



Declassified<sup>1</sup>

AS/SOC/Child (2017) PV 07

5 December 2017

Asocchildpv07\_2017

## Committee on Social Affairs, Health and Sustainable Development

### Sub-Committee on Children

#### Minutes

of the meeting held in London

from Monday 6 November 2017 at 9 am

to Tuesday 7 November 2017 at 1 pm

in Portcullis House, House of Commons, London (United Kingdom)

#### 1. Agenda

[AS/Soc/Child (2017) OJ 07]

The draft agenda was **adopted**.

#### 2. Minutes

[AS/Soc/Child (2017) PV 06]

The draft minutes of the meeting held in Strasbourg on Tuesday 10 October 2017 were **approved**.

#### 3. Participation in the Seminar on Children's Mental Health and Child-Friendly Justice, organised by the British Parliament, House of Commons, London

[Draft programme; Practical information]

The Sub-Committee participated in the seminar according to the programme provided by the organisers (see *Appendix I for the draft programme*).

#### Key components of the seminar's opening session (morning session of day 1) were:

- The opening of the seminar by **the Rt Hon John Bercow MP**, Speaker of the House of Commons, who underlined that children's rights were already taken into account by many parliaments, including the House of Commons, but that parliaments still needed to engage with young people more directly, which was the case at the present seminar ;
- The words of welcome expressed by **Sir Roger Gale MP**, Leader of the UK Delegation to the Parliamentary Assembly of the Council of Europe (PACE), who welcomed all PACE members and participants to the House of Commons on behalf of the British delegation;
- An introduction into the issues to be addressed by the Chairperson of the seminar, **Ms Stella Kyriakides**, President of the Parliamentary Assembly of the Council of Europe (PACE), who thanked UK officials for their warm welcome and hospitality, and who encouraged all participants, representing parliaments, governments, children's rights agencies and non-governmental organisations, and academia to engage in an open and transparent dialogue with each other and in particular with the many young people mobilised for this event;

<sup>1</sup> Minutes approved and declassified by the Sub-Committee on Children of the Committee on Social Affairs, Health and Sustainable Development, at its meeting on 6 December 2017 in Paris.

- An address by **Ms Jackie Doyle-Price MP**, Parliamentary Under Secretary of State for Health, Department of Health, UK, who gave some insight into recent good practice applied in the United Kingdom, such as the “secure care programme” for mental health, and was convinced that a lack of empathy for young people, for example in judicial proceedings, would lead to further issues in the future;
- Greetings and procedural explanations by **Baroness Doreen Massey**, Chairperson of the Sub-Committee and initiator of the present seminar, who expressed her hope that the discussions to be held over the next two days would bring up new ideas for policy-making based on proposals and considerations put forward by parliamentarians, experts and young people;

**Thematic presentations were provided by the following experts (summaries):**

*Children’s Mental Health:*

- **Professor John Coleman, President of the Association for Young People’s Health:** Some mental health issues seemed to have increased amongst young people most lately, such as self-harm; however, it was important not to overestimate data, given that the willingness to self-report about sensitive issues (e.g. depression) had increased in recent years. Many schools were struggling with mental health issues, and in hospitals a lack of specialised services could put much strain on emergency units. Many families also struggled with addressing their children’s mental health issues in the appropriate manner. Training youth advocates who had gone through difficulties themselves previously could be an interesting starting point to help young people;
- **Maryam Bi, Representative of Young Minds Youth Panel (youth representative):** Mental health issues had to be addressed in different social contexts. Some countries or cultures did not even have a word for “depression” (e.g. India, Pakistan, Bangladesh) and young people would rather speak about “pains in their hearts”. Similar characteristics or backgrounds between patients and therapists (for example in terms of sex, cultural origin or social background) could help young people speak up;

