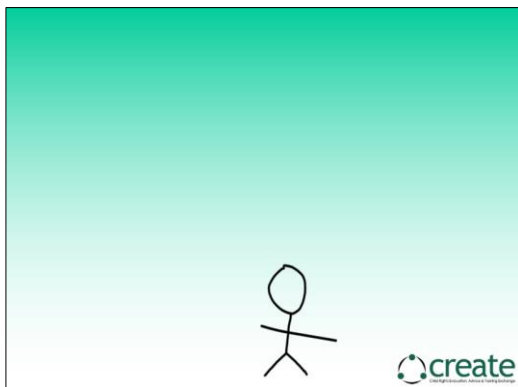
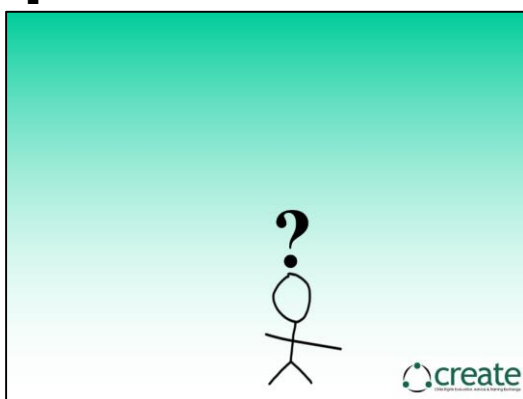


**World Congress on Juvenile Justice 2015 –  
Synthesis of workshop findings  
Marie Wernham<sup>1</sup> on behalf of the Synthesis Committee  
Friday 30 January 2015**



*I am a child. My name is Marie, Marietta, Amal, Fabrice, John, Joao, Xinmin, Béatrice, Bolaji...*

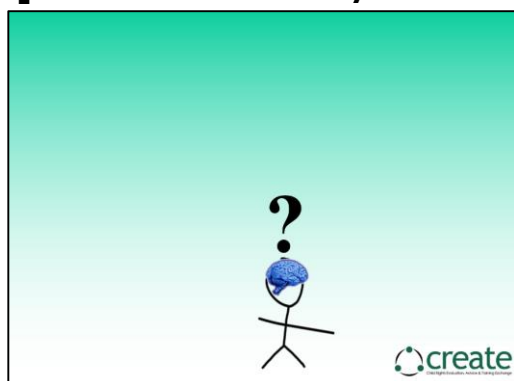
**[1. Gender and children in street situations]**



Am I a boy? Am I a girl? Am I an ethnic or sexual minority? Am I indigenous? Am I living or working on the streets? Do you even care? Do you understand? As a boy or as a minority or as a street child, I am over-represented in the justice system. As a street-living child I miss out on your clever diversion and restorative justice measures. There's nobody to pay my bail or call a lawyer and I don't want to tell you where my family is for a family group conference because I ran away in the

first place. Spare a thought for me in your projects and plans. As a girl it is apparently my fault for being sexually abused and I should be criminalised and even locked up - for my own protection, for my word not being strong enough against his, for being forced to sell myself just to make it through the day. As a boy nobody talks about the sexual abuse I suffer. It is taboo.

**[2. Brain research / child development / worst violations]**

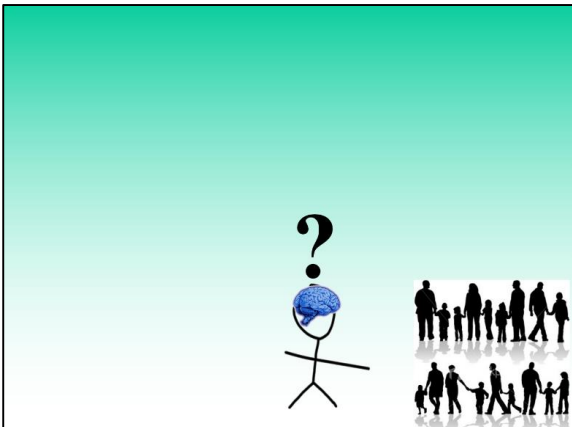


My brain is still developing. I take risks. I overestimate reward and I underestimate risk. I'm sometimes like a car with only the accelerator pedal and no brake. I can become a remarkable person, filling the world with music and love and a cure for cancer, but my reasoning skills need help to develop. I need to learn how to take responsibility. I need to learn from my mistakes. Please don't kill me for them. Don't lock me away for life, for life

