



**Findings of the Consultation
with Children and Young People living in Ireland
conducted by the
Ombudsman for Children's Office, Ireland
in February/March 2010**

**as part of the Council of Europe's
Consultation with Children on Child-Friendly Justice**

23 March 2010

1. Ombudsman for Children's Office in Ireland

Emily Logan was appointed as Ireland's first Ombudsman for Children in December 2003 and was reappointed for a second term in December 2009. Established under primary legislation, the Ombudsman for Children's Office (OCO) is an independent statutory body and a national human rights institution. The OCO's overall role is to promote the rights and welfare of children and young people under 18 years of age living in Ireland.

The Ombudsman for Children reports directly to the Oireachtas (Ireland's parliament) in relation to the exercise of her core functions. Set out in Ombudsman for Children Act 2002, these functions are to:

1. receive, examine and investigate complaints made by or on behalf of children and young people;
2. provide independent advice at ministerial level on legislative and public policy developments affecting children and young people;
3. promote children's rights and welfare by providing an independent voice on behalf of children and young people in Ireland and affording children and young people opportunities to be heard in relation to issues that affect and concern them.

2. OCO assistance with the Council of Europe consultation on child-friendly justice

The OCO welcomes the Council of Europe's current initiative under its programme Building a Europe for and with Children to create guidelines on child-friendly justice and to seek the views of children in member States in the context of developing and finalising these guidelines.

The OCO is assisting with this Council of Europe consultation with children in its capacity as a member of the European Network of Ombudspersons for Children (ENOC) and in accordance with its positive obligations under Section 7 of the Ombudsman for Children Act 2002 to:

- encourage policies, practices and procedures that promote children's rights and welfare;
- highlight issues that are of concern to children themselves;
- establish structures to consult with children and give due weight to a child's views in accordance with his/her age and understanding.

3. OCO's approach to involving young people in the consultation

During February and March 2010, the OCO facilitated four groups of young people to contribute their views to the Council of Europe's consultation with children on child-friendly justice. The OCO integrated this work into its existing work programme,

engaging with young people who had recently participated in or who are currently taking part in an OCO project or programme.

Participating groups of young people

The four groups of young people consulted by the OCO all have previous or current experience of the law and the legal system. Summary details of each group are as follows:

- **Group 1** – This group comprised 13 girls between 11 and 17 years of age who live in an area of Limerick city in southwest Ireland that is experiencing high levels of deprivation. The circumstances in which the young people are living are such that the law and treatment of young people by the police are live issues for them.
- **Group 2** – This group comprised 8 boys and girls between 11 and 17 years of age who are currently participating in a Garda Youth Diversion Project in the east of Ireland. There are 100 such projects nationwide, which An Garda Síochána (Ireland's police service) are responsible for. Each project is managed by a committee consisting of local Gardaí, the Probation Service, youth services and the local community. The projects aim to divert children from behaviours that might result in their coming into conflict with the law. The projects provide children and young people with opportunities for education, employment training, sport, art, music and other activities.
- **Group 3** – This group comprised 6 boys and young men between 16 and 18 years of age who are on remand or serving a sentence in St Patrick's Institution, a medium-security prison in Dublin for boys and young men between 16 and 21 years of age.
- **Group 4** – This group comprised two young people aged 18 who have experience of being separated children seeking asylum in Ireland.

Approach to consulting each group

Each group was consulted on one occasion by an OCO staff member. Young people in each group were given information and the opportunity to ask questions about the consultation before taking part. Following consultation with professionals who work with the young people concerned on appropriate methods of eliciting the young people's views, the OCO facilitated the young people in each group to express their opinions by:

- participating in a focus group discussion based on questions contained in the Council of Europe's questionnaire; *or*
- individually completing an abbreviated version of the Council of Europe's questionnaire, which was developed by the OCO to reflect the conditions of the consultation process with the groups concerned.¹

A total of 29 young people participated in the consultation process facilitated by the OCO. All of the young people chose to complete the questionnaire individually. In

¹ To facilitate analysis of the data, the questions in the OCO's abbreviated questionnaire are numbered the same as the equivalent questions in the Council of Europe's questionnaire (e.g. question 4.19 in the OCO's questionnaire is also question 4.19 in the COE's questionnaire).

addition to completing the questionnaire, several young people in two of the four groups also created visual representations of their thoughts on issues raised through the Council of Europe's questionnaire.