*Child-Friendly Justice :*

- **Dr Tim Bateman, University of Bedfordshire:** In the United Kingdom, the spending on youth services of any kind had been reduced over the past years. The current youth justice culture did not encourage child participation but rather limited it. Certain categories of young people required particular attention and support in the justice systems as they were overrepresented; an example: whilst in country-wide, Muslim youth represented about 17%, they represented nearly 45% of youth in judicial proceedings.
- **Kelly Hitchcock, Representative of University of Bedfordshire Youth Panel (youth representative),** spoke as a child victim of sexual exploitation and reported most shocking facts about her own experience and suffering, whilst only two (out of many more) men who had abused of her had been sentenced. In the judicial proceedings linked to her case, she had been treated inappropriately and in an intrusive manner by the police, had been forced to unveil intimate facts in front of several officials and in court, and had been strongly stigmatised in the whole process without herself receiving any information about the proceedings, until she finally received the support she needed from a female police officer and one of her teachers.

*NB: The full written versions of the two academic presentations (by Professor Coleman and Dr Bateman) can be found in Appendices II and III of these minutes.*

**Discussions in break-out groups, alternating with plenary sessions (afternoon session of day 1 / morning session of day 2):**

After the seminar's opening session lasting the full morning of day 1, the afternoon session of day 1 and the morning session of day 2 alternated between discussions held in break-out groups and plenary sessions. The discussions held in break-out groups and conclusions drawn in subsequent plenary sessions will be reflected in detail in the **final report** to be prepared by January 2018.

**Procedure suggested (after the London seminar) by the Chairperson for presenting the outcomes of the seminar, including recommendations to various stakeholders in both thematic areas, in the framework of a final report:**

A preliminary draft report on the seminar, including the contents of plenary presentations and the outcomes of all discussions held in break-out groups, would be prepared by January 2018 in order to receive comments by Sub-Committee members and launch a consultation phase involving facilitators and young people.

The final report would then be prepared and publically launched during the April 2018 part-session in Strasbourg at a dedicated Sub-Committee-sponsored event, once again involving some of the young experts who contributed to the London seminar.

**4. Date and place of next meetings**

- 6 December 2017, 9:15 to 9:30 am, before the meeting of the plenary Committee on the same day;
- during the January 2018 part-session of the Assembly (*date to be confirmed*);

**Sub-Committee on Children**  
**Sous-commission sur les enfants**

**Presence list / Liste de présence**  
**(27 seats / 27 sièges) 6.-7.11.2017**

**Chairperson / Présidente**

Baroness **Doreen MASSEY**

United Kingdom /  
*Royaume-Uni*

**Vice-Chairperson / Vice-Présidente**

Ms Gabriela PECKOVÁ

Czech Republic /  
*République tchèque*

**Members / Membres**

**Alternates / Remplaçant(e)s**

1.	Mr	<b>Stefan SCHENNACH</b>	Austria / <i>Autriche</i>		ZZ...
2.	Ms	Sevinj FATALIYEVA	Azerbaijan / <i>Azerbaïdjan</i>		ZZ...
3.	Ms	Sabine De BETHUNE	Belgium / <i>Belgique</i>	Ms	Petra De SUTTER
			Czech Republic / <i>République tchèque</i>		
4.	Ms	Gabriela PECKOVÁ			ZZ...
5.	Mme	<b>Maryvonne BLONDIN</b>	France		ZZ...
6.	Ms	Irina PRUIDZE	Georgia / <i>Géorgie</i>		ZZ...
7.	Ms	<b>Nina KASIMATI</b>	Greece / <i>Grèce</i>	Mr	Evangelos MEIMARAKIS
8.	Mr	<b>Joseph O'REILLY</b>	Ireland / <i>Irlande</i>		ZZ...
9.	Ms	Laura PUPPATO	Italy / <i>Italie</i>	Ms	Maria Teresa BERTUZZI
10.	Mme	<b>Martine MERGEN</b>	Luxembourg		ZZ...
			Republic of Moldova / <i>République de Moldova</i>		
11.	Mr	Valeriu GHILETCHI			ZZ...
12.	Ms	<b>Margareta BUDNER</b>	Poland / <i>Pologne</i>	Mr	Andrzej WOJTYLA
13.	Mr	Luís LEITE RAMOS	Portugal		ZZ...
14.	M.	Viorel Riceard BADEA	Romania / <i>Roumanie</i>	Ms	Oana BIZGAN-GAYRA
15.	Mr	Jan ŠKOBERNE	Slovenia / <i>Slovénie</i>		ZZ...
16.	Mr	Carina OHLSSON	Sweden / <i>Suède</i>		ZZ...
17.	Mr	Hannes GERMANN	Switzerland / <i>Suisse</i>	Mme	Liliane MAURY PASQUIER
18.	M.	<b>Jean-Pierre GRIN</b>	Switzerland / <i>Suisse</i>		ZZ...
19.	Ms	Emine Nur GÜNAY	Turkey / <i>Turquie</i>		ZZ...
20.	Mr	<b>Serhii KIRAL</b>	Ukraine		ZZ...
			United Kingdom / <i>Royaume-Uni</i>		
21.	Baroness	Doreen MASSEY		Mr	Mike WOOD
			United Kingdom / <i>Royaume-Uni</i>		
22.	Baroness	Margaret EATON			
23.					
24.					
25.					
26.					
27.					

