giving members access to studies, statistics, research papers, best practices and other relevant information on issues related to children, youth and family, as well as model legislation and advice on drafting-redrafting legislation;
 - d) make the Chronicle available on-line in English, French and Spanish.
5. The Association will continue to:
 - a) participate in the work of the various Council of Europe bodies (committees of experts, parliamentary committees, etc), in events organised by the Secretariat (general information meetings, sectoral meetings) and at meetings of interest groups of NGOs which maintain relations with the corresponding sectors of the Secretariat;

- b) participate in the work of relevant UN bodies.
6. The above objectives cannot all be achieved with the current reliance on voluntary support. Professional secretarial backup is essential. To this end we will seek to:
- a) secure a permanent office and
 - b) secure a permanent funding stream.
7. Reaching the targets outlined will require us to form partnerships with a number of organisations. I am asking you to authorise your Executive to seek to form partnerships with:
- a) UNICEF;
 - b) IDE;
 - c) other groups as appropriate.

I am a great believer in devolved Government and will be attempting to have local decisions taken at local level. I have in mind to set up a number of Regional Commissioners. They will act as a link between the National Associations and the Executive. The Commissioners will support NAs in identifying training needs and will identify experts, nationally and internationally, who will be available to assist in programmes of judicial training. I will discuss the detail of this with my colleagues but will be looking to have it implemented as soon as possible. I seek your approval to carry out this programme.

Finally, I would like to thank our outgoing President for his leadership over the past four years. It has been a particularly difficult time for him. He has had to contend with a horrendous workload in his court and at times the strain has impacted adversely on his health. Indeed he has been off ill for the past few weeks. It is an indication of his commitment to this Association that he came against doctor's advice because he felt he should be here. We appreciate what he has done and thank him for it. I hope that he is going to take things a little easier now that he is stepping down and that he will take more care of his health.

I would like to thank my colleagues on the Executive Committee for their confidence in selecting me as the official candidate for the post of President. I hope that I will be able to meet their expectations and give good stewardship over the next four years.

But, most of all, I would like to thank all of you for the confidence you have placed in me in electing me to the position of President. I will do everything I can to ensure that your confidence is well placed. I intend to give total commitment to the Association, to serve you to the extent of my ability. I do not intend to maintain the status quo. In my view, there is no such thing as standing still. If we do not move forward we move backward because the world will move forward without us. We must sail, sometimes with the wind, sometimes against the wind. But we must sail and not drift or lie at anchor.

Your Executive cannot meet the objectives I have set alone, nor the Council, nor even the General Committee. Success will only come if all members of the Association become involved in its activities. What I ask from you is that you also show commitment to the Association. We are not in this for what we can get out of it. We are not in it for the status it brings or to gain promotion in our own courts. We joined the Association so that we can help others, not to help ourselves. I remind you of the words of John F Kennedy - ask not what the Association can do for you. Ask rather what you can do for the Association.

The words of Judge Gaston Fedou, addressing the Oxford Congress in 1974, are as relevant today as they were when he spoke them:

“Let us never forget that we exist not for ourselves but for the young, for their fulfilment as individuals in the heart of the family and in society”.

Dr Willie McCarney, President

THE XVI GENERAL ASSEMBLY OF THE IAYFJM

The XVI General Assembly of the IAYFJM was held in the Melbourne Convention Centre, Melbourne, Australia on Monday October 28 at 1715. The following items were on the agenda:

1. Welcome by the President
2. Minutes of the General Assembly, held on 4th of November 1998, in Buenos Aires, Argentina
3. President's Report
4. Treasurer's Report
5. Approval of the 3 reports
6. Election of the Executive and Council for the period 2002 – 2006
7. Nomination of Honorary Members
8. Miscellaneous
9. Closure.

Electronic copies of the Minutes of the meeting may be had from the Secretary General. Those wishing to obtain copies should email Corinne Dettmeijer at:

corinne.dettmeijer@xs4all.nl

Only the key points of the Assembly are being reproduced here.

Item 3 – the President's Report is reproduced in full starting page 23.

Item 4 – the Treasurer's Report revealed a continued diminution in the Association's fortunes. Finding sponsorship, at least for the Chronicle, will be a priority for the new Executive.

Item 6 – The Election of the Executive and Council for the period 2002 – 2006: The delegates at the General Assembly accepted the Slate as presented by the Executive (and pub-

lished in the last edition of the Chronicle). In accordance with custom and practice, where there are no nominees other than those on the official Slate, all of those nominated by the Executive were elected by acclamation.

The new President's acceptance address is published in this edition of the Chronicle in lieu of an Editorial.

Item 7 – Nomination of Honorary Members: There were only two nominees for Honorary Membership. These were:

Jean Zermatten of Switzerland – Past President of the International Association and

Chen Jianguo of the Supreme People's Court of the PRC who represented China on the Association's Executive Committee for many years.

Both nominees were elected by acclamation.

Item 8 – Miscellaneous: Amongst the matters dealt with under Item 8 was the election of some new members to the Chronicle Editorial Committee. These were:

Oscar D'Amours of Canada who replaces Lucien Beaulieu (Canada),

Atilio Alvarez of Argentina who replaces Jorge Abel Zaldarriaga (Argentina) and

Gabriela Ureta of Chile who replaces Yves Lernout (France).

Willie McCarney

**THE ELECTION OF THE EXECUTIVE AND COUNCIL
FOR THE PERIOD 2002-2006**

The following members were elected to serve the Association for the period 2002 to 2006.

EXECUTIVE COMMITTEE

President	Willie McCarney	Northern Ireland
Vice-President	Renate Winter	Austria
Secretary General	Corinne Dettmeijer	The Netherlands
Deputy Secretary General	Hervé Hamon	France
Treasurer	Michel Lachat	Switzerland

COUNCIL MEMBERS

Alejandro Molina	Argentina
Arsenio Franciso Mendoza	Argentina
Monica Vazquez Larsson	Argentina
Christian Maes	Belgium
Romero de Oliveira Andrade	Brazil
Alyrio Cavallieri	Brazil
Oscar d'Amours	Canada
Yang Chengtao	China
Daniel Pical	France
Frieder Dünkel	Germany
Sophie Ballestrem	Germany
David Carruthers	New Zealand
D.S. Ncapayi	South Africa
Aysen Betül Onursal	Turkey
Len Edwards	USA

The immediate Past President is an ex-officio member of the Council and acts in an advisory capacity without voting rights.

Those wishing to obtain a copy of the Minutes of the General Assembly should contact the Secretary General at the address below. Please supply an email address as only electronic copies of the Minutes will be sent out.

Corinne Dettmeijer,
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CONGRESS REPORT

Willie McCarney

The structure of the legal system into which children, youth and families may be thrust has long been the subject of international debate. To some, the system appears fragmented and impossibly complex. In many jurisdictions, debates rage over the lack of a co-ordinated, accessible and timely delivery of child protection, juvenile and family law. The central theme of the XVI World Congress of the IAYFJM, which was held in the Melbourne Convention Centre, Melbourne, Australia, from October 26 to October 31, 2002, was “*Forging the Links.*”

The 350 delegates from more than 30 countries who assembled in Melbourne spent five days debating how links might be forged:

- (i) Between courts of many nations making judicial decisions on the same issues;
- (ii) Between courts and the communities in which they serve;
- (iii) Between agencies working in and around the courts.

There were five sub-themes:

- a) 100 Years of Juvenile Justice;
- b) Children in Vulnerable Circumstances;
- c) Judicial Decision Making in Child, Youth and Family Law;
- d) The Community Around Us;
- e) The Child’s Participation.