<sup>1</sup> International child rights consultant, CREATE: Child Rights Evaluation, Advice & Training Exchange, [www.createsolutions.org](http://www.createsolutions.org)

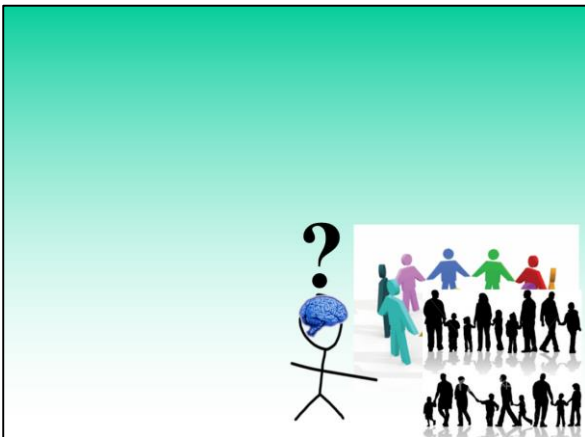
without parole, for an indeterminate time or at the 'pleasure of the President'. A year for me is like six or seven years for you grown-ups. My perception of time is time is different. I experience isolation and torture differently. Please – help me, don't hurt me. I've already been hurt enough in my life. In some ways I may look and act older than I am, but it's only on the outside. I have to act tough to survive. Please raise the minimum age of criminal responsibility. If you're not sure of my age, if I can't prove it, give me the benefit of the doubt. Assume I'm a child. I certainly am on the inside.

**[3. Culture, family and community ties]**



Understand where I come from. Who I am. My culture, family, extended family, friends and community. Understand what helps me and harms me in these relationships.

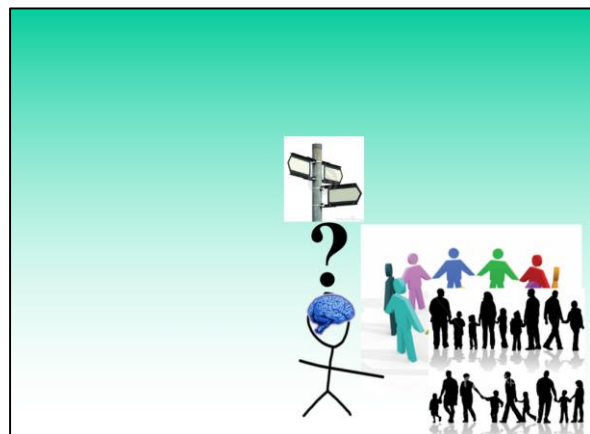
**[4. Role of professionals and the justice system / sensitising public opinion]**



Whether you're a judge, a lawyer, a police officer, social worker, psychologist, probation officer, doctor, NGO worker or anyone else – protect me, become a part of my support network, help me grow.

Understand my past, help me in the present and guide me towards a positive future.

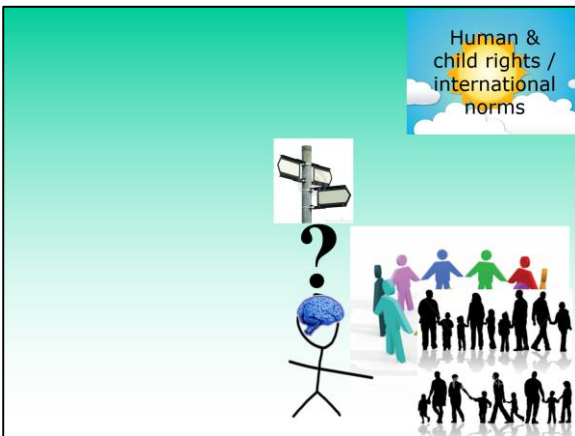
Work strategically with the media and social media to sensitise everyone about my situation, rights and needs – families, communities, professionals and the general public. Make sure these messages reach right into the deepest, remotest rural areas.



