



© Council of Europe – Illustration: Eric Puydaret

CHILDREN AND THE JUSTICE SYSTEM: WHAT YOU TOLD US

Document prepared by the Secretariat of the Group of Specialists on child-friendly justice (CJ-S-CH), Directorate General of Human Rights and Legal Affairs.

Report prepared by Dr Ursula KILKELLY, Senior Lecturer at the Faculty of Law, University College Cork (Ireland)

The opinions expressed in this report do not necessarily reflect the official policy of the Council of Europe

Introduction

The Council of Europe - an international organisation concerned with human rights - is writing rules to help countries in Europe make justice more child-friendly. We asked you to tell us about your experiences of the justice system in your country and what should be in these Rules to make justice systems better for children and young people. Many of you - nearly 4,000 - did that by filling out a questionnaire or by talking to adults working for children's organisations who then passed on your views to us. The aim of this report is to give you feedback on what you told us.

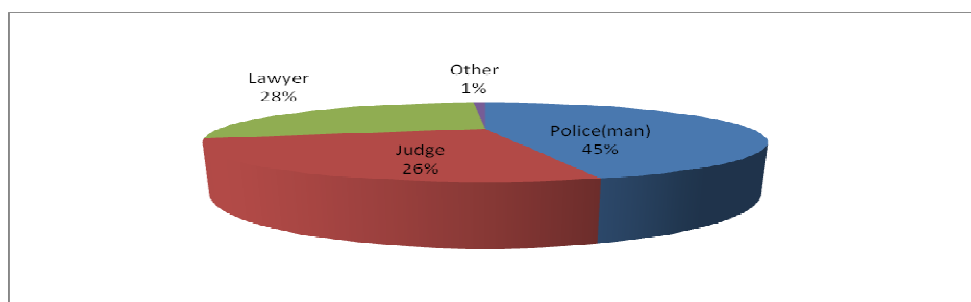
Who talked to us

Children and young people from all across Europe told us about their experiences and opinions of the justice system in their countries. Boys and girls talked to us in even numbers. Most of you were aged between 11 and 18 years, and had some experience of the justice system. You had met the police and many of you had been in court either because:

- you were in trouble;
- your parents were splitting up;
- you were being taken into care.

Some of you had been in detention and it is especially important that we heard from you.

Figure 1: Have you ever met a person who works in the legal system?



Information about your Rights

Most of you want more information about your rights. You want that information from

- people you trust, especially your parents, sisters and brothers and friends;
- lawyers, and
- social workers.

In addition, many of you want to get information from

- the internet;
- the television;
- the local youth club, or police station;
- schools.

You do not especially like the idea of getting information by ringing a telephone helpline.

Getting Justice

Lots of you said that you would tell someone if you were unhappy and you are most likely to tell parents, brothers and sisters and friends. You would not tell official people, such as health workers, teachers, youth social workers, police officers and lawyers. Some of you told us that

you would not tell anyone because you felt able to deal with it yourself or because you did not think you would be believed.

Figure 2: Who would you like to give you this information?

