



**INCLUDE YOUTH RESPONSE  
TO THE 4<sup>TH</sup> DRAFT OF THE COUNCIL OF EUROPE'S  
GUIDELINES ON CHILD FRIENDLY JUSTICE**

*“People don’t know the lives we lead, the problems a lot of us have.”*

*“It’s because we’re nobody’s, because they don’t care about us on the outside, we’re nothing, we don’t matter.”*

*(Quotes from Young Voices)*

**March 2010**

**Include Youth  
Alpha House  
3 Rosemary Street  
Belfast**

**Northern Ireland**

**BT 1 1QA**

**Tel: 00442890 311007**

**Fax: 004490244436**

**Website: [www.includeyouth.org](http://www.includeyouth.org)**

**For further information contact [paula@includeyouth.org](mailto:paula@includeyouth.org) or [koulla@includeyouth.org](mailto:koulla@includeyouth.org)**

## **Introduction**

Include Youth promotes best practice with young people in need or at risk. We achieve this through the development and promotion of resources, the provision of training, information and support of practitioners and organisations. We also undertake activities aimed at influencing public policy and policy awareness – both locally and nationally.

Amongst the young people at risk with whom, and on whose behalf, Include Youth works are young people from socially disadvantaged areas, those with a learning disability, those with special needs, those who have been truanting, suspended or expelled from school, those from a care background, those who had a negative parenting experience, young people who have committed or are at risk of committing crime, misusing drugs or alcohol, undertaking unsafe sexual behaviour or other harmful activities, or of being harmed themselves.

Include Youth manages the LACE (Looked After Children in Education) Project which is a multi-agency partnership with the aim of promoting better educational outcomes for children and young people in care.

The Give and Take Scheme aims to improve the employability and increase the self esteem of young people in need or at risk from across Northern Ireland. The Scheme works with approximately 135 young people from a care or criminal justice background. The Scheme aims to support young people to overcome particular barriers that prevent them from moving into mainstream training or employment and towards independent living. 75% of people on the Scheme are care experienced and we have strong partnership with all Trusts, YJA, PBNI and Careers service. The Scheme provides essential skills training (ICT, English and maths) to all of the young people.

In addition, Include Youth runs the YOYO Practitioners Forum, which draws together professionals from a range of statutory, voluntary and community organisations working directly with young people in need or at risk, and meets on a quarterly basis.

Include Youth's Young Voices project is a way of delivering participative democracy to marginalised young people in Northern Ireland. Its main aim is to support young people at risk or with experience of the criminal justice system, as well as young people marginalised for a variety of reasons, to become involved in decision making processes which impact on their lives, particularly in social welfare, education and criminal justice matters. The project works with a range of groups of young people in the community and both juvenile and youth custody facilities in Northern Ireland.

## **General Comments**

Include Youth very much welcomes the publication of the Council of Europe's 4<sup>th</sup> Draft of the Guidelines on Child Friendly Justice. We have read the guidelines in considerable detail and have drawn on our learning from our substantive direct work with young people to inform our response.

Whilst we support the Council's efforts to engage children and young people in the consultation through the dissemination of the questionnaire, we are disappointed that we have not been able to participate in supporting young people to fill out the questionnaires for a number of reasons.

- i) young people we work with are currently in detention they do not have access to computers and are not able to complete an online questionnaire;
- ii) many of the young people have low levels of literacy and numeracy;
- iii) low levels of concentration make completing such a long questionnaire unachievable for many of the young people;

We have however held a group discussion session with one group of young people currently detained in Hydebank Wood Young Offenders Centre.

We have also examined previous relevant evidence we have gathered from young people to contribute to other policy responses. Much of the evidence provided is also found in our Youth Justice Manifesto Background Paper, which is attached to this response for your information.

We have had the opportunity to see the response to the Guidelines from our colleagues in the Children's Law Centre. We do not intend to repeat here the comprehensive comments made by the Children's Law Centre but would wish to give our full endorsement to their response and fully support their recommendations to the Council of Europe.

Our response will focus on young people's views on the subjects raised in the Guidelines and we are hopeful that this will give the Council the opportunity to learn from the direct experience of young people living in NI and their experience of the criminal justice system. The first section will address specific aspects from the draft Guidelines document while the second section will address outstanding subjects raised in the Council of Europe's youth questionnaire.

## **Section One**

### **Specific Comments on Draft Guidelines**

#### **II. Fundamental Principles**

##### **D. Protection from discrimination**

We welcome the inclusion of the Principle of protection from discrimination. **We would welcome particular reference to young people looked after and to children living in poverty.**

There is an acknowledged link between state care and custody. In 2002-2003, 10% of the 986 looked after children aged 10 and over were cautioned or convicted, compared with 1% of all children in Northern Ireland. Of those convicted, almost two thirds were boys. Looked after children aged 10 and over were 15 times more likely than all children aged 10 and over in Northern Ireland to have been cautioned or convicted (DHSSPS, 2006) A disproportionate number of children in the Juvenile Justice Centre are from care backgrounds – during 2006-07, 30% of all admissions were from care backgrounds and looked after children had on average twice as many admissions (4.4) as non-looked after children (2.7) (CJINI, 2008). Under PACE, when a child is charged with an offence and bail cannot be granted, or no place of safety can be secured, s/he can be held in custody pending a court appearance. Over half of the children (17/29) were admitted to custody from a residential childcare facility – these 17 children had 40 admissions to custody between January 2003 and August 2004 between them.

While children and young people in residential care may behave in challenging ways, this was clearly not use of custody as a last resort - children who were 'management problems' (rather than 'offenders') were being moved from residential care, via PACE, to the Juvenile Justice Centre. A full, announced inspection of the JJC undertaken in November 2007 raised concerns about the profile of the children detained there, and the inappropriate use of custody for children from care:

“As in previous JJC inspections, Inspectors’ main concern arises from the high turnover rate of children, and the fact that a disproportionate number of children come directly from residential care placements. These are longstanding features of juvenile custody in Northern Ireland” (CJINI, 2008)

In suggesting reasons for the over-representation of care experienced young people in custody, young people in conflict with the law recognise this problem. They feel that care staff do not have the emotional attachments to young people that their parents would have, hence less sympathy, sensitivity and understanding of each individual’s needs:

*“Your family would forgive you for things that care staff wouldn’t.”*

*“Staff never listen to you, no matter what you’ve got to say, the way your Ma and Da would. Unless it’s got to do with them – like if you say ‘I’m gonna kill ya’ ”*

*“Care homes take you to court for silly things. Things that your family, your Ma and Da, wouldn’t.”*

*“If you do one thing wrong [when in residential care], they phone the peelers. It’s supposed to be a home, where you live. If you were living with your mum and dad, they wouldn’t phone the police when you broke a cup!”... “[Care] staff call the police too quickly - for smashing cups, I was done for criminal damage. They could have just made me pay it back..”*

Additional reasons identified by the young people included emotional and psychological instability:

*“You go crazy in care.”*

*“People don’t think their family care about them, so they don’t care about themselves.”*

*“I wouldn’t do anything more now, ‘cos I’ve got something to lose – a girlfriend and a flat when I get out. You’ve got to hold onto something. When I lived in the children’s home, I had nothing to lose, I didn’t care what happened.”*

and meeting other young people at risk of offending:

*“You meet different people in care – they can be a bad influence on you.”*

**Due to the inherent vulnerability of children in the care system and the clear link between care and custody, we would urge the Council of Europe to include a specific commitment in the Guidelines to ensure that there is a dedicated strategy to address and reduce the number of children who are looked after moving into the criminal justice system.**

**Similarly, there are clear links between young people living in socio-economically deprived areas and their chances of coming into contact with the criminal justice system. For this reason we would recommend that the Guidelines make specific reference to children living in poverty under the protection from Discrimination section.**

### **III. Child Friendly Justice Before, During and After Judicial Proceedings**

#### **A. General elements of child friendly justice**

##### **1. Information and advice**

We welcome the inclusion of the need for children and young people coming into contact with the criminal justice system to have access to information and advice, including prompt information about their rights. It is vital that information is provided in a way which is accessible to children and young people of various stages of development. This is particularly relevant given the high number of young people with special educational needs, disability and low levels of literacy coming into contact with the criminal justice system.