On Saturday Oct 26 delegates were invited to a reception in the beautiful Queen’s Hall, Parliament House addressed by the Hon Rob Hulls, Attorney General of the State of Victoria. As the Congress was being jointly hosted by Australia and New Zealand, Mat Hakiha of New Zealand gave an official Maori welcome. A group of children from Dandenong South and Springvale West Primary Schools entertained the delegates with a selection of

songs in French and Spanish. The reception was chaired by the Hon Chief Justice Alastair Nicholson of the Family Court of Australia.

On Sunday morning, October 27 there was an indigenous welcome ceremony conducted by Joy Murphy Wandin, Aboriginal Elder of the Wurundjeri People. This was followed by a Ministerial Address by the Hon Daryl Williams, AM QC MP, Commonwealth Attorney General (Australia). Justice Lucien Beaulieu replied on behalf of the Association. The Hon Justice Michael Kirby, High Court of Australia, one of the world’s most respected jurists, set the scene for the week’s discussions when he gave the Keynote Address entitled “International Perspectives on the Promotion and Protection of the Rights of Children and Young People”. Then it was time to get down to work.

For the next five days the delegates listened to experts from Argentina (Chubut & Mendoza); Belgium, Cameroon, Canada, England, Fiji, Germany, Israel, Laos, Northern Ireland, Norway, Papua New Guinea, Republic of Palau, Scotland, South Africa, Switzerland, The Netherlands, the USA (California, Hawaii and New York) as well as experts from Australia and New Zealand.

The papers presented fell within the themes and sub-themes listed above. The topics were expanded and grounded in practice in a range of workshops conducted in our three official languages – English, French and Spanish.

It would be impossible to summarise the content of so many excellent papers in this short report. All of the papers are available on the Congress website. I would urge readers to visit the website where they will be able to see the full range of papers and either read them online or download them to read at leisure.

The Congress website address is:

www.youthandfamily2002.com

The organisers of the Congress struck a good balance between intellectual stimulation and social interaction and there were lots of opportunities for delegates to meet informally. An excellent lunch was served daily in the large reception area, as was morning and afternoon tea/coffee. Early-birds could chat over tea and coffee which was available in the large reception area from about 8.00 am. These provided opportunities to make contact with friends old and new. Delegates had further opportunities to mingle at receptions in the Children's Court, the Family Court and the Commonwealth Court as well as at the welcome reception in the Queens Hall, the official Congress Dinner and on a range of visits arranged for the Wednesday afternoon. There is little doubt that some of the strongest links were forged during these informal get-togethers.

Five days is a long time to maintain a high level of concentration – no matter how intellectually stimulating the presentations. It is a tribute to the organisers' ability to get the balance right that there was a good attendance at all sessions throughout the week – right up to the very end. I would like to pay a special tribute to the New Zealand delegation for their particular contribution – not least the part played by the "Hip Hop Cops". In a number of presentations they showed us how they get through to even the most difficult of young people. They demonstrated very clearly that learning does not have to be tedious. It can be fun. Nobody wanted to miss these sessions! The delegates were spellbound, as, no doubt, the young people are. Unfortunately we cannot reproduce their magic on the website. All I can say is that you should have been there. By the end of the week this group of police officers were being treated like film stars with everyone wanting photos taken with them.

I would also like to mention another novel idea that the organisers came up with. Earlier in the year they had invited agencies from all around the world to submit videos (no more than 10 minutes in length) demonstrating "children's participation" in any area which fell within the range of the Congress themes/sub-themes. The response was overwhelming. After many hours of viewing the committee short-listed 14 videos. From this short list four were selected for presentation at a plenary session where those responsible for the work were available to answer questions from delegates. The remaining ten videos were screened during lunch breaks so that everyone had an opportunity to view a range of good examples of "children's participation".

The week flew and suddenly we found ourselves at "wrap-up time" considering how we might take forward the lessons learned at this Congress. The Local Organising Committee has drawn up a list of recommendations which the Executive and Council will consider in due course. The newly elected President gave the closing address – see page 12.

The Congress ended with the presentation of the Veillard-Cybulski Award by the President of the Veillard-Cybulski Fund Association, André Dunant of Switzerland. The standard of this year's entries was very high. After a lot of deliberation the International Jury was unable to separate the top two. Consequently we had joint winners in Verónica L. CANALE, Maria A. ALEGRE and Gabriela I. GUTIERREZ of Argentina and Daniel STOECKLIN of Switzerland. You will find a summary of their projects on the pages following.

This is a very prestigious award and always draws a high level of entries. If you wish your project to be considered for the next award which will be made in 2006 you need to start thinking about it now. You will find details on page 29.

VEILLARD-CYBULSKI AWARD 2002

JURY'S DECISION

The Veillard-Cybulski award honours and rewards those who have created works of merit and who have created new approaches to perfect the methods of treatments for children, adolescents and family members who are in difficulty.

It is with this perspective in mind that the members of the jury evaluated the works that were submitted for the 2002 award. In total, there were 18 submissions out of which 14 were deemed to be acceptable and were examined by the jury.

The jury concluded unanimously that the award would be shared *ex aequo* between two

submissions that were both of quality and corresponded particularly well to the objectives that were set out.

Both submissions, with their own perspectives, undertook the subject of youth in difficulty and different facets of intervention. The works examined the perspectives of the child themselves within the larger scope of the family and society in which they evolve.

Children are part of a private sphere but also part of a public sphere where social norms and rules work together to create solidarity but also the respect and acknowledgement of each human being.

Geert Cappelaere, Jordan, Carmen Palacios-Serres, Columbia, Jean Trépanier, Canada

(Members of the International Jury)

September 2, 2002

A brief synopsis of the winning submissions is given below.

SUPPORT SYSTEM FOR ADOLESCENTS UNDER STATE SUPERVISION IN BUENOS AIRES, ARGENTINA

Verónica L. CANALE, Maria A. ALEGRE, Gabriela I. GUTIERREZ,

The work was very well presented and the rigorous explications were supported by charts that were annexed. The work proposed the creation of a support system for adolescents under state supervision in the province of Buenos Aires which was part of a pilot project since 1986, and which became part of a law in 1996 (No. 11582) to support the application of the C.I.D.E.

The beneficiaries of the system are adolescents who are deprived of their liberty, who are confined to institutions due to physical or psychological aggression. They are either victims or authors of offences which categorizes them as delinquents. The aim is to allow them to find liberty under certain conditions and to allocate grants that would be attributed in small amounts taking into account the situation of each individual.

This project successfully combines the legal, economical and social aspects of institutionalised children.

Considering the specific law in place in Buenos Aires, which integrates the underlying principles of the C.I.D.E, the project develops a flexible approach which is adaptable to each adolescent. The concern in the past that looked at "how things should be" has now changed with the faith that positive change is possible.

The concept of adolescence is not defined strictly by the law: "Argentina fixes 21 as the age of majority but this can not be considered as the age of majority in all areas, in all circumstances and for all people." That is the reason why the law in Buenos Aires No. 11852 establishes the concept of adolescence without an age limitation.

With the support system in place a follow-up procedure exists which examines the adolescents' individual files either through their university education or through their professional careers.

To accomplish the founding objective of Sistema de Sostén, the cooperation of local administrators, NGOs and private initiatives under the supervision of the state are important. The work aims at "establishing and developing life-long projects for adolescents based on progress in education and on integration into work". (p. 2). The project can thus be considered as a project that places confidence and responsibility among adolescents and encourages the support and participation of families and the community.

It is particularly this aspect of flexibility, and individual treatment while respecting the official proceedings that make "Sistema de sostén para adolescentes tutelados" a project that is worthy of receiving an award.

STREET CHILDREN IN CHINA

Daniel STOECKLIN, Paris, Karthala, 2000.