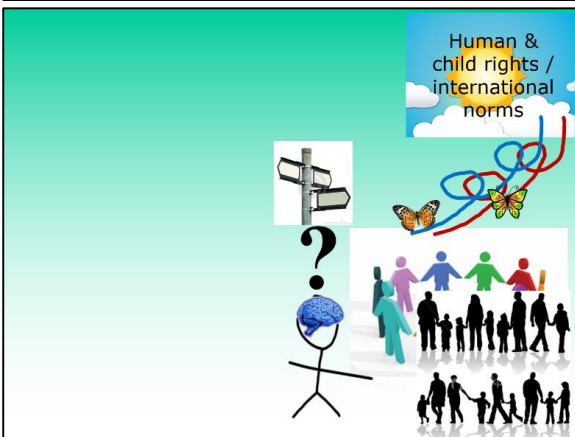
**[5. Training / capacity building / case management / victims/survivors and witnesses]**

To do this you will need to work together, as a team, be trained together, have the same goals, have codes of conduct you comply with, have mutual respect for each other and for me, whatever my contact with the law – whether I’m an offender or victim. After all, let’s face it, I’m usually both. Learn not only about the technical stuff with your head, but change the attitudes in your heart and put it into action through your hands. Make your systems as efficient and smooth as possible so you can spend more time helping me and less time on paperwork. Please don’t make me keep telling my story again and again, moving me from place to place. I’m confused and vulnerable enough already. Provide me with a ‘one-stop shop’ where I feel safe and listened to. I need you to be professional, accountable, but above all human.

**[6. Traditional and non-formal justice]**



I have a vision that one day I –and all the children in the world like me - will be treated fairly, sensitively and compassionately, with the same high standards that they call ‘international human rights, standard and norms’. I have a vision that the processes that I have to go through, and the people that I meet at this difficult time will be ‘child-friendly’.

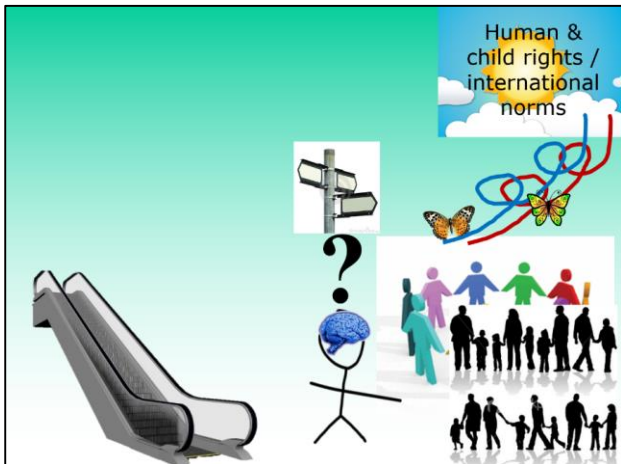


I have a vision that to get to this wonderful, warm place, different justice systems will work together in clever and innovative ways. That the good bits of the traditional justice systems of my village and of my people will be acknowledged and integrated into modern systems. Traditional and formal systems need to work together towards the same vision. They both need to leave behind the practices which aren’t compatible with this vision, like a butterfly shedding its cocoon. You might find it useful to better define

what you mean by ‘traditional’, ‘customary’, ‘non-formal’ and ‘informal’ justice. But maybe this isn’t so important seeing as we want to create something integrated and new. Just make sure the time you spend on your theories doesn’t take you away from my realities. The butterfly is still beautiful, no matter what it is called. I know this will take time, but – for my sake – please make sure that, step by step, wing-beat by wing-beat, you keep moving forward in the right direction.

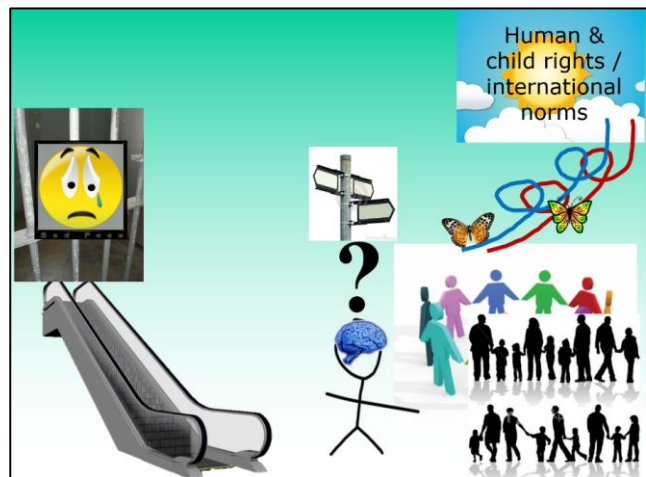
## [7. Prevention and diversion]