##### **2. Protection of privacy**

Include Youth supports the inclusion of this section as protection of privacy is a particular issue raised by the young people we work with here in Northern Ireland.

We remain concerned about the protection of young people's privacy with regard to Anti-Social Behaviour Orders (ASBOs). Despite their widespread use in England and Wales there is a relatively limited use of ASBOs in Northern Ireland. We continue to monitor their implementation and subsequent impact on young people. The Criminal Justice Inspectorate's inspection of the operation and effectiveness of ASBOs, concluded that alternatives are as effective, if not more effective (CJINI, 2008). While we welcome the relatively low level of use of ASBOs in NI to date, we remain concerned about a potential increase of their use. They do nothing to address the causes of offending behaviour or engage the young person in any rehabilitative process.

The young people we work with are concerned that breach of a civil order could lead to a criminal sanction, including custody. All the young people believe that ASBOs are neither necessary nor fair.

There are also grave concerns in relation to how ASBOs impact upon the actions of paramilitaries with regard to young people. Unlike criminal cases, there are no automatic reporting restrictions with ASBOs and the three bodies which can apply for an ASBO have the power to challenge an application for imposition of reporting restrictions in order to make a young person's personal information public. This is known as 'naming and shaming'. Making this information public potentially means that paramilitaries can identify and take action against a child or young person accused of 'anti-social' behaviour.

Time and time again, when Include Youth speaks to young people at risk, the single most terrifying thing that they fear is paramilitary or vigilante threat or attack. Therefore, the implications of the 'naming and shaming' process are deeply shocking for the young people involved. The general feeling is that *'the government is just making it easier for the paramilitaries'*. The Young Voices group strongly believes that the naming and shaming provisions leave already vulnerable young people in a very precarious, indeed life-threatening position.

*"They are leading the paramilitaries right to the young person's door."*

Young people attending a consultation session on ASBOs also commented upon the fact that victims of this 'naming and shaming' policy would be much more easily preyed upon by paedophiles. Such predators would be given key personal information about the young person, including name and photograph, and importantly would also be alerted to the very real possibility that he or she is vulnerable and isolated. This left all members of Young Voices deeply concerned and unsafe. One young mother asked the question whether government was just interested in protecting babies from abuse: *'there is all this focus about child protection and that is a good thing, but don't they realise that older children can become victims of sexual abuse too?'*

**Include Youth would recommend that the Guidelines reflect the need for the imposition of automatic reporting restrictions in all proceedings involving a child or young person, which cannot be challenged, in order to protect the privacy and safety of children and young people against who an ASBO is being sought.**

### **3. Training of professionals**

We welcome the section on the training of professionals. Include Youth has long argued for Youth Justice services to be systematically developed and coordinated with a view to improving and sustaining the competence of personnel involved in all services - including their methods, approaches and attitudes. This is in line with the international standards as set down by the Beijing Rules, the Tokyo Rules and the Riyadh Guidelines. Professional qualifications are perceived to be an essential element in ensuring the impartial and effective administration of juvenile justice; necessitating improvement in the recruitment, advancement and professional training of personnel and the need to provide them with the necessary means to enable them to properly fulfil their functions. The professional competence of all personnel dealing with juvenile cases should be established and maintained through professional education, in-service training, refresher courses and other appropriate modes of instruction.

The Riyadh Guidelines state that law enforcement and other relevant personnel, of both sexes, should be trained to respond to the special needs of young people. For the competent authorities who make decisions about depositions (eg magistrates, Judges, elected or appointed laypeople or jurists, members of community-based boards), a minimum training in law, sociology, psychology, criminology and behavioural sciences is required. It may not be feasible to require professional specialisation as a prerequisite for social workers and probation officers taking over any function dealing with young offenders, so professional on-the-job instruction would be minimum requirement. Personnel in detention facilities should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare, international standards, norms of human rights and the rights of the child. Prison staff who are to work with specific groups, including juveniles, should be given specific training for their specialised work. The training of all prison staff should include instruction in international and regional human rights instruments and standards, as well as in the application of the European Prison Rules.

### **B. Child-friendly justice before judicial proceedings**

**We welcome inclusion of the Guidelines on the need to encourage the use of mediation, diversions and alternative dispute resolutions.**

The emphasis should be on care, protection and diversion from the criminal justice system through providing support to children and their families to help them access the services they require and develop strategies to deal with their circumstances. The formal youth justice system should only be utilised when all alternatives have been exhausted.

Include Youth supports community based disposal measures which are run in local communities and use restorative principles and practices. These models which are centred on strengthening and supporting young people, their families and communities are more likely to ensure prevention of offending than the use of custody.

*“what we need is a bit of support and understanding – what we get told is we’re bad and end up on the receiving end of police and paramilitaries.”*

*“I think my Ma needs a lot of help. She sits in the house worried about me every day. She needs someone, she needs help.”*

Include Youth fully supports the principles and ethos of restorative justice, and diversionary measures which seek to steer children and young people away from the criminal justice system. We believe that there is a positive role for Community-based Restorative Justice (CBRJ) in Northern Ireland within this process. Include Youth strongly believes that, all interventions, whether statutory, voluntary or community based, must be fully compliant with domestic and international human rights and children’s rights standards.

There is some concern that access to some diversionary and restorative justice programmes depends on the young persons willingness to admit guilt. When we asked the young people we work with if they felt they had to admit guilt to access these schemes they replied:

*“Aye, I pleaded guilty, so I’d get a youth conference.”*

*“You should get it of you plead not guilty too but – cos some people plead guilty just to get out of it [custody].”*

*“I’ve done that before, pleaded guilty even though I didn’t do it – so I’d get a [youth] conference.”*

### **C. Child-friendly justice during judicial proceedings**

We have spoken at length with the young people we work with on their experiences of the legal system and judicial proceedings.