The work is extremely interesting and was created by the author's doctoral thesis in sociology. The research is constructed with a theoretical outline and used as a qualitative method giving rise to remarkable results and offering convincing explanations on the area studied.

The work examines a problem to which the Chinese officials pay very little attention and which has not been given a lot of attention in the past.

The work discloses the great difficulty in reaching out to groups of children who are marginalized such as street children in some countries. The work proposes creative solutions to be able to reach out and understand their situation even if the work must be done in secret.

The work begins with a description and comprehension of street children which is necessary before undertaking useful intervention measures. In doing this, the lessons learned are then geared towards the creation of solutions to the existing problems.

According to the author, the problem must not be treated in isolation but a global picture must be examined in order to see the problem holistically. The author identifies causes that are largely due to macro-social issues. For example mention is made of economic disparities between rural and urban areas, the intra-national highly controlled migration policy

and the one-child policy rule. Thus solutions cannot be considered or created without considering the root causes.

The work presents a fascinating report on the life experiences of street children (beggars, wanderers) by examining through a micro-social approach, the way that they live and interact amongst themselves and with other individuals.

In his work, the author elaborates on the problematics and possible solutions in a manner that is completely opposite to certain intervention methods. Those methods are based on the notion that intervention on adolescents centre on the individual, on one specific problem instead of examining the problem globally. The author demonstrates the frivolousness of their approach.

The author believes that to find solutions we must re-examine the macro-social politics that are at the root cause of the situation in which these children find themselves. He also proposes that to find solutions we must comprehend the environment in which the children live and the survival strategies that they must use.

The authors approach brings us to reflect and question our traditional approaches that are used for a certain marginalized group of children.

MELBOURNE CONGRESS

PRESIDENT'S CLOSING ADDRESS

In the name of the IAYFJM, I would like to express to all those involved the profound gratitude of my colleagues who are gathered here for allowing us to hold our 16th Congress in this beautiful garden city of Melbourne.

I would like to thank in particular the Organising Committee and its Chair Judge Jennifer Coate and all the sponsors without whose contributions this international reunion could not have taken place.

Three years ago I was searching frantically for a venue for this Congress after the original venue became unavailable. I had discussions with colleagues in Austria, South Africa, Australia and New Zealand. Then our good friend David Carruthers proposed that we consider a collaborative approach with New Zealand and Australia jointly hosting this Congress.

We invited Jenny Coate and Brian Wynn-McKenzie, together with David Carruthers, to meet with us in Singapore in September 2000. We outlined our proposals and Jenny and Brian enthusiastically undertook to host the Congress in Melbourne. Jenny probably thought on many occasions since then that 'rashly' might be a more appropriate word, than 'enthusiastically'.

We are particularly grateful to them because they have only had two short years to make their preparations when we would normally like to give our hosts three or four years to prepare.

During the two years your Committee has been planning, there have been times when because of financial problems, not to mention the difficulties of trying to fit all of this in with an already overfull work schedule, the prospect of holding this Congress must have varied between "bleak" and "hopeless". I would guess

that Jenny often wakened in the early hours, perhaps even in recent weeks, wondering how it could be done. But it was done and I am sure you will all agree that it was done magnificently. I wish to acknowledge the extraordinary energy and work that Jenny Coate put into the organisation. While in no way wishing to undervalue the efforts which the entire committee put into this enterprise there is no doubt in my mind that without her single-minded determination the Congress would not have happened. For this reason I wish to acknowledge her efforts which proved finally to be so successful.

I would like to pay a particular tribute to Chief Justice Alastair Nicholson. He has thrown his weight behind this venture from its inception and his support has been largely instrumental in drawing in the many other courts and organisations who have worked collaboratively to enable this Congress to be held.

I would also like to say a particular word of thanks to our New Zealand colleagues, particularly the HIP HOP Cops who made a very special contribution to our Congress and demonstrated that learning does not need to be tedious but can be a lot of fun.

The fact that the week has flown is an illustration of the fact that Jenny and her team managed to get a good balance between intellectual stimulation and social interaction.

The ultimate aim of this Congress, as of past Congresses, was the exchange of knowledge, of ideas, the exposition of theories and of practice; in short the cross-fertilisation of minds, in our endeavour, each in our own small way, to create a better human society and a better world for all mankind.

Our congresses should not be just a pleasant interlude in our otherwise busy lives. This week's seminars were what they ought to have been - learned but most interesting: they illustrated yet again the *raison d'être* of the Association in that they allowed full free discussion of sometimes opposing points of view; they emphasised what could and should be done by a universal and not just a national approach.

The delegates who met at that wonderful reception in the Queens Hall, Parliament Buildings, last Saturday evening, barely knew each other, but the similarity of their problems, and their common aim towards the same ideal awakened that beautiful flame of enthusiasm which rejuvenates the soul. They were aware that the many and varied systems within which we work can only gain from the cross-fertilisation of ideas, from comparison of one with the other. With the recent launch of the International Criminal Court, and, in a different way, following the tragic events of 9/11 in the USA, and more recently in Bali, justice is becoming international, and must do so increasingly as the world gets smaller.

The unhappy child and the family need protection wherever they happen to be. They need positive support and not just sympathy. But this support must be informed, this sympathy enlightened.

Rarely has the world known such troubled, discordant times and the need for international gatherings such as ours has never been more apparent.

From the start of the Congress, relations between delegates have been marked by that affability which arises when one is in good company. The debates were conducted in a spirit of conciliation, cordiality and in the will to succeed which is necessary for pushing forward to progress and prosperity.

How can we carry the work of this Congress forward? Many links have been forged here but we need to ensure that those links are not only maintained but strengthened.

On a national scale we might consider promoting the ideals in our own Associations. Children Law UK, for example, are planning a conference next May to consider how Youth and Family Courts can work closer together. I think they can learn much from this Congress. Alastair Nicholson has agreed to come along to talk to the conference, if we can agree precise dates.

On an international scale the very aims and objectives of the our International Association are built on the idea of forging links –

- links between magistrates, judges and all of those who service the courts, in different countries;
- fostering international communication of experiences in the field;
- supporting judges and magistrates in applying the rule of law in the light of international conventions and local State and Federal laws.

The IAYFJM represents worldwide efforts to deal with the protection of youth and family and supports research which seeks to identify programme interventions that will stop the violence, abuse and neglect, exploitation and discrimination and that will mitigate the impact of those violations on children.

None of this can happen unless we forge links with our colleagues throughout the world.

We hope to set up a communications network to facilitate this work.

I wish to point out that our Association is for all – not just for judges and magistrates. The fact that our central concerns relate to Youth and Family Judges and Magistrates, and the field of their operations distinguishes us from the many other bodies which concern them-

selves in one form or another with the welfare of juveniles.

But we all know that the law itself has no solutions and no answers. By the time the problem gets to court it may already be too late to effect change. We need a collaborative approach, an interdisciplinary approach. We welcome into our Association all of those involved in the process – lawyers, psychologists, psychiatrists, probation officers, police.

At this Congress we have learnt much from each other which we will take back to our various countries to give us greater enthusiasm to continue.

I thank you all for your participation, thank you for your efforts and hope that we will see you at our next Congress in four years' time, if not before.

Thank you for your attention and a safe journey home.

Willie McCarney,
President.

CAN YOU HELP US TO FIND A SPONSOR FOR THE CHRONICLE?

Dear Colleagues,

The cost of producing and distributing the Chronicle is crippling the Association and, to date, we have not been able to find a sponsor.

There are three elements to our costs:

Translation: All articles have to be translated twice (e.g. if the original is in Spanish the article has to be translated into French and English and vice versa).

Printing: Our printing costs are heavy because we print three Editions each time (Spanish, French and English).