4. Overview of findings

The collated data from the consultations conducted by the OCO with young people in Ireland is presented in the next section of this report for further analysis by Dr. Ursula Kilkelly, who, in her capacity as a consultant for the Council of Europe, will be collating, analysing and summarising the data arising from this Council Europe consultation with children and submitting her corresponding conclusions and recommendations in April 2010.

A summary of the main data and several of the key messages from the young people are as follows:

- Total number of participants: 29
- Number of boys and girls: 13 boys and 16 girls
- Age range of participants: 11-18 years
- Country participants live in: Ireland
- Special needs: Yes (1), No (26), Not sure (1), No answer (1)

- Almost all of the participants have been in a police station while a significant majority have been in a court. A majority of the young people have been in a prison or a detention centre (including for the purposes of visiting relatives). Just over one-third of participants have been in a care home.

- All except one of the young people have met a member of the gardaí. Over one-third of participants have met a judge and/or a lawyer.

- Participants indicated a marked preference for receiving information from parents and youth workers. Notably, 8 out of the 9 young people who indicated that they would like to get information about their rights from a lawyer have had previous contact with a lawyer.

- Participants expressed a range of views as regards preferred sources of information about their rights. Taken together, however, the responses indicate a preference for receiving information from community-based services.

- A majority of participants indicated that they would tell someone if they were unhappy about how they were being treated. The responses suggest that young people are most likely to tell a family member or friend if they are unhappy with how they are being treated by someone. Of the reasons given for not telling someone, being able to deal with the problem oneself was the reason most frequently given.

- The vast majority of participants thought it was important that people making decisions affecting young people hear young people's views. A significant majority of the young people said they would like to express their opinions by

- Having a person of their choice with them was identified by over two-thirds of participants as something that would help them to feel safe and comfortable saying what they think in contexts where legal decisions affecting them are being made. Less than one-third of participants felt that anonymity would be a support or that nothing would help.
- Over two-thirds of participants indicated that they would like a parent, family member or friend to explain a legal decision affecting them to them. Consistent with this finding was that only a minority of young people said that they would like a judge, lawyer or someone official to explain such a decision to them.
- Over two-thirds of participants (22 out of 29) said that they would like the opportunity to question or challenge a legal decision affecting them if they were not happy with it.
- Just over 50% of participants did not think that the legal/justice system is the best way to solve some of the problems faced by children and young people. Their reasons indicate a mistrust of the system, including as regards its capacity to understand problems faced by young people and/or to address such problems appropriately and/or effectively. A number of these respondents suggested that alternative approaches should be taken or taken in the first instance to address problems faced by children and young people.
- Participants expressed strong support for the ideas of the Council of Europe's group of specialists on child-friendly justice as regards what the proposed guidelines should aim to achieve in relation to promoting respect for children and their rights within the justice system. Each of the ideas was identified as either 'important' or 'very important' by over two-thirds of participants.
- A reflective sample of the illustrations completed by young people in two of the groups consulted by the OCO is attached to this report. The principal messages communicated by young people in this way were:
 - A police station and a court are among the official buildings that participants have been in (1.5).
 - Members of the police force are among the people working in the legal system that participants have met (1.6).
 - Parents are the people that a majority of participants in the consultation would:
 - like to get information from about their rights (2.3);
 - talk to if they were unhappy about how they were being treated (3.2);
 - like to explain a legal decision made that affects them (4.16).
 - It is important that children and young people are heard by those making legal decisions affecting them (3.3).
 - The legal/justice system and those working in it should be youth-friendly, safe, fair, trustworthy, easy to understand and committed to helping and protecting children and young people.