Young people in conflict with the law have raised a number of concerns relating to the process of attending trial and sentencing. **Cases can take a long time to come to Court:**

*“A quicker court process – you need action to happen quickly, as soon as possible after the offence.”*

*“It takes too long to get sentenced – you have to go back to Court about 15 times before you know what’s happening to you.”*

**Court conditions are generally poor:**

*“The worst thing about the courts is the cells. You’re stuck in this tiny wee room with just a wee bench, from before 10 in the morning ‘til it’s all over with and they get the paper work done at about half 5.”*

*“They shouldn’t have any cells – that’s the worst thing. It’s just you and the four walls. You get really claustrophobic. It makes you think things, like about suicide.”*

*“I was in court today – it was freezing in the cell waiting to go up to the court – it isn’t even a cell, it’s just a wee room. I was sitting in there for 4 hours – I was there for 9.50 but didn’t get heard until 2 o’clock. I cracked up, I was freaking out. You’re not even allowed to bring anything in with you, a book or a magazine or something - there’s noting to do in there except read other people’s graffiti. I think that if you’re in custody you should get seen first, before everyone else.”*

*“You always have to sit in the cell for ages, even if you’re just waiting for bail papers to be signed.”*

*“What I remember most about the first time I went to court was that I was freezing and that I had to wait for ages in the cell.”*

**Some of the young people have referred to the fact that were held in cells with adults.**

*“Aye, you can be in with anyone. I was in Omagh with some big f\*\*\*\*\*..”*

*“It can happen, but you’re not meant to be put in with an adult, but it does happen.”*

**We asked the young people to suggest ways in which the experience of being in court could be improved to make it a better experience. A lot of their suggestions were around having more access to information about what was going on and to being transported and held in more child friendly conditions.**

*“Get someone there to help explain what’s happening. Your solicitor does some of it, but you need someone to do every wee bit – like a youth worker or someone.”*

*“Someone to come in before you go in to the court to say, like, “Don’t be under pressure, it’s ok.*

*“Have TV in the cells – cos you’re sitting there for ages and your head gets melted. I just walk round and round in wee circles all the time that I’m there, or else I just push the buzzer every 2 minutes, to ask to go to the toilet or whatever.”*

*“Getting handcuffed – how come you always have to get handcuffed when we’re going from here [YOC]? Sure you can’t get away when you’re in the van anyway. Girls never get handcuffed, how come we do?”*

*“Aye but you don’t get a seat belt in one of those horse boxes anyway – the prison van.”*

*“Make sure all the cells aren’t freezing.”*

*“Respect us more – like even asked if we want a cup of tea or something.”*

*“They should let your Ma and Da down to the cells to see you if you’re coming from here [YOC], cos they maybe haven’t seen you for ages and they’d want to make sure you’re ok before you go up to court.”*

*“Or they should let your girlfriend in.”*

## **Judges**

**Young people often find Judges intimidating:**

*“I was intimidated by the Judge – he was an old bastard.”*

*“The Judge made me feel really, really small.”... “Yeah, they make you feel like the lowest of the low.”*

*“Judges always stake the police side – never listen to you.”*

*“The Judge made me take my make-up off. If they’ve had a bad day with their family or whatever, they take it out on you. She told me to uncross my arms and stand up straight. She still thinks it’s the 1960s.”*

*“The Judge made my Ma feel like shit – had her in tears.”*

*“You go in front of the judges many times that they get sick of you, and they slaughter you – they just say*

*“Take him away!”, sentence you without even thinking about it.”*

*“The Judge discriminated me ‘cos of my brothers’ reputation.”*

*“The Judge should ask you how you feel about the outcome.”*

## **Participation**

**The Northern Ireland Court Service has undertaken some work to raise public awareness about its role and operation, much of which has been targeted at young people. It is clear, however that young people who appear as defendants often feel alienated. Include Youth has welcome the opportunity to be involved in this process. Many young people do not fully participate in the Court procedures, or understand what was happening:**

*“Can’t understand what’s being said. It’s all big, stupid words – especially the Judge.”*

*“You don’t listen to anything – there’s no point. The only thing you listen out for is the bit where they say ‘4 MONTHS!’ ”*

*“I was about 12. You just sit there and say nothing. And they don’t speak to you anyway, just to your solicitor. They only ask you, “Do you understand the charges?” And you just say “Yes.” even if you don’t.”*

*“You understand nothing, cos of all the pure big words they use – you just sit there and it goes in one ear and out the other.”*

*“They [judges] go “Blah, blah, blah,” and you sit there not knowing a word – it’s like in a different language. Then they ask you, “Do you understand?”, or “Will you do it [offence]again?”, and you just sit there nodding or shaking your head, whatever you think you’re meant to do, then they go on again, “Blah blah blah blah.””*

*“It might as well be Chinese, what the judges is saying, it means nothing.”*

*“You’re not sure what you’re meant to do”*

*“What is a Youth Conference? ‘Cos that’s what I’m meant to be getting.”*

*“I’m a ‘ward of court’. What does that mean?”*

*“I just sat there,, with them all talking s\*\*\*. I was just sitting there saying, “Am I free to go then?” in a wee quiet voice. I didn’t know what was happening.”*

### **Live Links/ Video Links**

There is an increasing use of live video links in judicial proceedings in Northern Ireland. We have asked the young people we work with about their experiences of using Video Link technology.

*“You don’t even hear the judge in video link, not clearly anyway – who knows what they’re saying?”*

*“You can’t hear properly, so you don’t know what’s going on.”*

*“It’s s\*\*\*, but it’s better than going to court, travelling 2 hours there, having to sit there, go into the cells, bunged in with some other f\*\*\*er going on 20 something.”*

*“I prefer going to court too, it gets you out of here, you get a change of scenery.”*

*“I like going to court better than videolink – you get a day out of here (Young Offenders Centre) and I see my Ma and all when I go up there.”*

### **Legal representation**

Some young people found their legal representatives helpful and understanding:

*“My solicitor was good – he dealt with everything. He got me bailed and got me out for Christmas.”*

*“The first time I saw my solicitor was at the police station. He listened to me and what I wanted. He understood what I was saying.”*

*“My solicitor and barrister were very good. They took time over me, before the court date. They took me out for food too, ‘cos they knew I wouldn’t eat with the police.”*

*“I called to see [solicitor]. She was very busy, but she cleared 15 or 20 minutes to see me. That meant a lot.”*

But for others, legal representation was poor:

*“The solicitor barely talks to you. He just does what he has to do, then he clears off straight after. They don’t give a fuck about you.”*

*“The first time I met my solicitor was at court. You just find one, ring them up, and then talk to them before you go into court.”*

*“The solicitor should talk to you more about the offence, to find out more about the circumstances.”*

*“Solicitors just listen to your social worker. They don’t listen to you and just do what the social worker wants them to.”*

## **IV. Specific Issues Related to Child - Friendly Justice**

### **B. Children in conflict with the law**

**Include Youth welcome the inclusion of the Guidelines that states that deprivation of liberty, including pre-trial detention should always be used as a last resort and that children shall be detained separately from adults.**

When young people in the Juvenile Justice Centre were asked what the purpose of custody should be, their responses included:

*“ If you’ve done a big crime , you should get big time (like armed robbery, rape, murder, kidnap). But petty time for petty crime doesn’t work.”*

*“Prison shouldn’t be about punishing – you shouldn’t get punished by the people in prison. The staff aren’t there to punish you, they’re there just to look after you.”... “They’re there to correct you, help you change your ways.”*

*“You’re not sent to prison for it to be hard – it’s about taking your freedom. The punishment is not being able to go out in your community, being free.”*

*“Helping you learn stuff so that when you go out, you won’t want or need to do crime any more. Like if you’re stealing cars, you should get taught all about mechanics – it means you can make a life for yourself.”*

*“Teaching [education] gives you better opportunities when you’re out.”*

*“You should be at least 18 before they put you in custody.”*

Children and young people can be placed in custody under the provisions of the Police and Criminal Evidence (Northern Ireland) Order (PACE). These admissions are generally for 1 – 2 days, ensuring that children are held securely pending a court appearance. We are concerned that they now represent an increasingly high proportion of admissions. For example, of the 655 admissions to the JJC between January 2006 and October 2007, 48% were PACE placements. 42% of these children were subsequently released at court which calls into question the value of placing them in custody in the first instance (CJINI, 2008).