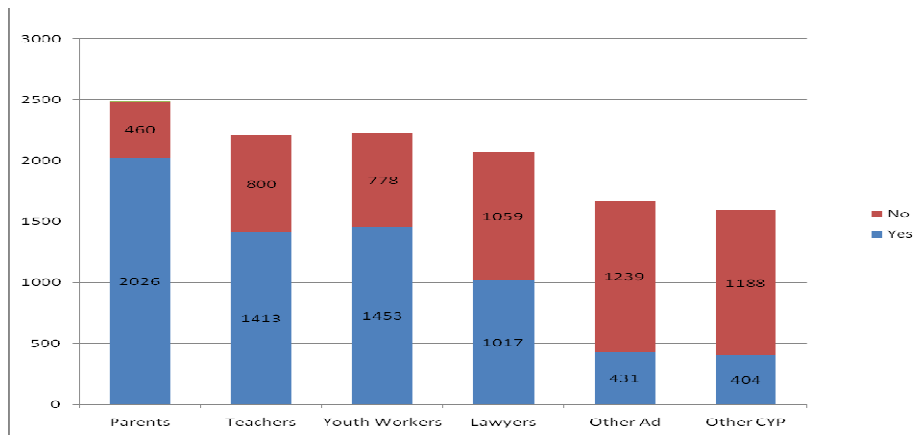
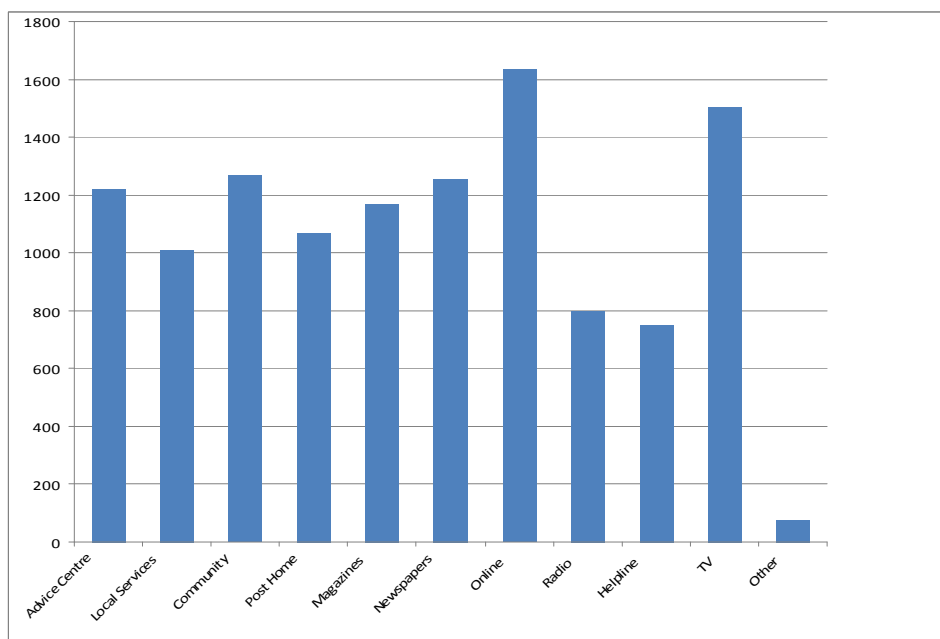


Figure 3: Where else would you like to get information about your rights?



Decisions made about You

Many of you said that a judge, a police officer or a teacher had taken decisions about you. These decisions were about

- where you should live;
- when you could see your parents;
- what would happen to you if you committed a crime or misbehaved while in detention or school;
- how long you should stay in custody;

Many of you also told us that the decisions were about your education, your health, your job or your immigration status.

Your Experiences

Most of you said that

- you were there when these decisions were made;
- it was explained to you beforehand what would happen.

Only some of you said that

- you had been asked for your views;
- your views had been taken seriously;
- you felt that you were not treated fairly overall.

Lots of you said that it was good that:

- you had someone there with you;
- the decision had been made in a place that was safe and comfortable.

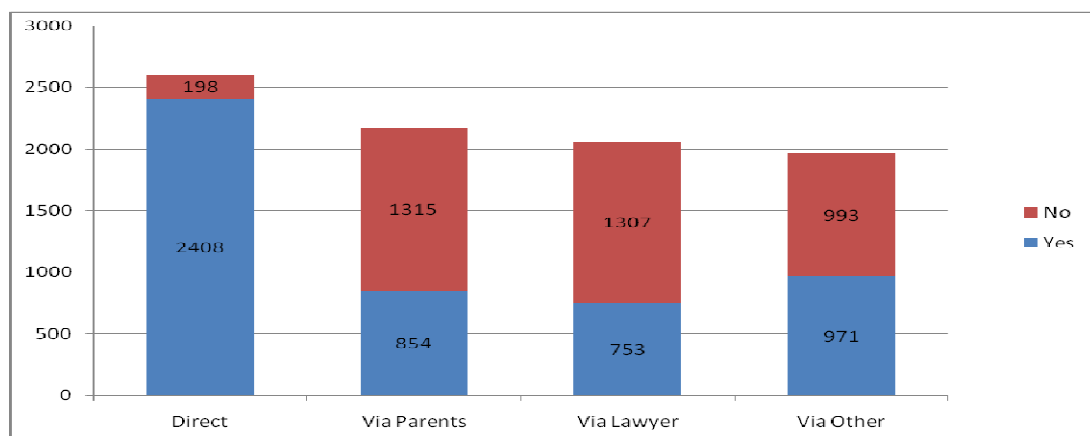
Most of you said that having someone you can trust there with you would have made you feel better and that you understood the decision made about you.