5. Collated data from OCO consultation with young people in Ireland

About You

1.1 Your age

6-10 years	11-15 years	16-17 years	18 years	No answer
	9	15	4	1

1.2 Are you a boy or girl?

Boy	Girl
13	16

1.3 In which country do you live?

Ireland (all 29 respondents)

1.4 Do you consider yourself to be disabled or to have special needs?

Yes	No	Not sure	No answer
1	26	1	1

1.5. Have you ever been inside an official building such as:

	Yes	No	Not sure	No answer
A police station	28	1	0	0
A court	21	7	0	1
A lawyer's office	12	14	1	2
A prison or detention centre	18	10	0	1
A care home	10	16	1	2

Somewhere else: Treatment centre (1)

Why were you there?

- Police station - "for fighting" (1); visiting a relative (1)
- Police station/court/prison or detention centre - "for doing crime" (2)
- Prison/detention centre - visiting a relative (2)
- Treatment centre - "visiting" (1)
- Do not know/do not want to say (3)

1.6 Have you ever met a person who works in the legal system?

	Yes	No	Don't know	No answer
Policeman	28	0	0	1
Judge	13	10	1	5
Lawyer	15	12	1	1
Someone else	1 x JLO 1 x prison officer	0	0	27

Why?

Policeman

- “for personal reasons” (1)
- “wanted to see how they operate” (1)
- “because I was in the [police] station” (1)
- “don’t know” (1)

Policeman and lawyer

- “garda diversion” (programme/project) (1)

Policeman and judge and lawyer

- “during my asylum process, I had to meet my lawyer and also a judge who decided on my case” (1)
- “doing crime” (1)
- “for getting into trouble” (1)

JLO

- “caution” (1)

2. Knowing Your Rights

2.3 Who would you like to give you information about your rights?

	Yes	No	Don't know	No answer to specific option(s)	No answer to whole question
					2
Parents	18	4	0	5	
Teachers	8	10	1	8	
Youth Workers	18	4	0	5	
Lawyers	9	10	2	6	
Other adults (<i>please state</i>)	5	10	4	8	
Other children and young people (<i>please state</i>)	8	8	2	9	

Additional information given:

- Other adults: “aunt” (1)
- Other children/young people: “friends or older sisters” (1)

2.4 Where else would you like to get information about your rights?

	Yes	No	Don't know	No answer to specific option(s)	No answer to question
					1
Advice centres	13	5	2	8	
Local services - like doctor's clinic, police station	10	5	3	10	
In my community	19	3	1	5	
Information sent to me at home	17	3	0	8	
Magazines	8	9	1	10	

	Yes	No	Don't know	No answer to specific option(s)	No answer to question
Newspapers	9	8	1	10	
Online (e.g. websites, social networking sites, email)	9	11	1	7	
Radio	6	12		10	
Telephone helplines	7	13		8	
Television	8	9	1	10	
Other way (<i>please explain</i>)	0	0	0	0	

Other ways suggested:

- by text message / service
- include it in the school curriculum
- friends and family

3 Getting Justice

3.1. Would you tell someone if you were unhappy about how you were being treated (e.g. in school)?

Yes	No	Not sure	No answer to question
18	5	2	4

3.2 If yes, who would you tell?

	Yes	No	Not sure	No answer to specific option(s)	No answer to question
					7
Parents	18	1	0	3	
Brothers/sisters	12	4	0	6	
Other family	14	3	0	5	
Doctor/health worker	8	7	1	6	
Friend	17	1	1	3	
Police officer	2	12	0	8	
Teachers	7	7	0	8	
Telephone counsellor	3	10	0	9	
Social worker	4	9	1	8	
Lawyer	3	11	1	7	

Someone else (please state who):

- cousins (1)
- someone who would help me (1)
- youth worker/Youthreach (1)
- Assistant Governor (of the prison) (1)
- everything depends on what happened (1)

3.3 If you would not tell anyone, please tell us why. Because:

	Yes	No	Don't know	No answer to specific option(s)	No answer to question
					17
I can deal with the problem myself	8	2	1	1	
I have asked for help before and it didn't turn out well	3	3	0	6	
I might be punished	1	5	0	6	
I would be too scared of what might happen to my family	0	4	2	6	
No one would believe me	3	4	0	5	
No one would listen to me	4	3	0	5	
There isn't anyone I can really talk to	3	4	0	5	
They would tell others without my permission	4	1	2	5	

Comments:

- Sometimes I would prefer to deal with it myself and if I find I can't, I would talk to someone (1)
- I'd tell everyone (1)
- It depends what it's about (1)