*ex officio* : Mr Ionuț-Marian STROE (Chairperson, Romania, *Président, Roumanie*)

**PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE (PACE)**

**PACE Presidency**

**Stella Kyriakides**

*President of the Parliamentary Assembly*  
House of Representatives, Republic of Cyprus

**Panicos Pourgourides**

Secretary of the delegation of Cyprus to PACE

**Committee on Social Affairs, Health and Sustainable Development**

**Ionuț-Marian Stroe**

*Chairperson of the Committee*  
*Deputy*  
Camera Deputatilor, Romania

**Reina de Bruijn-Wezeman**

*Senator*  
Senate, Netherlands

**SPEAKERS**

**John Coleman**

*Chairperson*  
Association for Young People's Health

**Maryam Bi**

YoungMinds

**Tim Bateman**

*Lecturer in Youth Justice*  
University of Bedfordshire

**Kelly Hitchcock**

Bedfordshire University 'International centre, researching child sexual exploitation, violence and trafficking:  
Young Researchers' Advisory Panel

**FACILITATORS**

**Aaron Hamilton**

*Operations Manager*  
One Health Lewisham

**Michael Hamilton**

*Consultant*  
Share Think and Act

**Jenny Pearce**

University of Bedfordshire

**Jane Salvage**

Expert in nursing and health policy

**Hazel Slavin**

Health Promotion and Communications specialist

**CHILDREN'S RIGHTS EXPERTS**

**Anne-Marie Douglas**

*Founder and CEO*  
Peer Power

**Anna Edmundson**

*Senior Policy and Public Affairs Advisor*  
Children's Rights Alliance for England

**Bragi Guðóbrandsson**

*Director General*  
Government Agency for Child Protection of Iceland

**Poppy Harrison**

*Head of Strategy & Safeguarding Governance*  
Youth Justice Board for England and Wales

**Caroline Hounsell**

*Director of Partnerships and Product Development*  
Mental Health First Aid (MHFA) England

**Regína Jensdóttir**

*Head of the Children's Rights Division*  
Council of Europe

**Almudena Lara**

*Head of Policy and Public Affairs*  
National Society for the Prevention of Cruelty for Children (NSPCC)

**Colette McAuley**

*Chair of Social Work*  
University of Liverpool

**Katya Moran**

*Lawyer*  
Youth Justice Legal Centre

**Debbie Moss**

National Children's Bureau

**Mieke Schuurman**

Eurochild

**Lynette Shanks**

Surrey Police

**Neera Sharma**

Barnado's

**Helen Stalford**

University of Liverpool

**Tony Stower**

National Society for the Prevention of Cruelty for Children (NSPCC)

