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WP2 Leader: DCI Italy



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1. INTRODUCTION OF THE PROJECT AND SCOPE OF THE PARTICIPATORY NEEDS ASSESSMENT REPORT

1.1 The project JUST CLOSER: context and objectives

When a child interacts with the justice system, she/he enters a new and intimidating world, with specific logic, rhythms and language, which are very far from the child's own reality. As a result, most children feel alienated and lost, feeling that the justice system is not based on their needs and rights and not aimed at a true and comprehensive rehabilitation, but mere punishment. This fact has a negative impact on their wellbeing, self-esteem, contact with professionals, perception of fairness of the procedures and ability to participate, accept and understand the outcomes. In fact, most national juvenile justice systems, even where compliant with European and national legislation, are still often very distant from the needs, perspectives and claims of children. There is a practical gap between children's rights, needs and views and the operation of juvenile justice, largely connected with the inability of adults to inform and hear children and to take their views into full consideration. Children feel they do not have space and opportunity to communicate and to express their views. Moreover, professionals working in the juvenile justice system find it challenging to engage and communicate with children, because of the split reality they are working in: the legal world and the world of the child with its own language, norms and values.

In order to address these issues, there is the need to strengthen child-friendly language and communication and to promote children's right to participation throughout the criminal justice process. Child-friendly communication skills of professionals emphasise respect, demonstrate that young people are taken seriously and treated fairly and give them the means to increase control of their own case and life, where the right to participation increases ownership of their actions and promotes the necessary self-esteem to evolve and transform a negative episode in an empowering experience with the potential to shape a better future.

Through a set of integrated and comprehensive activities, the project JUST CLOSER aims at contributing on the one hand to giving children the possibility to express their doubts and complaints, request information, claim their rights freely and receive adequate support (right to information, right to be heard, right to address complaints). On the other hand, the project intends to do so by providing a space where children and youth can engage to build up a safer and more harmonious way out from the justice system, to create spaces in the justice system able to receive, reflect on and put into practice children's and youth orientations as well as provisions of the EU acquis on children's rights in criminal proceedings, to foster cooperation among professionals working with children that are suspects or accused persons, to strengthen cooperation among different European stakeholders and ultimately, to contribute to the harmonisation of practices in relation to the relevant legislation in different Member States.

The implementation of the project JUST CLOSER will contribute to making the justice system closer to the rights and needs of children who are suspects and/or accused persons of crimes by promoting effective participation of children in criminal proceedings concerning them, in accordance with Directive (EU) 2016/800, while fostering training of professionals and harmonisation of practices in the field of juvenile justice in the EU territory.

The partnership

The consortium is composed of 6 partners in 4 EU countries, among which 2 are grass-rooted organisations working directly with children and youth in contact with the juvenile justice system 3 are academic institutions and 1 is a national authority: Defence for Children International Italia, Sticing Young in Prison, University of Amsterdam, University of Genoa, University of Valencia and Greek Ministry of Justice, Transparency and Human Rights.

Closer spaces

The Workpackage 2 of the project (*Closer Spaces*) comprehends the activities where children and youngsters are directly involved. Both in Italy, Greece and the Netherlands, a group of Youth Leaders (YT&A) has been recruited from youth that have experienced and concluded criminal proceedings as accused or suspect of crime. They have conducted a research through a set of child-led and participatory research methods, such as interviews, creative laboratories, focus group led by youth. The present document presents the results of this research. They are also leading a Peer Support Programme to provide children and youth in trouble with the law with positive and empowering role models. In Italy, in Greece and in the Netherlands 8 meetings will be organised involving 6/7 adolescents to discuss main issues/problems/complaints of the experiences of the children in contact with the criminal justice system, compared with national and EU law. Moreover, the group of YT&A could be engaged in support sessions (online-offline), in cases of specific requests by children who are suspects or accused persons and could count on a team of experts (legal/psychosocial). A podcast will collect the voices of children and youngsters and will serve to awareness raising, advocacy and informative purposes.

1.2 The Participatory Needs Assessment Report

This Participatory Needs Assessment Report is the result of a research done by youth and children, for children. However, the main recipients of children's voices are public institutions. At the same time, it will be a starting point for the development of further reports planned by the Just Closer project, cured by the universities involved as partners.

The Youth Leaders' group, after team-building and training, and with the support of a senior educator and an expert facilitator, have conducted a series of consultations with children and adolescents who are still involved in criminal proceedings in order to collect their perspectives on the implementation of the EU Directives starting from the child friendly justice principles (see below). This has been done through a set of child-led and participatory research methods, such as interviews and focus groups. The help and supervision of senior staff members has always been ensured.

The research has enabled to collect information from the youth on the application and respect of children's rights standards in criminal justice.¹ The voices of the youth currently involved in criminal proceedings represent the core of this report. Through youth participation, the first information about the state-of-the-art of child friendly criminal justice in Italy is given space and consideration. The report tries to show the peculiar perspectives of children and youth and, as far as concerns those preliminary surveys, there are still weaknesses and inconsistencies in the respect of children's rights when they are in contact with the justice system.

2. APPROACH AND METHODS

2.1 The participants: recruitment of the YT&As

The concept behind JUST CLOSER activities is to offer to young people a useful and meaningful experience, in order for them to re-evaluate their history, to be able to make sense of their experience in the juvenile criminal system, and to have the chance to meet new people and positive reference points, while at the same time strengthening certain skills (communicating, public speaking, reasoning, relating to others, etc.). Young people involved have been given the opportunity to receive direct support and guidance from expert organisations, as well as for self-development and to express their side of the story, without limitations or fear of reprisals.

The Youth Leaders group has been selected on the basis of the following criteria:

- Having completed or being at the final stages of their involvement in criminal juvenile justice proceedings.
- However, depending on the national context, priority and local interests, it was possible to widen the scope of the selection criteria to youngsters up to 25 years who have been in contact with the justice systems (civil, administrative, criminal) – or who have a strong interest in justice systems. The motivations to do so are multi folded. Firstly, having a heterogeneous group can promote peer exchange, positive relations and exchange that can have positive effects in all members of the group. Secondly, such composition can contribute to avoid stigmatization and promote inclusion. Lastly, the

¹ On the topic see B. BERTOLINI, Verso una giustizia "a misura di minore" nella giustizia penale: garanzie, diversione e giustizia riparativa, in AUTORITÀ GARANTE DELL'INFANZIA E DELL'ADOLESCENZA (a cura di), La Convenzione delle Nazioni Unite sui diritti dell'infanzia e dell'adolescenza: conquiste e prospettive a trent'anni dalla sua adozione, Roma, 2019, pp. 352-367; T. LIEFAARD, Juvenile Justice, in J. TODRES, S.M. KING (eds.), The Oxford Handbook of Children's Rights Law, New York, 2020, pp. 279-310; S. CRAS, The Directive on Procedural Safeguards for Children who Are Suspects or Accused Persons in Criminal Proceedings, in Eucrim, 2016, pp. 109-119; S. CIVELLO CONIGLIARO, All'origine del giusto processo minorile europeo. Una prima lettura della Direttiva 2016/800/UE sulle garanzie procedurali dei minori indagati o imputati nei procedimenti penali, in Diritto penale contemporaneo, 2016, pp. 1-14; L. CAMALDO, Garanzie europee per i minori autori di reato nel procedimento penale: la direttiva 2016/800/UE in relazione alla normativa nazionale, in Cassazione penale, 2016, pp. 4572-4585; A. CONTI, Le garanzie processuali del minore: un confronto tra l'ordinamento europeo e la disciplina italiana, in Minorigiustizia, 2019, pp. 96-107; T. LIEFAARD, S. RAP, A. BOLSCHER, Can anyone hear me? Participation of children in juvenile justice: A manual on how to make European juvenile justice systems child-friendly, International Juvenile Justice Observatory, 2016, pp. 47-52; F. MAOLI, La tutela dei minorenni indagati o imputati in procedimenti penali: l'attuazione della Direttiva 2016/800/UE in Italia alla prova dei diritti fondamentali, in Freedom, Security and Justice, 2023, pp. 153-180. See also the report by the EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS, Country research - Procedural safeguards for children who are suspects or accused persons in criminal proceedings – Italy, 2022, available at <https://fra.europa.eu/en/publication/2022/children-criminal-proceedings#country-related>.

recently established [Child-Friendly Justice European Network](#) adopted this approach on the composition of its Child Advisory Board.

- Being open to “process” their story;
- Understanding Just Closer’s proposal;
- Being able to engage in the project activities and ensure continued participation.
- Voluntary participation that foresees financial compensation, following the signing of a collaboration/volunteering contract (depending on the different situations) between the young person and the organization.

The recruitment has been accompanied by a promotion through communication materials disseminated on social media.



2.2 The methodology

All the activities developed within the JUST CLOSER project have as ultimate beneficiaries children who are accused or suspect persons in the framework of criminal proceedings. In all activities a child rights-based approach is used, meaning that it should consider children’s rights as the primary framework of reference both in theoretical and methodological terms.

Therefore, Defence for Children Italy’s approach is based on the main international and EU standards on children’s rights, which comprehend the UN Convention on the Rights of the Child and the Guidelines on Child-Friendly Justice developed by the Council of Europe (CoE).² The CoE Guidelines are, therefore, used as a term of reference to understand the respect of the 10 principles of child-friendly justice, before, during and after the proceedings.

Those standards are integrated with the participatory method: in order for States to adapt their legal systems to the specific needs of children, the key for policy and practice to become more appropriate and effective is to listening to children, hearing their views and recommendations.

In order to establish a connection between all these theoretical references and give them a meaning with respect to the specific situation of a given boy or girl, DCI Italy always aims at adopting a systemic perspective in order

² Committee of Ministers of the Council of Europe, *Guidelines on Child-Friendly Justice*, adopted on November 17th, 2010 and available on the official website of the Council of Europe: <https://www.coe.int/en/web/children/child-friendly-justice>.

to understand how the different levels of the context, from the micro to the macro, interact with the specificities of the person, giving rise to unique and different stories and situations. In this sense, if the aim of our action is to improve the quality of communication between juvenile justice operators and the girls and boys involved in it, we need to be able to adopt an approach that allows a substantial connection with the biographies involved so that the centrality and diversity of each person can also be perceived.

The narrative approach is therefore a founding element of DCI Italy's working method: this approach includes children as main protagonists and vectors of opinions and ideas with the support of informed adults. They could narrate pieces of their story and/or propose their perspectives and ideas without sharing with adults common purposes and framework. Adults could record and try to understand their words with the attention of not manipulating them or use it instrumentally towards objectives that were not declared or commonly understood. It is by referring to one's own biography that it is possible to internalise, and thus understand and "make one's own", the notions that are proposed in relation to one's own experience.

2.3 The activities

After the recruitment, the Young Leaders have been personally contacted by the contact person and by the JUST CLOSER coordinator to have some initial information, to understand their interest in learning more about the proposal and possibly getting involved in the project, and to discuss together possible specific needs/problems/challenges.

After an online information meeting and explicit confirmation of interests, a contract of collaboration has been signed in order to provide the Young Leaders a proper compensation for their work.

Once the group has been established, a series of meetings have been set up to prepare the activities, to develop and strengthen the young people capacities and understanding of the juvenile justice system, and to refine together the methodology.³ Those meetings have also constituted an opportunity to contribute to process the Young Leaders' past experiences in the field of justice, to develop and reinforce their self-confidence.

During those preliminary meetings, a Guide to participatory research (Annex I) has been presented to the Young Leaders and it has been integrated and completed with their participation. The guide contained all the necessary information on the project, on the scope of the participatory research and of the interviews, as well as indications and guidelines on how to conduct interviews with the youngsters.

The construction of the Guide enabled the identification, by the Young Leaders, of the topics that could be discussed during the interviews. The framework of reference was always the ten CoE principles on child-friendly justice.

³It should be emphasized that, in order to meet the needs of the young people and adapt the work to their lives and possible job opportunities, a natural turnover in the composition of the group is physiological and has been taken into account in the design of the activities.

3. OUTCOMES

3.1 The principles of child-friendly justice as the starting point for discussion



The Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice,⁴ together with Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings,⁵ are key international standards in what concerns the treatment of children and young people before, during and after the justice proceedings within the juvenile justice system.

In the framework of the [Youthlab](#) project - together with the young trainers - Defence for Children Italy undertook an in depth analysis (and child-friendly interpretation) of the characteristics of a child-friendly justice in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.

In order to introduce the characteristics of a child-friendly justice to the YT&A, Defence for Children Italy has developed the Child-Friendly Justice Card Game. This experimental model consists of 18 cards, illustrating the nine principles of child-friendly justice declined in two variables: each concept can be analysed in its general meaning or in the specific context of the juvenile justice system. Each card, connected with a CFJ Principle, has an open question which can promote reflection from a biographic and narrative point of view. The results of this discussion helped the transition from the micro to the macro context, i.e. starting from one's own experience to the larger context of the context and community and working in the three variables - past, present and future.

Based on the discussion, a series of guiding questions were developed and integrated into the Guide. During the meetings with the YT&A these questions were reviewed and used for preparatory training (eg. through role-playing interviewer/interviewed).

⁴ Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010, available at <https://rm.coe.int/16804b2cf3>.

⁵ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, OJ L 132, 21.5.2016, p. 1–20.

3.2 The peer research process

The peer research process was highly participatory and largely based on the preparatory training. These meetings allowed to gather the perspectives and experiences of the young leaders on the subject, using the methodology applied during the subsequent focus groups and interviews.

Overall, 5 Young Leaders participated in this activity and 13 young persons previously involved in criminal proceedings participated in the interviews or focus-groups.

The interviews and focus groups followed the methodology presented in the previous sections and were conducted by one or two Young Leaders with the support of one staff member.

The engagement of Young Leaders in participatory research was not without its difficulties. According to our experience, this is due to several reasons and/or peculiarities of the age/situation of young people, which can be summarized in two macro reasons: (i) most young people, once they have completed their journey through the criminal justice system, want to close that chapter once and for all (especially in Italy, where proceedings take a long time), thus they do not want to be involved in these activities; and/or (ii) some of them, although they have completed the course, are still at a difficult point in their lives and they do not have the resources to engage in those activities. After years of experience in working with children and young people and engaging in participatory and child-led activities, it is possible to ascertain that this lack of engagement is also connected to the fact that young persons are not used to participating or being heard. Generally speaking, the lack of involvement and participation experienced through most of their lives, and in particular in the justice system, contributes to an estrangement and unwillingness towards any participatory process. Thus, it is of the utmost importance to continue to support participation transversally, including children and young people in decision-making and providing a coherent feedback in order to promote trust and empowerment.

At the end of the peer research period, the research results and the report have been presented to the youngsters who have participated to the interviews, in the context of a dedicated focus group.

3.2 The results of the interviews: experiences and opinions

JUVENILE JUSTICE MUST BE ACCESSIBLE

Keywords: free, legal aid, adequate information, recourse

Justice must be accessible to all children. In particular, any barriers to access to justice must be removed and children shall be provided adequate information about their rights. Justice must be free of charge (no court fees) and legal aid (adequate lawyer) must be guaranteed. Access to support services and remedies (appeal of decisions) must also be guaranteed.

Guiding questions:

- 1) When you first came into contact with the criminal justice system, did you know you had rights? Did someone explain them to you?
- 2) When you were arrested, did they explain why and what would happen to you next?
- 3) Did the lawyer explain to you what to expect from the proceedings in an understandable way? Did he explain to you what could happen and how? Was there any other figure who explained to you?
- 4) Did you know who to turn to if you had concerns, complaints, needed assistance,...?
- 5) Did you know who to turn to if, for example, you had problems with your lawyer and he or she seemed inadequate?
- 6) Did you know that you could challenge certain decisions?

We asked the youngsters if they knew they had rights at the moment at the arrest. In fact, police officers are legally required to tell the person they arrest that this person has rights and the access to a lawyer. Regarding this matter, experiences are diverse. One of the youngsters affirmed to have been aware of his rights since the moment of the arrest; "Yes, of course, I knew that I had rights, they told me". However, the majority of the others declared they had no idea of their rights: "Everything was going too fast and it prevented me from knowing which rights I could exercise".

"It was 4 days before my 14th birthday... They kept me alone and did not let me call anyone until the day of my 14th birthday. Now I know why [the age of criminal responsibility in Italy], but at that time I had no idea what my rights were ."

As for the question of the knowledge of the proceedings and what would happen afterwards, most of the youngsters seem to have got a little lost in the procedure, in particular at the beginning: "I had to wait for the judge to arrive in order to know what was going to happen to me".

"They did the search warrant at home, they didn't tell me why and they told me they would explain at the end, but they didn't ."

With regard to the lawyer and its role in the good understanding of the trial, the interviews conducted to divergent responses, the experience often depending on the “quality” of the lawyer: “My lawyer was not reliable, I didn’t feel well represented”.

“I was arrested in ... and they took me to another city, because there was a problem with the institute in Then at 5 o'clock they took me back to ... for interrogation. They left me there for 12 hours without eating or drinking and I only saw my lawyer when we were already in front of the judge.”