**We would like to see this section of the Guidelines go further to require the Government to put in place programmes which will stop the inappropriate placement of children and young people in custody due to the fact that there is nowhere else for them to be placed.**

**We are very supportive of the inclusion in the Guidelines of the need to address the use and length of pre-trial detention.**

The issue of children being held in detention with adults will be addressed in the section on Children Deprived of their Liberty.

### **Age of Criminal Responsibility**

**Include Youth welcomes the inclusion of a Guideline on setting a minimum age of criminal responsibility but would like to see the Council of Europe go further to state an obligation on State parties to ensure that they do not fix the minimum age of criminal responsibility at too low an age and where this is the case that it should be raised in accordance with international guidelines and standards.**

Given the breadth of our work we feel we are well positioned to advice on how best to tackle youth offending and how to ensure that young people are kept out of the criminal justice system. We have developed close relationships with the young people who come in contact with our organisation and understand the complexities of their lives and the challenges which they continually have to overcome. There is a story behind each of their experiences, stories which clearly demonstrate that they need support and help rather than punitive actions to aid their reintegration into society. We believe that raising the age of criminal responsibility would assist in this process.

The UN Committee on the Rights of the Child has recommended that the age be guided in particular by the best interests principle. In its 2008 recommendations, the Committee concluded that: “a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable”. The Committee recommended the age of 12 “as the absolute minimum age” and that State parties should “continue to increase it to a higher age level” such as 14 or 16.

We believe strongly that children in trouble with the law should be dealt with as children in need not as criminals. We are concerned that the justice system does not impact on all children equally. Children living in areas of high deprivation and affected by the Conflict are more likely to be at risk of offending and prosecution. There is no shortage of research linking criminal behaviour of young people with poverty, the Conflict, being in care or experienced neglect and abuse within their families, misuse of drugs and alcohol, and having learning and behavioural difficulties. Children in care are particularly over-represented in figures of children in custody in NI. A low age of criminal responsibility therefore further disadvantages these children by taking them on the path of criminality rather than addressing their needs.

Include Youth believes that the age of criminal responsibility must be significantly raised. Having an age of responsibility set at adulthood would be more in keeping with the requirements of the Beijing Rules. A system which clearly identifies children as being of a particular age (as ours does and the UNCRC suggests) must treat children as such until they are adults.

In the best interests of children it is proposed that the age be raised to 18 years. This would need to be accompanied by enhanced services for children, and the development of a system based on children's rights and a child-centred approach whilst at the same time not ignoring the needs of victims.

### **C. Police treatment of children suspected of criminal behaviour**

Include Youth has considerable experience of working with young people who have come into contact with the police and have been suspected of criminal behaviour. **We welcome the inclusion of this section. The evidence outlined below reinforces the need for the Guidelines to specifically address how young people are treated by the police.**

The history of policing in Northern Ireland has been a contentious issue characterised by tensions between community and paramilitary policing; questions around the handling of serious complaints; the politics of accountability; police powers under emergency legislation and the use of force and police technologies (Include Youth, 2009)

Our work with young people has demonstrated that many young people's experiences of the police have been negative. **Young people in conflict with the law have criticised the police for being disrespectful and/or impolite:**

*"The police never respect young people, and people don't respect them."*

*"The police are harsh and cheeky when they speak to you."*

*"[They] don't give young people an opportunity to explain."*

*"Provoke you for no reason – stop you and say things to you to get a reaction."*

Young people have **reported feeling harassed** as a result of being stopped and questioned, moved on, or watched.

*"We were forced to give our names as the police said they'd get the paramilitaries involved if we didn't."*

*"You're prevented from standing on the streets. If the cops come by, they know young people and start going at them"*

*"[Police] tell you to move on but there is nowhere to go. And then when you move on, they tell you to move on from there. You can't win."*

*"There was a group of young people throwing bricks at jeeps. Me and my mates were just standing, watching. The police came out of their jeeps and chased after us."*

Some described experiences of **verbal or physical abuse**:

*“The police hit young people.” ... “When I got lifted, I got a kicking.” ... “They lifted me from the house and said ‘If you don’t stop screaming we’re going to beat you with a bat’ ”*  
*“They try to entice you to lose your temper – tell you you’re worthless, say things about your family to make you lose it.”*  
*“They provoke you until you hit them. Then they can restrain you or hit you back.”*

The process of **being arrested and questioned was often intimidating for them**:

*“I was 10. I was treated well, but I was really scared. As you get older, they treat you worse – they slabber [use verbal abuse] at you and throw you in the back of the van. They get rough with you.”*  
*“When you get lifted, the police tell others that you’ve touted on them when you haven’t.”*  
*“They take you away from your streets and your family. And they treat you like shit in the station. They leave you in the cell all day.”*

The young people were asked to describe their feelings when they were arrested.

*“Bad cos I knew I was going to be put in the cells – the day was ruined.”*  
*“Like a piece of shit lying in the cells – police look into the cells, drinking coffee, and they laugh at you.”*  
*“Like a piece of shit. They were talking about me when I was in the cell, “there’s that wee w\*\*\*\*\* in the cell down there”.*

In a review of the handling of complaints in the criminal justice system between November 2005 and October 2006, most of the young people in the Juvenile Justice Centre “said they would have liked to complain about how they had been treated by the police (in terms of the degree of restraint used and/or discriminatory attitudes and actions) but did not because they felt they wouldn’t be believed” (CJiNI and NICCY, July 2007).

**The young people we consulted on the Guidelines also reinforced the commonality of young people’s tendency not to make a complaint.**

*“All it (making a complaint) would do is turn them against you more – the police are the same as those w\*\*\*ers, screws, they’ll always gang up on you, support each other.”*  
*“If I say something about that (incident), they’ll be out to get me.”*

**In Northern Ireland, there are also issues around police and the use of young people as informers.** In research commissioned by NICCY, community groups raised concern about use of children as informers by the PSNI to gather low level intelligence in exchange for immunity from prosecution. Although this was rejected as institutional policy or practice by the PSNI and Police Ombudsman, a PSNI representative commented that, in terms of routine policing, modern forces are ‘intelligence led’ and that young people would be considered appropriate for ‘information gathering’ regarding crime in the area (Kilkelly, 2004). The remark of one young person in conflict with the law affirms this approach:

*“Ask you too many questions – interrogate you to get details they don’t really need.”*

## **D. Children deprived of their liberty**

**We welcome the Guidelines contained in the section on Children deprived of their liberty.**

**Include Youth remain very concerned about the treatment of children and young people in detention in Northern Ireland.**

Article 37 of the UNCRC includes the right of non convicted children to be detained separately from those who have been convicted, the right to maintain family contact; and the right to access the school curriculum. There is widespread evidence to demonstrate that this requirement is currently not being met.