**Andrea Ugrinoska**

Youth Advisory Council of the Council of Europe

**Alice Victor**

YoungMinds

**Samantha Whyte**

UNICEF

**YOUNG PEOPLE**

**Victor Azubuiké**

Student (University of Warwick)

**Freya Charlton**

Barnardo's

**Catherine Hogan**

Barnardo's

**Ebinehita Iyere**

Peer Power

**Zaynah Mahood**

YoungMinds

**Macey McMullen**

Youth and Community Worker

**Rebekah Nisbet**

Barnardo's

**Carla Paice**

Barnardo's

**Salma Perveen**

Supporter of young people with mental health issues

**Anjali Saini**

National Children's Bureau

**Solomon Rose**

University of Manchester

**Ceri Short**

Barnardo's

**Jack Smith**

Peer Power

**Kirsche Walker**

Member of the Bedfordshire University 'International centre, researching child sexual exploitation, violence and trafficking: Young Researchers' Advisory Panel

**Burphy Zumu**

ClearView Research Ltd

**PACE SECRETARIAT**

**Tanja Kleinsorge**

Parliamentary Assembly, Council of Europe

**Maren Lambrecht**

Parliamentary Assembly, Council of Europe

**Jannick Devaux**

Parliamentary Assembly, Council of Europe

**Fatima Nouicer**

Parliamentary Assembly, Council of Europe

**UK DELEGATION SECRETARIAT**

**Nick Wright**

Delegation Secretary of the United Kingdom to the PACE

**Helena Ali**

Senior Conference officer

**Jonathan Finlay**

Conference officer



Appendix I

**Seminar on  
Children's Mental Health and  
Child-Friendly Justice**

---

**Organised by the UK Parliament in Portcullis House,  
House of Commons, London  
on Monday 6 and Tuesday 7 November 2017**

***in co-operation with  
the Parliamentary Assembly of the Council of Europe***

**PROGRAMME**

*Update: 02/11/17*

**Venue:**

Attlee Suite, Portcullis House, House of Commons, London SW1A 2LW

**Purpose of the seminar:**

To hold an interactive seminar including legislators, young people, experts and practitioners on two topics key to children's rights and welfare (based on the UN definition of the child as any person in the age range 0 - 18 years):

- Children's Mental Health *and*
- Child-Friendly Justice.

**Aim:**

To examine accessibility to, and the effectiveness of, services in the areas of child mental health and child-friendly justice in a selection of European countries; and to explore ways of improving policy in this area and in particular its impact on children.

**Objectives:**

- To receive input from experts (including young people) on the two topics;
- To work in small groups, to explore issues raised by experts in these fields, and to compare experience in the various countries represented;
- To consider strategies in these subject areas to enhance the rights and welfare of children;
- To stimulate the production of action plans for policy makers, organisations and individuals regarding the implementation of strategies in different European countries.

**Participants ("inner circle working group")<sup>2</sup>:**

To include:

- Members of the Sub-Committee on Children of the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe (PACE);
- Representatives of national and international organisations specialising in child protection and children's rights, such as UNICEF, Eurochild, the Youth Justice Board, YoungMinds, Barnardo's, the National Children's Bureau, Peer Power;
- Young Ambassadors who will be members of the youth panels of NGOs in the UK;
- Academics and professionals in the relevant fields (for example the police and educators);

---

<sup>2</sup> Participants will form the core working group and will be expected to attend all sessions of the seminar. Observers may attend selected sessions of the seminar but will not speak unless during discussions and at the discretion of the Chair.

- Representatives of the Ad Hoc Committee for the Rights of the Child of the Council of Europe and of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) and the Council of Europe Advisory Council on Youth.

**Observers ("outer group"):**

Will include people from relevant organisations or individuals with an interest in child welfare.

**Chair:**

Stella Kyriakides, President of the Parliamentary Assembly of the Council of Europe (PACE), former Chairperson of the PACE Committee on Social Affairs, Health and Sustainable Development.

**Facilitator:**

Doreen E. Massey, Chairperson of the Sub-Committee on Children of the Committee of Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe.