Three youngsters agreed that their lawyer only explained everything to them only after the hearings. One of them met her lawyer only a week after her arrive in the IPM: “I didn’t know for what offense I was in there; I knew what I did before the arrest but maybe you don't even know if what you did it's right or wrong”. Her lawyer told her that he would do everything he could to get her out at the earliest convenience, but eight months passed after that. “I felt like he was annoyed when I called him”. She confirmed that the situation probably depends a lot on the lawyer you get. In some cases, when the lawyer is paid by the family and acts in their interest, as in the example of a Roma girl, he certainly does not care to listen to his client’s point of view. According to her, it was better not to let the lawyer know that she would gladly stay longer in IPM instead of going out and having to resume her usual life, forced to burgle flats.

Some other were satisfied with their lawyer, who explained everything to them and made them fell heard: “He explained everything that could happen, I understood what he said and my parents also”. In that case, the lawyer was very helpful: the client knew he could address him if he needed, and in fact he called him several times.

JUVENILE JUSTICE MUST BE AGE-APPROPRIATE

keywords: juvenile's best interests, language, environment, participation

At all stages of the proceedings, juveniles must be treated according to their age, their specific needs, their degree of maturity and level of understanding. All proceedings, decisions and acts must be explained in a language they can understand, so that they can fully exercise their right to participation. Hearings involving children must take place in appropriate settings that are sensitive to children and do not intimidate them. They must include regular breaks, they shall not last too long, and they shall be adapted to their pace and attention span. Professionals must receive multidisciplinary training on the rights and needs of children of different age groups and on appropriate procedures.

Guiding questions:

- 1) Do you think that at the moment of your arrest/ first contact with the police the officers acted appropriately for a person of your age?
- 2) Did the proceedings take into account your age and maturity at the time (e.g. in terms of the language used, the environment in which the interviews, hearings, meetings with different figures took place,...)?
- 3) Do you feel that your needs for psychological health and well-being, education and training were considered?
- 4) Were you studying/working at the time? Were you able to continue or did you have to interrupt?

With reference to the time spent in the police station, one of the interviewees reported to have been offered water and food, while another stated that they didn't offer him anything and that he had to wait for his father to bring him food and water. Regarding the police officer's conduct in general, a girl says to have met police officers behaving like "animals", but also good people who treated her with respect.

Another interviewed person talked about his arrest:

"The moment they caught me was weird, because I didn't expect it. I had gone out for a walk, they caught me on (...) [a street, omissis] and dragged me to the police station without telling me why they were arresting me. Then from there they took me directly to (...) [another city, omissis]. I was fifteen."

Young people were also asked if they received some explanation from adults on the course of things, in a way that was understandable enough for them, and if they spoke in a child-friendly way. On this issue young people generally have the same opinion. A girl answered that "she didn't understand very well", because they spoke "in a way (she) didn't understand". Two others agreed, stating that the judge didn't talk to them in a understandable way. Both understood what had been decided during the trial or hearing only at a later stage, through the lawyer's explanations. A boy concluded by saying that - In his opinion - the justice system "isn't appropriate to the level of self-awareness children have".

With reference to the way proceedings took into account the age of the young people involved, it often depends on the behaviour of the operators assigned to each case. A relative majority of the young people questioned agreed to say the behaviour of the police officers in the IPM was good and adapted to their age. As for the social workers, once again, it depends on the different experiences. A boy says that he's had a "good experience with the social workers he met". On the other hand, a girl had an unpleasant experience with the social worker who was assisting her during the civil proceeding concerning the custody of her daughter. There had been a complaint of family abuse within her family of origin, and after a short time she became pregnant. When she gave birth in the hospital, she was a minor and she was taken aside by two social workers in absence of her mother or a lawyer. They told her that, if she did not agree to go to a juvenile community with her newborn child, they would suspend her from parental responsibility.. They did not wait for an adult to arrive and did not explain the reasons for the choice they asked her to make..

The interviewees we asked whether their different needs were taken into account. For instance, they were asked if they had the possibility to meet with a psychologist. One of them answered affirmatively, and he said that "it helped" him. A girl explained that she had to ask for the SERD (public pathological addiction services of the National Health System in Italy) herself, because "otherwise it would have been delayed at least after the hearing". However, in that case, "the psychologist of the SERD wasn't very helpful, as he was always negative and we didn't talk a lot". She benefited most from being followed by a psychologist on Myspace: she "rather go there than to SERD". Another girl, on the same topic, explained that

"So many girls had drug problems, they didn't receive a great psychological support. I didn't have a psychologist, but it would have helped me".

Another important aspect concerns the capacity of justice to adapt to the youngsters's age and to their rhythm of life. In fact, youngsters were asked if they had the possibility to conduct ordinary teenage activities, to study, to cultivate their interests, etc., especially while in juvenile detention. Opinions were mostly positive on this point:

"I studied, I learned to make jewelry, it was a great opportunity as outside I wouldn't have taken the time to learn this and I would've stayed in the street with bad company"

"The activities were well organized; I did a lot of them"

However, it has also been noted that the educational offer available in detention centres is not always appropriate to age and educational needs: sometimes, only primary and lower secondary school courses are available, while it is not possible to attend high schools.

Another explained that the social worker "gave importance to his commitments and made proposals that could be reconciled with his interests". However, a boy reported a less positive experience: his rhythm of life wasn't respected and neither were his interests: "My passion for music was never taken into account".

Some youngsters were also asked if the trial caused them to interrupt some core activities, such as studying or working. A girl answered that she was "working with children, I could've continued to work but the word went out about my arrest and my parents were afraid that the children's parents would complain so they didn't want

me to continue the job.” Another girl, on the other hand, was able to continue to work and she thinks that “the fact to have been able to come out and work helped” her: “it made me know the world, understand that there was something else out there”.

JUVENILE JUSTICE MUST BE RAPID

keywords: due process, without delay, best interest of the child

The principle of urgency (priority) must be applied in order to provide a quick response, in the light of the child's best interest. Preliminary (interim) decisions must be reviewed. Justice must adjust its pace to that of the juvenile: not too hasty nor too slow, proceeding at a reasonable pace. It is necessary to check whether the juveniles understood each step of the process, avoiding at the same time undue delays. The child and parents/guardian must be given timely and clear information on the charges against the juvenile and about their rights.

Guiding questions:

- 1) What can you tell us about the timing of your proceedings?
- 2) Has a long time elapsed from when you committed the act to when the judgment was delivered?
- 3) Did you happen to have to wait a long time in the first reception centre?
- 4) Were your parents notified immediately and were you able to call someone?

With regard to the timeliness of the procedures, one of the youngsters admitted that her timing have been “quite long”, but she didn’t have the feeling that there has been “too much delay”. Another one stated that the timing was “quite short, because from August I did the process in January. In exactly five months I did everything. [...] It was difficult to start earlier, both the lawyer and my parents had to do a lot of calls”. However, he added that, on the contrary, some boys he knows have had very long proceedings that have definitely destabilised their lives.

However, another interviewed explained that he was arrested when he was sixteen, but the proceedings started four years later:

“When I was 16 I was arrested and of course the feeling was negative, you feel like a criminal, but actually after the arrest I was released and then I didn’t hear anything more about it for many years. So I didn’t really understand the meaning of what had happened”.

A similar experience concerned another young man interviewed, who stated that he had been subjected to proceedings at the age of 25, concerning events that had taken place ten years earlier.

The data collected would benefit from a joint reading with another set of interviews carried out for the Eu co-funded project **CREW**: in that context, there were many complaints about the length of the proceedings. Many youngsters had found a job or they already had a family when the proceeding started: they had to stop everything when the ruling was issued. In one case, the interviewed reported that he had a son and then the ruling decided for probation - he had to resign from his job in order to execute his probation.

JUVENILE JUSTICE MUST BE DILIGENT

keywords: commitment, care, zeal, thoroughness, specificity, best interests

Diligence is the quality in which commitment, care, thoroughness and zeal converge. Juvenile-friendly justice must encompass all of these qualities, respecting all the rights of juveniles and always acting in their best interests, taking into account their specific needs, having as its goal education and reintegration into society. The different professionals must coordinate with each other so as to ensure appropriate and prompt intake.

Guiding questions:

- 1) During the proceedings did you feel like anyone cared about you?
- 2) How did you perceive the judge? For instance, Friendly/Relaxed/Neutral/Severe/Tense/Violent/Angry/Disinterested, ...
- 3) What about the lawyer?
- 4) How did you feel during the hearing?
- 5) Did they ever ask you about your history, your background?

Asked about the matter of the diligence, youngsters had the occasion to talk about the relationship they had with the different actors who played a part in their judicial path. It results from the interviews that the educators and social workers are in the best position to give the children the care and attention they need. In fact, one of the young people described her educator as follows:

“A. has been the person who gave me some peace of mind. not only she was my educator, but also a dear friend. She helped me through the difficulties I faced. When we first met she didn't ask me what I had done to be in prison, but rather HOW I was doing. When entering a prison for the first time, one experiences a real trauma,, and she knew how to calm people. She cared about the girls and did everything she could to help them. It's a pity that not everyone is like her .”

However, this same girl says to have had an awful experience with the social worker assigned to her case: “She had a nasty character, she was very arrogant. She helped me for some things, but she wasn't nice. She didn't believe that 'girls of my culture' could actually come out of this kind of trouble”.

As for the judge, it truly depends on the kind of judge was in charge of their file: “During the first hearing the judge wasn't very diligent to me, he was asking question after question, I felt confused and couldn't answer, so he started to shout at me”. Other experiences, on the contrary, were positive. A girl met a judge that she really appreciated:

“He listened to me, he was a good person. He asked me what I wanted to do and I could talk to him about my problems. I always felt like he was interested in me”.

The same has been said about the lawyer. Another boy stated that “the interim hearing with the judge was important because it made me understand many things and I had the opportunity to informally explain my side of the story to a person who cared about me”.

Some judges and lawyers are in fact perceived as not so diligent:

“During the audience I got the impression that both judges and lawyers were in a hurry to get my paperwork done quickly.”

**JUVENILE JUSTICE MUST BE ADAPTED TO - AND FOCUSED ON -
THE NEEDS AND RIGHTS OF THE CHILD**

keywords: best interests, needs, rights, alternative measures

The whole proceedings must be carried out with the child's needs and rights in mind. Alternative means must be encouraged if they are in the best interests of the child. Any form of deprivation of a child's freedom must be a measure of last resort and of the shortest length possible. If children are deprived of their freedom, the authorities must ensure that their rights are fully respected and exercised. Among all of them, special attention must be given to the following rights: maintaining regular and meaningful contact with family and friends, receiving appropriate education, vocational guidance and training, medical care, freedom of thought, conscience, religion, access to recreational activities (physical education and sports) and access to programmes that prepare minors to return to their home community, paying close attention to their emotional and physical needs, family relationships, accommodation, education and employment opportunities, and socio-economic status.

Guiding questions:

- 1) Did you have access to recreational/sports activities?
- 2) Did anyone talk with you about your future aspirations/dreams/goals?
- 3) Did you participate in vocational training or job orientation?
- 4) Have you been in IPM (*i.e.* Istituto Penale Minorile – Juvenile Criminal Institute)? If yes: 1) Have you ever been in solitary confinement? 2) Would you like to tell something about your experience in IPM? 3) What activities were available? 4) Did the measures that were taken against you consider

In order to engage in a discussion on the adaptation of justice to the child's age, young people have been asked about their experience in IPM (*i.e.* Istituto Penale Minorile – Juvenile Criminal Institute). Most of them agree on the fact that the police officers of the IPM are “good”, better than the ones outside of the IPM: “I felt good inside of the IPM, I never had any problems”. A girl states that “in the IPM they helped (her) downsizing the situation and see the good things he could get out of that situation”. A youngster however mentioned “acts of bullying” inside of the IPM, at the beginning of his jailing. Opinions seem to diverge a little bit more with regard to the juvenile communities. In fact, a youngster described his experience there in negative terms: “The community was bad, some educators behaved well and others behaved badly. They treated us bad, like dogs”. This particular boy was punished with a 14-day solitary confinement.

For those who experienced a period of probation, it seems that everyone found the experience useful:

“Not hanging out with certain people helps to avoid problems, however I so appreciate the fact that finished this I'm clean on the record, that's no small thing, so I'm trying very hard these days.”

“My path from the IPM, to the community, to the probation, it allowed me to know what things are at risk when you do bad things.”

Some of the young people were asked if they had had the opportunity to discuss the modalities of their probation in a way that did not unduly affect their daily lives. A girl answered that she wasn't asked about that, but that the hours were quite light, in a way it didn't change her daily routine. According to another experience, the probation period was a very positive experience. He really liked the proposed volunteering activity, because it gave him the opportunity to get to know other realities: he had a good relationship with the educator and they offered him activities which were in line with what he wanted to do. He had the opportunity to work with children in schools and he felt "important": it helped him to detach from the "delinquent image" he had of himself. The social services proposed various projects to him and he was able to choose.

JUVENILE JUSTICE MUST RESPECT THE RIGHT TO DUE PROCESS

keywords: proportionality, presumption of innocence, legal aid, fairness

Children, like adults, must be guaranteed all the principles of due process (principle of legality and proportionality, presumption of innocence, the right to a fair trial, the right to legal assistance, the right of access to justice). These must never be denied or reduced by using the best interests of the child as a justification.

Guiding questions:

- 1) Do you feel that the police response was appropriate with respect to your action?
- 2) Do you feel that the proceedings were proportionate to what you did?
- 3) Have you ever felt treated like a guilty person?
- 4) Did they wait for your lawyer before asking questions?
- 5) Did they explain to you that you were entitled to free counsel?

One of the interviewed youngsters stated that they felt treated like a guilty person from the beginning.

“I felt treated as guilty already at the police station .”

Many young people state that the first interrogation happened in the police station without the presence of a lawyer. In some cases police officers waited for the lawyer to question the young people: “They asked me if I had a lawyer, then they made my parents sign to get free legal aid”, “The lawyer was present during the interrogation”. However, a boy stated that the police officers asked him to explain himself in the station before the lawyer arrived. When he explained that he wanted to wait for his father or a lawyer of choice, they insisted on the opportunity to assign him to a public defender, to make things faster. Indeed, there seems to be a general belief that public defenders sometimes lack diligence. A youngster reported that her lawyer made her situation a lot more complicated: “He made them go to the statute of limitations on purpose, it created a mess, then I had an accumulation of sentences”.

Indeed, the opportunity to rely on a lawyer of choice may depend on the family situation and the presence of holders of parental responsibility who are able to pursue the best interests of the minor. One of the youngsters said that she had a court-appointed lawyer, but that her mother didn’t trust him and decided to pay another one: “When my mother saw the name of the court-appointed lawyer, she did not trust him and decided to hire a private one, because I was in the biggest mess, I was not even thinking straight, I had anxiety”. However, although some young people did not seem to have anything to “complain” about, many of them attributed this to luck:

“Everything went very well compared to other people I know, I heard stories of people for whom things did not go so well, but maybe it’s because they had a different situation at home, to me anyway at home they said we want to put you under house arrest, we want to put you in jail, however then they saw that there was a good situation at home and so they decided to leave me at home. If I had another family maybe, I could still be in Turin in jail.”

JUVENILE JUSTICE MUST RESPECT THE RIGHT TO PARTICIPATE AND UNDERSTAND THE PROCEEDINGS

keywords: listening, child-friendly language, appropriateness

Children have the right to be informed (in a language they can understand) about their rights and about all judgments and decisions that affect them. They must understand what is happening, how the situation may or will evolve, what options they have and what the consequences will be. Children have the right (not the duty) to be heard and to give their opinion in all matters affecting them. Their opinions must always be taken into account, on the basis of their age, their degree of maturity and the circumstances of the case.

Guiding questions:

- 1) Did you feel heard by your lawyer?
- 2) During the hearing, were you able to participate by telling your side of the story?
- 3) Did your lawyer invite you to speak? Did he/she tell you it was better to keep quiet?
- 4) Did the judge speak to you in a way you could understand?
- 5) Were you able to exchange with the social worker about the definition of MAP or your path in general?
- 6) In general, do you feel you were able to express your opinion within the proceedings?

With reference to their participation to the proceedings, youngsters have different experiences to share. One mentions that he had the possibility to tell his story: “During the hearing I said the same things as I did during the police interview”, whereas another had to stay quiet the whole time:

“The lawyer only spoke with my mother, he was trying to calm me down but I couldn’t understand anything. Before the hearing he just told me to say ‘yes’ and he explained me what happened only afterwards.”

A girl present during the same group session confirmed:

“They hit the ground running, they just told me to say yes to the judge”.

Another boy interviewed reported that, at the time of his arrest, the officers did not explain to him why they were arresting him, nor that he had the right to phone a parent or lawyer. Even when, shortly after, they informed him that he would spend time in the community, the reasons of that decision were not explained to him.

“They told me that I had to go to the community for a month because the social workers had decided so. They told me it was for a civil reason. Instead it turned out later that the reason was criminal, but I didn’t really understand.”

A girl mentions that she had difficulties to challenge the decisions, because of the lawyer she got: “I couldn’t change him and I couldn’t tell that to anyone in the justice’s system”. A boy, who told us he was beaten by the police during his arrest, said that he “didn’t tell it to anyone”, and that in any case “telling someone doesn’t change anything”.

