The Children’s Perspective

Keith Towler
Children’s Commissioner for Wales

Youth Justice - An Agenda for Action

- Policy and Practice – distant companions
- *“Someone to Listen – Something to Do”*
- Role of Children’s Commissioners across the UK
- Criminalisation of children - children first, offender second
- Participation of children – embed

Children's views

- Bewilderment
- Lack of support
- Welsh children in English secure estate
- Resettlement
- Family support and contact
- Education
- Security and bullying
- Mental health support for Welsh children
- Fairness of treatment as victims, offenders and for those at risk but first and foremost they are children

Article 40 (admin of juvenile justice)
Article 37 (children deprived of their liberty)

<u>Joint Children's Commissioners' on recommendations to UN</u>:

- Youth Justice system must be UNCRC compliant.
- Best interest and welfare principle should be primary.
- Increase the age of criminal responsibility (14, 16 or 18)
- ASBOs – reconsider use. Custody ruled out for breach. Respect privacy of children.
- Children's participation in reviewing effectiveness of measures to prevent crime and promote safer communities.

Article 40 (admin of juvenile justice)
Article 37 (children deprived of their liberty)

- Children should not be tried in adult courts or held in adult institutions

CUSTODY:

- Cut numbers in custody – unacceptable currently – need an inquiry that also looks at child deaths and self harm
- Custody as a last resort
- For the small number who need detention: shortest time possible in LASCH. Small, child centred and focussed on meeting child's needs and welfare
- Retain the right to education in secure settings
- Investment in alternatives – mental health / learning / housing

UN Committee's Concluding Observations (1)

- a) raise the minimum age of criminal responsibility in accordance with the Committee's General Comment n° 10, and notably its paragraphs 32 and 33;

- b) develop a broad range of alternative measures to detention for children in conflict with the law; and establish the principle that detention should be used as a measure of last resort and for the shortest period of time as a statutory principle;

- c) children in conflict with the law are always dealt with within the juvenile justice system and never tried as adults in ordinary courts, irrespective of the gravity of the crime they are charged with;

UN Committee's Concluding Observations (2)

- d) following the welcomed withdrawal of its reservation to article 37(c) of the Convention, ensure that, unless in his or her best interests, every child deprived of liberty is separated from adults in all places of deprivation of liberty;
- e) provide for a statutory right to education for all children deprived of their liberty;
- f) review the application of the Counter Terrorism Bill to children;

- g) ensure that, when children in the Overseas Territories are subject to deprivation of liberty in another country, all the guarantees enshrined in article 40 of the Convention are respected and that this respect is duly monitored; the State party should also ensure that those children have the right, unless it is considered in the child best interest not to do so, to maintain contact with their family through regular visits;

- h) adopt appropriate measures to protect the rights and interests of child victims or witnesses of crime at all stages of the criminal justice process.

- The Committee recommends that the State party conduct an independent review on the ASBOs with a view to abolishing their application to children.

CONCLUSIONS

- Implement the recommendations from the UN Committee
- Focus on outcomes – practice change
- Devolve youth justice services to Wales – we have a lot of positives to build on in Wales (a pilot opportunity?)
- Children deserve the best we can give them
- Children can help design the solutions – time to listen
- Children don’t fail our systems – our systems fail children

Contact Details

Offices of the Children's Commissioner for Wales

Swansea and Colwyn Bay

Phone: 01792 765600 or 01492 523333

Freephone: 0808 801 1000

Text: 08 800 COM

E-mail: post@childcomwales.org.uk

Web: www.childcomwales.org.uk