As professionals working closely with young people in the criminal justice system we know that children are not currently treated in a manner that pays due regard to their age, understanding and needs and they are not being helped to reintegrate into society.

We continue to have major concerns about the welfare of 17 year olds held in Hydebank Wood YOC.

Provision has been included in Article 96 of the Criminal Justice (NI) Order 2008 to allow the Secretary of State to direct young people aged 17 to be held at the JJC rather than at Hydebank Wood YOC. A recent report from CJINI on mental health and the criminal justice system in NI stated that there are around 18 juvenile males at any time accommodated in a separate wing of Hydebank Wood Young Offenders Centre. CJINI has repeatedly commented on the very poor regime offered to juveniles at Hydebank Wood YOC (CJINI, 2007; 2010).

The Chief Inspector of Prisons and the Chief Inspector of Criminal Justice in NI unannounced inspection of Hydebank Wood YOC in November 2007 highlighted a plethora of concerns.

- Insufficient separation of juveniles and young adults in escort vans
- Overuse of handcuffs while travelling
- Procedures were ill suited to juveniles, particularly the use of strip searching
- Young people reported feeling unsafe
- Adjudication punishments were excessive
- Caring and therapeutic approach was lacking]
- Quality of food was poor
- Lack of trust in the request and complaints procedure
- Healthcare inadequate
- Long spells in cells
- Unpredictable cancellation of association
- Rare opportunities to be in the fresh air
- Opportunities for work, learning and skills limited
- Quality of education mixed
- Poor resettlement arrangements

These and other concerns were repeated in the Independent Monitoring Board's 2007/2008 Annual Report into Hydebank Wood Prison and YOC and then again in its 2008/2009 report. Aside from separate accommodation, there is no difference between the regime for 17 year olds as for the young adults – with no “apparent” policy governing the management of children.

- Decrepit state of the reception area.
- Lack of formal interaction between officers and “prisoners”.
- Inappropriate use of isolation for those at risk of self- harm and suicide.
- Lack of confidence in complaints process.
- Harsh nature of adjudicated punishment, with a 63% increase in cellular confinement for young men.
- Lack of child protection training and no assurances that all staff working with children have undergone relevant checks.

**In response to the publication of the Independent Monitoring Board's report Include Youth carried out a number of consultations with young people in Hydebank Young Offenders Centre.**

**This report entitled Young People’s response to the Independent Monitoring Board Annual Report Hydebank Wood YOC and Prison 2007/2008 has been attached for your information.**

Include Youth were keen to gain a young persons perspective of the YOC and therefore we worked with young people on the juvenile landing between April and July 2009. This included discussions around being locked up, the daily routine, relationships with staff, education provision, physical and mental health needs and the complaints procedure. The following quotes are just a sample of some of the comments:

*“You’re treated like you’re nothing in here, you’ve no power in here, no rights. If a screw’s rude to you and you say one word back, it’s down to your room, you get locked.”*

*“It’s because we’re nobody’s, because they don’t care about us on the outside, we’re nothing, we don’t matter.”*

*“Well it’s not meant to be nice in here, but you still have your rights.”*

*“Because we’re juveniles it should be different – we’re still children....”*

*“It makes you worse in here – the government should know what it does to you.”*

It is clear from the young people’s comments that there remains much room for improvement in practice within Hydebank Young Offenders Centre. Much of the young people’s daily routine is characterised by frequent lock up and more disturbing is the reasons for being locked up are not always made evident and transparent. There is a concern that young people are being denied freedom as a punishment and too often at the whim of a prison officer’s individual decision making. The lack of consistency between prison officer practice and behaviour is deeply worrying and leaves much room for favouritism for some young people and harassment for others. The young people appear to be talked down to and verbally insulted on a regular basis by some prison officers.

*“They don’t care. One was slabbering at me last Sunday, shouting right in my face, roaring at me, intimidating me.”*

*“They try to terrorise people, get them to say something about what other [young] people have done.”*

*“Some wind you up so you’ll crack, so they can lock you in your room.”*

We accept that this is not standard practice but this type of behaviour should not be tolerated from any staff. The young people believe that security is the overriding priority in the Centre at the expense of rehabilitation. They are dissatisfied with the standard of educational and health care provided to them. Perhaps most worrying is the young people’s complete lack of faith in the complaints system. As a result they feel unable to change anything and do not believe that they can make representation without reprisal. The subsequent tension and stress that builds up in these young people as a result of this treatment not only impedes any rehabilitation efforts but actually results in increased risk of re-offending.

Based on what we have heard from the juveniles held in the YOC in 2009 we would urgently call for the recommendation of the UN Committee on the Rights of the Child (with regards to article 37) in September 2008 that the government should “ensure that, unless in his or her best interests, every child deprived of their liberty is separated from adults in all places of deprivation of liberty” should be implemented forthwith.

**We welcome the Guideline which states that ‘children shall not be detained with adults’. We would like the Guidelines to go further and state that children should not be detained in the same facility/ building as adults but rather should be housed in a purpose built facility to accommodate children which is staffed by professionals trained to work with vulnerable children.**

**Our recent report on Hydebank Wood Young Offenders Centre identifies the continued lack of appropriate educational, employment and training and health provisions for young people (Include Youth, 2009).**

**Children's rights to education and vocational training:**

**We support the Guideline that children's right to education and vocational training must be respected in detention settings. Include Youth would welcome the expansion of this statement to include that the State has a statutory right to provide education at least up to the school leaving age and where the child is below the school leaving age the child has the right to be educated within the school curriculum.**

In 2002, the UN Committee on the Rights of the Child recommended that the UK Government take all necessary measures as a matter of urgency to ensure that all children deprived of their liberty have statutory rights to education. They went on to stress that adequate academic or vocational training should be provided to ensure that no young person would leave detention at an educational disadvantage. It was recommended that those of compulsory school age should have access to education through programmes integrated with the mainstream education sector, so that they could continue their education without difficulty after release (UNCRC, 2001). The Committee also commented that every young person should have the right to receive vocational training in occupations likely to prepare him/ her for future employment. These recommendations were repeated in the 2008 UN Recommendations (UNCRC, 2008).

We remain concerned that the statutory responsibility for the education of young people in detention rests with the NIO.

The Inspection of the Juvenile Justice Centre in November 2007 did state that 'daily delivery of personal development programmes was an important innovation, provision of primary and secondary level healthcare was to a high standard, and a strong educational ethos led to more engagement in schooling and positive outcomes in relation to children's backgrounds' (CJINI, 2008). The Inspectors did state that there needed to be a more balanced focus on developing children's learning and their levels of accreditation. An inspection of the Young Offenders Centre in November 2007 raised a number of concerns, of which one was the opportunity for learning was limited and the quality of education was mixed.

Our work with young people in custody highlights that it remains difficult for young people leaving custody to access further education, training or employment.