4. Legal Decisions made about You

4.9 Do you think it's important that a person making a decision that affects you hears your views?

Yes	No	I don't know
27	0	2

4.10 If so, how would you like express your opinion to the person making the decision?

	Yes	No	I don't know	No answer
By speaking directly to person making the decision	24	3	1	1
By having your parents or carer speak for you	7	16	1	5
By having your lawyer speak for you	6	14	5	4
By having the help of another person of your choice	11	7	4	7

Comment:

- "I talk for myself" (1)
- "I always speak for myself" (1)
- "friend as the person of my choice" (1)
- "by writing a letter or a phone call" (1)

4.13 What would help you feel safe and comfortable saying what you think?

	Yes	No	I don't know	No answer to specific option(s)	No answer to question
					2
Having a person of your choice with you	21	4	0	2	
Not having to give your name	9	6	2	10	
Nothing would help	5	12	1	9	

Comment:

- "It doesn't really matter: I'd say what I have to say myself"

4.16 Who would you like to explain a decision to you?

	Yes	No	Don't know	No answer to specific option(s)	No answer To question
					1
The judge	11	6	1	10	
The lawyer	12	9		7	
Someone official	9	9	1	9	
Your family/parent	21	2		5	
A friend	20	4		4	
A person of your choice	14	2	1	11	
Indirectly (by letter)	8	8	1	11	
In another way (please say what way)	0	0	0	6	

Why?

- Family/friends: "Because I feel comfortable around close people"
- Someone official: "Because he will know what he's talking about and also he can explain to me issues I don't understand"

4.17 If you weren't happy with the decision, would you like the chance to question or challenge it?

Yes	No	I'm not sure	No answer
22	3	1	3

4.19 Do you think that the justice system (e.g. the police, a court) is the best way to solve some of the problems faced by children and young people?

Yes	No	Don't know	No answer
8	15	5	1

Why?

Yes, because:

- "it sometimes gives them [children and young people] a chance to be heard"

- “it tells you your rights”
- “it might help solve their problems”
- “they could sort the problem out better”

No, because:

- “there should be people there to deal with children before going to court”
- “I think there should be someone else to deal with your problem before the police or judges get involved”
- “the justice system is ruled by judges that take power too seriously and make unjust decisions”
- “try to get someone to sit down with you because prison isn’t always the best answer”
- “the law makes up things and it’s against them [*children/young people*]
- “they [*police, lawyers, judges, etc.*] haven’t got a clue what they are doing”
- “for minor/petty crimes, they shouldn’t take young people through the courts - no young person under 18 should get a criminal record for petty crimes because that record stays with you and makes it difficult to get on with your life”
- “they don’t know what it’s like for us”
- “they don’t understand”
- “some of the children’s problems involve emotion and loneliness”
- “some young people may feel intimidated/scared of the police or the courtroom could feel like such a daunting place”

Don’t know, because:

- “sometimes it does”

If not, what is a better way to solve these problems?

- “Talk about it [*with children*] and think of a solution”
- “If people could talk to them before the court and help them with what they have to say”
- “Let children have a voice and be heard”
- “Give them a chance”
- “Talking”
- “Mediation/arbitration”
- “I don’t know”
- “Find out about the child’s problem and deal with it relative to the problem. Decisions around asylum seem to be made based on how you have influenced the authorities rather than on how the decision will affect the young person. You need to know the young person before you can really assess and address their situation and difficulties.”
- “To have an independent office like an Ombudsman for Children’s Office, with a nice and calm environment and friendly staff.”