**Languages:**

Working languages for the whole group sessions will be English and French; simultaneous interpretation will be provided. Interpretation will not be provided for the breakout group meetings.

**TIME SCHEDULE AND SPEAKERS**

The seminar will last for one and a half days:

Monday 6 November (09:15-17:00) and Tuesday 7 November 2017 (09:30 to 13:15).

**Monday 6 November**

08:30	Registration and coffee
09:15	<u>Opening of the seminar</u> The Rt Hon John Bercow MP, Speaker of the House of Commons
09:30	<u>Welcome to seminar</u> Sir Roger Gale MP, Leader of the UK Delegation to the Parliamentary Assembly of the Council of Europe (PACE)
09:40	<u>Introduction to the seminar</u> Stella Kyriakides, President of the Parliamentary Assembly of the Council of Europe (PACE)
09:50	<u>Address</u> Jackie Doyle-Price MP, Parliamentary Under Secretary of State for Health, Department of Health, UK
10:10	Group greetings and coffee

10:45	<p><b><u>Children's Mental Health</u></b></p> <ul style="list-style-type: none"> <li>- Professor John Coleman, President of the Association for Young People's Health</li> <li>- Maryam Bi, Representative of YoungMinds Youth Panel</li> </ul>
11:15	<p><b><u>Child-Friendly Justice</u></b></p> <ul style="list-style-type: none"> <li>- Dr Tim Bateman, University of Bedfordshire</li> <li>- Kelly Hitchcock, Representative of University of Bedfordshire Youth Panel</li> </ul>
	<p><u>Delegates form breakout groups:</u></p> <ul style="list-style-type: none"> <li>- 2 groups on children's mental health</li> <li>- 2 groups on child-friendly justice</li> </ul> <p>Young Ambassadors divided into each group</p>
12:00	Introductions and agenda-setting in small groups
13:00	Sandwiches and networking in Portcullis House
14:00	Working in small groups
16:00	<p><u>Plenary session:</u></p> <p>Sharing perceptions on the two topics</p>
17:00	Close of day 1

*Optional:* visit to the Chambers of the Houses of Parliament

**Tuesday 7 November**

08:45	Arrival and coffee
09:30	<p><u>Opening remarks:</u></p> <p>Chairperson and facilitator</p>
10:00	<p><u>Working in small groups:</u></p> <p>Development of action plans</p>

11:15	Short coffee break
11:30	<u>Plenary session:</u> Sharing action plans
12:15	Chair's and facilitators closing remarks
12:30	Evaluation
13:00	Farewells
13:15	Sandwiches ( <i>Optional</i> )

## Appendix II

### Seminar on Children's Mental Health and Child-Friendly Justice - 6<sup>th</sup> and 7<sup>th</sup> November, 2017

#### **Thematic Presentation on Children's Mental Health**

by Professor John Coleman, President of the Association for Young People's Health

#### **Introductory remarks**

I want to say two things by way of introduction. The first concerns young people and young adults. We have a great group of young people here with us today, and we have to remember that all too often they are seen as a problem rather than as a solution. They are even named "the snowflake generation", as if they cannot cope with setbacks and challenges. They are, of course, a huge resource, and we should recognise this today. I want us to celebrate what young people can offer, rather than focus on the negative stereotypes which are so prevalent in society.

The second thing I want to note is that, although there are two strands to this seminar – mental health and youth justice – they are of course closely inter-related. Far too many young people with mental health problems find themselves caught up in the youth justice system. In addition those in custody have very high rates of mental health difficulties, and we have to ask whether mental health problems are the consequence of the treatment received within the system.

#### **Information on the mental health problems of young people in Britain today.**

I will draw the attention of the conference to the publication of "Key Data on Young People 2017" published by the Association for Young People's Health (AYPH). This ground-breaking source of current data provides a rich picture of the rates of ill health in this country. I will draw out some key themes, and highlight some important trends, such as the rise in levels of self-harm among young women.

