

JUVENILE JUSTICE

In 2017, Dui Hua carried out its fifth juvenile justice exchange with the Supreme People’s Court (SPC) on the reform of the juvenile trial system. The exchange was a success on multiple fronts. In January 2017, China’s *Foreign NGO Management Law* came into effect. Under this new law, all foreign NGO activity has come under the scrutiny of China’s Ministry of Public Security. Dui Hua’s exchange was the first “temporary activity” that the SPC had conducted with a foreign NGO since the new law came into effect.

The exchange brought together more than forty Chinese juvenile judges and juvenile justice practitioners from over fifteen provinces and municipalities in China alongside seven leading juvenile justice experts from the United States. The Chinese delegation was made up of representatives from the SPC, including the Director General of the Research Department, Head of the Juvenile Trial Office under the Research Department, and a representative of the International Cooperation Department. The American delegation included:

- The Honorable Leonard Edwards, a leading expert on juvenile justice
- Patricia Lee, Managing Attorney for the Juvenile Unit of the San Francisco Public Defender’s Office
- Judge Roger Chan, San Francisco Superior Court Judge and former Executive Director of the East Bay Children’s Law Offices
- John Tuell, Executive Director of the Robert F. Kennedy National Resource Center for Juvenile Justice
- Shay Bilchick, founder and Director of the Center for Juvenile Justice Reform at Georgetown University.

The Honorable Julie Tang and Judge Elizabeth Lee of the San Mateo Superior Court, both former Dui Hua juvenile justice exchange participants, attended the exchange as expert observers. Dui Hua Director

10 YEARS OF EXCHANGES



Magdalen Yum also joined the delegation as an observer.

Discussion between the American and Chinese delegation was lively, with conversation spilling into the hallways in between sessions. Both sides agreed on the importance of promoting education and non-custodial measures in juvenile cases and stressed its overall long-term benefit in lowering juvenile delinquency and recidivism. The American delegation noted the willingness among the Chinese participants to improve outcomes for delinquent youth. Professor Shay Bilchick commended the Chinese delegates for expressing an overarching goal to “treat the juvenile offender as a child rather than as a criminal.” Judge Leonard Edwards observed that improving outcomes for delinquent youth in China was “not a political issue,” but is rather “fundamental to the progress the Chinese wish to make in their society.”

On November 9, the participants conducted site visits to the Juvenile Delinquent Assist and Education Campus of Baoan District. The Campus hosted the Juvenile Trial Court of Baoan District, a Social

Worker Center, and a Psychological Guidance Center; it is a model campus in China that aims to provide comprehensive rehabilitation support for juvenile delinquents. The Campus' Social Worker Center provides support to juvenile delinquents during and throughout pre- and post-trial periods. The staff showed the visitors shelves where juvenile offenders' sealed records were located; the files included judgments, social investigation reports, psychological assessment reports, and other documents, in neatly bound books. Addressing questions from American delegates, staff from the Campus noted that the reports are only accessible by the social workers or judges; even juveniles themselves cannot access their own records. This practice is different from the American system, where the records of juvenile cases belong to the juvenile involved.

The American delegates were then received at the Shenzhen Intermediate People's Court where they participated in a roundtable discussion on juvenile justice reform in Shenzhen with a group of senior court officials. Owing to Shenzhen's large migrant worker population, more than 90 percent of delinquents who come before Shenzhen's juvenile courts are from outside Shenzhen. Shenzhen juvenile judges introduced the concept of "social worker stations" located inside courts that are staffed by social workers trained in providing youth psychological examinations. However, members of the Chinese delegation also expressed the view that more work



Social workers demonstrate record sealing protocol at the Social Worker Center.

needs to be done in this field. Judges are often left to conduct the "social investigation reports" on their own, leaving them with inadequate time to preside over the juvenile court cases.

In his concluding remarks at the exchange, Judge Jiang Ming of the SPC praised the exchange for its **enhancement of mutual trust and for the sincere, engaging, and in-depth exchange of ideas**. The success of the exchange was owed to the American and Chinese participants' shared belief in the importance, as well as their roles, in fostering a rehabilitative over a punitive juvenile justice system. The SPC is committed to continuing the momentum built on this program and to planning another juvenile justice exchange with Dui Hua. ■



Delegation members of the 2017 US-China Juvenile Trial System Reform Seminar.