

# World Congress on Justice for Children Paris - May 2018

Implications of the latest neuroscience research for child justice and for the UN Convention on the Rights of the Child.

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UNESCO house - Paris

## WORLD CONGRESS ON JUSTICE FOR CHILDREN

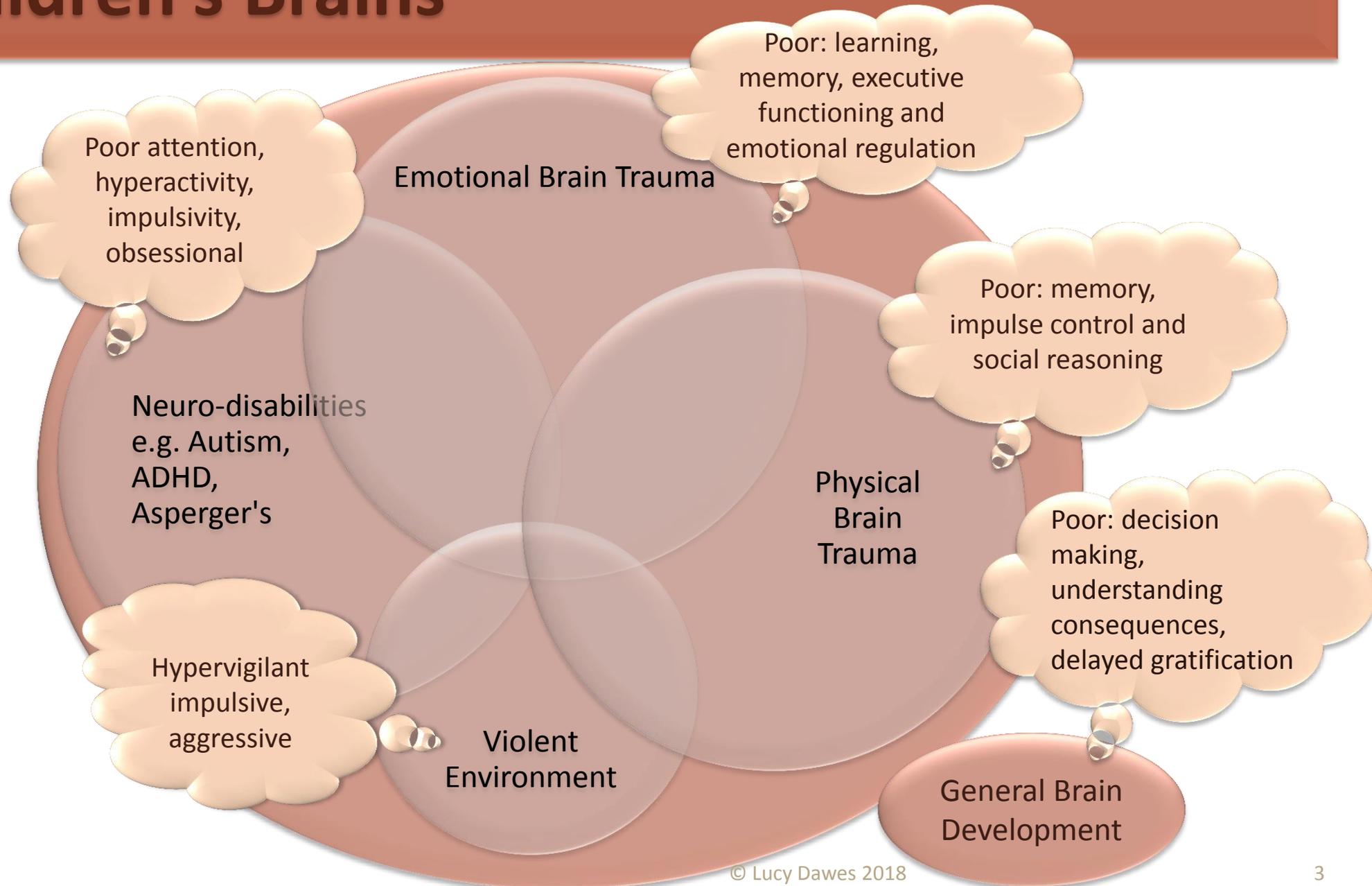
28-30 MAY 2018

**STRENGTHENING JUSTICE SYSTEMS FOR CHILDREN**

# Introduction

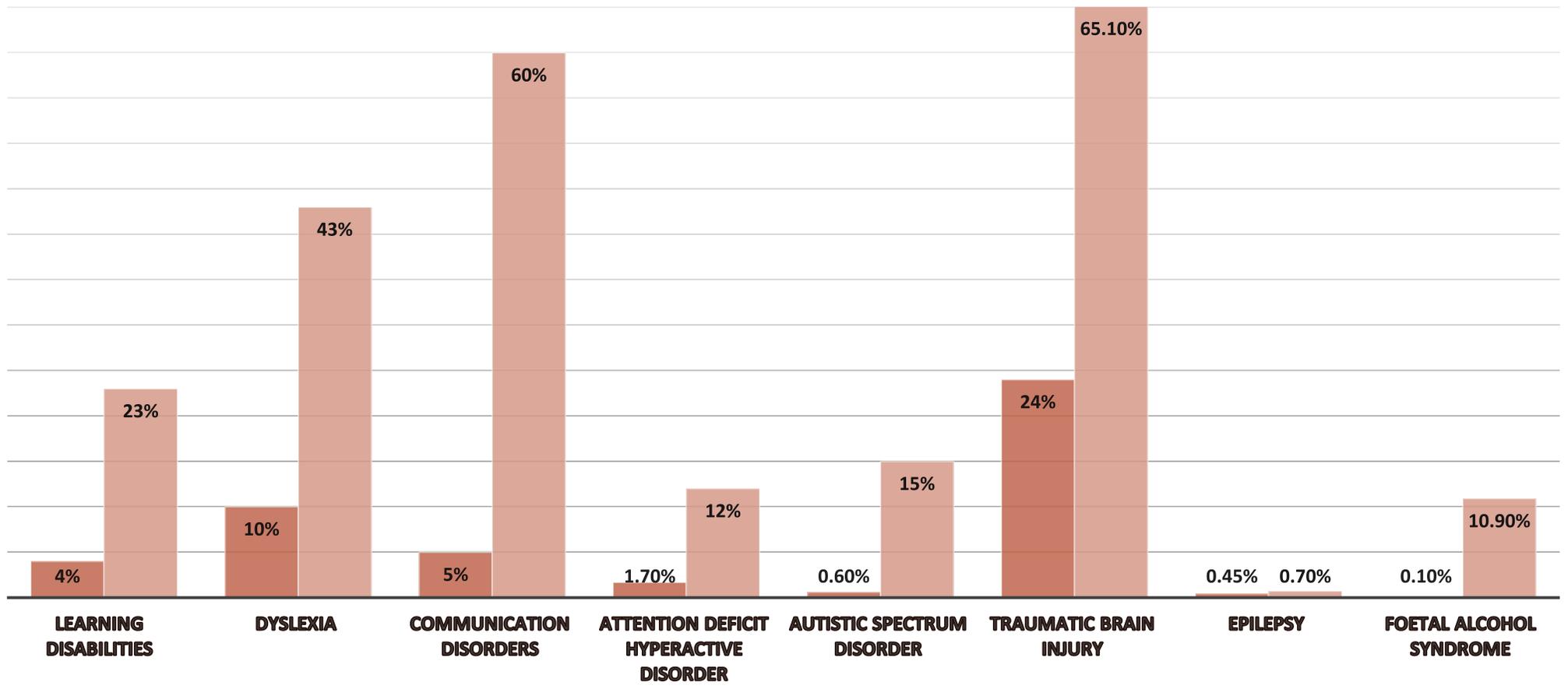
- Not an academic/researcher
- Former probation officer → Director at the Youth Justice Board (day to day responsibility for the operation of the child justice system in England and Wales)
- Now an international freelance child justice consultant – reviewing secure facilities, developing diversion, court ordered interventions and resettlement etc
- Implications of latest neuroscience research for child justice practice and UN CRC