Postage: Our postage costs are heavy, as previously indicated.

If any of you know of any potential sponsor could you please let us have contact details? We would be happy to begin negotiations and see if we can reach agreement. We would like to find a sponsor who would cover all costs but if we could get someone to cover any of the three elements it would greatly help our financial situation.

It would cut our costs dramatically if we could distribute the Chronicle electronically.

Indeed it would be helpful if all communications could be sent out electronically. This would not only save the cost of postage but speed up communications as you would receive information immediately instead of having to wait for a postal delivery. At this point we have email addresses for very few of our members.

Could you please let me have an email address where we could contact you?

I look forward to your support and to your participation.

Best wishes,

Willie McCarney, President

**THE INTERNATIONAL ASSOCIATION OF
YOUTH AND FAMILY JUDGES AND MAGISTRATES**

Dr Willie McCarney, OBE, JP, President,
175 Andersonstown Road, Belfast BT11 9EA Northern Ireland
Tel: +44 28 9061 5164; Fax: +44 28 9061 8374
Email: w.mccarney@btconnect.com

**SUPPORTING
YOUTH AND FAMILY JUDGES AND MAGISTRATES IN
MAINTAINING THE RULE OF LAW.**

CORPORATE PLAN FOR THE PERIOD 2002-2006

The IAYFJM is an NGO (Non-Governmental Organisation) with consultative status at the United Nations and the Council of Europe. It was founded in 1928 and registered in Brussels, Belgium. It represents worldwide efforts to deal with the protection of youth and family and with the criminal behaviour and maladjustment of youth. Its membership is comprised of national associations and committed individuals from all parts of the globe, who exercise functions as youth and family court judges or functions within professional services directly linked to youth and family justice or welfare.

AIM

To support youth and family judges and magistrates in maintaining the rule of law.

VISION

The IAYFJM represents worldwide judicial efforts to deal with the protection of youth and family. The IAYFJM aims to:

- a) promote the administration of justice and the maintenance of the rule of law, particularly as it affects children and their families;
- b) promote the protection of children's rights;
- c) further knowledge of laws and practices as they affect children and their families within the various countries of the world;
- d) promote the development of the law affecting children and their families internationally;
- e) advance the understanding and development of international law and comparative law, particularly as it affects children and their families;
- f) promote uniformity internationally in these areas of law;
- g) further international understanding and goodwill amongst all those who provide professional services directly linked to youth and family justice or welfare;
- h) assist and cooperate with international, regional or other organisations having all or any of the above mentioned objects.

The primary role of the IAYFJM is to support judges and magistrates in applying the rule of law in the light of international conventions and local State and Federal laws. The IAYFJM aims to:

- a) focus on support, education and training of youth and family judges and magistrates to do their judicial job properly;
- b) advance legal education internationally in the area of youth and family law;
- c) support the provision of advanced studies in these areas;
- d) facilitate the exchange of Judges, Magistrates, teachers of law and practitioners who provide professional services directly linked to youth and family justice or welfare.

CURRENT STRUCTURE

The administrative structure comprises:

- a. The General Assembly
- b. The Council
- c. The Executive Committee
- d. The General Committee.

General Assembly.

The General Assembly convenes every four years at the venue of the Association's congress.

It elects the members of the Executive and Council.

It approves any necessary changes to the By-Laws etc.

The Council.

The Council is elected at the General Assembly to hold office until the next General Assembly.

The Council, comprising the Executive Committee plus 15 members, administers and promotes the activities of the Association.

The Council must meet once per year.

The Executive Committee.

The president, the vice-president, the secretary-general, the deputy-secretary general and the treasurer form the Executive Committee.

The Council delegates the day-to-day management to the Executive Committee.

The Executive must meet twice per year.

The General Committee.

The General Committee is made up of the representatives of the national associations, the members of the Council and the honorary members.

It stimulates contact between national associations and promotes the establishment of new national associations.

It meets once every two years and makes proposals regarding the venues, dates and themes of Congresses.

MEMBERSHIP

Members of the Association may be:

- a. Ordinary members;
- b. Affiliated National Associations;
- c. Associate Members;
- d. Honorary Members.

Ordinary members

Ordinary Membership may be granted only to judges and magistrates and other persons, who hold or have held office in a youth or family court or are performing similar functions.

National Associations

Membership may be granted to National Associations of judges, magistrates and other persons who have wholly or in part the same objects as the Association provided they have a minimum of five persons.

Associate Members.

Organisations, specialist groups or persons who, by their qualifications in the fields as defined in article 2 of the Statutes, their competence and their achievements can contribute to the work of the Association may be granted associate membership.

Honorary Members.

Persons who have rendered notable service to the Association may be made honorary members by a General Assembly.

They do not pay any subscription.

Honorary membership confers the right to vote at General Assemblies.

STRATEGIC OBJECTIVES (2002-2006)

1. Through its Research and Development Committee the IAYFJM will support research which seeks to identify interventions that will stop the violence, abuse and neglect, exploitation and discrimination of children and that will mitigate the impact of those violations.
2. The IAYFJM will:
 - a) identify best practice and garner, collate and disseminate information to members and others as appropriate;
 - b) support innovative approaches and provide an international view of what works well in the area of child offending and child welfare.
3. The IAYFJM will set up a communications network in order to:
 - a) facilitate the sharing of information, ideas and expertise;
 - b) further the diffusion of knowledge of laws and practices as they affect children and their families within the various countries of the world;
 - c) put all information on-line, in its three official languages, giving members access to studies, statistics, research papers, best practices and other relevant information on issues related to children, youth and family, as well as model legislation and advice on drafting, redrafting legislation;
 - d) make the Chronicle available on-line in English, French and Spanish.
4. The Association will continue to:
 - a) participate in the work of the various Council of Europe bodies (committees of experts, parliamentary committees, etc), in events organised by the Secretariat (general information meetings, sectoral meetings) and at meetings of interest groups of NGOs which maintain relations with the corresponding sectors of the Secretariat;
 - b) participate in the work of relevant UN bodies.
5. The above objectives cannot all be achieved with the current reliance on voluntary support. Professional secretarial backup is essential. To this end the IAYFJM will seek to:
 - a) secure a permanent office and
 - b) secure a permanent funding stream.
6. Reaching the targets outlined will require the IAYFJM working in partnership with a number of organisations. The IAYFJM will seek to form partnerships with:
 - a) UNICEF
 - b) IDE
 - c) other groups as appropriate.
7. The IAYFJM will not engage in political activities.

NECESSARY CHANGES TO ORGANISATIONAL STRUCTURE

National Level:

The IAYFJM is organised nationally through its National Associations. The IAYFJM will encourage the setting up of a NA in every country where it has members. District Associations may be set up where the size of the country merits it. NAs will be encouraged to form a support network so that they can help and support one another as appropriate, particularly at a regional level.

Global Level:

The Association is organised globally through its General Committee, its Council and its Executive Committee. The Executive Committee runs the Association on a day-to-day basis. The Executive meets twice each year, the Council meets once each year and the General Committee once every two years.

No financial support is available from the Association to enable members to attend meetings. Members must fund their own attendance or find their own individual sponsorship.

Because committee members are drawn from around the world it is impossible to find a central venue for meetings that will be convenient for all. Attendance at meetings is expensive. All committee members act in a voluntary capacity and find it difficult to get time off work to attend meetings. Members frequently pay expenses out of their own pocket and use up holiday leave in order to attend meetings.

The above applies equally to all members but has particular relevance to the members of the Executive who are charged with the day to day running of the Association and who must meet most frequently.