JUVENILE JUSTICE MUST RESPECT THE RIGHT TO PRIVATE AND FAMILY LIFE

keywords: anonymity, protection, pseudonym, family, relationships, affections

The private life and personal data of children who are (or have been) involved in any proceedings should be protected. In particular, no information, images or data that could directly or indirectly allow the identification of the child may be disclosed. The authorities should also provide limited access to records or documents. All proceedings involving minors should take place behind closed doors.

Guiding questions:

- 1) Was there ever any newspaper/media/social coverage of what had happened? If yes:
 - 1) Did you feel exposed?
 - 2) Was any information given that could identify you?
 - 3) Was your hearing public or behind closed doors?
 - 4) Did you want to maintain contact with your loved ones? Were you able to do so?
 - 5) Was your lawyer paid by your family?
 - 6) Do you think he kept your interests in mind?
 - 7) In your opinion, did your family situation affect your position in any way?

When asked about the respect for their privacy, none of the participating young people mentioned that their name was revealed at some point, they all remained anonymous: “My name never got out”, “I absolutely never felt like my right to privacy wasn’t respected”. However, a youngster mentions that there was an article written about him in a local newspaper: even if his name wasn’t revealed, a person who knew him or his parents could quickly figure it out, and in fact the news spread. “They wrote things that had nothing to do with it and details that were not true, but anyway.. In the end, my name was not on it.”

However, according to another interviewed:

“When I was arrested I had journalists every day in front of my house. All the neighbours noticed, they put the initials of both my name and my surname in the articles, and also information about the sport I practiced... And they also wrote that my parents were absent.”

Another girl also reported:

“I recently was at a police station to file a report for loss of my ID and the police officer knew, from the system, that I had committed some offenses in the past”.

An important component of the right to respect for family life is the possibility for the youngsters to maintain regular relationships with their loved ones. One of them reported that she saw her mother once, and she couldn’t see her boyfriend because they were not married at the time. She could see him when she did meetings outside of the prison, and she could see her children there too.

Respect for family life can be critical when the person in detention is already a parent. One interviewed person pointed out how complex it is to maintain a relationship with his children when in prison, also because of the inadequate environment in which visits take place: 'We may tell our children that we are at work, but when they come here they see police officers standing guard all the time'.

Criminal investigation and proceedings may have a strong impact on family life. According to one of the interviewed youngsters: "It seems that they do not particularly care about family ties, in fact they asked me some questions, and then they asked questions to my parents in my absence. It was a difficult time for our family (my parents were separating), so this event further damaged the relationship between them, which was already in crisis".

Another sensitive issue concerns the relationship and contact between the lawyer and the holder(s) of parental responsibility. Indeed, in one peculiar case, one of the youngsters had a lawyer paid by his ex boyfriend's family: according to her, this played a great influence on her experience. In fact, she thinks he was "a little corrupted":

"I didn't feel well represented but I couldn't change him, and I couldn't tell it to anyone working in justice because my ex boyfriend's family had taken care of everything, so I didn't have the possibility to express myself. I would've liked to have a lawyer who could defend my cause but I couldn't because it all depended on them".

This particular girl lived in an organized-crime family, and talked about the girls who live, now, the experience she has been through: "for them it's so hard to get out, it's impossible, they really have to want it, to desire it". According to her, "the workers of the justice's system have to help them live, to make them do things that the families do not allow them to do. They have too much fear that something would happen to them, they feel bad, threatened".

JUVENILE JUSTICE MUST RESPECT THE RIGHT TO DIGNITY AND INTEGRITY

keywords: protection, care, sensitivity, fairness, respect

Children must be protected from harm, including intimidation, reprisals and secondary victimisation. They must always be treated with care, sensitivity, fairness and respect, paying special attention to their personal situation, well-being and specific needs and with full respect for their physical and psychological integrity. Special protection and care must be provided for the children in special conditions vulnerability, avoiding labelling or stigmatisation. If deprived of their liberty, they must be separated from adults. Children must not be subject to torture or inhuman and degrading treatment or punishment.

Guiding questions:

- 1) During your arrest, how did you perceive the police officers?
e.g. Friendly/Relaxed/Neutral/Severe/Tense/Violent/Angry/Disinterested, ...
- 2) Did you feel in need of psychological support? Did you receive it?
- 3) If you were in IPM: were you in separate sections from the adults?
- 4) Did any unpleasant incidents happen to you?
- 5) Did you find sensitive professionals in whom you could find comfort?
- 6) Did you feel discriminated? For what reasons?
- 7) During the criminal justice process, from the first contact with law enforcement until the end of the proceedings, did you feel safe and adequately protected and respected?
- 8) What happened after the proceedings?
- 9) In your opinion did the justice experience help you to know yourself better and take different paths?

Concerning the arrest by the police and the general treatment received, several young people reported very negative and traumatic experiences. First of all, some of those interviewed stated that they had been beaten by police officers:

“I felt terrible, they were beating me, it was more than slaps”

According to this particular girl’s experience, “the violence was unjustified”, she would never had provoked them, “I would never have allowed myself, given my personality”. She also felt like the policemen’s behaviour was guilt-tripping: “Because of you we need to do our job”. According to her, the violence was partly due to racism.

Another boy reported that the police didn’t behave well with him at the moment of the arrest, since they “beat him” when they took out his phone.

The testimonies of the boys and girls about the conduct of the police officers are in line with what also emerged during the recording of the podcasts.

According to another interviewed, police officers are sometimes driven by prejudice: “They work with people who live a certain way, so it's as if they already know how a person behaves”. He explained that, since he is a DIY enthusiast, he always has a lot of tools. When the police searched the house they saw a cutter knife on the bedside table and they said “this one sleeps with pocket knife next to him”, meaning a tool for using drugs, which was not true. He also reported that the police officers went to pick him up at school. They were in plain clothes, but with the police cars: everyone understood why he had to go with the police. “They tend to exaggerate their part (like an act) because it seems their only interest is the confession”.

Another interviewed person, talking about his experience in IPM, recounted that he felt very lonely during Covid because he had a fever a few days and consequently spent a month in solitary confinement.

"In solitary confinement you are in a room with a bed, a bathroom and a window. They don't give you anything to do, you practically eat and sleep. In this dark cell you feel isolated from the world, I was going crazy".

4. CONCLUSIONS

The interviews with youngsters in contact with the juvenile justice system have enabled a first state-of-the-art assessment of the application of the child-friendly justice's principles in the Italian practice as well as a general overview on the needs of the system. Despite the small number of interviews, which does not allow for representative results, the outcomes obtained through this peer research activity are to be read in continuity with the results of the previous CREW project,⁶ other than representing a valuable starting point on which to build the upcoming activities of the JUST CLOSER project. Indeed, the core aim of the peer research lays in the process, rather than in its outcomes: the peer research not only enabled the youngsters to share their experience and to feel heard, but has also represented a valuable experience for the Young Leaders, who had the opportunity to lead the research process, to reinforce their hard and soft skills and to contextualize their own story.

The experiences of the young people involved in the youth justice system, which have been shared in this report, are quite heterogeneous. They described many positive, as well as negative aspects. This fragmentation itself is a signal of a jeopardized application of child-friendly justice's principles and rules in criminal proceedings and, similarly to the results of the CREW project, they support the belief that a "good" experience within the justice system is a question of "luck", rather than deriving from the consistent application of the procedural safeguards required by European and national law.

In general, all the youngsters who reported negative experiences gave the impression that they didn't feel heard. Their feelings, opinions, aspirations and fears are not always at the center of the process. Overall, the consideration for the best interests of the child seems to depend on the preparation and willingness of each professional or operator involved in the particular case. From this perspective, the work of all juvenile justice professionals may benefit from a legal training integrated with psychological (as well as relational and social) competences based on the primary consideration of the child's best interests.

In this respect, the experiences of first contact with police officers are of particular significance. Several interviewed youngsters talked about very negative and traumatic experiences, similarly to the results of the project CREW. The fact that some of them have reported beatings justifies, in itself, an in-depth examination of the current practice and an analysis of the current monitoring and control systems, as well as of the quality of the specific training provided to police officers who come into direct contact with youngsters.

Some aspects/institutes of criminal justice are perceived as valuable and should be further valorized and strengthened. A lot of youngsters found the experience of probation very useful. According to the research conducted within this project, as well as the CREW project, this experience is effective when the youngsters have the opportunity to participate in the planning of the activities. In that case, the empowering effects of

⁶ [CREW: Reinforcing the rights of children accused or under investigation in criminal proceedings](#). Project co-funded by the European Union under the Rights, Equality and Citizenship Programme (GA No. 878496). In particular the [CREW Data Report 2021 "Towards a child-friendly justice system: The implementation of children's rights and procedural safeguards in Italy"](#) and the [CREW Policy Paper "The substantial implementation of the rights and procedural guarantees of children accused or under investigation in criminal proceeding in Italy"](#).

probation help the youngsters to de-stigmatize and to detach from a negative self-image (“I am a criminal”), with positive effects as concerns reintegration in society. Again, the success of the educational project seems to largely depend on the preparation and sensitivity of the professionals involved.

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D2.3-8 Participatory Needs Assessment Report

WP2 Leader: DCI Italy



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1. PRESENTAZIONE DEL PROGETTO E SCOPO DEL RAPPORTO PARTECIPATIVO SULLA VALUTAZIONE DEI BISOGNI

1.1 Il progetto JUST CLOSER: contesto e obiettivi

Per una persona minorenni, interagire con il sistema giudiziario significa entrare in un mondo nuovo e intimidatorio, con logiche, ritmi e linguaggi specifici, che sono molto lontani dalla propria realtà. Di conseguenza, la maggior parte dei ragazzi e delle ragazze si sente alienata e persa, percependo che il sistema giudiziario non è basato sui loro bisogni e diritti. Si instilla l'idea che esso non miri a una vera e completa riabilitazione, ma a una mera punizione. Ciò ha un impatto negativo sul loro benessere, sulla loro autostima, sul contatto con i professionisti, sulla percezione di adeguatezza delle procedure e della capacità di garantire la partecipazione, sulla capacità di accettare e comprendere gli esiti e le conseguenze del procedimento. Infatti, la maggior parte dei sistemi nazionali di giustizia minorile, anche se conformi alla legislazione europea e nazionale, sono ancora spesso molto distanti dai bisogni, dalle prospettive e dalle richieste delle persone minorenni. Esiste un divario concreto tra la percezione della giustizia minorile da parte dei giovani (in termini dei loro diritti e bisogni) e il funzionamento del sistema, in gran parte connesso all'incapacità degli adulti di informare e ascoltare i minorenni e di tenere in piena considerazione le loro opinioni. I ragazzi e le ragazze sentono di non avere spazio e opportunità per comunicare ed esprimere le proprie opinioni. Allo stesso tempo, i professionisti che lavorano nel sistema di giustizia minorile trovano difficile impegnarsi e comunicare con loro, a causa della realtà divisa in cui lavorano: il mondo legale e il mondo dei ragazzi, con il suo linguaggio, le sue regole ed i suoi valori.

Per affrontare questi problemi, risulta importante migliorare il linguaggio e la comunicazione a misura di minorenni e promuovere il diritto alla partecipazione durante tutte le fasi del procedimento penale. Lavorare sulle capacità comunicative degli operatori della giustizia coltiva il rispetto, dimostra che i giovani sono presi sul serio e trattati in modo equo e contribuisce inoltre a fornire loro i mezzi per assumere un maggiore controllo del proprio caso e della propria vita. Infatti, la partecipazione al procedimento è in grado di promuovere il senso di responsabilità sulle proprie azioni e il necessario autocontrollo, oltre alla capacità di evolversi e di trasformare un episodio negativo in un'esperienza che rafforza e che consente di acquisire gli strumenti per plasmare un futuro migliore.

Il progetto JUST CLOSER intende offrire ai ragazzi e alle ragazze la possibilità di esprimere i propri dubbi e le proprie opinioni, di chiedere informazioni, di rivendicare liberamente i propri diritti e di ricevere un sostegno adeguato. Tutto ciò vuole essere realizzato attraverso l'offerta di un contesto in cui i giovani possano impegnarsi a costruire una via d'uscita più sicura e armoniosa dal sistema giudiziario, per creare spazi nel sistema giudiziario che siano in grado di accogliere, rielaborare e mettere in pratica i loro orientamenti, nonché le regole ed i principi che compongono l'*acquis* dell'Unione europea sui diritti dei minorenni nei procedimenti penali. Si intende inoltre promuovere la cooperazione tra i professionisti che lavorano con i minorenni indagati o imputati, rafforzare la cooperazione tra le diverse parti interessate (a livello nazionale ed europeo) e, infine, contribuire all'armonizzazione delle prassi applicative nei diversi Stati membri.

L'attuazione del progetto JUST CLOSER contribuirà ad avvicinare il sistema giudiziario ai diritti e alle esigenze dei minorenni indagati e/o imputati di reato, promuovendo l'effettiva partecipazione degli stessi ai procedimenti penali che li riguardano, conformemente alla direttiva (UE) 2016/800, favorendo nel contempo la formazione dei professionisti e l'armonizzazione delle prassi in materia di giustizia minorile nel territorio dell'Unione.

La partnership

Il consorzio del progetto è composto da sei partner provenienti da 4 paesi dell'Unione Europea: Defence for Children International Italia e Young Perspectives sono organizzazioni che operano a livello locale e che lavorano direttamente con i minorenni a contatto con il sistema di giustizia minorile: l'Università di Amsterdam, l'Università di Genova e l'Università di Valencia sono le istituzioni accademiche che collaborano alla ricerca; infine, partecipa al progetto il Ministero Giustizia, Trasparenza e Diritti Umani della Repubblica Ellenica (Grecia).

Closer spaces

Il Workpackage 2 del progetto (*Closer Spaces*) consiste in una serie di attività che prevedono il diretto coinvolgimento dei ragazzi e delle ragazze. In Italia, in Grecia e nei Paesi Bassi, sono stati istituiti gruppi di *Young Trainers & Ambassadors* o *Youth Leaders* (YT&A), composti da giovani che sono stati accusati o sospettati di reato e hanno quindi vissuto in prima persona un procedimento penale minorile. Questo rapporto illustra i risultati della prima fase di lavoro: una ricerca partecipata, condotta da ciascun gruppo e fondata sull'interazione con ragazzi e ragazze attualmente coinvolti nella giustizia penale in quanto accusati o sospettati di reato.

Al momento, i gruppi YT&A stanno inoltre portando avanti un programma di sostegno tra pari, per fornire un modello di positività e responsabilità ai giovani in difficoltà con la legge. In Italia, Grecia e nei Paesi Bassi saranno organizzati 8 incontri che coinvolgeranno 6/7 adolescenti per discutere i principali temi/problemi/criticità delle esperienze vissute dai minorenni a contatto con il sistema di giustizia penale. Inoltre, il gruppo di YT&A si è messo a disposizione per sessioni di supporto (online-offline), in caso di specifiche richieste da parte di minori indagati o imputati. Tutto ciò si fonda sul costante supporto di un team di esperti (di area legale e psicosociale). In fine, la produzione di podcast raccoglierà le voci dei ragazzi e delle ragazze a scopo di sensibilizzazione, advocacy e informazione.

1.2 Il Rapporto Partecipativo sulla Valutazione dei Bisogni

Il rapporto partecipativo sulla valutazione dei bisogni espone il risultato di una ricerca svolta dai giovani, per i giovani. Allo stesso tempo, il rapporto si rivolge alle istituzioni pubbliche, quali principali destinatarie delle voci dei ragazzi e delle ragazze. Inoltre, il rapporto costituisce il punto di partenza per lo sviluppo delle successive fasi della ricerca previste dal progetto Just Closer, a cura delle università coinvolte nel progetto.

Il gruppo di *Youth Leaders*, dopo aver beneficiato di un percorso di *team building* e di una adeguata formazione, con il supporto di personale educativo e psico-sociale, ha condotto una serie di consultazioni con i ragazzi e le ragazze attualmente coinvolti in procedimenti penali, al fine di raccogliere le loro prospettive sull'attuazione delle Direttive

dell'Unione europea sul giusto processo¹ e, in ultima istanza, dei principi che sostengono una giustizia a misura di minorenne (su cui si dirà a breve). Ciò è stato fatto attraverso una serie di metodi di ricerca guidati dai minorenni e partecipativi (ad esempio interviste, laboratori e *focus groups*). Nel portare avanti queste attività, è stata garantita l'assistenza e la supervisione continuative dello staff *senior* del progetto Just Closer.

La ricerca ha permesso di raccogliere direttamente dai ragazzi e dalle ragazze le informazioni relative all'applicazione ed al rispetto degli standard minimi di tutela dei diritti nel contesto della giustizia penale minorile. Le voci dei giovani attualmente coinvolti nei procedimenti rappresentano l'elemento distintivo di questo report. Attraverso questa partecipazione diretta, si è ricavata una prima "fotografia" dello stato dell'arte della giustizia penale dalla prospettiva dei ragazzi e ragazze, che lascia trasparire perduranti criticità e disfunzionalità che non consente ancora di definire il sistema "a misura di minorenne".