#### **The role of the family.**

The family plays a complex role in the genesis and treatment of mental health problems in adolescence. On the one hand parents and carers can be the key support element within the wider social system, whilst on the other hand they may themselves contribute, even unwittingly, to exacerbating the troubles experienced by some young people. I want to discuss briefly the challenge for mental health professionals as to whether to involve the family or to treat the young person as an individual, recognising their need for autonomy away from the family. I will also highlight an important piece of work carried out recently by AYPH, looking at what parents can do when their teenagers struggle with mental health problems but cannot obtain suitable treatment.

#### **Innovation**

I want to end this presentation by emphasising that there are some very important and innovative approaches to young people's mental health being developed today in the UK. I will refer to the development of mental health literacy programmes in schools, to the training of youth advocates to help others more vulnerable than themselves, and to the use of digital technology to provide young people with tools to better manage their mental health problems. I want to conclude by outlining what is known as a strengths-based approach to work with vulnerable young people and young adults. Rather than always focussing on the problem, we can achieve much more by seeking out their strengths.

## Appendix III

### Seminar on Children's Mental Health and Child-Friendly Justice - 6<sup>th</sup> and 7<sup>th</sup> November, 2017

#### **Thematic Presentation on Child friendly justice**

by Dr Tim Bateman, University of Bedfordshire

#### **Introduction**

There is of course a range of different pathways through children can experience justice systems – and I certainly am not qualified to deal with all of them.

I want to focus on the youth justice system and the experiences of children as suspects or defendants. Kelly will then talk about the experiences of children as victims in the justice system. Both of our contributions will focus on E+W but I'm hoping that some of the themes we identify will have a wider resonance.

#### **A paradox**

There is something almost paradoxical in referring to a child friendly youth justice system. Many of the children's rights principles that we would want to deploy in this context are about keeping children *out of the* system through diversion. There is no rights based concept here – unlike in other spheres – of the benefits of early intervention: 'child friendly prevention' takes place largely outside the youth justice system through mainstream services provision: as the UN Committee on the Rights of the Child has put it compliance with children's rights instruments requires that States introduce '*alternative measures allowing for responses to juvenile delinquency without resorting to judicial procedures*'.

#### **Diversion**

Assessed against this criterion, the situation in England and Wales has improved markedly considerably in recent years: a dramatic decline in the number of children receiving a formal youth justice disposal of almost 75%. But it is nonetheless important to strike a note of caution alongside this welcome rise in diversion since the availability of mainstream provision to meet the needs of vulnerable children outside of the justice system has shrunk over the same period. Spending on the youth service, for instance, has fallen by an estimated £387m in just six years leading the UN Committee on the Rights of the Child to register serious concern at: '*the effects that recent fiscal policies and allocation of resources have had in contributing to inequality in children's enjoyment of their rights, disproportionately affecting children in disadvantaged situations*'. This includes no doubt at least some of those who have been diverted from the youth justice system.

#### **Punishment and participation**

It is worth asking why it is so important that children are kept out of it. It seems to me – at least in England and Wales – that the purpose of the system is largely to punish, and certainly children experience it as punitive – and that dynamic explains why we find it so hard to make it child friendly. So we continue to use a range of measures – fines, curfews, unpaid work, imprisonment – whose primary focus is to inflict a measure of pain. And this has a number of implications for how the system operates.

Perhaps most significantly, it limits the potential for the genuine participation of children – both at the point of trial and in having a meaningful say in the nature of the intervention to which they are subject. The sense that children should not be allowed to choose their own punishment, is deeply embedded in our youth justice culture; there is an ambivalence as to whether children who offend 'deserve' to have their voices heard.

#### **MACR**

The persistence of such attitudes is also reflected in the minimum age of criminal responsibility which, at 10 years in England and Wales, is lower than in any other country in Europe except Malta and the other UK jurisdictions. Children can be prosecuted and made subject to custodial measures while they are still at primary school. This is not only of step with practice across the developed world and a clear breach of international standards, but it is also internally inconsistent with other age related measures. Children cannot consent to sex until they are aged 16 and cannot purchase alcohol or tobacco below the age of 18 in recognition that their stage of maturity limits the extent to which they make decisions that are consistent with their own best interests. Such considerations appear to go by the board when they commit an offence.