There are no paid staff. The President, the Secretary General, the Treasurer and the Editor-in-Chief of the Chronicle, who between them carry the bulk of the workload, are each responsible for their own administration. There is the added complication since the General Assembly in Melbourne that the President is also the Editor-in-Chief of the Chronicle.

If the Association is to grow and expand the above situation must change. It is for this reason that strategic objective 4 listed above is to obtain professional secretarial backup, a permanent office and a permanent funding stream.

Regional level:

The Association is not currently organised at Regional level. Regional Commissioners will be appointed whose role will be to act as a link between the NAs and the Executive. The Commissioners will support NAs in identifying training needs and will identify experts, nationally and internationally, who will be available to assist in programmes of judicial training.

PUTTING THE STRATEGIC OBJECTIVES INTO PRACTICE

The Executive will seek as a matter of urgency a permanent funding stream. This will require the Executive to identify potential sponsors and to begin immediate discussions on the setting up of a permanent office with secretarial support.

Discussions will continue on the drawing up of partnership agreements with various bodies as indicated above. It is likely that funding will be an intricate part of these discussions.

The search for a sponsor or sponsors for the Chronicle will continue.

The Executive will appoint a new Editor-in-Chief in order to remove that burden from the President.

The Executive will seek a sponsor for a web site to facilitate the implementation of objective 3 above.

The Executive will seek to focus the work of the Research and Development Committee (objectives 1 and 2). Findings will be made available on the website.

The Executive will act as a conduit to facilitate the exchange and sharing of information, ideas, energy, resources and people.

The Executive will provide an international viewpoint on major issues and provide an opportunity for judicial personnel to become involved in some of the international organs.

The Executive will work with Headquarter Organisations to determine how the Association can help on the ground. Once the ground rules have been established the project will be handed over to a Regional Commissioner who will then have the task of identifying experts and coordinating the programme.

GOALS:

- YEAR 1: Identify potential partners and undertake negotiations with a view to drawing up partnership agreements.
Set up an office with secretarial support staff.
Appoint Regional Commissioners.
- YEAR 2: The Regional Commissioners will establish links with NAs and with the various agencies working on the ground (UNDP, UNICEF, IDE, Terre Des Hommes for example) with a view to identifying what contribution the IAYFJM can make.
Set up an eCorridor.
- YEAR 3: Identify Regional Panels of experts who will be available to assist in the various training programmes and in the coordination/organisation of training programmes as required.
- YEAR 4: Set up regional task forces to assist with training needs.
Provide a forum for regular discussion of trends, implementation issues, organizational learning across countries and multi-country initiatives.

GENERAL ASSEMBLY

Melbourne, 2002

Welcome address & President's Report

by the Hon. Mr. Justice Lucien A. Beaulieu

Ladies & Gentlemen, Mesdames et Messieurs,
Señoras y Señores.

1. Welcome to the International Association of Youth and Family Judges and Magistrates' (IAYFJM) General Assembly.

I want to extend a particular warm welcome to the new members of Council, new members and guests. The Association and the children and families that we serve need and will certainly benefit from your valuable contribution in the years ahead.

I also want to acknowledge the presence of three distinguished past Presidents of our dear Association. Mr. Horst Schuler-Springorum, from Germany was President from 1978-1982. He also graciously accepted the role of Honorary President during my term of office. He of course continues to work tirelessly for the cause of youth and family justice as a recognized expert in juvenile justice.

Also present is Monsieur Jean Zermatten, my predecessor, from Sion, Switzerland, who was President from 1994-1998. Not only has his heart remained with the Association but has devoted tons of energy and leadership as the Director of the Institute for the Rights of the Child.

This past-presidential "trinity" continues, each in his own special and particular way, to serve, lead and stimulate positive responses to the challenges of children and youth rights and a meaningful justice system for them and their families.

I am personally indebted to them for their example of leadership and genuine commitment. And we are all grateful for their tireless energy and work on behalf of our Association.

I want to thank each of you for your presence here today. Thank you for having devoted so much energy to ensuring that the sun of justice rises and shines on children, young people and their families. Thank you all.

I should also acknowledge the regretted absence of Alyrio Cavallieri, who had planned to attend the Congress but had to cancel for health reasons. This would have been his 9th consecutive Congress since 1970. His contribution to the Association on Council and through his national Association has been inspirational and exemplary.

I am personally indebted to him for his constant sound advice and his unique effervescent and particularly generous hospitality. To him especially and to all his Brazilian colleagues I say a sincere thank you.

2. I would ask the Secretary-general to provide us with the Minutes of our last General Assembly held in Buenos Aires, November, 1998.

3. President's Report:

When I accepted the position of President of this Association four years ago, I realized full well that it would involve great challenges. However, I also knew that this unique and interesting organization was comprised of some wonderful individuals. I therefore considered it then, and still do believe it, to be a privilege to serve such a distinguished group of committed and dedicated persons from diverse backgrounds, regimes and cultures.

We commenced the last term under a new constitution. This meant a variety of new challenges, particularly for the Executive. There were, not surprisingly, growing pains. There were peaks and valleys. However, despite some occasional apparently insurmountable issues, we were able to survive. Thanks to the dedication, commitment and energy of my colleagues, we weathered the storms.

I want to thank all the members of Council and the General Committee for their support and wish those who are leaving good fortune in their continuing challenges. I trust that they will continue to demonstrate an active interest in the work of the Association, and to continue to serve as an example to other members.

I want to say a special and particular thank you to Vice President Willie McCarney and Treasurer Michel Lachat for their unflinching and tireless efforts to keep our little ship afloat during some trying times under the new regime. The new format was, as I've indicated, particularly challenging to the Executive members. The difficult times were to a large extent beyond anyone's control. We need not be rocket scientists to realize that our respective ability to fulfil our obligations may seriously be affected by unfore-

seen increases in workloads, bouts of ill health and so forth.

Nonetheless, I believe the learning curve of the initial four years under the new constitution will stand the new Council in good stead.

When I assumed the office of President, I challenged each of us to maintain and expand our membership. I suggested that each member should recruit at least one new member. Some have done more, others still need to act. However, because of the nature of our Association, I believe it is still a realistic aim.

I want to note that the bulk of our Association's membership is no longer drawn from Europe. We have members from all five continents and the majority are now non-European. For example, of the total membership of 529, 194 are European.

I also indicated that we should ensure that our Association not only be lively but transparent, democratic, inclusive and increasingly international.

At our meeting in Sion, the Council approved my recommendation that we adopt a committee structure. Establishing a variety of committees was geared to providing all members with the opportunity to participate actively in the work of the Association. Members could hone their skills and contributions at the committee level and become excellent candidates for future Council and/or Executive positions.

It is my fond hope that the committee structure will continue to offer those possibilities. Some committees, for example, the Constitution Committee, initiated some preliminary worthwhile activities and ensured the participation of new members. While it has been temporarily suspended, there are still some valid areas to examine

regarding better linguistic and regional representation on Council and the Executive administrative structures, membership fees, etc.

The Seminar Committee was seen as a means of encouraging common themes in seminars leading to the Congress. I believe this committee is crucial to the positive use of limited resources in each of the official languages.

The Finance Committee too has made a positive initial start regarding the vulnerable financial situation of a volunteer association such as ours.

I will not go further than to say that the list of committees and their proposed goals can be reviewed and hopefully acted upon by the new members and Council. There is ample room for exciting initiatives in a variety of ways.

The committees must provide an opportunity for new members to feel connected and worthwhile. The Association cannot and must not be the preserve of a few individuals.