# Children's Brains





# Neurodevelopmental disorders common among young people in custody



General Young People Population

Young People in Custody



# Implications for Child Justice Practice

- Assessment – ask the right questions;
- Access to the right services;
- Training – including police, judiciary;
- Multi agency working – psychological services;
- Diversion – support cognitive development; and
- Trauma aware services

# Trauma Aware Services – are those that:

- Provide a safe and predictable environment;
- ‘do no more harm’ – emphatic approaches rather than reactive/punitive ones;
- Build hope – support to see a positive future;
- Have staff with realistic expectations – long term goals;
- Build child’s personal resilience and social support systems;
- Develop a child’s organisational, decision-making and goal setting skills;
- Help a child with stress management techniques and wellness practices (diet, sleep etc); and
- Listen – the voice of the child is very important here.

# UN - Rights of the Child

*“the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”* Geneva Declaration Rights of the Child 1924

*“Conducting proceedings in the best interest of the child and ensuring their full participation in the proceedings”* UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985

*“Children differ from adults in their physical and psychological development, and their emotional and educational needs. Such differences constitute the basis for the lesser culpability of children in conflict with the law.”* UN Committee on the Rights of the Child, General Comment 10: Children’s Rights in Juvenile Justice, April 2007

# Is that enough?

If a child lacks the capacity to -

- understand cause and effect;
- empathise with a victim or form any sort of emotional bond;
- exercise impulse control;
- correctly estimate danger – leading to an over/under reaction; or
- imagine or plan for the future.

Then should they be held culpable for criminal acts – can they properly participate in the proceedings?

Who should decide and on what basis?

Do we need a UN debate and subsequent guidelines etc?

# Useful Sources: 1

## **Children's Bureau – US Department of Health and Human Services**

<https://www.childwelfare.gov/>

Useful Fact Sheets, Bulletins and Briefs e.g. -

*Understanding the Effects of Maltreatment on Brain Development*

*Supporting Brain Development in Traumatized Children and Youth*

## **Transition to Adulthood (T2A)**

<https://www.t2a.org.uk>

*Repairing Shattered Lives – Brain injury and its implications for criminal justice*

Other useful reports on maturity etc.

## **Beyond Youth Custody**

Young offenders and trauma: experience and impact: a practitioner's guide

<http://www.beyondyouthcustody.net/>

Other useful reports.

## **International Association of Youth and Family Judges and Magistrates**

Children in Contact with the justice system guidelines

<http://www.aimjf.org/>

# Useful Sources: 2

## Articles -

*What are the associations between parenting, callous–unemotional traits, and antisocial behaviour in youth? A systematic review of evidence*

Rebecca Waller, Frances Gardner and Luke W. Hyde

<https://www.sciencedirect.com/science/article/pii/S027273581300041X?via%3Dihub>

*Incubated in Terror – Neurodevelopmental Factors in the ‘Cycle of Violence’*

Bruce D. Perry, M.D. Ph. D.

[https://childtrauma.org/wp-content/uploads/2013/11/Incubated\\_In\\_Terror.pdf](https://childtrauma.org/wp-content/uploads/2013/11/Incubated_In_Terror.pdf)

*Nobody made the connection: The prevalence of neurodisability in young people who offend October 2012 Office of the Children’s Commissioner England*

[http://www.ipjj.org/fileadmin/data/documents/reports\\_monitoring\\_evaluation/ChildrensCommissionerEngland-Hughes\\_NobodyMadeTheConnectionNeurodisability\\_2012\\_EN.pdf](http://www.ipjj.org/fileadmin/data/documents/reports_monitoring_evaluation/ChildrensCommissionerEngland-Hughes_NobodyMadeTheConnectionNeurodisability_2012_EN.pdf)