¹ In argomento si vedano B. BERTOLINI, Verso una giustizia "a misura di minore" nella giustizia penale: garanzie, diversione e giustizia riparativa, in AUTORITÀ GARANTE DELL'INFANZIA E DELL'ADOLESCENZA (a cura di), La Convenzione delle Nazioni Unite sui diritti dell'infanzia e dell'adolescenza: conquiste e prospettive a trent'anni dalla sua adozione, Roma, 2019, pp. 352-367; T. LIEFAARD, Juvenile Justice, in J. TODRES, S.M. KING (eds.), The Oxford Handbook of Children's Rights Law, New York, 2020, pp. 279-310; S. CRAS, The Directive on Procedural Safeguards for Children who Are Suspects or Accused Persons in Criminal Proceedings, in Eucrim, 2016, pp. 109-119; S. CIVELLO CONIGLIARO, All'origine del giusto processo minorile europeo. Una prima lettura della Direttiva 2016/800/UE sulle garanzie procedurali dei minori indagati o imputati nei procedimenti penali, in Diritto penale contemporaneo, 2016, pp. 1-14; L. CAMALDO, Garanzie europee per i minori autori di reato nel procedimento penale: la direttiva 2016/800/UE in relazione alla normativa nazionale, in Cassazione penale, 2016, pp. 4572-4585; A. CONTI, Le garanzie processuali del minore: un confronto tra l'ordinamento europeo e la disciplina italiana, in Minorigiustizia, 2019, pp. 96-107; T. LIEFAARD, S. RAP, A. BOLSCHER, Can anyone hear me? Participation of children in juvenile justice: A manual on how to make European juvenile justice systems child-friendly, International Juvenile Justice Observatory, 2016, pp. 47-52; F. MAOLI, La tutela dei minorenni indagati o imputati in procedimenti penali: l'attuazione della Direttiva 2016/800/UE in Italia alla prova dei diritti fondamentali, in Freedom, Security and Justice, 2023, pp. 153-180. Si veda altresì il rapporto della EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS, Country research - Procedural safeguards for children who are suspects or accused persons in criminal proceedings – Italy, 2022, reperibile online all'indirizzo <https://fra.europa.eu/en/publication/2022/children-criminal-proceedings#country-related>.

2. APPROCCIO E METODI

2.1 I partecipanti: reclutamento del gruppo YT&A

Il concetto alla base delle attività di JUST CLOSER è quello di offrire ai giovani un'esperienza utile e significativa, affinché possano rivalutare la loro storia, dare un senso alla loro esperienza nel sistema penale minorile e avere la possibilità di incontrare nuove persone e punti di riferimento positivi, rafforzando allo stesso tempo alcune abilità (comunicare, parlare in pubblico, sviluppare un pensiero critico, relazionarsi con gli altri, ecc.). Ai giovani coinvolti è stata data l'opportunità di ricevere supporto diretto da parte di personale esperto, nonché di esprimere e ripensare alla propria versione della storia, senza limitazioni o timore di rappresaglie.

Il gruppo Youth Leaders è stato selezionato sulla base dei seguenti criteri:

- Aver completato il proprio percorso nella giustizia minorile o trovarsi nelle fasi finali dello stesso;
- A seconda del contesto o delle specifiche esigenze a livello nazionale e/o locale, è stato possibile ampliare l'ambito dei criteri di selezione fino ad includere i giovani fino ai 25 anni di età che sono stati a contatto con i sistemi di giustizia (civile, amministrativa, penale) o che presentano un forte interesse per i sistemi giudiziari. Questa scelta è stata giustificata da molteplici vantaggi: in primo luogo, avere un gruppo eterogeneo può favorire lo scambio tra pari, relazioni e interazioni che possono avere effetti positivi per tutti i membri del gruppo. In secondo luogo, una composizione eterogenea può contribuire a evitare la stigmatizzazione e promuovere l'inclusione. Infine, il [Child-Friendly Justice European Network](#), di recente istituzione, ha adottato questo approccio nella creazione del suo Child Advisory Board;
- Essere disponibile ad "elaborare" la propria storia;
- Comprendere e aderire agli obiettivi e i contenuti del progetto Just Closer;
- Essere in grado di impegnarsi nelle attività del progetto e garantire una partecipazione continua alle attività.
- Offrire una partecipazione volontaria che prevede un compenso economico, a seguito della sottoscrizione di un contratto di collaborazione/volontariato (a seconda delle diverse situazioni) con l'organizzazione;

Il reclutamento è stato preceduto da una promozione attraverso materiali di comunicazione diffusi pubblicamente sui social media o via mail a contatti privilegiati.



2.2 La metodologia

Tutte le attività sviluppate nell'ambito del progetto JUST CLOSER hanno come destinatari principali i minorenni imputati o indagati nell'ambito di procedimenti penali. In tutte le attività viene utilizzato un approccio basato sui diritti dell'infanzia e dell'adolescenza, che rappresentano il quadro di riferimento primario sia in termini teorici che metodologici.

Pertanto, l'approccio di Defence for Children Italia si fonda sui principali standard internazionali ed europei sui diritti dei minorenni, che comprendono la Convenzione delle Nazioni Unite sui diritti del fanciullo e le Linee guida sulla giustizia a misura di minorenne sviluppate dal Consiglio d'Europa (Council of Europe, CoE)². Le Linee Guida del Consiglio d'Europa sono, quindi, utilizzate come termine di riferimento per valutare il rispetto dei principi della giustizia a misura di minore, prima, durante e dopo il procedimento.

Tali standard sono integrati con il metodo partecipativo: affinché gli Stati possano adattare i loro sistemi giuridici alle esigenze specifiche di bambini, ragazze e ragazzi, l'elemento chiave affinché la politica e la pratica diventino più appropriate ed efficaci è ascoltarli, ascoltare le loro opinioni e raccomandazioni.

Per mettere in relazione tutti questi riferimenti teorici e dare loro un significato rispetto alla situazione specifica di un determinato ragazzo o ragazza, DCI Italia punta sempre ad adottare una prospettiva sistemica così da comprendere come i diversi livelli del contesto, dal micro al macro, interagiscono con le specificità della persona, dando vita a storie e situazioni uniche e diverse. In questo senso, se lo scopo della nostra azione è quello di migliorare la qualità della comunicazione tra gli operatori della giustizia minorile e le ragazze e i ragazzi coinvolti in essa, occorre saper adottare un approccio che permetta una sostanziale connessione con le biografie coinvolte affinché si percepisca anche la centralità e la diversità di ogni persona.

L'approccio narrativo è quindi un elemento fondante del metodo di lavoro di DCI Italia: bambini, bambine, ragazze e ragazzi sono protagonisti e vettori di opinioni e idee, anche attraverso il supporto degli adulti. Hanno la possibilità di raccontare parti della loro storia e/o proporre i loro punti di vista, senza dover necessariamente condividere con gli adulti obiettivi o costrutti. Il ruolo degli adulti è quello di accogliere e cercare di comprendere le voci dei ragazzi, senza manipolarle e senza strumentalizzarle per realizzare obiettivi non concordati, dichiarati o comunemente accettati. È facendo riferimento alla propria biografia che è possibile interiorizzare, e quindi comprendere e "far proprie", le nozioni che vengono proposte in relazione alla propria esperienza.

2.3 Le attività

Dopo il reclutamento, gli *Young Leaders* sono stati contattati personalmente dal referente e dal coordinatore di JUST CLOSER per avere alcune prime informazioni, per capire il loro interesse a saperne di più sulla proposta ed eventualmente essere coinvolti nel progetto, e per discutere insieme possibili bisogni/problemi/sfide specifici.

È stato siglato un contratto di collaborazione al fine di fornire a ragazze e ragazzi un adeguato compenso per il loro lavoro.

Una volta costituito il gruppo, che rimane comunque aperto ad accogliere nuovi soggetti, sono stati organizzati degli incontri per preparare le attività, sviluppare e rafforzare le capacità e la comprensione del sistema di giustizia minorile

² Comitato dei Ministri del Consiglio d'Europa, *Linee guida sulla giustizia a misura di minore*, adottate il 17 novembre 2010 e disponibili sul sito ufficiale del Consiglio d'Europa: https://www.coe.int/en/web/children/giustizia_a_misura_di_bambino.

e per affinare insieme la metodologia di lavoro³. Questi incontri hanno anche costituito un'occasione per contribuire a rielaborare le esperienze passate dei ragazzi e delle ragazze nel campo della giustizia, al fine di sviluppare e rafforzare la fiducia in sé stessi.

Nel corso di tali incontri preliminari è stata presentata agli *Young Leaders* una Guida alla ricerca partecipata (Allegato I) che è stata integrata e completata con il loro contributo attivo. La guida contiene tutte le informazioni essenziali sul progetto, sulla portata della ricerca partecipata e delle interviste, nonché indicazioni e linee guida su come condurre le interviste.

La costruzione della Guida ha consentito l'individuazione, da parte degli *Young Leaders*, degli argomenti che potevano essere trattati durante le interviste. Il quadro di riferimento sono sempre stati i principi del Consiglio d'Europa sulla giustizia a misura di minorenni.

³ Va sottolineato che, per venire incontro alle esigenze dei giovani e adattare il lavoro alla loro vita e alle possibili opportunità lavorative, è fisiologico un naturale ricambio nella composizione del gruppo, di cui si è tenuto conto nella progettazione delle attività.

3. RISULTATI

3.1 I principi della giustizia a misura di minorenne come punto di partenza per la discussione



Le linee guida del Comitato dei ministri del Consiglio d'Europa sulla giustizia a misura di minore⁴, insieme alla Direttiva (UE) 2016/800 sulle garanzie procedurali per i minori indagati o imputati nei procedimenti penali⁵, disciplinano il trattamento che deve essere riservato ai ragazzi e alle ragazze prima, durante e dopo il procedimento penale minorile.

La formazione dei gruppi YT&A si è avvalsa dei risultati del progetto [Youthlab](#), dove – insieme ai giovani formatori – Defence for Children Italia ha analizzato (e interpretato in senso *child-friendly*) le caratteristiche di una giustizia a misura di minorenne in linea con le già citate Linee Guida del Consiglio d'Europa.

Per facilitare la discussione sul tema, Defence for Children Italia ha sviluppato le Carte della Giustizia a misura di Minorenne. Questo modello sperimentale è composto da 18 carte, che illustrano nove caratteristiche della *child-friendly justice* declinati in due variabili: ciascun concetto, infatti, può essere analizzato nel suo significato generale e declinato nello specifico contesto del sistema di giustizia minorile. Ogni carta, collegata ad un principio, ha una domanda aperta che può favorire la riflessione dal punto di vista biografico e narrativo. I risultati di questa discussione hanno aiutato il passaggio dal micro al macro contesto, partendo dalla propria esperienza per arrivare ad una prospettiva più ampia e lavorando nelle tre variabili di passato, presente e futuro.

Sulla base della discussione, è stata sviluppata una serie di domande-guida. Durante gli incontri con gli YT&A queste domande sono state riesaminate e utilizzate per la formazione preparatoria (ad es. attraverso giochi di ruolo intervistatore/intervistato).

⁴ Consiglio d'Europa, Linee guida del Comitato dei Ministri del Consiglio d'Europa sulla giustizia a misura di minore, 2010, disponibile su <https://rm.coe.int/16804b2cf3>.

⁵ Direttiva (UE) 2016/800 del Parlamento europeo e del Consiglio, dell'11 maggio 2016, sulle garanzie procedurali per i minori indagati o imputati nei procedimenti penali, GU L 132 del 21.5.2016, pag. 1–20.

3.2 Il processo di ricerca tra pari

Il metodo di ricerca tra pari è altamente partecipativo e si basa in gran parte sulla formazione preparatoria. Questi incontri, hanno permesso di raccogliere i punti di vista e le esperienze dei giovani sul tema, utilizzando la metodologia da applicare durante i successivi focus groups e interviste.

In totale cinque Young Leaders hanno partecipato a queste attività, e 13 ragazzi e ragazze precedentemente coinvolti in procedimenti penali hanno partecipato alle interviste o ai focus groups.

Le interviste ed i focus groups hanno seguito la metodologia presentata nelle sezioni precedenti e sono stati condotti da uno o due Young Leaders con il supporto di un membro dello staff.

Il coinvolgimento dei giovani nella ricerca partecipata non è stato esente da difficoltà. Secondo la nostra esperienza, ciò è dovuto a diverse ragioni, che derivano dall'età o dalla particolare situazione dei giovani, che possono essere riassunte in due macro-motivazioni: (i) la maggior parte dei giovani, una volta completato il loro percorso nel sistema di giustizia penale, vuole chiudere quel capitolo una volta per tutte (soprattutto in Italia, dove i procedimenti sono molto lunghi) e non vuole essere coinvolta in attività che possano far rivivere quel momento; e/o (ii) alcuni di loro, pur avendo completato il percorso, si trovano ancora in un momento difficile della loro vita e non hanno le risorse e la giusta attenzione per impegnarsi in attività di questo tipo. Dopo anni di lavoro sul campo e di coinvolgimento di bambini e ragazzi in attività partecipative, è possibile constatare che questa mancanza di impegno è legata anche al fatto che i giovani non sono abituati a partecipare o a farsi ascoltare. In generale, la mancanza di coinvolgimento e partecipazione durante la maggior parte della loro vita e in particolare nei procedimenti giudiziari contribuisce all'estraniamento e alla riluttanza nei confronti di qualsiasi processo partecipativo. Pertanto, riteniamo che sia della massima importanza continuare a sostenere la partecipazione in modo trasversale, includendo i giovani nei processi decisionale e fornendo un *feedback* coerente al fine di promuovere la fiducia e l'*empowerment*.

Al termine del periodo di ricerca tra pari, i risultati della ricerca e il rapporto sono stati presentati agli *Young Leaders*, nel contesto di un focus group dedicato.

3.2 I risultati delle interviste: esperienze e opinioni

LA GIUSTIZIA MINORILE DEVE ESSERE ACCESSIBILE

Parole-chiave: - gratuita, assistenza legale, informazione adeguata, ricorso -

La giustizia deve essere accessibile a tutti i minorenni. In particolare, deve essere rimosso ogni ostacolo all'accesso alla giustizia attraverso un'informazione adeguata sui diritti di cui essi godono. La giustizia deve essere gratuita (senza spese processuali) e deve essere garantita un'adeguata assistenza legale. Deve inoltre essere garantito l'accesso a servizi di sostegno e ai mezzi di riesame e/o impugnazione delle decisioni.

Domande guida:

- 1) Quando sei entrato a contatto con la giustizia penale sapevi di avere dei diritti? Qualcuno te gli ha spiegati?
- 2) Quando sei stato arrestato ti hanno spiegato il perché e cosa ti sarebbe successo dopo?
- 3) L'avvocato ti ha spiegato cosa aspettarti dal procedimento in un modo comprensibile? Ti ha spiegato cosa poteva succedere e come? C'è stata qualche altra figura che ti ha spiegato?
- 4) Sapevi a chi rivolgerti in caso di dubbi, reclami, necessità di assistenza,...?
- 5) Sapevi a chi rivolgerti se per esempio avevi problemi con il tuo avvocato e ti sembrava non essere adeguato?
- 6) Sapevi che potevi contestare determinate decisioni?

Abbiamo chiesto ai ragazzi se sapevano di avere dei diritti al momento dell'arresto. Infatti, gli agenti di polizia sono tenuti per legge a comunicare alla persona che arrestano i suoi diritti e rappresentarle che ha diritto all'assistenza legale immediata. A questo proposito, le esperienze sono diverse. Uno dei giovani intervistati ha dichiarato di essere stato messo a conoscenza dei propri diritti sin dal momento dell'arresto: "Sì, certo, sapevo di avere dei diritti, mi hanno detto tutto". La maggioranza, invece, dichiara di non essere stata messa al corrente dei propri diritti: "Tutto andava troppo veloce e mi impediva di sapere quali diritti potevo esercitare".

"Mancavano 4 giorni al mio 14° compleanno... Mi hanno tenuto isolato e non mi hanno permesso di chiamare nessuno fino al giorno del mio 14° compleanno. Ora so perché [in Italia sei imputabile solo al compimento dei 14 anni], ma a quel tempo non avevo idea di quali fossero i miei diritti."

Quanto alla questione della conoscenza del procedimento e di cosa sarebbe successo dopo, la maggior parte dei ragazzi sembra aver sperimentato un certo grado di confusione, in particolare all'inizio: "Ho dovuto aspettare l'arrivo del giudice per sapere cosa mi sarebbe successo".

"Hanno fatto la perquisizione in casa, non mi hanno detto perché e mi hanno detto che alla fine mi avrebbero spiegato, ma non l'hanno fatto."

Per quanto riguarda l'avvocato e il suo ruolo nell'assicurarsi la comprensione del procedimento da parte del suo assistito, i colloqui hanno portato a risposte divergenti. L'esperienza sembra dipendere dalla "qualità" dell'avvocato: "Il mio avvocato non era affidabile, non mi sentivo ben rappresentato".

"Io sono stata arrestata a ... e mi hanno portata al CPIA di ..., perché c'era un problema con il CPIA di ... Poi alle 5 mi hanno riportato a ... per l'interrogatorio. Mi hanno lasciato 12 ore lì, senza mangiare e senza bere e ho visto la mia avvocatina solo quando eravamo già di fronte al giudice."

