

# Editorial

## Youth Justice in Europe

*Dr Jamie Bennett is a group director in HMPPS and formerly Chief Operating Officer of the Youth Justice Board, Dr Ellie Brown is the Director of Impact at Get Further, and Dr Amy Ludlow is Chief Executive of SHiFT.*

While the adult prison population across the UK has been growing and reaching record highs, a quiet revolution has taken place in youth justice. Twenty years ago, there were 3000 children in custody in England and Wales but from 2007 there has been a steady decline, and by 2024 there were fewer than 500 children in prison. This special edition seeks to explore this change and place it in the context of a wider set of developments in youth justice across Europe. As well as understanding what has happened and why it has happened, the articles also consider what needs to be done next to sustain and build upon the progress of recent years.

The opening article is a survey of youth justice in Europe, written by distinguished scholar **Frieder Dunkel**. Dunkel describes the contested ideologies of youth justice including welfare, minimum intervention, punitiveness and managerialism. Although there are disagreements and debates about the best approach, there has been a trend for European countries towards welfare and minimum intervention, recognising the wider social causes of crime and the potential harmfulness of drawing children into the criminal justice system. There are significant differences between countries, including in the scope of youth justice, with variations in the minimum age of criminal responsibility, and a growing movement calling for a raise in the upper age limit, reflecting a better understanding of neuroscience and brain development. Dunkel's work encapsulates the similarities and differences amongst European nations and highlights the incomplete and ongoing nature of progress in youth justice.

**Jasmina Arnež** and **Mojca Plesničar** provide an in-depth assessment of the implementation of welfare orientated youth justice in Slovenia. This is a nation that has embraced the dominant welfare and minimum intervention approaches in framing law and policy, yet by examining the reality of practice in courts, prosecution and the administration of sanctions, Arnež

and Plesničar expose a gap between the lofty rhetoric and the reality of a system that does not consistently understand or engage with children. From the authors' perspective, Slovenian youth justice is a partial and unfinished project. Although examining a specific national jurisdiction, the observations are equally important in identifying challenges experienced in many countries.

In their examination of youth courts in UK and Europe, **Stewart Field** and **Stefan Machura**, describe different practices and highlight common problems including the lack of specialised legal advice and judicial expertise. They nevertheless also identify some promising developments, including attempts to improve the understanding of the needs of children and promote the use of diversionary approaches that seek to help children outside of the formal court system. Field and Machura argue that the future lies in the development of problem-solving approaches in which courts work more collaboratively with children and professionals over a period of time to provide better support and encouragement. These approaches have been piloted in various countries and in different ways, such as community courts or drug courts, and could be equally beneficial in working with children, who often have complex and multiple needs.

Although the number of children in custody is declining, these institutions continue to be criticised for their harmfulness and ineffectiveness. **Fiona Dyer** provides an account of reforms in Scotland, which have sought to end the use of Young Offenders' Institutions for children and instead replace them with 'secure care'. This system-wide approach has seen a reduction in the use of custody and the creation of a more child-focussed and supportive approach to manage the most vulnerable children who need to be in a secure setting. Dyer's article shows that substantial systemic change is possible.

An issue that pervades criminal justice in European settings is that of vulnerability and social

marginalisation. In his challenging survey of European youth justice, **Colin Webster** exposes that youth justice systems disproportionately draw in children from minority ethnic communities and those who live in poverty. In this account, the justice system reflects inequality in society and the solutions lie not only in reforming the legal system but in addressing economic, social, and educational inequity.

The final contribution to this edition is an interview with **Stephanie Roberts-Bibby**, the Chief Executive of the Youth Justice Board for England and Wales. In this, she describes the development and transformational impact of the evidence-based 'Child First' approach, while also candidly describing the continuing gaps and failures in the youth justice system.

The book review section includes **William Payne's** review of *The Impact of Youth Imprisonment on the Lives of Parents* by Daniel McCarthy and Maria Adams.

The subject matter of this book draws attention to the wider impacts of youth justice, in this case on parents.

This special edition has been inspired by recent developments in England and Wales but has sought to take a wider perspective. It has sought to understand the changes in youth justice across Europe and identify a broader pattern in criminal justice practice and in society. The articles have also sought to question whether a more child-friendly or child first approach is really emerging in practice, examining the gap between rhetoric and reality. This edition has also sought to encourage better practice, sharing ideas and promoting a commitment to children in the criminal justice system. In common with the *Prison Service Journal's* broader aims, this edition seeks to disseminate knowledge and also promote positive change in youth justice and in the lives of children. The quiet revolution is unfinished and this edition is a call for further action.