

Treating our children as children first

Keith Towler calls for the youth justice system to be United Nations Convention on the Rights of the Child compliant.

My first 12 months as Wales' children's champion brimmed with inspirational and exhilarating moments, none more so than the privilege of reporting to the UN Convention on the Rights of the Child about the progress of the Welsh Assembly Government (WAG) in making children's rights a reality across Wales. It also of course provided an opportunity to focus on the performance of the UK State Party.

It was during the evidence-giving session that I, along with my fellow UK Children's Commissioners, called for the youth justice system to be UNCRC compliant. We also called for the need to identify ways in which children and young people are able to participate in reviewing the effectiveness of measures to prevent crime and promote safer communities.

Currently in the UK, we have a youth justice system which does not comply with the UNCRC and is dominated by a punitive approach. Yet in Wales, we have a youth offending service that takes a pride in focusing on preventative work. We have practitioners who work in partnership with other organisations so they can collectively take a holistic approach to meeting children's needs, whilst also addressing their offending behaviour or minimising the risk that they will be drawn into such behaviour.

This is all informed by the All Wales Youth Offending Strategy, which is jointly chaired by WAG and the Youth Justice Board for England and Wales (YJB). The strategy boldly and correctly declares that children

at risk of offending or who are drawn into the youth justice system, should be treated as children first and offenders second. This is very much in line with WAG's seven core aims for developing services for children and young people. Each of those seven core aims is tied directly in to the UNCRC. What we have seen in Wales is a partnership that shares a common vision and builds a foundation for developing responses to children in trouble, or at risk, which has worked creatively on a prevention approach. But we still see too many children from Wales held in custody. I am frustrated about our inability to take control of a system that could build on the preventative approach and develop a youth



justice system for Wales that would more effectively meet the needs of our children and contribute to the development of even safer communities.

I'm told that work is underway to *refresh* this strategy. I'm pleased to hear that and hope that WAG, the YJB and their partners can build on the progress to date and identify ways in which a fully UNCRC compliant youth justice service can be developed for Wales.

Its continued success, however, depends on the active participation of children and young people. Before becoming the Commissioner I worked for a number of years in and around the youth justice system in Wales and in England. It never failed to amaze me the extent to which the system never listened to children and young people; never really tried to understand why these vulnerable children got drawn into offending; never really took the trouble to ask, let alone listen to a reply. Instead we seemed intent on developing ever harsher responses to their behaviour. What I learned was that punitive responses did damage to young lives, did little to prevent offending and ultimately led to communities

becoming more fragile and less safe. When I first became aware of the UNCRC I became excited by the prospect of working within a child rights approach. When the UK government ratified its intention to work towards delivering child rights across the UK it made a promise that it is yet to fulfil.

I am of the opinion that we must now act on the concluding observations of the UN Convention with real

determination. The Convention have told the UK government that the youth justice system is failing our children. We must treat our children and young people with dignity and worth and also listen to them and draw on their experiences to build effective responses to their offending, to develop preventative approaches which they think will make a difference and help them to contribute to the development of safe communities.

Whilst I'm encouraged by speaking to practitioners, who clearly share my frustration, there are still children caught up in this system whose treatment is way short of what I expect. For example, we have young people from Wales being detained in secure settings in England, bewildered by being hundreds of miles away from their family, deprived of adequate mental health support and studying an unfamiliar curriculum.

I saw for myself during a recent visit to a secure setting in England the dire consequences of red tape on some of the young people from Wales who were detained there but as the Children's Commissioner for Wales I cannot review any non-devolved services, including youth justice. I was impressed with the dedication and commitment that staff in the Youth Offending Institutions have. I could see that they were all committed to doing the best they can for those in their care. I was reassured by their approach, sympathetic to the difficulties they face but ultimately still of the opinion that the difficulty of their task is compounded by the fact that those children should not be in their

care. If some children do require a secure setting because their offending is so serious then surely they should be detained closer to home, in a smaller unit more able to address their welfare, education and offending needs, with staff who can work in partnership with the child's family and with the relevant external agencies.

The bottom line is this: children are not failing our system our system is neglecting and failing them.

In addressing the UN's Concluding Observations on youth justice I believe we need an honest and open debate on the way forward. For example, Wales has a structure and governance commitment to a child rights approach that warrants close attention. One of the points worth debating is the extent to which youth justice services could be devolved to such a governance arrangement. Whatever the merits of the debate it may well prove useful to pilot a new approach. I suspect there would be much to learn that would also be beneficial to the development of a regional approach in England. Given the current failures, so astutely outlined by the UN Convention,

what have we got to lose by taking forward a radical rethink? I believe we would see a significant decrease in the number of children detained in the secure estate. It would allow the service in Wales to conduct its holistic approach, in compliance with the UNCRC and in line with its own refreshed strategy, and would allow the country's Children's Commissioner to safeguard the rights and welfare of all children and young people.

I realise this is a bold point of view but I shall continue to challenge. I see this as a key function for a Children's Commissioner. In five years time I will return to Geneva to report again on what progress I think we have made on child rights. I will be disappointed if I have to report that the UK State Party did not have the courage to do something about youth justice. My disappointment however will be as nothing compared to that felt by the children and young people we will have collectively failed. ■

Keith Towler is the Children's Commissioner for Wales. He became Wales' second Children's Commissioner on 1 March 2008.



it is my base - we
go there for chilling
out + playing music -
some where to go...
A J J