Tre giovani hanno raccontato di aver ricevuto spiegazioni dal loro avvocato solo dopo le udienze. Una di loro ha incontrato il suo avvocato solo una settimana dopo il suo arrivo in IPM: "Non sapevo per quale reato fossi lì dentro. Certo, sapevo che cosa avevo fatto prima dell'arresto, ma in quel momento... non sai nemmeno se quello che hai fatto è giusto o sbagliato". Il suo avvocato le ha detto che avrebbe fatto di tutto per tirarla fuori il prima possibile, ma sono passati otto mesi: "Mi sembrava infastidito quando l'ho chiamato". Ha confermato che la situazione probabilmente dipende molto dall'avvocato a cui ti affidi. In alcuni casi, quando l'avvocato è pagato dalla famiglia e agisce nel suo interesse, come nell'esempio di una ragazza consultata di etnia Rom, non si cura certo di ascoltare il punto di vista del suo assistito. A suo dire, era meglio non mettere a conoscenza l'avvocato del fatto che sarebbe stata volentieri più a lungo in IPM invece che uscire e dover riprendere la solita vita, costretta a furti in appartamenti.

Altri intervistati sono rimasti soddisfatti del loro avvocato: "Mi ha spiegato tutto quello che poteva succedere, ho capito quello che ha detto e anche i miei genitori". In quel caso l'avvocato è stato molto disponibile: il cliente sapeva di potersi rivolgere a lui in caso di bisogno, e infatti lo ha chiamato più volte.

LA GIUSTIZIA MINORILE DEVE ESSERE ADEGUATA ALL'ETÀ

Parole-chiave: - interesse superiore del minorenne, linguaggio, ambiente, partecipazione -

In tutte le fasi del procedimento i minorenni devono essere trattati nel rispetto della loro età, dei loro bisogni specifici, del loro grado di maturità e livello di comprensione. Tutto il procedimento, sentenze e ordinanze, devono essere spiegate in un linguaggio che possano comprendere, così che possano esercitare pienamente il diritto alla partecipazione. Inoltre, le udienze in cui sono coinvolti i minorenni devono svolgersi in ambienti adeguati, che rispettino la sensibilità dei minorenni e non incutano timori e devono prevedere pause regolari, non durare troppo a lungo, essere adatte ai loro ritmi e alla loro capacità di attenzione. I professionisti devono ricevere una formazione interdisciplinare sui diritti e sui bisogni dei minorenni di diverse fasce di età e sui procedimenti adatti a questi ultimi.

Domande guida:

- 1) Pensi che il momento del tuo arresto/primo contatto con le forze dell'ordine gli agenti di polizia si siano comportati in modo adeguato nei confronti di una persona della tua età?
- 2) Il procedimento ha tenuto conto della tua età e della tua maturità in quel momento (per esempio a livello di linguaggio utilizzato, ambiente in cui si svolgevano i colloqui, udienze, incontri con le diverse figure,...)?
- 3) Pensi che i tuoi bisogni di salute e benessere psicologico, educazione e istruzione siano stati considerati?
- 4) Stavi studiando/lavorando all'epoca? Hai potuto continuare o hai dovuto interrompere?

Con riferimento al tempo trascorso in Questura, uno degli intervistati ha riferito di aver ricevuto acqua e cibo, mentre un altro ha affermato che nessuno gli aveva offerto nulla e di aver dovuto aspettare che suo padre gli portasse cibo e acqua. Una ragazza ha raccontato di aver incontrato agenti di polizia che si comportavano con "animali", ma anche brave persone che la trattavano con rispetto.

Un ragazzo ha raccontato della sua esperienza al momento dell'arresto:

"Il giorno che mi hanno preso è stato strano, perchè non me lo aspettavo. Ero uscito a fare un giro, mi hanno preso in Via (...) e mi hanno trascinato in Questura senza dirmi perchè mi stavano arrestando. Poi da lì mi hanno portato direttamente a (...) [in un'altra città, ndr]. Avevo 15 anni."

Ai giovani è stato anche chiesto se hanno ricevuto qualche spiegazione dagli adulti sugli sviluppi del procedimento, in un modo per loro sufficientemente comprensibile. Su questo tema i giovani condividono la stessa opinione. Una ragazza ha risposto che lei "non capiva molto bene", perché parlavano tutti in modo incomprensibile. Altri due hanno concordato, affermando che il giudice non ha parlato con loro in modo che potessero capire. Entrambi hanno compreso ciò che era stato deciso durante il processo o in udienza solo in una fase successiva, attraverso le spiegazioni dell'avvocato. Un ragazzo ha concluso dicendo che - a suo avviso - il sistema giudiziario "non è adeguato al livello di autocoscienza che hanno i ragazzi".

La considerazione dell'età e della maturità dei giovani coinvolti dipende spesso dal comportamento degli operatori assegnati a ciascun caso. Una maggioranza relativa dei giovani intervistati ha convenuto che il comportamento degli agenti di polizia nell'IPM è stato buono e adeguato alla loro età. Per quanto riguarda gli assistenti sociali, ci sono state esperienze diverse. Un ragazzo racconta di aver avuto una “buona esperienza” con gli assistenti sociali che ha conosciuto. Una ragazza, invece, ha avuto una spiacevole esperienza con l'assistente sociale che la assisteva durante il procedimento civile relativo all'affidamento della figlia. C'era stata una denuncia per abusi familiari all'interno della sua famiglia d'origine, e dopo poco tempo è rimasta incinta. Quando ha partorito in ospedale era minorenne ed è stata presa in disparte da due assistenti sociali in assenza della madre o di un avvocato. Le hanno detto che, se non avesse accettato di andare in una comunità minorile con il suo neonato, l'avrebbero sospesa dalla responsabilità genitoriale. Non hanno aspettato l'arrivo di un adulto e non hanno spiegato i motivi della scelta che le hanno chiesto di fare.

Agli intervistati è stato chiesto di valutare se e come le loro esigenze sono state prese in considerazione. Ad esempio, è stato chiesto loro se hanno avuto la possibilità di incontrare uno psicologo. Uno di loro ha risposto affermativamente e ha raccontato dell'aiuto che ne è derivato. Una ragazza ha spiegato di aver dovuto chiedere lei stessa al SerD (Servizi per le Dipendenze), perché “altrimenti sarebbe stato tutto rimandato almeno a dopo l'udienza”. In quel caso, però, “lo psicologo del SerD non è stato digrande aiuto, perché era sempre negativo e non parlavamo molto. Mi è servito di più lo psicologo che vedevo su MySpace, lo preferivo rispetto a quello del SerD”. Un'altra ragazza, sullo stesso argomento, ha raccontato:

“Tante ragazze avevano problemi di droga, ma non ricevevano un grande sostegno psicologico. Io stessa non avevo uno psicologo e mi avrebbe aiutata averne uno”.

Un ragazzo intervistato durante le registrazioni per il podcast, ha sottolineato che un'aspetto importante su cui gli adulti dovrebbero concentrarsi maggiormente è la salvaguardia della salute mentale dei giovani, troppo spesso negletta.

Un altro aspetto rilevato riguarda la capacità della giustizia di adattarsi all'età dei giovani e al loro ritmo di vita. Ai ragazzi e alle ragazze, infatti, è stato chiesto se avessero la possibilità di svolgere le normali attività adolescenziali, cioè studiare, coltivare i propri interessi, ecc., durante le misure e soprattutto durante la detenzione minorile. Su questo punto i giudizi sono stati per lo più positivi.

“Ho studiato, ho imparato a fare gioielli, è stata una grande opportunità perché fuori non avrei mai avuto il tempo di imparare tutte queste cose e sarei rimasta per strada in cattiva compagnia”

“Le attività erano ben organizzate, ne ho fatte tante”.

Tuttavia, è stato anche rilevato che l'offerta formativa a disposizione presso i centri di detenzione non è sempre adeguata all'età e alle esigenze educative: a volte, sono a disposizione soltanto i percorsi di scuola primaria e di scuola media inferiore, mentre non è possibile frequentare le scuole superiori.

Un altro ragazzo ha raccontato: “l'assistente sociale dava importanza ai miei impegni e faceva proposte che si conciliassero con i miei interessi”. Un ragazzo, invece, ha riportato un'esperienza meno positiva, in quanto il suo ritmo di vita non è stato rispettato e nemmeno i suoi interessi: “La mia passione per la musica non è mai stata presa in considerazione”.

Ad alcuni ragazzi è stato anche chiesto se il processo li abbia portati a interrompere alcune attività fondamentali, come lo studio o il lavoro. Una ragazza ha risposto che stava “lavorando con i bambini, avrei potuto continuare, ma si è sparsa la voce del mio arresto e i miei genitori avevano paura che i genitori dei bambini si lamentassero e quindi non volevano che continuassi con questo lavoro”. Un'altra ragazza, invece, ha potuto continuare a lavorare: “il fatto di essere potuta uscire e lavorare ha aiutato: mi ha fatto conoscere il mondo, capire che là fuori c'era dell'altro”.

LA GIUSTIZIA MINORILE DEVE ESSERE RAPIDA

Parole-chiave: - giusto processo, senza ritardi, interesse superiore del minorenni -

Si deve applicare il principio dell'urgenza (priorità), al fine di fornire una rapida risposta, tutelando l'interesse superiore del minorenni. Le decisioni prese preliminarmente (provvisorie) devono essere riesaminate. La giustizia deve adeguare il proprio passo a quello dei minorenni - "non troppo affrettata né troppo lenta, procedendo a un'andatura ragionevole", assicurandosi che capiscano ogni fase del processo ma evitando ritardi ingiustificati. Il minorenni e i genitori devono ricevere informazione tempestiva e diretta dei capi di accusa a carico del minore sui diritti spettanti.

Domande guida:

- 1) Cosa ci puoi dire sui tempi del tuo procedimento?
- 2) Il provvedimento ti è arrivato in tempi brevi rispetto a quando è avvenuto il fatto?
- 3) Ti è capitato di dover attendere a lungo in CPA?
- 4) Sono stati avvertiti immediatamente i tuoi genitori e comunque hai potuto chiamare qualcuno immediatamente?

Commentando la tempestività delle procedure, una delle giovani ha ammesso che i suoi tempi sono stati "piuttosto lunghi", ma di non avere avuto la sensazione che si fosse verificato un eccessivo ritardo. Un altro ha affermato che i tempi sono stati "abbastanza brevi, perché da agosto ho fatto il processo a gennaio. In cinque mesi esatti ho fatto tutto. [...] È stato difficile iniziare prima, sia l'avvocato che i miei genitori hanno dovuto fare molte telefonate". Lo stesso però ha aggiunto che, al contrario, alcuni ragazzi che conosce, hanno avuto tempi lunghissimi del procedimento che hanno decisamente destabilizzato le loro vite.

Un altro intervistato ha spiegato di essere stato arrestato quando aveva sedici anni, ma il procedimento è iniziato quattro anni dopo:

"Quando avevo 16 anni sono stato arrestato e ovviamente la sensazione era negativa, ti senti un criminale, ma in realtà dopo l'arresto sono stato rilasciato e poi non ne ho più sentito parlare per molti anni. Quindi non capivo bene il senso di quello che era successo".

Un'esperienza simile ha riguardato un altro ragazzo intervistato, che ha dichiarato di avere subito un procedimento all'età di 25 anni, relativamente a fatti accaduti dieci anni prima.

I dati raccolti beneficerebbero di una lettura congiunta con un'altra serie di interviste realizzate per il progetto **CREW**, co-finanziato dall'Unione europea: in quel contesto, molte sono state le lamentele sulla durata del procedimento. Quando è iniziato il procedimento, molti ragazzi avevano trovato lavoro o avevano già una famiglia: hanno dovuto sospendere tutto nel momento in cui è stata emessa la sentenza. In un caso, l'intervistato ha riferito di essere diventato padre e di aver ricevuto una sentenza di condanna con libertà vigilata, per eseguire la quale ha dovuto lasciare il lavoro.

LA GIUSTIZIA MINORILE DEVE ESSERE DILIGENTE

Parole-chiave: - impegno, cura, zelo, accuratezza, specificità, interesse superiore -

La diligenza è la qualità in cui convergono impegno, cura, scrupolo, accuratezza e zelo. Una giustizia a misura di minorenni deve comprendere tutte queste qualità, rispettando tutti i diritti dei minorenni e agendo sempre nel loro superiore interesse, tenendo in considerazione i suoi bisogni specifici, avendo come obiettivo l'educazione e il reinserimento nella società. I diversi professionisti devono coordinarsi tra loro così da assicurare un'adeguata e rapida presa in carico.

Domande guida:

1) Durante il procedimento ti sembrava che a qualcuno importasse qualcosa di te?

2) Come hai percepito il giudice?

Ad esempio: amichevole/rilassato/neutrale/severo/teso/iolento/arrabbiato/disinteressato ...

3) E l'avvocato?

4) Come ti sentivi durante l'udienza?

5) Ti hanno mai chiesto di raccontare la tua storia, il tuo contesto di provenienza?

Interrogati sulla questione della diligenza, i ragazzi hanno avuto modo di parlare del rapporto che hanno avuto con i diversi attori coinvolti nel loro percorso giudiziario. Dalle interviste risulta che gli educatori e gli assistenti sociali sono nella posizione migliore per dare ai giovani le cure e le attenzioni di cui hanno bisogno. Una delle ragazze, infatti, ha così descritto la sua educatrice:

“A. è stata la persona che mi ha dato un po' di serenità. Non solo è stata la mia educatrice, ma anche una cara amica. Mi ha aiutato a superare le difficoltà che ho dovuto affrontare. Quando ci siamo incontrati per la prima volta non mi ha chiesto che COSA avessi fatto per essere in prigione, ma piuttosto COME stavo. Quando si entra per la prima volta in un carcere si vive un vero trauma, e lei sapeva calmare le persone. Si prendeva cura delle ragazze e faceva tutto il possibile per aiutarle. È un peccato che non tutti siano come lei”

Tuttavia, questa stessa ragazza racconta di aver avuto una pessima esperienza con l'assistente sociale assegnata al suo caso: “Aveva un carattere sgradevole, era molto arrogante. Mi ha aiutato per alcune cose, ma non è stata gentile. Non credeva che le ‘ragazze della mia cultura’ potessero venir fuori da questo genere di guai”.

Quanto al giudice, le esperienze variano molto, a seconda di chi si occupava del loro fascicolo: “Durante la prima udienza il giudice non è stato molto diligente con me, faceva domande su domande, mi sentivo confuso e non riuscivo a rispondere, così ha iniziato a urlarmi contro”. Altre esperienze, invece, sono state positive. Una ragazza ha incontrato un giudice che ha molto apprezzato:

“Mi ha ascoltata, era una brava persona. Mi ha chiesto cosa volevo fare e ho potuto parlargli dei miei problemi. Ho sempre avuto la sensazione che fosse interessato a me”.

La stessa opinione è stata espressa sull'avvocato. Un altro ragazzo ha affermato che “l'udienza provvisoria con il giudice è stata importante perché mi ha fatto capire molte cose e ho avuto la possibilità di spiegare in modo informale la mia versione dei fatti a una persona che mi voleva bene”.

Alcuni giudici e avvocati sono infatti percepiti come poco diligenti:

“Durante l'udienza ho avuto l'impressione che sia i giudici che gli avvocati avessero fretta di sbrigare velocemente le mie scartoffie”

LA GIUSTIZIA MINORILE DEVE ESSERE ADATTA ALLE ESIGENZE E AI DIRITTI DEL MINORE

Parole-chiave: - interesse superiore, bisogni, diritti, centrale, misure alternative -

Tutto il processo deve essere svolto tenendo in considerazione i bisogni e diritti del minorenne. Gli strumenti alternativi devono essere incoraggiati qualora siano nel superiore interesse del minorenne. Ogni forma di privazione della libertà di un minorenne deve essere una misura di ultima istanza e della più breve durata possibile. Se i minorenni vengono privati della libertà, le autorità devono garantire il pieno rispetto ed esercizio dei loro diritti. Fra tutti, deve essere data particolare attenzione ai seguenti diritti: mantenere contatti regolari e significativi con la famiglia e gli amici, ricevere un'istruzione adeguata, orientamento e formazione professionale, assistenza medica, libertà di pensiero, coscienza, religione, accesso a attività ricreative (educazione fisica e sportiva) e accedere a programmi che preparino i minorenni a ritornare nella comunità di appartenenza, prestando la massima attenzione ai loro bisogni emotivi e fisici, ai loro rapporti familiari, alle possibilità di sistemazione, istruzione e impiego e alla loro condizione socio-economica.

Domande guida:

- 1) Hai avuto accesso ad attività recreative/sportive?
- 2) Qualcuno ha parlato con te sulle tue aspirazioni future/sogni/obiettivi?
- 3) Hai partecipato a percorsi di formazione professionale o di orientamento al lavoro?
- 4) Sei stato in IPM (i.e. Istituto Penale Minorile)? Se sì: 1) Sei mai stato in isolamento? 2) Vuoi raccontare qualcosa sulla tua esperienza in IPM? 3) Quali attività erano disponibili?
- 5) Hai fatto un percorso di messa alla prova (MAP)? Se sì: 1) Hai partecipato alla predisposizione del progetto? 2) Pensi che il progetto sia stato sviluppato tenendo in considerazione i tuoi interessi?