The present Congress has demonstrated our ability to become connected to yet another part of the world. Future seminars and research projects must continue to explore the broader concepts of youth and family justice. The seminars in Avignon and Sao Paulo on foster care are but two examples. There is more to our Association's aim than "juvenile" justice. I believe we must build on what we have accomplished regarding family law issues here in Melbourne, Bath and other countries such as Brazil. Children do not come into our respective systems simply as individuals. The Research committee is well underway but should be enlarged to include experts in children's and family law – or have such expertise as either co-chair or a sub-committee in those areas of the law.

In the final analysis then I believe that we have made initial strides toward transparency, democracy and greater international presence. This Congress bespeaks of the latter aspect.

During the last four years we have either organized or participated in seminars and conferences on:

- violence;
- children who kill;
- mediation;
- family law and violence in the family;
- youth sentencing;
- criminal organizations and exploitation of children;
- organized sports and youth;
- children and war;
- family placements in Europe;
- juvenile justice in the 21st century;
- 100 years of juvenile justice;
- the Convention on the Rights of the Child.

These and other seminars have been held in various locations in Europe, South America, Britain, the U.S.A. etc.

The Association's Executive and/or Council members have also assisted with the preparation of new legislation, review of court systems and training for judges and adjunctive court services in countries such as Bhutan, Tunisia, Iran, Kosovo, Vietnam, Columbia, Beirut, Myanmar, North and South Africa, and Russia.

Many of these activities were for the most part undertaken in collaboration with the IDE under the direction of our esteemed past President, Jean Zermatten, and with UNICEF and UNDP of the United Nations through the initiatives of Deputy Secretary Renate Winter.

We have also made an effort to hold our Executive and/or Council meetings in conjunction with regional seminars, for example in Sion, Greifswald, Singapore, Bath

etc. The specifics will be provided by our esteemed Secretary-General.

Members of our Association are also active as representatives at the United Nations Economic and Social Council and the Council of Europe. Suffice it to say that the Association's flag has been appropriately flown on your behalf on numerous important occasions. I am proud and privileged to have been a part of that as your President.

My involvement with this Association started rather innocently 24 years ago in Montreal. Judge Marcel Trahan of Montreal had led the charge for the Congress in his city in 1978. He and Lorne Stewart, the Senior Juvenile and Family Judge in Toronto, recruited me to assist them in their daily 8:00 a.m. briefings to presenters, panellists etc. in English and French. This was before the political language wars of recent times. I can still recall the looks of disbelief and consternation the first morning when people looked at this "Torontonian" speaking French!

In any event, these two pillars of the juvenile courts of the day were impressive individuals. Last November I had the pleasure of representing you on the occasion of a special dedication to Judge Trahan. Lorne Stewart regrettably passed away this last January. This Canadian connection and the inspirational qualities of these two fine men were very instrumental in staking my identification and attachment to this important and unique international Association.

So now, to paraphrase Frank Sinatra, I've come to the final curtain and of this I am certain! Service in the cause of personal and social justice for children, youth and families is a particularly fascinating and singularly important enterprise. As I said earlier, Antoine de Saint Exupéry says:

"To be a man is to feel that one's own stone contributes to building the edifice of the world."

I would like to think that my own stone has to some extent contributed to building the edifice of the world of justice for children, young persons and families. Undoubtedly I could have done more, however, you will have to forgive my human limitations!

Thank you sincerely for allowing me to have had this Presidential privilege and honour. You were a pleasure to represent.

You will shortly be asked to confirm the slate for the new Council and its Executive, and Honorary life members. Let me take this opportunity to congratulate each of them on their election. I know that they will be more than capable of meeting their new challenges. Therefore, a sincere "God speed" to each, good health and bon courage. You know also that you can count on my continued interest and support.

I now call on the Treasurer, Michel Lachat, to give his report. In doing so I again express on your behalf our collective, and my personal, gratitude for his tremendous work. One of the biggest challenges facing our Association is the need to secure administrative and secretarial assistance. The increasing demands are simply too much for volunteers, particularly the increasing caseload of full-time sitting judges.

I know that your Treasurer and the new Executive will continue M. Lachat's strong efforts in that area. M. le Trésorier, s'il te plaît.

For reasons of space it was not possible to include a copy of Justice Beaulieu's Welcome Address to Congress delegates. An electronic copy of the Address is available on application to the Secretary General.

Editor

DATE FOR YOUR DIARY

THE RIGHTS OF THE CHILD

AIDS

FROM TABOOS TO INTERVENTION STRATEGIES

SION, SWITZERLAND

07-11 October 2003

Location: Institut Universitaire Kurt Bösch (IUKB)
Box 4176, CH-1950 SION 4
Tel: +41-27-205.73.00 – Fax: +41-27-205.73.02
e-mail: ide@iukb.ch; web: www.childsrights.org

Languages: French, English and Spanish with simultaneous translation throughout the plenary session.

Contact: Institut International des Droits de l'Enfant (IDE)
Institut Universitaire Kurt Bösch (IUKB),
Case postale 4176, CH-1950 Sion 4 - Switzerland.
Tel: +41-27-205.73.00 – Fax: +41-27-205.73.02
Email : ide@iukb.ch

GENERAL COMMITTEE**2002 to 2006**

Alejandro Molina	Argentina	Dr Melita Cavallo	Italy
Arsenio F. Mendoza	Argentina	Francesco Mazza Galanti	Italy
Monica Vazquez	Argentina	Paolo Vercellone *	Italy
Atilio Alvarez	Argentina	Tsutomu Takeuchi	Japan
Juan Carlos Fugaretta	Argentina	Denise El Murr	Lebanon
Maria Fontemachi	Argentina	Meli Silvio	Malta
Jorge Zaldarriaga *	Argentina	David Carruthers	New Zealand
B. Wynn-Mackenzie	Australia	Andrew Becroft	New Zealand
Jenny Coate	Australia	Pat Mahony	New Zealand
Renate Winter	Austria	Willie McCarney	Northern Ireland
Claudia Fenz	Austria	Waheed A Ch.	Pakistan
Paul Palkovits	Austria	Justice Herrera	Philippines
Christian Maes	Belgium	Nimfa Vilches	Philippines
Herlinda Van de Wynckel	Belgium	Teresita Silva	Philippines
Colette Somerhausen *	Belgium	Henryka Veillard-Cybulska *	Poland
Alyrio Cavallieri	Brazil	Alfredo Barbosa *	Portugal
Rodrigo Enout	Brazil	Vasiliy Popov	Russia
A. Guimaraes de Souza	Brazil	Oleg Osheev	Russia
R. de Oliveira Andrade	Brazil	Stuart Lynch	Scotland
D. Eyike Vieux	Cameroon	May Lucia Mesenas	Singapore
Lucien Beaulieu	Canada	Mark Tay	Singapore
Oscar D'Amours	Canada	Alenka Selih *	Slovenia
Jean Trépanier	Canada	D.S. Ncapayi	South Africa
Marcel Trahan *	Canada	Ooshara Sewpaul	South Africa
Gabriela Ureta	Chile	Belinda van Heerden	South Africa
Luz Mariá Barceló	Chile	Julia Sloth-Nielsen	South Africa
Yang Chengtao	China	Julio Lopes de Oruezabal *	Spain
Shao Wenhong	China	Jan Alvå	Sweden
Chen Jianguo *	China	Norman Knut	Sweden
Carmen Palacios Serres	Columbia	Michel Lachat	Switzerland
Avril Calder	England	A.F. Comte Fontana	Switzerland
Daphne Gask *	England	Barbara Schellenberg	Switzerland
Helle Niit	Estonia	Jean Zermatten *	Switzerland
Herve Hamon	France	André Dunant *	Switzerland
Daniel Pical	France	Jameleddine Khemakem	Tunisia
Yves Lernout	France	A. Betül Onursal	Turkey
Jean-Pierre Peign *	France	Geert Cappelaere	UNICEF
Frieder Dunkel	Germany	Len Edwards	USA
Sophie Ballestrem	Germany	David Mitchell	USA
H. Schuler-Springorum *	Germany	Mike Town	USA
Jürgen Dubbers	Germany	Michael Corriero	USA
Theresia Hoyneck	Germany	Paula Hepner	USA
Corinne Dettmeijer	Holland	Edward Healey *	USA
S de Pauw Gerlings-Dährn	Holland	Blanca Rios Vidal	Venezuela
Yaap van der Goes *	Holland	M Rengel de Tundidor	Venezuela

This list comprises members of Council, honorary members, national representatives and IAYFJM representatives to the various UN and Council of Europe bodies. General Committee members are appointed, not elected

* Honorary Members

THE VEILLARD-CYBULSKI AWARD 2006

The Veillard-Cybulski Fund Association aims to reward deserving works, particularly those which make a new contribution towards perfecting methods of treatment for children and adolescents in difficulties and their families.