*'You need skills training, something that will help you get a job.'*

*'You need help top get into technical college when you get out of custody.'*

*'Helping you learn stuff so that when you get out you don't want or need to do crime anymore. Like if you're stealing cars, you should get taught all about mechanics – it means you can make a life for yourself. Teaching gives you better opportunities when you are out.'*

We continue to be concerned about the over-representation of children with special educational needs in detention and with the lack of access within the Juvenile Justice Centre and the Young Offenders Centre to their statements.

**Right to medical care in detention:**

**We welcome the inclusion of the Guideline on children's rights to medical care while in detention. We would like to see this Guideline strengthened to include the provision of adequate child and mental health services.**

In a recent report from the Criminal Justice Inspectorate in Northern Ireland, it was stated that as with adult offenders, there is a high incidence of mental health needs in the youth offender population. A

survey in 2006 indicated that 59% of clients from the Youth Justice Agency for NI showed signs of mental health issues of one sort or another (CJINI, 2010). For example, of the 30 children in the JJC on 30 November 2007: 20 had a diagnosed mental health disorder, 17 had a history of self harm, 8 had at least one suicide attempt on record, 8 were on the child protection register, and 14 had a statement of special educational needs (CJINI, 2007).

Include Youth has highlighted once more that meeting the mental health needs of the young people in the Young Offender Centre remains a challenge and some of the young people talked about the long waiting time to talk to a trained professional.

*“I waited 10 ½ months to see a psychiatrist.”*

The young people talked about their experiences of staff reactions to suicidal feelings. In many instances the young people are restrained and put in a ‘safe’ room. However, the young people were clear that this response is not always the most beneficial and sometimes they would favour a more supportive and adaptive approach, which would address their needs.

*“If you say to staff at night that you’re suicidal, they put you straight down the block.”*

*“They put you down on the block because there’s no way you can kill yourself down there, you’re in a room with nothing, so there’s no way for you to hurt yourself – but you feel worse.”*

*“That’s the treatment for everything in here, lock you up.”*

*“What would work better would be getting a wee walk round the centre, walking round the grounds for a bit, being outside just. See even walking from here to education, that helps me.”*

*“You get put in a room and monitored all day.”*

The young people clearly feel their mental health needs are not being met. These are extremely vulnerable young people who need support and help to deal with their negative feelings. We are deeply concerned that current practice is doing nothing more than preventing self harm but is not addressing the root causes of these feelings and issues.

### **Right to Rehabilitation:**

**Include Youth supports the inclusion of the Guideline on the child’s right to be prepared in advance for their return back to their communities.**

We asked the young people in Hydebank Wood YOC how they thought the prison authorities valued and prioritised rehabilitation of young offenders.

*“They don’t give a f\*\*\* about rehabilitation.”*

*“They f\*\*\*ing do nothing about that here – see when we get out, we’re all just going to do more stuff, get into trouble again.”*

When asked which they felt the prison service prioritised – security or rehabilitation, once more the young people were clear in their responses.

*“Security.”*

*“Security – how do they expect you to change when all they do is lock you up? You need help with a job, teach you how to do job interviews, training for it. If you got out and you got a job, you wouldn’t want to lose it, you’d try hard not to lose it, so you wouldn’t get into any trouble. Plus, you’d have no time to re-offend.”*

*“Security and control – it’s a prison!”*

The young people gave varied responses as to why they think rehabilitation is not given a high priority, from the self interest of prison officers to the lack of specialised training.

*“Us getting into trouble’s keeping them in a job in here – why would they want us to not come back?!”*

*“Cos that’s all they have to worry about – their job is us in here, not what we do when we’re out. They haven’t got the training for that.”*

The young people did not think the YOC did anything to support them to stop re-offending on release. Several of the young people recalled remarks that had been made to them on release or on entry to the YOC by prison officers. These comments could not be described as being supportive or constructive in any shape or form.

*“They say nothing about not doing crime – not one of the screws has ever said that to me.”*

*“They just tell you that you shouldn’t do anything.”*

*“they say, “Don’t come back!”, when you’re leaving – that’s all they do.”*

### **Complaints Procedure:**

**We welcome the inclusion in the Guidelines that children deprived of their liberty should have the right to make complaints to an identifiable, impartial and independent body. Include Youth’s recently published report on Hydebank Wood YOC clearly illustrates that this issue is a serious cause for concern.**

Our research indicated that some of the young people were not aware of the complaints procedure. There was an overwhelming sense that the young people were not keen to make a complaint, even if they were unhappy about something. The reasons for this were various. Firstly, the majority of the young people were worried about the reaction of the prison officers if they made a complaint and feared that they would be harassed and receive even worse treatment as a result.

*“No, cos you’d get into more shit if you made a complaint – its like going to the peelers and making a complaint – you just get into more trouble.”*

*“I wouldn’t – like see if you got hit by a screw and you told someone about it, SMACK! “There you go, there’s another one for you!”*

*“It’s not like the Juvenile Justice Centre here, staff all there for your benefit, it’s all social workers and all there, but here it’s screws.”*

*“They’d f\*\*\* you about if you complained, they’d give you a hard time alright.”*

*“You can get a hard time if you piss them off.”*

*“Nobody’s going to make a complaint – see them screws, they’d make your life hell.”*

Other young people did not see the point in making the complaint because they did not believe that anything would change as a result. They believe that the prison officers would close ranks and protect each other if any allegation was made. There was a complete lack of faith in the complaints procedure.

*“Nobody complains, no point, nothing happens.”*

*“Nothing can be done about it - if you made a complaint, they’d say “Can you prove it? No?”*

*“I wouldn’t see the point of making a complaint.”*

*“See if you made a complaint about one, they’d tell the one you complained about and it would be all about the place that you’re a tout.”*

*“Why would you bother, nothing would happen.”*

The young people were asked what would need to change to restore their faith in the complaints process. One suggestion was to have an independent representative to support them through the process. They are also adamant that they should be able to make a complaint without having to have any dealings with prison staff.

*“Have an independent representative there with you, not a screw but, not someone who works for the prison service.”*

*“If you could go straight to the ombudsman to make a complaint, like if they were in here everyday, so you wouldn’t have to talk to any of the staff about it, that would work better, that would make it ok to make a complaint.”*

Others believed that faith could only be restored if they were given examples where making a complaint had actually resulted in a change and in justice being done. Unfortunately, the young people did not hold out any hope that the process would change any time soon and are almost accepting that it is a flawed and ineffective mechanism to have their voices heard.

*“Nobody complains, no point, nothing happens.”*

*“If I was to get any faith in the complaints system I’d need to see something happening – like I make a complaint about something, something actually happens, something gets done about it.”*

*“When you make a complaint, you need to see justice done.”*

### **Right to be informed of their rights:**

**We support the inclusion of the Guideline on the right of children to be informed of their rights and the rules of the centre of detention in a child friendly way. Our consultation with young people in detention in Hydebank Young Offenders Centre suggests that knowledge of rights issues are limited.**

*“Aye, cos you need to know your rights, especially when you're in here.”*

*“I haven’t a clue about my rights...the right to remain silent?”*

*“It doesn’t really matter what your rights are in here [YOC], screws’ll always find an excuse, a way to put one over on you, to justify what they do.”*

*“You need to know your rights because you need to know if your rights are being abused.”*

*“You should have them read out to you, and they should be supplied on the wall, everywhere.”*

## **Section Two**

### **Issues Raised in Council of Europe Young Person’s Questionnaire that have not already been addressed in our response**

#### **Do you think the justice system is the best way to solve some of the problems faced by children and young people?**

Include Youth has long argued for a deeper understanding of the complexities of the lives of the children and young who come into contact with the criminal justice system.