### **Equality of treatment**

Evidence of such punitive sentiments is also apparent in the shocking inequalities that persist in the system - most notably in the treatment of minority ethnic children. To take just one example – while children from minority communities make up 17% of the general population, they currently account for 45% of those in custodial institutions.

### **Treatment in the justice system**

With those general remarks out of the way, I want to note briefly a number of challenges to child friendly practice at different stages in the youth justice process: court and custody

#### **Courts**

Where children are prosecuted, the majority are tried in the youth court. But significant numbers continue to appear in adult courts - more than 1000 children are tried in the Crown Court; a venue designed to deal with more serious adult offending, where adult sentences become available irrespective of the age of the defendant. Charlie Taylor who conducted a recent review of youth justice on behalf of the Ministry of Justice noted that

*The Crown Court is an intimidating atmosphere for children and its processes and physical layout are not easily adapted for children. I spoke recently to a barrister involved in the trial of two girls accused of murder who described the atmosphere in the court – which is open to the public and reporters – as ‘like a circus’. It is difficult to see how, in such circumstances, the court can fulfil its statutory duty to promote the welfare of the child’.*

But even in the youth court, there is evidence that children frequently struggle to understand what is happening. And although there are some promising developments currently under way, there is as yet no requirement that legal representatives receive specialist training and the youth court is typically used as a training ground for less experienced, or less capable, lawyers. Interestingly as recently as last week, Sir James Munby, president of the family court, called for a merging of the youth and family court to better protect children’s interests.

#### **The use of custody**

It would be peculiar for any discussion of child friendly justice not to remark on the shameful state of custodial provision within the jurisdiction. Until recently, England and Wales was clearly in breach of the requirement to use custody as a last resort and had what was calculated to be proportionately the highest use of child imprisonment in Western Europe. Over the past decade, that situation has improved considerably with a reduction in the number of children in custody from over 3,000 at any one time to around 900.

But the conditions in which those 900 are detained could not be characterised as child friendly on any interpretation. A few children are detained in secure children’s homes – child care establishments which are locked – but the large majority – approaching 90% are detained in young offender institutions or secure training centres – penal establishments that have become increasingly violent and where children feel increasingly concerned for their safety. In the most recent survey, 46% of boys in YOIs reported feeling unsafe, the highest recorded. There was a rise to almost 40% of boys who did not believe that staff treated them with respect and – tellingly – this proportion was significantly higher in the case of minority ethnic children. The number of physical restraints has risen to a five year high - and the deliberate infliction of pain is still authorised by the state when restraints are used.

When the European Committee on the Prevention of Torture visited a YOI last year, it reported that

*High levels of violence were managed primarily through locking juveniles up for long periods of time, on occasion for up to 23.5 hours per day.... [J]juveniles on a normal regime spent on average only five hours out of their cells each day. The situation was particularly austere for those juveniles who were placed on ‘separation’ lists (denoted by vivid pink stickers of ‘do not unlock’ on their cell doors), who could spend up to 23.5 hours a day locked up alone in their cells. In the CPT’s view, holding juveniles in such conditions amounts to inhuman and degrading treatment’.*

In his annual report, the Chief Inspector of Prisons concluded that there was not a single young offender institution or secure training centre in which it was safe to hold children.

### **Conclusion**

There has been a tendency in E+W to celebrate recent achievements in reducing the size of our youth justice system and the number of children deprived of their liberty – and to highlight these developments as evidence of a more child friendly response to children’s challenging behaviour. Such celebration is I think entirely justified but when we shift our gaze to focus on what happens to the smaller number of particularly vulnerable children who continue to receive formal attention from crime justice agencies, it is obvious that there is much to do before we can claim to have a child friendly youth justice system.