5. Council of Europe Guidelines: Main Messages

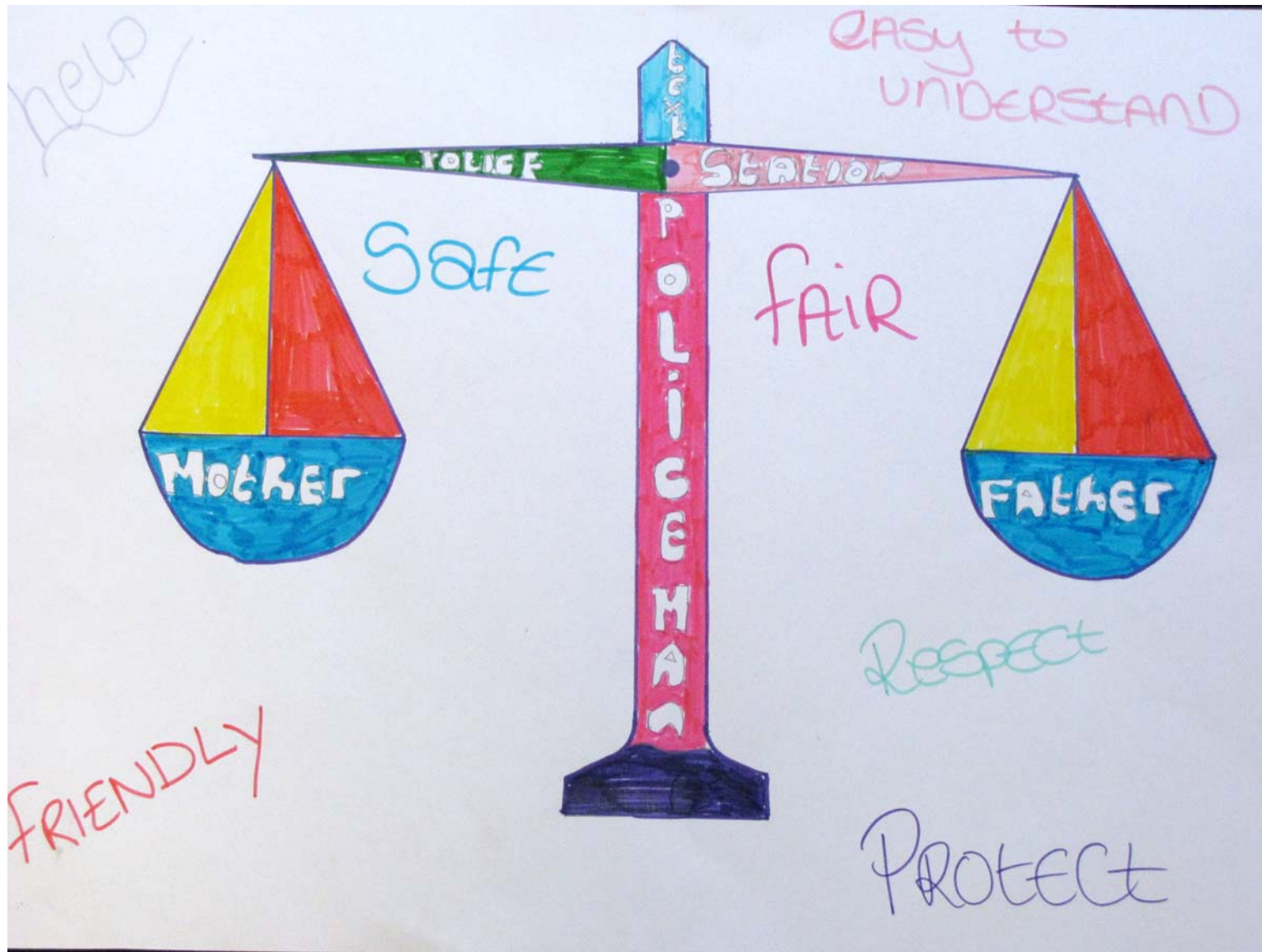
The new guidelines are trying to make sure children's rights are better respected in decisions made about them. We think the following things are important. Do you agree?

Whenever legal decisions are being made about children and young people, the guidelines should make sure adults:

	Not important	Important	Very important	No answer to specific option(s)	No answer to question
					1
arrange for children to have someone to talk to and to give them support	4	11	13	0	
make sure children can communicate their views how they want (video/art)	1	19	7	1	
arrange buildings and rooms so that children feel safe, welcome and comfortable	3	10	15	0	
encourage children to complain or to try to change decisions they disagree with	0	11	17	0	
give children the option of being present when a decision is made	0	9	19	0	
have lawyers, judges and others that know how to talk to and listen to children	4	4	20	0	
have people whose job it is to help children get across their views	3	11	14	0	
support children to take part in decisions made about them	1	9	17	1	
explain the decisions to children in a way they can understand	0	6	22	0	
listen to children's views	0	7	21	0	
tell children about the law and their rights	2	4	22	0	
treat children with respect	0	3	25	0	

Please use this space to tell us anything else about making sure children are treated properly when people outside their family are making decisions about them.