I hope I never get to meet people like you, as lovely as you are. I hope that you can get political will on your side and improve my social, economic, educational and cultural situation and that of my family and friends so I never have to come into contact with this scary thing that I don't understand, laughingly known as the so-called 'justice' system. Please, please, do all that you can to keep me away. Primary or 'universal' prevention as you would say.



further damaged or even ruined: the escalator that leads to detention. Divert me whenever and however you can to restorative processes and outcomes. If you can't keep me away altogether, then make sure your system is flexible and that your measures and interventions don't automatically have to lead one way only, regardless of my particular circumstances.

Get better at identifying and reaching me when I'm particularly at risk – your secondary or 'targeted' prevention. If you fail in this – and believe me, it will be a failure – then reach me quickly the first time I make a mistake, to stop me doing it again – your tertiary or 'specific' prevention. Above all, please, please help keep me away from the escalator that leads to my life being



## [8. Role of the police]



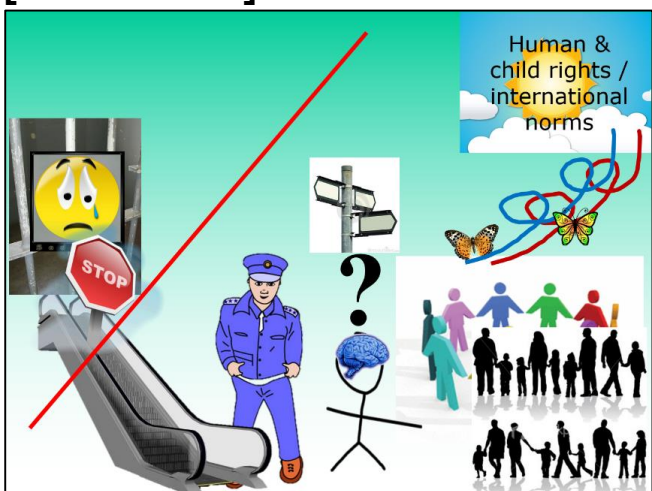
If I get into trouble or someone hurts me, the first person I see will probably be a police officer. I can't ignore him or her, and neither should you. Please make sure they know how to act. Just 30 minutes ago they were arresting a man with a knife or gun, adrenaline pumping, maybe scared for their own lives. You can't expect them to suddenly act differently with me unless you show them how and help them. Don't pressure them to get a confession at all costs and then be surprised when

I complain of torture. Hold them accountable, yes, with systems in place, but



work with them and support them before blaming them for everything. Although some of my cousins live in urban areas and slums, I live in a village hundreds of miles away from your specialised police units. They're no good to me out here, although they're great if you have them nearby. Specialisation is important, but *all* your police need initial and ongoing training about how to engage with me – and I do mean engagement, not enforcement as a first step. They need both competence and compassion. My meeting with them should be an opportunity to help me, not a problem. I am all the risk factors you've been looking for. Make the most of it.

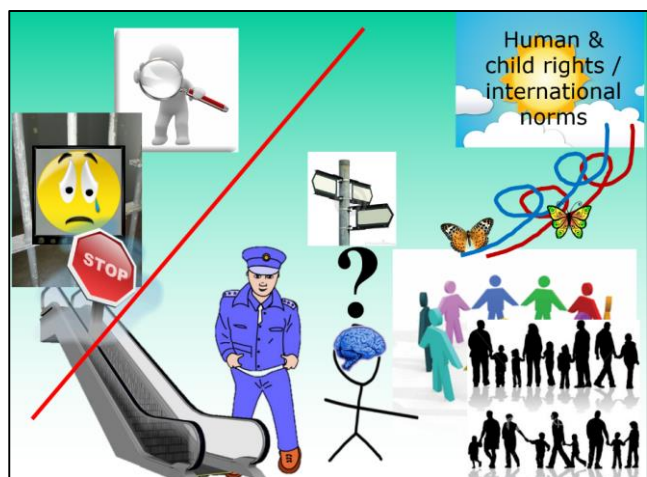
**[9. Detention]**



If you've done your jobs well then in nearly all cases I shouldn't end up in detention at all. You should make it as hard as possible to put me here, particularly before, but also after sentencing. Detention has to be the most difficult and complicated, awkward and annoying thing for professionals to apply to me. It really shouldn't be so easy, in law or practice. It must be the absolute rare exception, not the default norm. But even if that's the case, even in the