To achieve this objective the Association has established a Veillard-Cybulski Award.

Rules (summary)

- The award is made every four years, on the occasion of the quadrennial Congress of the International Association of Youth and Family Judges and Magistrates (IAYFJM).
- Candidates must submit four copies of their work in English, French or Spanish, together with a summary of not more than ten pages, to the address of the Association.
Papers will not be returned.
- The next award will be made in 2006. The deadline for submission of works will be 31 October 2005.
- The prizewinner receives an award of 10,000 (ten thousand) Swiss Francs. The amount of the second prize, where appropriate, will be decided by the VCFA Committee. Where two winners are classed ex aequo, they share the award. There will be no addition to the total amount of the prize.

Applications must reach the Veillard-Cybulski Fund Association

at the address below no later than

31 OCTOBER, 2005

Enquiries should be directed to the following address

Association Fonds Veillard-Cybulski
c/o Institut International des Droits de l'Enfant (IDE)
Case postale 4176, CH-1950 Sion 4 - Switzerland.
Tel: +41-27-205.73.00; Fax: +41-27-205.73.02 Email : ide@iukb.ch

**THE HISTORY OF THE INTERNATIONAL ASSOCIATION OF
YOUTH AND FAMILY JUDGES AND MAGISTRATES
PART 1**

I am frequently asked to explain the origins of our Association, to say how it began, what were the aims and objectives of the founders, what is the significance of the presidential symbol. I have decided to give you a brief overview in two parts. Part 1 (reproduced in this issue) covers the first nine Congresses. These dealt with a vast range of matters and have involved the collection of so large a library of records that it is not possible to give an accurate account in a few pages. Even a précis of the hundreds of national and individual reports and the various other documents would fill several large volumes. The published records of the first eight Congresses amount to about two thousand pages. There is scope for a research thesis for anyone who wants a more detailed account. I hope that what I have reproduced here will provide sufficient information for the majority of readers.

Willie McCarney, President

The Association's Roots

The International Association of Youth and Family Judges and Magistrates has its roots in the first international congress of the *Tribunaux des Enfants* in Paris in 1911 attended by more than three hundred delegates. That Congress dealt with the following matters:

1. the need for a separate code in the judicial treatment of minors,
2. the role of charitable institutions, and
3. supervised freedom and probation - the role of juvenile courts after sentencing.

The Congress adopted the following resolutions:

No legal action should be taken against children under an age to be specified. When some law has been broken, a child who has not reached that age should be dealt with under a special system, namely a Tribunal for Children. This system should consist of a tribunal, preferably consisting of only one Judge, who shall be an experienced Magistrate, specially appointed to consider all the problems of youth and having a particular knowledge of and aptitude towards children; his involvement with Tribunals for Children should be full-

time and permanent. He will then be able to take the best possible measures for the protection and assistance of the child.

Children aged under 16 accused of a crime who are not prosecuted with adults and youths between 16 and 18 accused of a crime should appear in Juvenile Courts, where the evidence will be subjected to different tests from those applied to adult courts.

An Examining Magistrate appointed to examine a child should proceed with a thorough enquiry of the accused and his environment and should have him medically examined; he should return him to his family, provided they can guarantee his good conduct, or to some other person or association dedicated to child welfare, or to an establishment where he will be separated from adults or older children. During this time the youth should continue to be under the surveillance of the Magistrate. At the beginning of the proceedings he shall have a defence counsel appointed who will be a barrister or a member of an approved society for assistance. The public prosecutor should be present.

The youth should appear at the Tribunal in person; there should be severe restrictions on reporting, and only designated persons should be permitted to be present. Publication of any matters discussed should be prohibited under penalty of a fine as should publication of photographs and any other publicity affecting the child. Where infants are implicated with adults, special arrangements should be made for their protection from publicity.

The Tribunal should have power to return the child to his family, to continue him on probation for a specific period, or to send him until he reaches his majority to an appropriate establishment. It should always be able to change its first decision, depending on the conduct of the child.

The Tribunal should have powers to impose fines or terms of imprisonment on parents who by their negligence are responsible for the conduct of their child, and also be able to impose on them the cost of upkeep of the child in any institution he may be sent to. It is desirable that all matters concerning the welfare of the child (parental connection, the breakdown of the parents' influence guardianship etc.) should be within the ambience of the Tribunal.

Resolutions Relevant Today

It is worth reflecting that these resolutions, passed more than 90 years ago, would not be out of place if taken at a congress today. But perhaps the most important resolution from our point of view was a vote in favour of setting up of an international organisation. Unfortunately twenty years passed before this resolution was fulfilled.

Association Founded 1928

A group of juvenile court judges meeting in Paris in July 1928 for a congress on the protection of the rights of infants again reiterated the need for an international organisation. They

were struck by the number of problems which were common to them all but found themselves powerless with no agenda or preparation. They elected the following committee to pursue their objectives: president Henri Rollet (France), vice-president Paul Wets (Belgium), secretary Herr Franck (Germany) with Pierre de Nemeth (Hungary) Enrico de Benito y de la Llave (Spain) and Antoni Komorowski (Poland) as members.

It was decided, in honour of the pioneering role played by the Belgians, and particularly Judge Wets, that Brussels should be the home of the new association and should be host to the first congress. Fifteen countries which had set up special judicial systems for juveniles accepted invitations to join and the International Association of Youth Magistrates was born.

The Association was accessible to all magistrates concerned in administering judicial systems for infants and had, as a special aim, the encouragement of discussion of all questions relating to juvenile tribunals and child welfare through the organisation of international congresses. The basic aim of the congresses was to be the growth of new ideas and the encouragement of liaison between those whose concern is with maladjusted childhood.

Those early pioneers agreed that, in practising their vocation, the exercise of jurisdiction over minors, juvenile court magistrates sometimes feel the need to establish that, in other parts of the world, there are others who are fighting the same battle, armed with the same ideals. They agreed that juvenile court magistrates must consider themselves primarily as lawyers, although they must also have a grasp of educational and sociological techniques; they agreed that child offenders must be regarded as people in need of guidance and education rather than criminals.

The members of the I.A.Y.M. set out to strengthen the bond between themselves so that, by the exchange of ideas and experience, they could together attempt to find solutions to these problems.

The first Congress of the new International Association was held in Brussels from 26th to 29th July 1930. After having discussed the Association's governing statutes the Association was formally constituted in the spirit of the League of Nations.