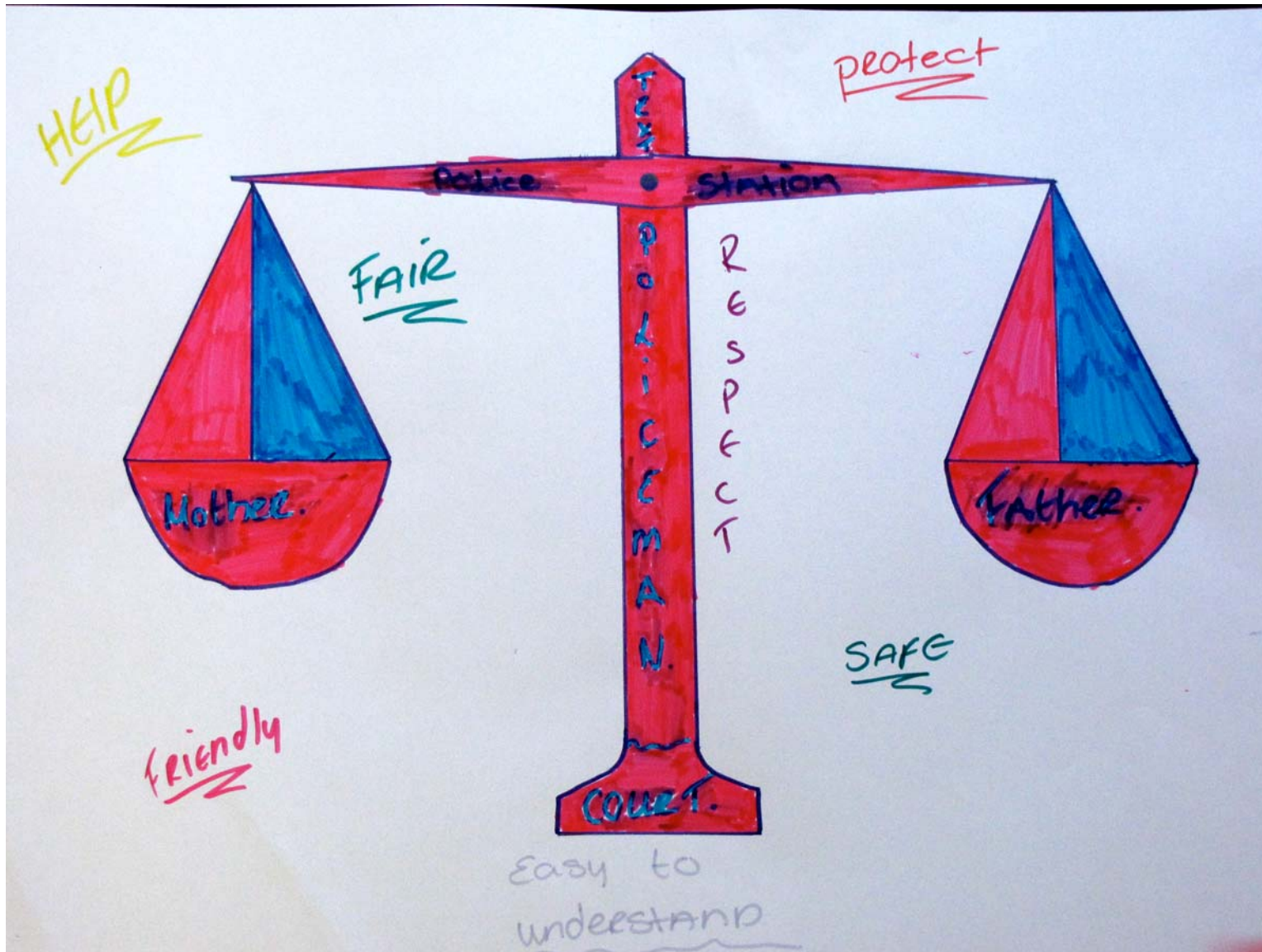
- "Children should always have their say!"
- "My views would be considered"
- "Accessibility of information to be made available easily"
- "Me and my friends were hanging around and the guards stopped and asked us to move and I said 'where do we go' and even when you try to explain, they caution you straight away.
- "Children's views should be taken into account and they should be involved while adults are making decisions concerning them."
- "Family should always listen to their children before making any decision."



