2017-2019 THE CHILD-FRIENDLY JUSTICE MOMENTUM IN EUROPE:

EFFECTIVE CHILD PARTICIPATION IN THE CONTEXT OF THE IMPLEMENTATION OF THE NEW DIRECTIVE ON PROCEDURAL SAFEGUARDS FOR CHILDREN SUSPECTED OR ACCUSED IN CRIMINAL PROCEEDINGS

Final conference of the Improving Juvenile Justice Systems in Europe: training for Professionals and

5th Meeting of the European Council for Juvenile Justice

Valencia, Spain

15 to 17 February 2017

Co-funded by Fundamental Rights and Citizenship Programme of the European Union
The adopted national strategy was coherent with the initiative’s aims. We intended in fact to introduce IMPROVING project and disseminate the toolkit and the manual specifying how to use them in terms of multi agency approaches and techniques and methodologies according to the involved target that was different for the 1st and 2nd workshop (key stakeholders and decision makers; operators working in the field).

Some of involved participants were then invited to be part of a permanent national coalition/network able to:

- continue to work on the key topic faced by the project;
- consolidate the knowledge and application of International and European standards;
- enhance the skills to work in partnership at a national level;
- enhance the knowledge and application of child friendly justice principles (relations and communications with and to children/youths in conflict with the law according to the national framework and context and related needs;
- enhance the cooperation between competent systems.
The criteria of selection of potential participants took into consideration the following indicators:

- Knowledge of the topic;
- Level of cooperation with Istituto Don Calabria;
- Experience in the field;
- Interest in developing the topics faced by the initiative and in participating to a national coalition able to work on juvenile justice issues and possibly identify a national/local strategy to enhance the system.
RESULTS OF THE TWO ORGANISED SESSIONS - 1

- The first workshop was held in data **29th June 2016** by Istituto Don Calabria headquarter (Vicolo Pozzo, 23 - 37129 - Verona) and saw the participation of **n. 33 key stakeholders** coming from the public and private field.

- The second workshop was held in data **1st December 2016** by Istituto Don Calabria venue in Sicily region (Centro Polifunzionale S Pietro e Santa Lucia, Via Orfanotrofio 1, Termini Imerese, Palermo) and saw the participation of **n. 43 key stakeholders** coming from the private field (see the enclosed list of participants).

**KEY OUTPUT ARE ACTUALLY DISSEMINATED (AND WILL BE DISSEMINATED) INTERNALLY IN ALL OUR SEATS AND TO ALL THE SERVICES (PUBLIC AND PRIVATE) WITH WHICH WE COOPERATE (CASCADE EFFECT).**
Aim of the Italian juvenile criminal law is the protection of the evolutionary reality of the minor from the impact with the judicial experience that can be defined as dangerous and traumatising. All intervention are hence oriented towards a quick exit from the juvenile penal system. Main criticism observed by operators working in the juvenile services in the taking in charge of youths entering in the Juvenile Justice System are the following:

- Management of psychological disorders;
- Lack of adequate support by competent services;
- Difficult access and inclusion in educational, training and working activities.
The first point is particularly spotted in foreign minors due to the traumatic experiences lived during the migration to Italy (management of perpetrated and suffered violence) and the difficulties in the relation with families remained in the Country of origin and not easily reachable. Another important point with such minors is the language and the difficult to communicate and enter in relation due to the fact that they can’t speak Italian.

As for the Italian minors, during the years even more problematic emerged as bearer of multiple disorders. In the majority of cases they are linked to psychiatric disorders and the abuse of alcohol and drugs. Different psychopathologies have been observed i.e. behavioural disorders or antisocial personality disorder.

The second and third points are indeed closely interconneted due to the heterogeneity of the Italian context and the different regional regulations in force governing the processes making difficult for the juvenile services to define common approaches and intervention strategies. Such heterogeneity and the uniqueness of each case give origin to a fragmented intervention framework.
RESULTS OF THE TWO ORGANISED SESSIONS - 4

Within any judicial procedure, participation can be real and effective only when:

- the adolescent receives information on the procedure seeing his/her involvement;
- the adolescent understand the sense of the procedure and the implications related to his/her participation.

To this aim it is fundamental to

- use a family vocabulary and a language easy to be understood;
- to take into consideration the socio cultural-context of the minor.
All the phases of the judicial proceeding must be clear and transparent in order to allow to the minor and his/her defence attorney to understand and monitor the actions carried on and eventually request for clarification on the motivation when possible.

Juveniles are hence the protagonist of their rehabilitation and social inclusion pathway. Such process can help them to become aware of the consequences of their behaviours and to assume the responsibility for them. This makes them respected and recognised by community.

An effective participation can be realised though a shared experience and assumes that all professionals working with and for the children develop the skills to involve them and, at the same time, to be involved according to an emphatic and authoritative approach.
Conclusions and some recommendation emerging by the 2 national seminars:

- The juvenile penal system must be characterized by the aim to socially re-include the minor. The criminal procedure while monitoring the possible discomfort of the youth, must tend to return the same to ordinary social life avoiding intervention destructuring his/her personality. This requests the maximum involvement of all key stakeholders who must be able to take into consideration the personality and peculiarities of the minor and his/her educational needs in order to define and implement intervention strategies leading to a real and concrete social re-inclusion.