The Statutes

According to its Statutes, the Association's aims were:

1. to serve as a link between juvenile court magistrates in different countries: to foster international communication of experience in this field.
2. to consider all questions or problems in this field which are affected by international relations: to defend the principles of a separate jurisdiction for juveniles and to attempt to convince states which have no such separate jurisdiction of its merits.
3. to study collectively the nature of such systems of jurisdiction with the aim of improving them in individual countries.
4. to facilitate, by means of international co-operation between its members, the just treatment of persons concerned in law-suits connected with family or social matters in foreign countries through the interchange of documentation relating to procedures and other difficult points.
5. to encourage research on juvenile crime and its causes in all countries in order both to combat its effects and, particularly to work towards its prevention: to aim for the moral and material betterment of youth and, in

particular, morally abandoned or otherwise unhappy children.

The second congress, Brussels, 1935, illustrated the *raison d'être* of our association. Delegates were able to compare various points of view in the various problems which were submitted for discussion, and the solutions required both nationally and internationally were emphasised.

The third Congress took place in Liège from 17th to 20th July 1950. The Congress observed with satisfaction:

- that, the juvenile delinquent is no longer regarded, as a matter of principle, as a punishable culprit, but as a being in a state of evolution who must be educated and protected.
- that there is in the making in many countries a movement towards the co-ordination of action in cases of children whose education, family, legal or social position is in any way difficult, irregular or maladjusted,
- that most nations are moving towards recognising that a child who commits an action which would otherwise be a crime should not be dealt with under criminal law but under a separate legal system from that applicable to adults. This legal system is inspired by the necessity to protect and educate the child to the stage when he can once again see himself as a part of a family and of society.

The next major development was announced at the fourth congress which was held in Brussels in 1954. The General Assembly of the 3rd Congress had noted that the achievement of its aims was being hampered by the shortage of funds available to it. In order to alleviate this problem negotiations were successfully carried

out for the recognition of the Association as an advisory and consultative organ to U.N.E.S.C.O. This was formally ratified on 10th April 1952 and endorsed by the General Assembly meeting in Brussels in 1954.

In 1958, the General Assembly of the 5th Congress, which again met in Brussels, stressed that it was open not only to juvenile court magistrates but also to other people who exercised jurisdiction over juveniles, for example members of committees for the protection of children or commissions which in some countries, particularly in Scandinavia, took the place of juvenile courts.

The sixth Congress took place from 26th to 29th September, 1962, in Naples, the first Congress to be held away from “the elected fatherland of child protection” - Belgium.

By the time the Seventh Congress was held in Paris (18th to 23rd July, 1966) there was much progress to report.

Of most significance was the fact that, in 1963, the Association was officially recognised and a subsidy granted to it by the Belgian Government by Royal Decree. As the result of this a programme of research was instituted into the selection and training of juvenile court magistrates.

The Administrative Council had by now established a pattern of three meetings per year and the growing importance of the Association was evidenced by the following developments:

- the strengthening of links between magistrates in a range of countries;
- the interchange of judges and magistrates on study visits to see how juveniles are dealt with in different judicial systems;

- representation on various international congresses to put the views of magistrates and the other professionals involved in its activities;
- participation in an annual “round table” of various non-government associations interested in the protection of children and families;
- the publication of an annual review – the Association was later to combine with the International Union for the Protection of Childhood to issue “The International Review of the Child”;
- a programme was initiated for the translation into English, French and Spanish of various documents, including a synopsis of the first six congresses, the international code of the rights of children and a summary of the work of the Association at the U.N. in the study of juvenile delinquency.

The Eighth Congress was held in Geneva in 1970 and focused on the rights of the child within the family. 300 participants representing 48 countries discussed how the distance might be lessened between the letter of the law and actual achievements.

By the time of the 9th Congress, held in Oxford in 1974, the Association had attracted members from all over the world. There were delegates there from every continent and they had come from as far afield as Brazil, Finland, Kenya, Senegal, Russia, the United States of America and Western Samoa. This worldwide representation to discuss the theme of “Justice for Juveniles in a Changing World” was a clear indication of the enormous importance which was rightly attached to the problems of the young.

To be continued in next edition

JUDGES PLEDGE TO CHAMPION ENVIRONMENT

A panel of 127 senior judges from 62 countries, meeting for the earth Summit in Johannesburg, admitted that many of the international laws designed to protect the environment and save species from destruction were “paper tigers” which had not been properly enforced.

The panel which convened at the Johannesburg earth summit pledged to improve environmental law across the world and champion the poor in a battle for a better environment as part of their duty to defend human rights.

Signing the “Johannesburg principles on the rule of law and sustainable development”, they promised to crack down on pollution, environment crime, and challenge environmentally damaging developments.

Announcing the plan at the earth summit, the chief justice of South Africa, Arthur Chaskalson, said: “Laws are ineffective unless they are implemented, and much environmental law exists but has not been enforced.

“We are saying in this declaration that across every continent we have a commitment to the principles of the rule of law and from now on we have to be active in giving force to environmental law.”

The idea to involve judges in the Johannesburg summit came from Klaus Toepfer, the executive director of the UN’s environment programme, who said he was astonished by the enthusiastic response.

“We have over 500 international and regional agreements, treaties and deals covering everything from the protection of the ozone layer to the conservation of the oceans and seas,” Mr Toepfer said. “Countries have national laws too but unless they are complied with, unless they are enforced,

then they are little more than symbols, tokens, paper tigers.

“This is an issue affecting billions of people who are effectively being denied their rights and one not only of national but regional and global concern. The judges were enthusiastic about the idea from the start and were unanimous in a desire to act. It is a concrete advance from this summit.”

Mr Chaskalson said: “For over 50 years we have developed the idea of human rights, but environmental rights are an essential part of human rights. These laws should bring better conditions for all. The human right to life is tied up with the right to have a decent life.”

Giving an example of the sort of actions judges should get involved in Mr Chaskalson cited the Indian Supreme Court. It received a letter complaining that the air pollution laws in Delhi were not being enforced. No one had brought a case but the judges instituted an inquiry.

“There was a clear breach of the law so they took the initiative, they realised the lack of capacity of the people most directly affected to deal with it. They issued orders against those breaking the law and the abuse was stopped.”

The result is an improvement in the air quality in Delhi, including the introduction of gas-powered cars that comply with the pollution laws.

Mr Chaskalson said there were many examples of abuses in which the poor, who suffered most from the effects of pollution, lacked the capacity to take the perpetrators to court. It meant that no action was taken, but judges had a duty to enforce the law, and if that meant finding non-government organisations and encouraging them to come to court, then that should be the way forward. “This is a new development for us and we mean to start today,” he said.

**INTERNATIONAL ASSOCIATION OF
YOUTH AND FAMILY JUDGES AND MAGISTRATES.**

XVII WORLD CONGRESS

The XVII World Congress of the International Association will be held in 2006.

The place and venue of the next Congress needs to be decided without delay in order to avoid the difficulties faced by the organisers of the XVI Congress.

Invitations are requested immediately from those wishing to host the Congress.

Submissions should be made to the Secretary General

corinne.dettmeijer@xs4all.nl

and copied to the President

w.mccarney@btconnect.com

by 30 June 2003.

Submissions should include

Details of how the organisers propose to ensure the sound financial management of the congress.

The submission needs to include a draft budget giving details of official or private subsidies sufficient, together with the registration fee, to meet all projected expenditure.

The expenditure must take into account the cost of simultaneous translation in the three official languages.

The proposal must include:

details of the accommodation for the official meetings of the congress;

the reception and accommodation of participants;

general outline of the working programme (time table etc.);

visits and demonstrations relevant to the theme;

touristic activities and relaxation for participants;

media coverage;

the preparation of a final report, which should include resolutions, and suggestions as to how and when these would be distributed to members.

Articles for the Chronicle should be sent directly to

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**Articles should be typed.
Copies in our three working languages
(English, French and Spanish)
would be appreciated.**

**Alternatively, articles may be directed to any member of the Editorial Panel.
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