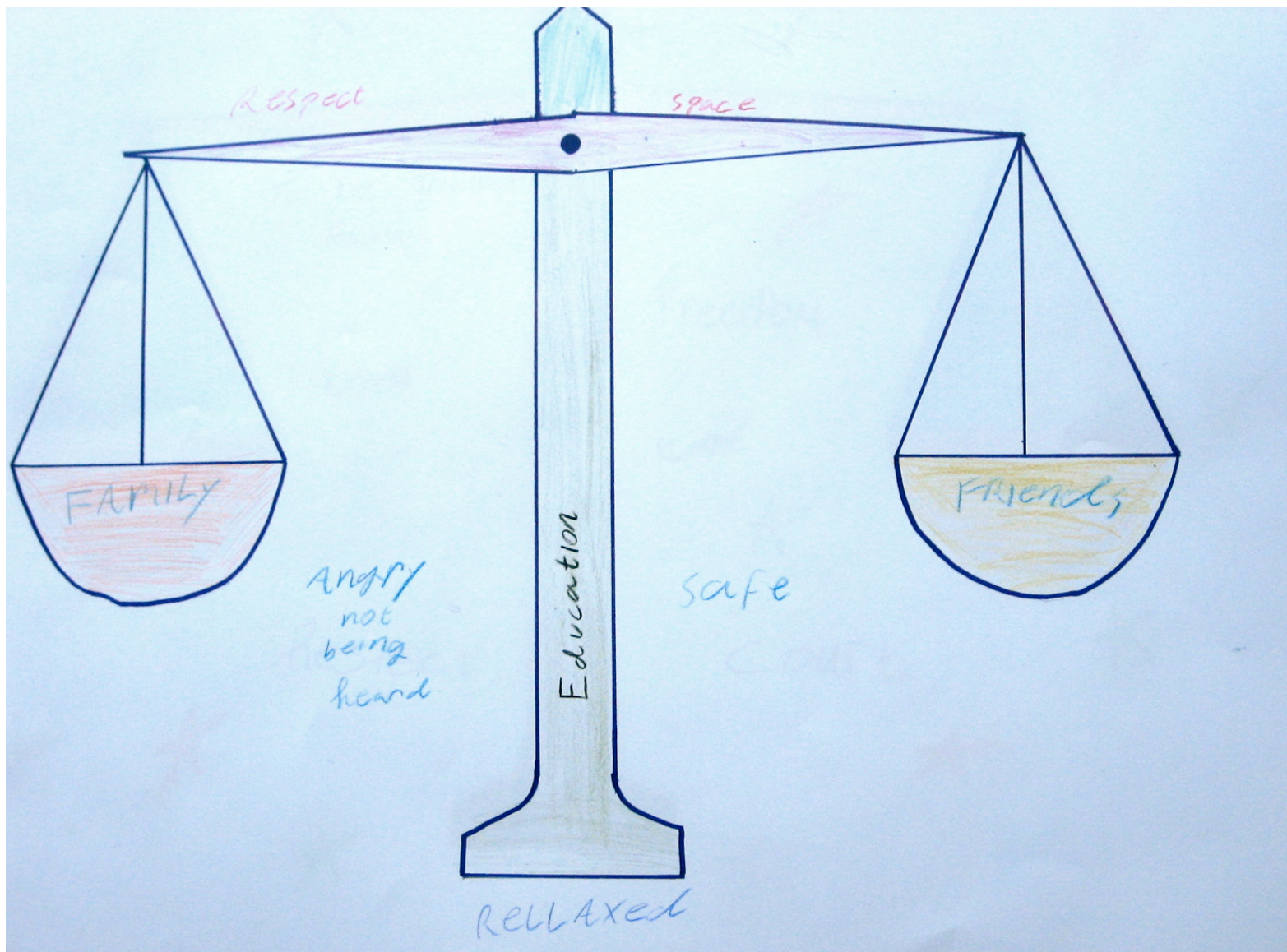
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