Al fine di avviare una discussione sull'adattamento della giustizia all'età del minore, ai giovani è stato chiesto di raccontare la loro esperienza nell'IPM (Istituto Penale Minorile). La maggior parte degli intervistati ha ritenuto che gli agenti di polizia penitenziaria fossero "bravi", avendo avuto esperienze migliori rispetto a quelle con gli agenti ordinari delle forze dell'ordine: "Mi sono trovato bene dentro l'IPM, non ho mai avuto problemi". "In IPM mi hanno aiutata a ridimensionare la situazione e vedere le cose buone che potevano uscirne". Un giovane ha però accennato ad "atti di bullismo" all'interno dell'IPM, all'inizio della sua carcerazione.

Le opinioni sembrano divergere maggiormente per quanto riguarda le comunità giovanili. Un ragazzo, infatti, ha descritto la sua esperienza in termini negativi: "La comunità era cattiva, alcuni educatori si sono comportati bene e altri si sono comportati male. Ci trattavano male, come cani". Questo ragazzo è stato "punito" con un isolamento di 14 giorni.

Per chi ha vissuto la messa alla prova (MAP), sembra che tutti abbiano ritenuto l'esperienza utile:

"Non uscire con certa gente serve a evitare problemi, comunque apprezzo tanto il fatto che alla fine della MAP la mia fedina penale è uscita pulita, non è una cosa da poco, quindi mi sto impegnando un sacco in questo periodo."

"Il mio percorso dall'IPM, alla comunità, alla libertà vigilata, mi ha permesso di capire cosa metti a rischio quando fai cose cattive".

Ad alcuni dei giovani è stato chiesto se avessero avuto l'opportunità di progettare la MAP in un modo non eccessivamente incisivo sulla loro vita quotidiana. Una ragazza ha risposto di non aver partecipato alla stesura del progetto, ma ha raccontato che le tempistiche erano adeguate e il carico non eccessivo: la MAP non ha cambiato i suoi ritmi di vita. Secondo l'esperienza di un altro ragazzo, la MAP è stata un'esperienza molto positiva e l'attività di volontariato proposta gli è piaciuta molto, perché gli ha dato l'opportunità di conoscere altre realtà: aveva un buon rapporto con l'educatore e gli hanno proposto attività in linea con quello che voleva fare. Ha lavorato con i bambini nelle scuole e si è sentito "importante": questo lo ha aiutato a staccarsi dall'"immagine del delinquente" che aveva di sé. I servizi sociali gli hanno proposto vari progetti e lui ha potuto scegliere.

LA GIUSTIZIA MINORILE DEVE RISPETTARE IL DIRITTO AL GIUSTO PROCESSO

Parole-chiave: - proporzionalità, presunzione d'innocenza, assistenza legale, equità -

Ai minorenni, come agli adulti, devono essere garantiti tutti i principi del giusto processo, caratteristica essenziale di uno stato di diritto. In questo modo, i principi di legalità e proporzionalità, la presunzione d'innocenza, il diritto a un equo processo, il diritto all'assistenza legale, il diritto di accesso alla giustizia (accessibilità) devono essere pienamente garantiti. Questi non devono mai essere negati o ridotti utilizzando come pretesto l'interesse superiore del minorenne.

Domande guida:

- 1) Pensi che la reazione della polizia sia stata adeguata rispetto alla tua azione?
- 2) Ti sembra che il procedimento sia stato proporzionato rispetto a quello che hai fatto?
- 3) Ti sei mai sentito trattato come un colpevole?
- 4) Hanno aspettato il tuo avvocato prima di interrogarti?
- 5) Ti hanno spiegato che avevi diritto all'assistenza gratuita di un avvocato?

Uno dei giovani intervistati ha dichiarato:

“Mi sono sentito trattato come colpevole già in questura .”

Molti degli intervistati hanno raccontato che il primo interrogatorio è avvenuto in Questura senza la presenza di un avvocato. Ciononostante, in alcuni casi gli agenti di polizia hanno aspettato il preventivo colloquio con l'avvocato: “Mi hanno chiesto se avevo un avvocato, poi hanno fatto firmare i miei genitori per ottenere il gratuito patrocinio: “L'avvocato era presente durante l'interrogatorio”. Tuttavia, un ragazzo ha dichiarato che gli agenti di polizia, una volta in Questura, gli hanno chiesto spiegazioni prima che arrivasse l'avvocato. Quando ha chiesto di aspettare suo padre o un avvocato di fiducia, hanno insistito sull'opportunità di assegnarlo a un difensore d'ufficio, per velocizzare le cose.

È emersa una convinzione generale circa il minor grado di diligenza dei difensori d'ufficio. Una giovane ha riferito che il suo avvocato ha complicato molto la sua situazione: “Li ha fatti andare in prescrizione apposta, ha creato un pasticcio, poi ho avuto un accumulo di condanne”. L'opportunità di affidarsi ad un avvocato di fiducia può dipendere dalla situazione familiare e dalla presenza di titolari della responsabilità genitoriale in grado di perseguire l'interesse superiore del minorenne. Uno dei ragazzi ha raccontato di avere un avvocato d'ufficio, ma che sua madre non si fidava di lui e ha deciso di pagarne un altro: “Quando mia madre ha visto il nome dell'avvocato d'ufficio, non si è fidata di lui e ho deciso di assumerne uno privato, perché ero in un pasticcio più grande di me, non pensavo nemmeno con lucidità, avevo l'ansia”. Tuttavia, anche se alcuni giovani non sembravano avere nulla di cui “lamentarsi”, molti di loro pensano di aver solo avuto fortuna:

“È andato tutto molto bene rispetto ad altre persone che conosco, ho sentito storie di persone per le quali le cose non sono andate tanto bene, ma forse è perché avevano una situazione diversa a casa. A me inizialmente avevano detto ‘vogliamo metterti agli arresti domiciliari, vogliamo metterti in galera’, però poi hanno visto che in casa c'era una bella situazione e quindi hanno deciso di lasciarmi lì. Se avessi avuto un'altra famiglia, forse, potrei essere ancora a Torino in carcere”.

LA GIUSTIZIA MINORILE DEVE RISPETTARE IL DIRITTO ALLA PARTECIPAZIONE E ALLA COMPrensIONE DEL PROCEDIMENTO

Parole-chiave: - ascolto, linguaggio a misura di minorenni, spiegazioni, adeguatezza -

I minorenni hanno il diritto di essere informati (con un linguaggio che possano comprendere) sui loro diritti e su tutte le sentenze e le decisioni che li riguardano. I minorenni devono capire cosa sta accadendo, come la situazione potrebbe evolversi o si evolverà, quali opzioni hanno a disposizione e quali saranno le conseguenze. I minorenni hanno anche il diritto (non il dovere) di essere ascoltati e fornire la propria opinione in tutte le questioni che li riguardano, ricevendo tutte le informazioni necessarie su come esercitare questi diritti in modo efficace. Le loro opinioni devono essere sempre prese in considerazione, tenendo conto dell'età, del grado di maturità e delle circostanze del caso anche se non sempre queste determineranno le decisioni finali.

Domande guida:

- 1) Ti sei sentito ascoltato dal tuo avvocato?
- 2) Durante l'udienza, hai avuto la possibilità di partecipare e di raccontare la tua versione?
- 3) Il tuo avvocato ti invitava a parlare o ti diceva che era meglio stare zitto?
- 4) Il giudice si è rivolto a te in un modo comprensibile?
- 5) Hai avuto la possibilità di confrontarti con l'assistente sociale in merito alla definizione della MAP o del tuo percorso in generale?
- 6) In generale ti sembra di aver potuto esprimere la tua opinione all'interno del procedimento?

Con riferimento alla loro partecipazione al procedimento, i giovani hanno esperienze diverse da condividere. Uno afferma di aver avuto la possibilità di raccontare la sua storia: "Durante l'udienza ho ripetuto le stesse cose che avevo detto durante l'interrogatorio", mentre un altro ha dovuto stare zitto per tutto il tempo:

"L'avvocato ha parlato solo con mia madre, cercava di calmarmi ma non riuscivo a capire niente. Prima dell'udienza mi ha solo detto di dire 'sì' e solo dopo mi ha spiegato cosa è successo".

Una ragazza presente durante la stessa seduta di gruppo ha confermato, aggiungendo:

"Sono partiti in quinta, mi hanno solo detto di dire sì al giudice".

Un altro ragazzo intervistato ha raccontato che, al momento dell'arresto, gli agenti non gli hanno spiegato perché lo stavano arrestando, né che aveva diritto a telefonare ad un genitore o ad un avvocato. Anche quando, contestualmente, gli hanno comunicato che avrebbe trascorso un periodo in comunità, non gli è stato spiegato per quale motivo.

"Mi hanno detto che dovevo andare un mese in comunità, perché gli assistenti sociali avevano deciso così. Mi hanno detto che era per un motivo civile. Invece poi si è scoperto che il motivo era penale, ma non capivo bene."

Una ragazza afferma di aver avuto difficoltà a contestare le decisioni, soprattutto perché non si trovava bene con il suo avvocato: “Non potevo cambiarlo e non avevo nessun altro a cui rivolgermi nel sistema giudiziario. Un ragazzo ha raccontato di essere stato picchiato dagli agenti di polizia durante il suo arresto: “Non l’ho detto a nessuno, e comunque dirlo a qualcuno non cambia niente”.

LA GIUSTIZIA PENALE MINORILE DEVE RISPETTARE IL DIRITTO ALLA VITA PRIVATA E FAMILIARE

Parole-chiave: - anonimato, protezione, pseudonimo, famiglia, relazioni, affetti -

La vita privata e i dati personali dei minorenni che sono (o sono stati) coinvolti in qualsiasi procedimento dovrebbero essere protetti in conformità alla legge nazionale. In particolare non possono essere rivelate informazioni (nomi, indirizzi, descrizioni, ecc), immagini o dati che possano consentire direttamente o indirettamente la diffusione dell'identità del minorenne. Le autorità devono anche prevedere un accesso limitato ai registri o ai documenti che contengono dati personali e sensibili dei minorenni. In altre parole, il minorenne ha diritto all'anonimato e alla protezione dei dati personali, in particolare con riferimento ai mass media. Tutti i procedimenti che coinvolgono minori dovrebbero avvenire a porte chiuse. I minorenni hanno il diritto a mantenere un rapporto stabile e continuativo con i membri della sua famiglia e con i suoi affetti.

Domande guida:

- 1) È mai stata data notizia sui giornali/media/social di quello che era successo? Se sì: 1) Ti sei sentito esposto? 2) Sono state date informazioni che potevano identificarti?
- 2) La tua udienza era pubblica o a porte chiuse?
- 4) Volevi mantenere i contatti con i tuoi cari? Hai potuto farlo?
- 5) Il tuo avvocato è stato pagato dalla tua famiglia?
- 6) Pensi che abbia tenuto i tuoi interessi in considerazione?
- 7) Secondo te la tua situazione familiare ha influito in qualche modo sulla tua situazione?

Alla domanda sul rispetto della loro privacy, nessuno dei giovani partecipanti ha riferito di aver subito la diffusione del suo nome insieme alla notizia del fatto: "Il mio nome non è mai uscito", "Non ho assolutamente mai pensato che il mio diritto alla privacy non fosse stato rispettato". Tuttavia, un giovane racconta di aver vissuto in maniera negativa la pubblicazione di una notizia che lo riguardava sul giornale: anche se il suo nome non era stato rivelato, una persona che lo conosceva o i suoi genitori avrebbero potuto ricondurre rapidamente la notizia alla sua identità. Infatti, da lì a poco si era sparsa la voce di quello che era successo. Peraltro, "hanno scritto cose che non c'entravano e dettagli che non erano veri, ma alla fine il mio nome non c'era".

Tuttavia, un'altra persona intervistata ha condiviso un'esperienza differente:

"Quando mi hanno arrestata c'erano i giornalisti tutti i giorni davanti a casa mia. Tutti i vicini se ne sono accorti, hanno messo le iniziali del mio nome e del mio cognome negli articoli, e anche informazioni sullo sport che praticavo... E hanno anche scritto che i miei genitori erano assenti."

Interessante la testimonianza di un'altra ragazza:

"Di recente ho smarrito la mia carta di identità e sono stata in Questura per sporgere denuncia: l'ufficiale di polizia, consultando le sue banche dati, sapeva che ho commesso alcuni reati in passato e me l'ha fatto presente. Ci sono rimasta"

Un'importante componente del diritto al rispetto della vita familiare è la possibilità per i ragazzi e per le ragazze di mantenere rapporti regolari con i propri cari. Una ragazza ha riferito di aver visto sua madre una volta, e di non aver potuto mantenere i rapporti con il suo fidanzato perché non erano sposati. Ha potuto rivederlo quando ha iniziato a uscire dal carcere per alcuni incontri: in quell'occasione, ha potuto rivedere non solo il suo fidanzato, ma anche i suoi figli.

Infatti, il rispetto della vita familiare può presentare criticità nel momento in cui la persona in stato di detenzione è già, a sua volta, genitore. Un ragazzo intervistato ha evidenziato come sia complesso mantenere il rapporto con i propri figli quando si è in carcere, anche a causa dell'inadeguatezza dell'ambiente in cui hanno luogo le visite: "Noi magari diciamo ai nostri figli che siamo a lavoro, ma quando vengono qui vedono gli agenti di polizia che fanno la guardia tutto il tempo".

Le indagini ed i procedimenti penali possono avere un forte impatto sulla vita familiare. Secondo uno dei ragazzi intervistati: "Sembra che i legami familiari non siano tenuti in particolare considerazione. Quando sono venuti a perquisire casa, mi hanno fatto delle domande e poi hanno interrogato anche i miei genitori, in un'altra stanza. Era un momento difficile per la nostra famiglia, i miei genitori si stavano separando, quindi questo evento ha danneggiato ulteriormente il rapporto tra loro, che era già in crisi".

Un'altra questione delicata riguarda il rapporto tra l'avvocato e il/i titolare/i della responsabilità genitoriale. Una delle ragazze ha raccontato di una situazione particolare: infatti, il suo avvocato era pagato dalla famiglia del suo ex fidanzato. Secondo lei, questo ha influito molto sulla sua esperienza:

“Non mi sentivo ben rappresentata, ma non potevo cambiarlo e non potevo rivolgermi a nessuno nel sistema giustizia. La famiglia del mio ex ragazzo si occupava di tutto, quindi non avevo la possibilità di esprimermi, Mi sarebbe piaciuto avere un avvocato che difendesse la mia causa, ma non ho potuto perché tutto dipendeva da loro”

La ragazza in questione proveniva da una famiglia legata al crimine organizzato e ha raccontato delle esperienze vissute da ragazze che si trovano nella sua stessa situazione: "per loro è così difficile uscire, è impossibile. Devono proprio volerlo, desiderarlo". Secondo lei, "gli operatori della giustizia devono aiutarli a riprendere in mano la loro vita, a fargli fare delle cose che le famiglie non gli permettono di fare. Hanno troppa paura che gli succeda qualcosa, si sentono male, minacciati".

LA GIUSTIZIA PENALE MINORILE DEVE RISPETTARE IL DIRITTO ALLA DIGNITÀ E ALL'INTEGRITÀ

Parole-chiave: - protezione, attenzione, sensibilità, equità, rispetto -

I minorenni devono essere protetti da danni, intimidazioni, rappresaglie e vittimizzazioni secondarie. Devono sempre essere trattati con attenzione, sensibilità, equità e rispetto nel corso di qualsiasi procedimento, prestando particolare attenzione alla loro situazione personale, al loro benessere e ai loro bisogni specifici e nel pieno rispetto della loro integrità fisica e psicologica. E' necessario garantire una protezione e un'assistenza speciali per i minorenni più vulnerabili (migranti, rifugiati, richiedenti asilo, minori che vivono in strada, minoranze culturali, disabili) Bisogna evitare etichette o stigmatizzazioni. Se privati della libertà, i minorenni devono essere divisi dagli adulti. I minorenni non devono essere sottoposti a tortura o a pene o trattamenti inumani e degradanti.

Domande guida:

1) Durante l'arresto come ti sembravano gli agenti di polizia?

Per esempio: amichevoli, rilassati, neutri, severi, tesi, violenti, arrabbiati, disinteressati, ...

2) Se sei stato in IPM: eri in sezioni separate rispetto ai maggiorenni?

3) Ti è successo qualche episodio spiacevole?

4) Hai trovato degli professionisti sensibili in cui trovare conforto?

5) Ti sei sentito discriminato? Per quali motivi?

6) Durante il percorso penale, dal primo contatto con le forze dell'ordine fino al termine del procedimento ti sei sentito sicuro e adeguatamente protetto e rispettato?

7) Cos'è successo dopo il procedimento?

8) Secondo te l'esperienza della giustizia ti è servita a conoscere meglio te stesso e a prendere delle strade diverse?

Per quanto riguarda l'arresto da parte degli agenti di polizia e il trattamento generale ricevuto, diversi giovani hanno riportato esperienze molto negative e traumatiche. Innanzitutto, alcuni degli intervistati hanno dichiarato di essere stati picchiati da agenti di polizia:

“Stavo malissimo, mi picchiavano, era più che schiaffi”

Secondo l'esperienza di questa ragazza, lei non aveva assunto un atteggiamento provocante “non me lo sarei mai permesso, data la mia personalità”. L'atteggiamento delle forze dell'ordine le ha instillato dei sensi di colpa. Ha riportato alcune frasi degli agenti, come ad esempio “Grazie a te dobbiamo fare il nostro lavoro”. Secondo lei, la violenza era in parte dovuta al razzismo.