You said that

- you would like your parents or a family member to explain the decision to you,
- you did not want to have this explained to you indirectly, such as by a letter.

Many of you told us that you wanted to talk directly to the person (like a judge) making the decision. You all said that it is very important that your voice is heard.

Figure 4: How would you like to be heard?

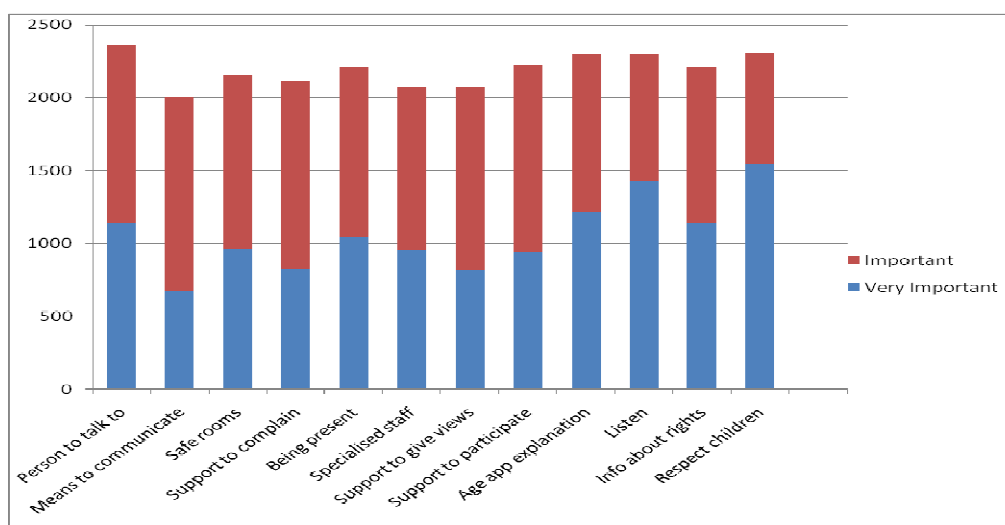


Most important messages

We asked you to tell us what things are important, very important or not important when it comes to making the justice system more child-friendly. The things that most of you thought were either important or very important were:

- To be treated with respect;
- To be listened to;
- To be given explanations in language that you understand;
- To receive information about your rights.

Figure 5: Most Important messages



Important Points

Reading all your responses it is clear that the following things are important:

- **Family:** Your family is very, very important and most of the time you want them there supporting you, explaining things and giving information. You also think friends are very important;
- **Need for Respect:** You do not trust those in authority so much. You think they do not respect you, that they don't see things from your point of view and that they treat you more like adults, and not children and young people;
- **Being listened to:** You want your opinions to be heard and to be given information that you can understand. You also want to be involved in decisions made about you.

What happened Next

After we had read all your questionnaires, we told the people writing the Rules what you said. Having listened to you, they decided to strengthen the Rules to make sure that everyone understands how to make justice child-friendly. Your opinions changed the Rules in many ways. For example, the Rules now say that:

- Judges must listen to children and must talk in a way that children can understand. You should be told what weight is given to your views in decisions made about you;
- You should receive information about your rights;
- People who work with children should be trained about how to talk with you;
- You should have a right to complain when you are not happy about something and making a complaint should not have negative consequences for you;
- Those who talk to you should keep that to themselves unless they are very worried about you;
- The authorities should talk to you more often about your experiences and involve you when they want to know how to do things better.

Conclusion

It was really important that the people writing the Rules on Child-Friendly Justice listened to your views and experiences and took them into account. We think the Rules are much better now thanks to your contribution. The Rules will be available soon, including a version for children and young people. We hope these Rules will improve experiences in the justice system for all children and young people in Europe.