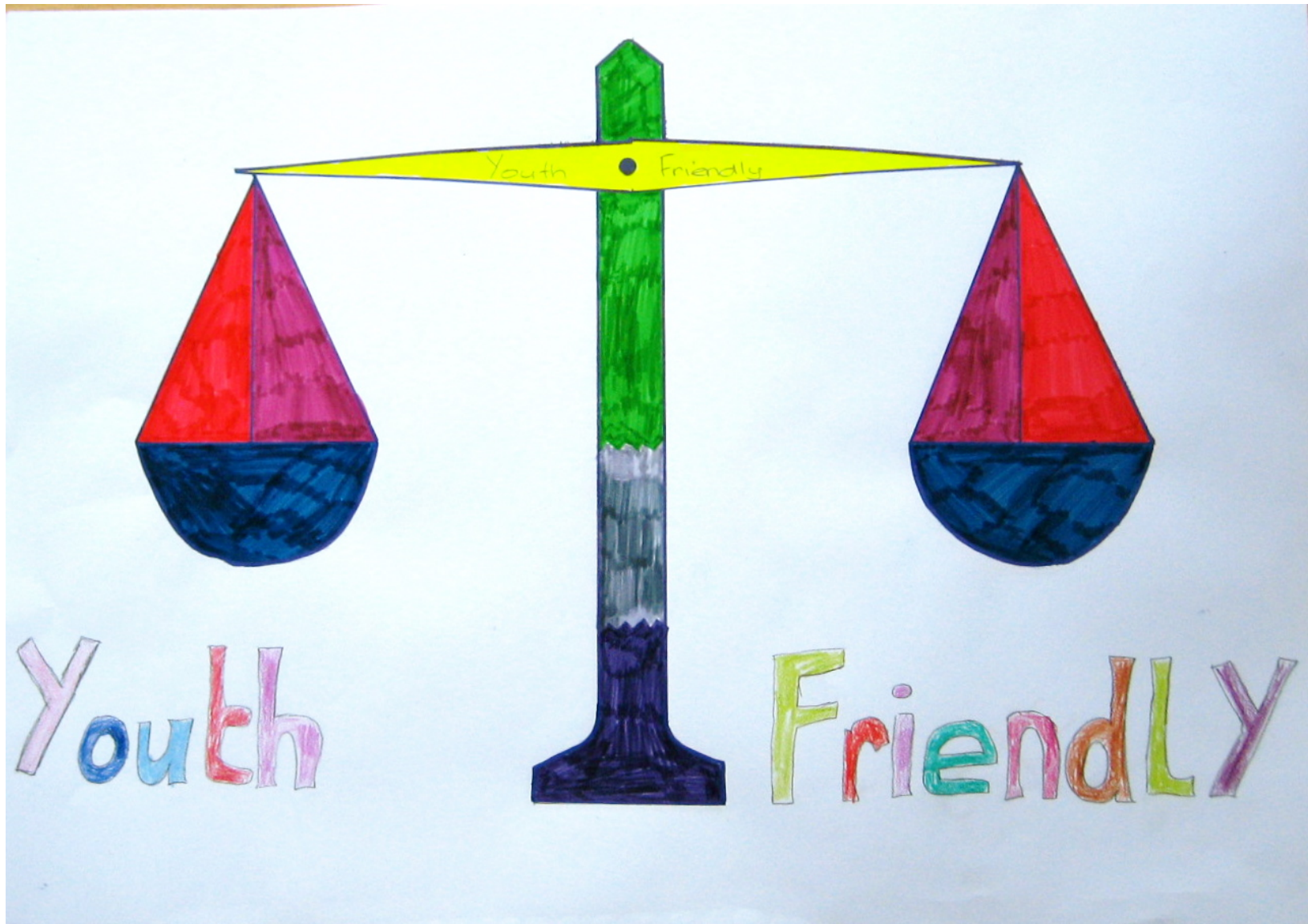
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