- Key stakeholders involved in the juvenile justice system (such as police, judges, lawyers, social workers, educators...) and above all parents and family play a central role within the minor’s educational pathway and re-inclusion process. Policy and decision makers and the whole community as well have a central role in the rehabilitation and social re-inclusion of the minor as well in terms of prevention (see General Comment n.10 of UN Committee on the Rights of the Child (CRC)).

- An active participation requests hence a bidirectional and mutual relation aiming to listen to the other in a perspective of comprehension and respect.

- It is fundamental that all actors involved in the minor's pathway within the juvenile justice system share a common knowledge of the minor according to a networking and multidisciplinary approach.
RESULTS OF THE TWO ORGANISED SESSIONS - 7

- It is fundamental to **involve parents and families** (when possible and coherent with the best interest of the child) and to provide for ad hoc programmes supporting families.

- It is fundamental to provide for **multi-disciplinary training** of stakeholders and professionals (judges; lawyers; social workers; educators; psychologists; police; penitentiary police and so on...).

- It is fundamental to identify a set of **observing and interactive tools** to listen the minor. Of course, we can’t ignore the need for a series of organizational and logistic factor related to the fact that the minor is a subject in need of care.

- It is fundamental to involve the minor in the draft and monitoring/evaluation of his/her **educational and rehabilitative tailored pathway** listening to his/her point of view and taking it into consideration when developing and implementing the same.

- It is fundamental to **enhance coherence among different involved systems**, levels and professional figures.
Structure

The national coalition is composed by n. 10 professionals working in the field coming from public and private. The major part of stakeholders participating to the n.2 seminars (Verona, June 2016; Palermo, December 2016) showed a certain interest to be part of such coalition, hence, considering the above mentioned indicators, we made a sort of selection and decided to include those stakeholders with whom we already cooperate in our daily activities in order to give continuity to the work that we are carrying out at local/regional level.
FOLLOW-UP OF THE NATIONAL COALITION - 2

Mission

The mission is to enhance the juvenile justice practices in the full respect of minors’ dignity (according to international, European and national standard) giving continuity to the already existing network and cooperation in light of the needs emerged during the 2 organised seminars i.e.:

- To ensure **key rights** of juveniles inserted in the juvenile justice system (health, education, privacy, to be listened, to be informed, to appoint a lawyer and so on...);
- To provide **ad hoc training** of key actors operating in the field (for example on the topic of listening to the child and communicate with the child);
FOLLOW-UP OF THE NATIONAL COALITION - 3

- To promote **networking** and a close cooperation among involved key stakeholders of public and private;
- To promote **Prevention**;
- To involve **Youth, Family, and Community**;
- To divert Youth from the Justice System;
- To reduce Institutionalisation;
- To provide a Range of **Effective Community-Based Programs**;
- To recognize and Serve Youth With Specialized Needs;
- To guarantee and enhance **Aftercare**.
The national dimension and the horizontal and vertical dissemination of key outputs of national coalition’s work is guaranteed by the presence of Istituto Don Calabria that, as already highlighted, has different headquarters on the whole Italian territory (Verona, Ferrara, Rome, Naples, Palermo) and will be able to spread the key results of the work of such coalition internally within its venues and externally to public and social private realities with which it cooperates. An internal board composed by n.3 members will coordinate and monitor the different actions implemented by the coalition. Members will be elected by the group (with modalities to be defined) and will stay in place for n.6 months.
NEXT STEPS

Permanent roundtables will be held quarterly in order to share experiences and define new strategies to improve the already existing practices and approaches. To this aim, an ad hoc tool has been drafted to monitor the state of art in the different fields i.e.

- family rights;
- family duties;
- services’ rights;
- services duties;
- minors’ rights;
- minors’ duties.

For each area, some sub-indicators have been identified in order to analyse the aspects to be improved within the identified fields (what works? What doesn’t work? What must be improved?). Such tool will represent a sort of guide for the work of the national coalition.
NEXT STEPS - 2

Ex. FAMILY - RIGHTS
- To be informed
- To be listened
- To be welcomed
- To revise their own parenthood
- To be supported
- Right to a not judging approach
- To complain
- To participate to decisions
- To be a key actor within the pathway
- Right to aftercare

FAMILY - DUTIES
- To support the son
- To be involved and responsible of the son’s process of change
- To invest in the pathways
- To accept the limits of provisions and prescriptions
- To accept the exchange with services and institutions
- To recognise the role of services and institutions
This is the starting point, our will is to work hard to maintain the coalition and promote the networking among the different involved systems in order to share knowledge and know how improving and enhancing this way approaches, strategies and methodologies.
THANKS FOR YOUR ATTENTION

silvio.masin@doncalabria.it
alessandra.mineso@doncalabria.it