Un altro ragazzo ha riferito che la polizia non si è comportata bene con lui al momento dell'arresto: “quando mi hanno tolto il cellulare mi hanno picchiato”.

Le testimonianze dei ragazzi e delle ragazze circa la condotta degli agenti di polizia sono in linea con quanto emerso anche nel corso della registrazione dei podcast.

Secondo un altro intervistato, i poliziotti sono spesso spinti dal pregiudizio: “Lavorano con persone che vivono in un certo modo, quindi è come se sapessero già come si comporta una persona”. Ha spiegato che, essendo un appassionato di bricolage, ha sempre molti strumenti. Quando i carabinieri hanno perquisito la casa hanno visto un taglierino sul comodino e hanno detto “questo dorme con un coltellino accanto”, alludendo ad uno strumento utilizzato da chi fa uso di droghe. Ha anche riferito che gli agenti di polizia sono andati a prenderlo a scuola. Erano in borghese, ma con le auto della polizia: era chiaro a tutti i presenti chi fossero. “Tendono ad esasperare la loro parte (come una recita), perché sembra che il loro unico interesse sia la confessione”.

Un altro ragazzo, parlando della sua esperienza in IPM, ha raccontato di essersi sentito molto solo durante il periodo della pandemia Covid-19, perché aveva avuto la febbre qualche giorno e di conseguenza aveva trascorso un mese in isolamento.

“In isolamento sei in una stanza con un letto, il bagno e una finestra. Non ti danno nulla da fare, praticamente mangi e dormi. In questa cella buia ti senti isolato dal mondo, stavo impazzendo”.

4. CONCLUSIONI

Le interviste ai ragazzi e alle ragazze in contatto con il sistema della giustizia minorile hanno consentito una prima valutazione sullo stato dell'arte circa l'applicazione dei principi della giustizia a misura di minorenni nella prassi italiana, oltre ad una panoramica generale sulle esigenze del sistema. Nonostante l'esiguo numero di interviste, che non consente risultati rappresentativi, i risultati ottenuti attraverso questa attività di ricerca tra pari sono da leggere in continuità con i risultati del precedente progetto CREW⁶, oltre a costituire un valido punto di partenza su cui costruire le prossime attività del progetto JUST CLOSER. In effetti, l'obiettivo centrale della ricerca tra pari risiede nel processo, piuttosto che nei suoi risultati: la ricerca non solo ha permesso ai giovani di condividere la loro esperienza e di sentirsi ascoltati, ma ha anche rappresentato un'esperienza preziosa per gli *Young Leaders*, che hanno avuto l'opportunità di guidare il processo di ricerca, rafforzare le proprie competenze e contestualizzare la propria storia.

Le esperienze dei giovani coinvolti nel sistema della giustizia minorile, raccontate in questo rapporto, sono molto diversificate. La narrazione ha toccato molti aspetti, positivi e negativi. Invero, la sola esistenza di questa frammentazione è un elemento importante: si tratta del primo sintomo di una applicazione discontinua dei principi e delle regole della giustizia a misura di minorenni nei procedimenti penali. Come già emerge dai risultati del progetto CREW, una "buona" esperienza all'interno del sistema giudiziario sembra essere una questione di "fortuna", piuttosto che il frutto di un'applicazione coerente delle garanzie procedurali richieste dal diritto europeo e nazionale.

In generale, tutti i ragazzi che hanno riportato esperienze negative hanno dato l'impressione di non sentirsi ascoltati. I loro sentimenti, opinioni, aspirazioni e paure non sono sempre al centro del processo. Complessivamente, la considerazione dell'interesse superiore del minore sembra dipendere dalla preparazione e dalla disponibilità di ciascun professionista o operatore coinvolto nel caso di specie. In questa prospettiva, il lavoro di tutti i professionisti della giustizia minorile può beneficiare di una formazione giuridica integrata con competenze psicologiche (oltre che relazionali e sociali), basate sulla considerazione primaria dell'interesse superiore del minore.

Particolarmente significative, in questo senso, sono i racconti sul primo contatto con gli agenti di polizia. Diversi giovani intervistati hanno parlato di esperienze molto negative e traumatiche, analogamente a quanto già emerso nel corso del progetto CREW. Il fatto che alcuni di loro abbiano dichiarato di aver subito percosse giustifica, di per sé, un esame approfondito della pratica attuale e un'analisi degli attuali sistemi di monitoraggio e controllo, nonché della qualità della formazione specifica fornita agli agenti di polizia che vengono a diretto contatto con i giovani.

Ci sono alcuni aspetti della giustizia penale che sono percepiti come validi e strategici: ad esempio, spesso i ragazzi parlano positivamente degli operatori socio-pedagogici incontrati (assistente sociale, educatore); si rendono conto che fanno del loro meglio per supportarli nonostante gli ostacoli e la burocrazia posti dal sistema.

Inoltre molti giovani hanno tratto benefici dall'esperienza della MAP. Questi strumenti dovrebbero essere ulteriormente valorizzati e rafforzati. Secondo la ricerca condotta nell'ambito di questo progetto, così come rilevato

⁶ [CREW: Rafforzare i diritti dei minori accusati o indagati in procedimenti penali](#), Progetto co-finanziato dall'Unione Europea nell'ambito del Programma Rights, Equality and Citizenship (GA n. 878496). Si veda in particolare il [Crew Report dati 2021 - Per un sistema di giustizia child-friendly: L'attuazione dei diritti e delle garanzie procedurali delle persone minorenne](#) e il CREW Policy Paper – "L'attuazione sostanziale dei diritti e delle garanzie procedurali di persone minorenni indagate o imputate di reato in Italia".

dal progetto CREW, l'esperienza della MAP risulta particolarmente fruttuosa quando i giovani hanno l'opportunità di partecipare alla fase di pianificazione e progettazione delle attività. In situazioni di questo tipo, emerge la potenzialità della MAP di restituire sicurezza, di aiutare i giovani a destigmatizzarsi, a distaccarsi da un'immagine negativa di sé ("sono un criminale"), con ricadute positive sul piano del reinserimento nella società. Anche in questo caso, il successo del progetto educativo sembra dipendere in gran parte dalla preparazione e dalla sensibilità dei professionisti coinvolti.

Project JUST Closer

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WP2: <Closer Spaces>

D2.3-8 Participatory Needs Assessment
Report

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Introduction of the project and scope of the Participatory Needs Assessment Report

The project JUST CLOSER aims to promote and reinforce child participation in criminal proceedings by starting from actual practices as well as from the direct experience of children. JUST CLOSER contributes to the effective and coherent application of EU criminal law, by focusing on the practical implementation of the Child-Friendly Justice Guidelines (Council of Europe) - in accordance with Directive (EU) 2016/800.

Young Perspectives works directly with youth in contact with the juvenile justice system in the Netherlands. YOPE is present both inside and outside detention centres and will engage both youngsters currently deprived of their liberty and previously incarcerated youth in the project.

The Closer Spaces work package (WP2) relies heavily on the experience and leadership of young people who had contact with the criminal justice system and uses this experience to appoint venues to improve the system itself. In order to achieve that, YOPE has set up a national group of *experience experts* who will lead the development and implementation of different activities, with the technical and logistical support of the project coordinators.

In the Netherlands, this has been done through a participatory research workshop inside a youth detention institution, with the supervision of the organisation's facilitators.

1. Approach and methods

1.1 The participants: recruitment of the YT&As

Young Perspectives works with **experience experts** (from now on referred to as experts only) who use their own experiences and ideas to transform the system by bringing you close to the world of young people during and after detention. They do so by training and advising forensic professionals for a better juvenile justice and care system and sharing their experience with decision-makers, academics and the public.



Experts receive individual and group guidance from the YOPE coordinators and from external trainers in order to develop their confidence and competences for the assignments. Every year, about 15 young people are selected to work as a group in a two-year process. After that, they remain involved as alumni for a long time. In this role, they are paid for their engagement as experts by experience while gaining professional experience. YOPE is a place where young people can develop themselves and their participation serves as a positive springboard to future work or study opportunities.

From the pool of experts, individuals are selected for specific assignments based on their availability and their level of experience. For instance, whenever possible, more experienced youngsters are paired with less experienced youngsters to ensure peer-support and peer-learning. The coordinators also ensure that opportunities are spread evenly across the group. In case of medium and long-term projects, such as JUST CLOSER, the coordinators try to involve a good number of experts, while trying to maintain some stability throughout the activities. When a new expert joins an ongoing activity, they are briefed and have a moment to clarify questions.

Therefore, the Youth Trainers and Advisors (YT&A) group was set up ahead of the Exchange Workshop on Methodology (Turin, Italy - 27 and 28 October 2022) and two youngsters were recruited to attend the two-day workshop, which aimed to review the road map. See list of attendees in the annex 1.

1.2 The activities

Following the Exchange Workshop on Methodology, the YOPE developed a zero draft of the methodology for the Participatory Needs Assessment (activity 2.4). This activity aims to identify the gaps in the implementation of different EU Directives related to Child Friendly Justice. In other words, compare the different policy frameworks to the reality experienced by youngsters in contact with the judicial system.

The coordinators of the group, Lamyn and Elizabeth, drafted the initial proposal and set a joint session with two members of the YT&A group to discuss and 'pilot' the proposal - one who was present in Turin and a new member.



The session took place on 7 December 2022 in the YOPE office. During the session, Lamyn explained the goal of the activity, the role of the youngsters and went through the proposal step-by-step. The participants offered comments, suggestions and concerns, which were incorporated into the second draft (annex 2).

The session was scheduled to take place on 1st March 2023 in a youth detention centre in the Netherlands. The session would be part of the larger YOPE curriculum during the break-week, when artistic and sport workshops substitute the school activities. However, one day before the session, one incident happened and the institution decided to cancel all activities while investigation took place. As a result, the participatory needs assessment was also cancelled. YOPE coordinators have then contacted other institutions where the activity can be implemented, however their availability is limited and they could only find a spot in a month's time.

The decision to implement the activity inside detention is two-fold:

- reaching a larger number of participants and therefore having robust results: outside detention, the pool of participants would limit itself to experience experts (approximately 12 at the moment), while in the detention centre the pool would be bigger;
- time and cost-efficiency: despite the delay of following the centre's schedule, a focal group set-up allows us to collect all the data in one day. If we opted to carry the assessment with boys outside, it would be very hard to find a day and time where all youngsters are available, which would require us to run the session multiple times, requiring more time from the staff and young trainers and more funding for one activity.

Finally, a new session was successfully implemented on 26th April 2023, from 9.00-15.45hr. YOPE coordinators Lamyn and Elizabeth organised the four workshop sessions during a break-week in a closed institution in the middle of the Netherlands. We do not specify the location, due to our consent-restrictions. Each workshop was built on creative methods and involving the two YOPE experts Nigel & Jousri (see annex 2 for the outline of the workshop). Lamyn led the workshop, supported by Jousri and Nigel, meanwhile Elizabeth took notes for this report.



1.1 The principles of child-friendly justice as the starting point for discussion

Introduction

We opened our workshop with a short introduction round, where the experts introduced themselves to the group. After, Lamyn and Elizabeth kick off the session by explaining what our aim for the day was and why the experts are joining. We showed the trailer of Exchanging Perspectives, so the participants got an image of what we do in the outside world with justice professionals, with international projects like Just Closer. Afterwards, we handed out the consent forms, which they could sign after the session if agreed.

Elizabeth briefly explained the meaning of the 9 principles for child-friendly justice and asked if any of those were familiar to the youngsters in the room. Lamyn continued by interviewing the YOPE experts, via the film script-method, to get more familiar with the experiences and insights of the experts but also inviting and asking the young participants of the workshop to share their experiences. The first group had 3 participants, the second workshop 6 participants, the third workshop had 1 participant and the final workshop had 5 participants. They were aged between 15 and 21 years old. Most of them had a (non-western) migration background, but were born or growing up in the Netherlands. The workshop was finalised by a brief summary of the discussed themes and a big thanks to the participants and YOPE experts for their energy and openness.

1.2 The results of the interviews: experiences, opinions and proposals

Workshop 1-4 - main themes and outcomes

One of the first themes discussed was the **right for family life and privacy**. Lamyn asked which of the nine principles on the slide spoke to them the most and this one was mentioned by many of the participants. Most of them felt like this right was violated during court days but also during arrests by police or in the juvenile institution. They also mentioned that they realised it is hard for the institution to facilitate this right, due to risk and procedures. But during the conversation it was evident that most (if not all) participants felt violated on this right.

Child-friendly justice is justice that is...

... respecting the right to private and family life



Participants shared:

“On trial, I was not allowed to give my mom a hug while she was crying. I was not allowed to greet them properly, even after not seeing them for such a long time.”

“If you are 14 years old and they blow up your front door, while your little brothers and sisters are home too. And the whole street is awake too. But they knew I was home. Why did they have to break in like that?”

“They knew I was home too and my sister usually wears a veil but they just broke in the house. I don’t think that’s in line with the family principle then.”

“[The police] should see per case how severe it is and how you must enter the house. If there are (other) kids in the house and no guns, then they should adjust the procedure to that too. And [adjust] to the type of family too.”

“I’ve heard they [the police] were very disrespectful to my parents, while I was already taken away - but they didn’t do anything wrong.”

Another striking topic was the **treatment and handling of the police during the arrests** (or the AT / special arrest unit of Dutch Police); all participants of this workshop had something to share on this topic. To sum up what we’ve heard, most of the participants have experienced their arrest as traumatic and aggressive. They did not feel like it was age-appropriate or respecting family life. The participants share some impactful experiences, but also give recommendations on what approach might work better: “Police need to use a fatherly tone” or note that in the Netherlands the police communicate better than some experienced in Belgium.

Child-friendly justice is justice that is...

... age appropriate;

... adapted to and focused on the needs of the child;

... respecting the right to integrity and dignity.

A few quotes to illustrate the above:



“I would never treat or approach a 12/13 year old like they handled me at the time. Maybe I’d firmly grab someone, but I was arrested as if I was a big man. And my younger sister was there too, she was very scared.”

“My advice would be to approach with a fatherly tone, for the very young boys that get arrested. That would work much better and still have an impact.”

“Police stays police, but if they work so aggressively with such young boys, then you stimulate hate against the police too.”

“It would make more impact if someone would just come and talk to me, like the neighbour-hood police officer. He is a relaxed guy, but also straight with me if I did something wrong. That made an impact on me too, I will remember what he said.”

“The AT is not joking around with you. They don’t respect your home, they don’t look you in the eye or talk to you. They just pick you up and give instructions.”

“In the Netherlands, the police still talk to you, but in Belgium it’s much worse and the prisons are much worse there too.”

“One time, I didn’t know the police came to pick me up. So there were a lot of sirens and cars and they threw me on the ground. My whole chest had scratches.”

“I would really advise young boys to collaborate with the police if they come for you, because otherwise they will get very aggressive with you.”

“Look, if you have done something wrong you can expect something, but they should also realise it can be traumatising for young boys. And this trauma gets stimulated in youth detention too, by the room-checks all the time.”

After sharing experiences on their arrest, we focused on the topic **“going to court”**. The most dominant experiences that were shared was how most youngsters felt like everybody in court was very official and cold (or even angry-looking) on their court day. Most of them did not understand everything that was happening and being said, but some had a good lawyer who explained deliberately what was happening. Participants highlighted the importance of involving and informing the young suspects in the right manner on



court days, giving them the feeling that they need to be heard and they can have an impact on their case if they share their thoughts and experiences. What they would want is a more open and empathic environment, where they feel welcome to speak and feel heard, opposed to “a cold environment where everything is already decided”.

Child-friendly justice is justice that is...

... respecting the right to participate in and to understand the proceedings

Hereby a few quotes of the participants' experiences:

“It was a very cold atmosphere in court. Literally cold, because I was sitting in a cell for six hours on a concrete bench. To me, it felt like everything was lost and decided already. Everybody looked sour and angry at me.”

“Even child protection and probation services, they advise the judge and they know you, but if you get your punishment - they don't care for you anymore. I've never heard from them again.”

“One time here in the institution, the biggest boss of the Prosecution Service came to talk to me. He was a friendly man and he listened too.”

“I think I understand everything that was happening on trial.”

“To be honest, I was sitting there and I felt screwed up by them. How they talked, especially the prosecutors.”

“If I look back now, I should have spoken and shared more on trial. But you also feel pushed in a corner on those days. And it felt like I didn't get enough time to talk either. I felt like it was all decided already.”

*“You are young, so you don't know how to react to all that is happening. Sometimes so much bullsh*t has been shared by the professionals that you think “oke never mind”.”*

The final topic was experiences of the participants **in the youth detention centre**. The most important messages that they shared, was how they sometimes did not feel understood by the staff and felt like there was so much uncertainty during their stay. A personal approach and adjusting the treatment and care to each youngster is what they marked as important and still lack, while residing in the institution. Most of them emphasised the fact that if you do something wrong, you can expect to get punishment for it and that *“It's up*



to the young person himself if he is going to make that change” (participant). But uncertainty about their future and unfair situations, caused by staff members and them not owning up to their mistakes - is a reason for some not to cooperate or feel positive about the institution.