ideal, warm future I imagine, there will still be some of us children who end up there because we are so troubled and our problems are so complicated that we have done truly terrible things to others. In these relatively tiny, few extreme cases, these facilities should be small and intimate, with a good ratio of experienced, compassionate, patient, well-trained staff, and mental health care professionals. Separate me from adults and older children. Don't put me in detention within detention – isolation, segregation. Help me maintain contact

with my family, friends, people. Have well-resourced independent monitoring mechanisms to check on me, and safeguards so I can talk to prison monitors without being beaten in reprisal. If this doesn't happen I will continue to be humiliated, raped, beaten, staring at a blank wall, alone, isolated, rocking myself towards a sleep that doesn't come, killing myself or being killed – all in the name of your beloved detention. If this doesn't happen, then continue to



cry and weep at the photos of me in the lobby [Congress photo exhibition] – in your rich countries, as well as the poor. End this culture of repression and impunity. For God's sake – sound the alarm.

### [10. Data]

You want to count me. You need better data. Just be sure what you're counting and why. Is it in my best interests? Will it ultimately help me and protect my rights? Don't try to compare your own numbers with those in other countries. We children have been counted in such different ways that it's not useful. If you're just starting on the data journey, then learn from the mistakes of others who've already been down this road. I hear there's going to be a Global Study [on Children in Detention]. It sounds good. Try and contribute to it if you can.

### [11. Budgets and cost-effectiveness]

You're spending an awful lot of money to turn me into a criminal by scaring, degrading, humiliating and even torturing me. You're giving me excellent vocational training - in crime, my apprenticeship supervised by the best inmates the criminal justice system has to offer. Stop. Review your spending. Move your money away from detention and invest more, much more in prevention, diversion and restorative justice. They tell me there is a far off country called 'Peru' where I can find some clever software - a concrete tool for State planning of juvenile justice budgets. That sounds useful!

### [12. Migration and humanitarian contexts]



The world is changing. I'm getting more and more mobile, migrating within and across borders, in search of better opportunities, with or without my family, or displaced by conflict and disasters. It may not be my own government that needs to take responsibility for me. The international community needs to take responsibility as well. I'm so vulnerable. If I get into trouble, please keep me with my family and friends and work hard to

find a solution in my best interests. International instruments exist but they need to be ratified by more countries. In crisis situations, work towards at least the minimum standards - things that can be put in place on the spot, like guidelines for security forces on simple restorative justice. Try to better prepare countries before it reaches a crisis situation. Protect me from revenge once the conflict is over.

### [13. Vision, innovation, inspiration and creativity]

I'm sorry if I've upset you. I didn't mean to bring you down. After all, you're here. You came from all over the world. You're listening to me and to each other. The bad and the sad things which have happened to me, which are

happening to me and which will happen to me in the future – it doesn't have to be that way. Focus on the butterflies. Share my vision of international norms and standards. Many of you have already helped me so much. Every day. In so many ways. Thanks to you I found a way forward. Thanks to you, I am one of the few who never got on the escalator, who turned their life around. Mine is a message of hope and of thanks. Let us be inspirational and visionary. Let us show the world what is possible.

*I am a human being. I believe, like the Universal Declaration of Human Rights, that we are all born equal in dignity and rights. That we are endowed with a spirit of conscience and reason and that we should act towards one another in a spirit of brotherhood and sisterhood.*

*I am a human being. I am a child. I deserve the best you have to give. I am a child. My name is Bernard, Fabrice, Amal, Marie, Jo.....and, with your help and guidance, I fill the world with music, love and a cure for cancer.*