The children and young people we work with face daily struggles to achieve equality in education, health, accommodation, employment and training opportunities. Many of those young people who come into the criminal justice system have a depressingly similar set of complex and unmet needs. Many experience poor educational attainment (due to a disability or special educational need, truanting or exclusion from school), misuse drugs or alcohol, engage in unsafe sexual behaviour or have been in residential care. They are often survivors of childhood traumas such as sexual or physical abuse, domestic violence or living in unsafe neighbourhoods. Mental ill health is often undiagnosed or inappropriately treated. In most cases, this leads to young people who feel constantly disempowered, disengaged, unable to make their voices heard or to demand the right to appropriate provision.

*‘It becomes normal being in here (YOC), so it doesn’t work locking you up.’*

Include Youth have consistently argued for a holistic approach to ensure that the numerous and diverse problems these young people face can be identified and responded to in their best interests.

We have also stated that this must be done in the full knowledge of the context of young people's lives in NI. In particular, it cannot be done in isolation of the political context in which these young people live. Despite the fact that many children today have grown up in a 'peaceful' time in NI's history does not detract from the persistent and long lasting social, economic, civil and political impact of the conflict.

Nowhere is this more prevalent than in the experience of many of the young people Include Youth works alongside, who live in disadvantaged and marginalised areas. A recent research report from Save the Children, QUB and the Princes Trust highlighted the peace dividend has not yet reached those living in marginalised, disadvantaged and under resourced communities (McAlister et al, 2009). These young people continue to experience poor education, poor health, lack of employment opportunities and continue to live in neighbourhoods characterised by violence. Violence remains a part of life for many young people and they are all too familiar with the actions of paramilitaries and dissidents, who continue to draw in young people who cannot find value and self identity elsewhere.

When we asked the young people we work with to consider the factors in a child's life which may increase the likelihood that they will become involved in crime, they stated:

**Individual factors:**

*Depression, being fed up with life.*

*You don't care what happens to you – so you might as well do crime and earn some money – 'cos you don't care about what'll happen if you get caught.*

*If you can't take authority – if you're...rebellious – you do the opposite of what people tell you.*

**Family factors:**

*If your whole family's doing crime. So you get used to it, it becomes a way of life for you. That just influences you.*

*Because there is no stability on their lives (being in care)- they've no stable homes and in the care home they're running about with a load of mad bastards.*

*They feel unwanted so they hate the world.*

*Actually, that is why I'm in here (custody), because of being in care. If I was still living with my Ma and Da I wouldn't be the way I am now, I wouldn't be in jail..*

*Domestic violence.*

**School factors:**

*If you feel you're not very smart in school. That makes you mess about, to take the notice off you not being smart. If you've been bullied.*

*If I'd had one person to help me when I was younger it would have changed it all – if I had've learnt to read or write better I wouldn't be in this situation, wouldn't be here in jail.'*

**Peer-related factors:**

*If your mates have better stuff than you, but you can't afford it – you go out and do crime so you can get the stuff like they have.*

*If your mates are doing crime – they shoplift on the way home from school, you see them doing it and getting stuff for nothing, so you start it too.*

*Peer pressure.*

*If you've no self esteem, you're more likely to get into crime – you do it to fit in and just go along with what other people are doing, or what they tell you to do.*

*To get respect from friends.*

**Community and neighbourhood factors:**

- *Everything – crime in the community.*

- *If there's drugs in the area.*
- *If you grow up in a violent place, hoods running about all over the place, then you're more likely to do crime – it's not [because of] parents.*
- *The only thing parents can do to stop their kids doing crime somewhere like that is to move - get out of the area.*

### **What other solutions could be found to solve some of the problems faced by children and young people?**

**Include Youth firmly believes that priorities for action based on early intervention, prevention and the provision of services necessary to support children and young people in need/ at risk are essential to reduce the numbers of children and young people coming into contact with the criminal justice system. Further details of what Include Youth sees as the primary elements of a rights- compliant youth justice system are outlined in our Manifesto for Youth Justice which is attached with this response.**

It can not be denied that the prevention of offending and re-offending by children and young people is a complex process one that requires co-ordination across a range of agencies and government departments. **However young people believe that there are some central themes that can be addressed namely adequate play (leisure) provision, education, employment and training, respectful attitudes and directly engaging with them.**

It is clear from the overview of the contributory factors for children becoming involved in crime that any successful crime preventative strategy must seek to address these factors. Rather than suggesting a punitive approach any strategy aimed at tackling youth offending must work alongside young people, their families and communities, relevant government departments, and voluntary and community representatives to address issues which impact on health, education, family life, media representation, policing, domestic violence, play and leisure and alcohol and drug misuse.

We would guard against the adoption of interventions that are reactionary and punitive and Include Youth are actively encouraging the authorities here in Northern Ireland to think again about the measures they implement and rather than punishing our young people, seek to understand the reality of their lives. We believe it is imperative that children and young people are seen as partners in the fight against the causes of crime. Our experience is that young people in conflict with the law have considerable, pertinent experience which they are eager to share when they feel listened to, valued and treated with respect.

#### **Play and Leisure Facilities**

A significant intervention which Include Youth believes will address some issues of anti-social behaviour and the issue of the appropriate use of public spaces is play facilities for older children. Young people have suggested that one aspect of support needed by children and families is access to play and leisure. For 5-10 year olds this included: "Play groups" and "Places to play sport". For 10-15 year olds it included:

*"Places to play football – somewhere good to play."*

*"Good stuff that's gonna be exciting. Not just like wee youth clubs. Go karting. There's nothing as exciting as crime, only drugs. But you need something that's going to keep you occupied."*

*"Leisure centres where you can go do stuff – free, that you don't have to pay into."*

In Northern Ireland, one in five children (21%) do not have access to adequate, nearby fixed play facilities, although this figure rises to one in three (37%) amongst those experiencing severe child

poverty (McLaughlin and Monteith, 2004). Lack of safe social space, poorly resourced and inadequate provision of affordable sports or leisure facilities are consistently raised as a priority in our work with children and young people. Young people in conflict with the law describe the consequences of limited provision:

*“There’s f\*\*\*-all to do. That’s why kids are out on the streets.”*

*“Put things into communities that keep young people off the street, especially in the summer.*

*There’s nothing to do. You just drink ‘cos you’re bored.”*

*“Most people get into crime at the start ‘cos they’re bored and have nothing to do.”*

*“Have more for young people to do, instead of just punishing you after you’ve done something.”*

They are clear about what play and recreational facilities are needed in their communities:

*“More facilities and support for young people in the area – ones that suit all ages, not just for young kids.”*

*“More affordable facilities – leisure centres, sports clubs, bars – most are too expensive for young people.”*

*“More money in communities – funding for youth and community projects.”*

International children’s rights standards give clear direction to government on the positive impact provision of appropriate and accessible play space / opportunities for children and young people can have in preventing them becoming at risk of involvement in offending behaviour or other risk taking activities, in particular the UN Guidelines for the Prevention of Juvenile Delinquency 45/112 (The Riyadh Guidelines).

## **Education and Employment**

The vast majority of young people involved with the criminal justice system have had very poor educational experiences most only attaining basic literacy and numeracy skills.

Children in state care can be particularly disadvantaged by the education system whilst at the same time education can be a turning point for these most vulnerable children. It is one area in which real breakthroughs in improving outcomes can happen. It is the one area that has the potential to retain normality and stability for children. We note that the main message from the consultation response by WMTD (2007) was:

*‘the need for stability, at school and at home.’ and that, ‘children with stability were more likely to feel confident and their education was less likely to suffer.’*

Young people felt that as they were from poorer communities they received a very different education when compared to their counterparts in more affluent areas.

*It’s just all posh people go to grammar schools – you wouldn’t want to be in with them.’ (Juvenile Justice Centre Young Voices)*

*‘It’s posh vs. poor’. (Give and Take)*

*The teachers in the grammar schools and the teachers in the secondary schools – if they all have the same qualifications, why can’t they teach the same?’*

Additionally it is apparent that teachers and schools are often unable to address and support children who experience challenging home situations such as domestic violence, parental drug and alcohol abuse or other trauma. Include Youth welcomes initiatives such as counselling services in schools and proposals to provide additional support to children experiences such difficulties.

Through direct work with young people at risk of social exclusion and practitioners Include Youth have developed a general set of recommendations in relation to educational improvement. We would wish to reiterate these in setting a wider context for this policy on literacy and numeracy.

These recommendations are outlined in the recently published 'A Manifesto for Youth Justice in NI' (Include Youth, 2008):

- inclusive, mainstream education for all (other than in exceptional circumstances) aimed at developing the individual abilities and interests of all children
- sufficiently flexible curricula to: respond to the needs of a diverse school population, encourage personal and social development, safeguard physical health and emotional well-being (including provision of sex and relationships education)
- resources to respond to challenging and disruptive behaviours
- suspension and exclusion is used in the most exceptional circumstances and then as a last resort, for the shortest period of time
- alternative provision for the few not in mainstream education which is responsive to individual needs and abilities
- discreet, high quality therapeutic services including specialised counselling
- children/young people are involved in school decision-making processes, including those relating to discipline and policy or practice development.

Include Youth believes that fulfilment of these principles will ensure a more inclusive education system one that ensures better educational outcomes (for all children in NI).

*"If I'd had one person to help me when I was younger it would have changed it all – if I had've learnt to read or write better I wouldn't be in this situation now, wouldn't be here in jail."*

Many of the young people we work with constantly talk about their frustration at not being able to access education and employment opportunities. The young people are adamant that everything would change for the better for them if they could access education and gain employment. They are crying out for the chance to make better lives for themselves. The young people in the Young Offenders Centre place a high priority on the need for support in this area:

*"They should do programmes that stop you re-offending."*

*"They spend £37000 grand a year keeping one person in jail, but they could spend 15 grand a year getting someone a job and it would work better, it would stop them doing anymore [crime]."*

*"They could try to get you more qualifications, offer more things for you to do, other classes."*

*"Show people there is a bigger, better world out there."*

*'See if I had a job, I wouldn't do any crime.'*

## **Early Intervention/ Family Support**

When asked what support young people and their families need, other young people were more open to the idea of voluntary intervention and emphasised the need for parental support:

*“Family support.”*

*“Parenting classes, to help you be better parents. So they can give kids more self-confidence and self esteem. But some parents can’t give it to their kids if they never had it themselves – they wouldn’t know how to.”*

*“It might work, teaching people how to be better parents. Some need that a bit...most of them.”*

*“Some need it – it depends on how they were brought up themselves.”*

*“Positivity for children! You have no self esteem or confidence otherwise. Some parents don’t know how to do that... they might need help to give it.”*

*“I think my ma needs a lot of help. She sits in the house worried about me every day. She needs someone, she needs help.”*

Some of the young people were of the opinion that parents needed more practical help in the form of financial support.

*“more money!”*

*“if parents give kids more money, they wouldn’t want to go out and do crime.”*

### **Concluding Comments**

Include Youth welcomes the opportunity to respond the Guidelines and we are happy to make more information available to the Council if required. We would like to receive information on any further progress on the development of the Guidelines and look forward to the dissemination of the final draft.

## References

- Beijing Rules: Office of the High Commission for Human Rights, 1985, *The Beijing Rules – United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, Adopted by General Assembly resolution 40/33 of 29 November 1985.
- CJINI, May 2008, *Inspection of Woodlands Juvenile Justice Centre*, Belfast: CJINI.
- CJINI, Criminal Justice Inspectorate Northern Ireland and NICCY, *The Handling of Complaints in the Criminal Justice System: A review of how the main Criminal Justice Organisations deal with complaints*, July 2007, Belfast: NICCY/CJINI, (2007)
- CJINI, March 2010, *Not a Marginal Issue: Mental Health and the criminal justice system in NI*
- DHSSPS, Outcome Indicators for Looked After Children. Year ending 30 September 2003, Northern Ireland Statistical Bulletin, Belfast: DHSSPS/ NISRA (Community Information Branch, December 2006.
- Havana Rules: Office of the High Commissioner for Human Rights 1990, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, Adopted by General Assembly Resolution 45/113 of 14 December 1990.
- Include Youth, 2009, *Developing a Manifesto for Youth Justice in Northern Ireland: Background Paper*, Belfast: Include Youth
- Include Youth, July 2009b, *Evidence Submitted to NI Policing Board's Human Rights and Professional Standards Committee's Thematic Inquiry on Children and Young People*, Include Youth: Belfast.
- Include Youth, 2009, *Young People's Response to IMB Monitoring Report 2007/2008*, Belfast: Include Youth.
- Include Youth, 2008, *Manifesto for Youth Justice in Northern Ireland*, Include Youth: Belfast.
- Include Youth Position Paper on Minimum Age of Criminal Responsibility*, Include Youth: Belfast.
- Independent Monitoring Board, *Hydebank Wood Prison and Young Offenders Centre, Independent Monitoring Board's Annual Report for 2007/2008*  
International Monitoring Board, Belfast: IMB.
- Kilkelly, U. et al, 2004, *Children's Rights in Northern Ireland*, Belfast: NICCY
- McAlister. S., Scraton, P. and Haydon, D., 2009, *Childhood in Transition: Experiencing Marginalisation and Conflict in Northern Ireland.* , Belfast: QUB/ Prince's Trust, Save the Children.
- McKeaveney, P. *Review of 10-14 year olds entering custody, January 2003 – August 2004*, Youth Justice Agency, 2005.
- Riyadh Guidelines: Office of the High Commissioner for Human Rights, *United Nations Guidelines for the Prevention of Juvenile Delinquency*, Adopted by General Assembly resolution 45/112 of 14 December 1990.

Tokyo Rules: Office of the High Commissioner for Human Rights 1990, *United Nations Standard Minimum Rules for Non-custodial Measures*, Adopted by General Assembly resolution 45/110 of 14 December 1990.

UN Committee on the Rights of the Child, 2008, *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*.

UN Committee on the Rights of the Child, 2002, *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*.

What Makes The Difference? 2007, Let's Make a Difference. Care Matters Green Paper, Children and young people's Consultation Events, Summary Report. WMTD.