Child-friendly justice is justice that is...

... speedy and diligent

A few quotes to illustrate:

“Sometimes the lawyer doesn’t seem to understand what PIJ-measure is or what it is like in a youth detention centre.”

“I’d prefer an adult punishment because then I got clarity and a date. Now with the PIJ-measure so much is uncertain, it feels endless.”

“My behaviour is good enough to go on probation, but I did not receive my treatment yet - so I still can’t go.”

“If it works for one person, that doesn’t mean it works for the others too.”

“Sometimes you get a 24 month extension (maximum), while that new therapist doesn’t even know you. But the judge still listens to her.”

Statements: dilemma exercise

The second part of the workshop we continued our conversation with a dilemma-exercise, where the participants needed to take a stance and share their thoughts with the group on each topic.

(1) I am aware and informed about my rights in court.

Majority of the young participants felt like they knew what was happening and what their role was during the court day.

“My lawyer but also a friend of mine informed me about how everything works.”

“This is my first time being detained, it is all very new to me. But I knew my lawyer already, so he informed me pretty well on everything. And you also just need to see what’s going to happen.”

“They used so many difficult words, I kept on asking my lawyer what they meant.”

“I remember my prosecutor said: “You trivialise everything.” So I asked what that meant and then I understood.”



“Honestly, I did not know anything about my rights the first time. I just arrived in the Netherlands and I did not know what was going to happen. My parents also did not know anything about the Dutch judicial system. You just expect the worst.”

- (2) In the juvenile justice system in the Netherlands, the age and approach of young people suits their capacities.

Most of the participants did not agree with the statement. Some said it should depend on the case and the youngster how he/she is treated in trial. A few quotes on this topic:

“I feel like, if you want to do severe stuff when you are very young, you need to feel and realise what the consequences are. But I do think you still need to be treated age-appropriately.”

“If you go inside at a very young age, it is very likely that you will return soon too. Juveniles get called back very quickly in NL. Once in the system, it’s hard to get out.”

“Child protection services give bad advice, because they don’t really know you. And after the trial, they don’t check up on you anymore.”

“School is very important, otherwise you can’t develop yourself. You must have access to school.”

“They must help families better too. For example, to help them move to a better neighbourhood, even if they don’t have a lot of money. My mom wanted to move out of our neighbourhood right after the first time I got detained, but we just couldn’t.”

- 3) “I have someone who is important to me here, someone to confide in and who is real with me.”

Most of the participants agreed on this statement and marked the importance of having someone to trust and talk to in the institution. For some participants it’s a fellow in their unit, but for others it is a certain care worker or family member who visits.

“Inside, you also build a relationship with each other and try to be there for each other.”

“I was stubborn and hard to deal with, but I did have someone who eventually encouraged me to start over after release.”



"I had a community-police officer who was always strict and real with me, but also gave me some space at times too. But he was very honest about that, so I knew: if I mess it up, he's coming for me."

4) If my family comes to visit me here in the institution, I get enough space and privacy to spend time with them.

Most of the participants disagreed with the statement. They feel like they are always being watched. Most of them understand the security measures, but on the other hand they miss a level of trust (and space) too.

A few quotes to illustrate:

"On one hand, they do let you hug your family. But on the other, you always know security is around and able to listen."

"It's gotten worse after Covid pandemic. Nowadays you can get a lot less visits and before you could sit next to your mom, but now it's not allowed anymore. It's much more strict now."

"So much new and temporary staff nowadays. They come and go but want to work on long-stay units. How do you think that's going to work?"

"There must be a good handover between care workers, they should know what the unwritten rules are here. There is so much change in staff."

"Sure, rules are rules. But you should understand that long stay units are run differently than the strict regime on short stay units."

"You need to make the system work for you. You should know your rights and ask for what you need. The manner in which you ask things makes a big difference."

"Sometimes, it feels like they work against you, slowing you down instead of helping you."

At the closing of the workshop, we've asked all participants to share what helped them to keep them on their feet and remain focused for their own goals. It was striking how all of them agreed that everybody should focus on themselves to work towards release, but also marked the importance of family and that motivation for change also needs to come from the youngster himself.

"You need to learn to stay calm here, focus on family and your own process."



"If I didn't have a family, I wouldn't be outside right now. They are very important to me."

"Bro honestly, I was not behaving ideally and caused a lot of problems back in the days. They even wanted to put me away on the special individual care unit. But that made me realise: oke I have to make a change now, because if I don't - they will bring me to that unit. So that was a turning point for me to change."

"You need to be lucky with care workers who really want to help you."

"You need to learn to stay calm and don't give them [care workers] chances to pick on you. Do well."

"Shortage of staff harms the youngsters. Activities or school do not go as planned, probation is cancelled. And of course, they inform you. But you can't do anything about it, it leaves the boys empty handed. And if you freak out, they will use it against you."

Closing: "What is your next destination on your GPS?"

We closed the sessions with the questions where they see themselves in a couple years and what their dreams for the future hold. This way, after sharing intense or personal experiences in the workshop, we wanted to put emphasis on the future and end the session in a positive and hopeful way. The experts of YOPE shared a bit more about where they are today and what surprised themselves after release (positively), aiming to motivate the participants to keep their focus on themselves and their goals towards release, marking that brighter days will be ahead for them too.

Finally, Elizabeth shared some quotes that came across, so they felt aware of what we took out of this session. We thanked all participants for being actively involved and the experts for coming back to the institution to share their story. In summer we hope to come back and provide them with a (general) update of our project.

2. Conclusions

About the process

We were pleasantly surprised by the openness and willingness of the participants to share their experiences and thoughts on their judiciary process with us. With all four sessions, the participants were holding back at first to see what the intent of the workshop was. But after the YOPE experts shared their experiences and



Lamyn & Elizabeth explained about the importance of hearing their experiences, the participants joined very openly in conversation. Taking time for the opening is thus important, to build trust especially in the closed environment we were in (in the institution). The creative methods (film-script and dilemmas) were a good way to spark the conversation on these sensitive topics and give a low-key and safe space for participants to share. This resulted in dynamic conversations and discussions, where different opinions were shared. We were surprised how actively the participants wanted to join the discussions and share their thoughts or challenge others' stand-point. One participant even wanted to join the workshop a second time. When asked what made him come back, he said: *“There was a good vibe and you don’t get to talk about these topics everyday. I liked it.”*

It was very important for the trainers and experts to find a good balance between negative and positive experiences. We did not want to facilitate a session where all is negative; the creative methods and the presence of the YOPE experts were vital to keep it constructive too. Speaking about these events may also spark trauma or emotions, so we wanted to be aware and sensitive about that. We put extra time and effort into the closing of the session in a positive way, by speaking about hopes for the future. The role of the YOPE experts was explicitly important here, to motivate the participants and keep them on the right path towards release.

If we reflect on the sessions and formulate **lessons learned**, we realise:

1. As trainers & experts you are dependent on the system and what’s going on that week/day in the institution. Practical issues or even miscommunication between staff (of the institution) may hinder participants from attending. We expected 24 participants, but welcomed 15 on that day. Despite that, we want to highlight the importance of being flexible and take every opportunity to speak with young people seriously - adjusted to the vibe/atmosphere they are in that day. A good title and short description (maybe with a flyer) might also help the young people understand what they can expect, though there is a risk that reading about “rights and sharing experiences” may not attract them or give a different expectation. We would say “less is more” but be upfront on what the workshop is about.



2. We would recommend letting them fill in the consent form after the closing of the workshop. It is important to be transparent about the session from the start, but we experienced that asking them to sign the form before anything had been discussed (and they just met us) had a negative impact on the safe space we were building for the conversation. These conversations in the institution and asking for consent in this context (where they can hardly decide or sometimes understand what's being asked) need to be taken into consideration and communicated sensitively.
3. Young people have the right to participate in their trial and this project marks the importance of giving young people the opportunity to open up and share what they feel and think. In our workshops we realised (once again) these young people do really want to talk and share what is going on in their lives or how they feel, when they get the chance to do so. It's the task and responsibility of the court and its professionals to facilitate a safe space where the young people feel invited and secure to open up.
4. Most of the sessions started with a lot of negative and painful experiences and pessimistic views of the young people about the judiciary system. However, articulating this in the workshop helps them zoom out and reflect on what professionals and young people can learn from those experiences. Active listening may help youngsters articulate their experiences and, after sharing their negative experiences, they did open up for positive and reflective views too. This session not only gave a safe space to ventilate a bit, but also invited them to exchange perspectives and think on a meta-level how the system or themes within the nine principles can be fostered or improved. The ability to reflect and see positive changes too, may help them stay positive and motivated for their own trajectory ahead in the institution.

Take-away messages

To sum up the most important messages from the young people, we come to four main recommendations:

1. There needs to be better communication about and emphasis for the right of family and privacy for young people in contact with the law and/or residing in institutions. Most of the young people we spoke to do not feel this right is protected and facilitated accordingly.



2. The approach and treatment of young people during their arrest (by the police) or during court is not always suited to their needs and age-appropriate. Some participants did note that contact and communication with (community) police can also be positive. But still there are opportunities here to improve the treatment of young people in line with the nine principles of child friendly justice.
3. Young people do want to talk about and share their experiences, but in this repressive context it is up to professionals to invite them to open up and make them feel safe and heard in their experiences and perspective. Without taking away the accountability that they have for the damage that they may have caused, there is room for improvement for professionals to guide young people towards an age-appropriate trial and treatment in the institution, hopefully resulting in a transition out of crime.
4. Invest in hiring, training and retaining staff in the closed institutions. High turnover of staff and lack of preparedness have a direct impact on how youngsters experience detention and how they feel cared for.

What should be changed in the youth justice process according to young people?

- More time and opportunity to spend time with your family, while residing in a closed institution.
- Better age-appropriate approach during police arrests of minors.
- More and better information and consultation about how the judicial system works; what is going to happen after their arrest; what they can expect in court; what their perspective is after trial.
- Opportunity to talk to the prosecutor or judge, just to get to know who they are, before the trial starts.

What were aspects that they valued or should remain in the procedure?

- Participants valued situations that they felt heard, by either a police officer, a judge or some other justice professional.



- Family visits and their attendance at trial is valued and should be maintained, hopefully expanded in opportunities in the future.

3. Annexes

ANNEX 1: List of participants per activity:

<p>Exchange Workshop on Methodology 27-28 October 2022 - Turin, Italy</p>	<p>Jousri Ben Riad - Youth trainer Jason Miedemma - Youth trainer Lamyn Belgaroui - Advisor Ludmila Dias Andrade - Project coordinator</p>
<p>Participatory Needs Assessment - methodological meeting 7 December 2022 - Amsterdam, Netherlands</p>	<p>Yeabsira Wenzinga - Youth trainer Jousri Ben Riad - Youth trainer Lamyn Belgaroui - Advisor Ludmila Dias Andrade - Project coordinator Elizabeth Vrieling - support</p>
<p>Participatory Needs Assessment 26 April 2023 - Sassenheim, Netherlands</p>	<p>Jousri Ben Riad - Youth trainer Nigel Smit - Youth trainer Lamyn Belgaroui - Trainer Elizabeth Vrieling - support / reporting</p>

ANNEX 2: Participatory Needs Assessment - Final

Framework for JS - workshops in JJI

Feb/March

ACTIVITY 1 PARTICIPATORY WORKSHOPS IN JJI

For whom: short & long stay in closed facility

Duration: 60/75 minutes

With whom: Lamyn + 2 YOPE Experts (Elizabeth reporting)

Where: Teylingereind facility, Sassenheim



Slides for the PPT: Photos of YOPE Experts in action, trailer 'Exchanging Perspectives', 9 criteria for Child Friendly Justice

Material: Canvas for 'the film script', post it's, A2 sheets, pens & paper, Certificate of participation

OPENING (15 mins)

- spoken word by Lamyn / Jason
- introduction round - who are we, what are we doing, what are we doing outside with Youthlab
- slide with 9 criteria - what are your rights as a young person in your process > examples
- clarify what we are going to do with the information we collect // give feedback in a few weeks
- agreements - no right / wrong answer, keep it close to yourself, dare to express and challenge your own opinion, positive and negative experiences that people can learn from, we take it seriously and do not share what you do not like to share and
- Either inform back what was typed and/or share it in a beamer so they can follow at all times

ICE-BREAKER

- *fun fact that no one knows about me...* (must be something positive)
- word association game

ACTIVITY #1 SUPERHERO

- Suppose you had all the superpowers
 - 1) what would that superhero do and how?
 - 2) what would he look like?

WORKFORM #2 FILMSCRIPT / STORYTELLING / SUPER LAWYER

Explore the participants' experience at different moments during their contact with the judicial system and identify when and how the CFJ were present and/or absent.

SCENE 1 ARREST Go back to the first time you were arrested

OPTIONS:

- In group: role play > sec exchange with group what is still missing > are there any additions that could also be better for you?
- Individual > and then what would you like better about it?



REFLECTION: how did you experience that? what feeling(s) do you get when you think back on that? Is there something or someone that you immediately think of at that moment? What points come up for you (negative)? how could this moment have been handled better by those involved?

SCENE 2 CELL COMPLEX / AT THE POLICE STATION

you entered - who did you see first? what has stayed with you the most, describe the place and atmosphere where you came?

REFLECTION: What impressed you there? e.g. youth wing (not between adults and junkies), should cells for 21- (minors) look different? Should guards look more like youth workers or does that not matter?

SCENE 3 AT COURT

You enter the courtroom...

What is the most vivid memory you have of the courtroom?

Did you understand everything that has been said?

Did you feel like you were well prepared?

What impression did you get from the prosecutor?

What impression did you get from the judge?

Were there topics or experiences that you would have liked to share at trial, but which you haven't? If yes, why did you choose not to share this?

SCENE 4 IN THE JUVENILE DETENTION

You arrived at the institution...

What was it like for you to be brought here for the first time?

What is your most vivid memory of the first day/week there?

Let's say you would be the director of the institution, what would be things you would change right away? (inspection, guards not as the first people that pick up the young person at the entrance, separate young people by age / period of stay / or...)

WORKFORM #3

Suppose you are the director of the detention center...

If you were the director of the detention center, what would you change to improve the stay for young people? Where would you put more time and resources in? How would you do that? Why would you focus on those things?



Other working method options

- Writing - storytelling
- Interviewing each other in pairs
- Dialogue Canvas/film script - in which they write a short piece/ keywords

CONCLUSION

- What have we heard today, what we take away and learn from your stories (YOPE)

Behind the scenes:

- bring statements when there is little input



Project JUST CLOSER

JUST-2021-JACC

GA No. 101056657

WP2: <Closer Spaces>

D2.3-8 Participatory Needs Assessment-verslag

WP2-leider: rechercheur Italië

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1. Introductie van het project en de inhoud van het Participatory Needs Assessment-verslag

Het project JUST CLOSER beoogt de participatie van kinderen in strafprocedures te bevorderen en te versterken door uit te gaan van de feitelijke praktijk en van de directe ervaring van kinderen. JUST CLOSER draagt bij aan de effectieve en coherente toepassing van het EU-strafrecht, door zich te richten op de praktische uitvoering van de *Child Friendly Justice Guidelines*: de richtlijnen op het gebied van kindvriendelijke rechtspleging (Raad van Europa) – overeenkomstig met Richtlijn (EU) 2016/800.

Young Perspectives vormt het consortium van 6 partners en brengt de expertise in van een organisatie binnen de gemeenschap die rechtstreeks werkt met kinderen en jongeren die in aanraking komen met het jeugdstrafrecht in Nederland. YOPE is zowel binnen als buiten detentiecentra aanwezig en zal zowel jongeren die momenteel vastzitten als eerder gedetineerde jongeren bij het project betrekken.

Het werkpakket *Closer Spaces* (WP2) leunt sterk op de ervaring en het leiderschap van jongeren die in aanraking zijn geweest met het strafrechtstelsel en gebruikt deze ervaring om locaties aan te wijzen om het systeem zelf te verbeteren. Om dat te bereiken heeft YOPE een nationale groep van ervaringsdeskundigen opgericht die de ontwikkeling en uitvoering van verschillende activiteiten leidt, met de technische en logistieke ondersteuning van de projectcoördinatoren.

In Nederland is dit gedaan door middel van een participatieve onderzoekswerkshop binnen een jeugddetentiecentrum onder toezicht van de begeleiders van de organisatie.

1. Aanpak en methoden

1.1 De deelnemers: werving van de JT&A's

Young Perspectives werkt met **ervaringsdeskundigen** (vanaf nu experts genoemd) die hun eigen ervaringen en ideeën gebruiken om het systeem te hervormen door je dicht bij de wereld van jongeren tijdens en na detentie te brengen. Zij doen dit door forensische professionals op te leiden en te adviseren voor een beter jeugdstrafrecht- en zorgstelsel en hun ervaringen te delen met beleidsmakers, academici en het algemene publiek.



Experts krijgen individuele en groepsbegeleiding van de YOPE-coördinatoren en van externe trainers om hun vertrouwen en competenties voor de opdrachten te ontwikkelen. Elk jaar worden ongeveer 15 jongeren geselecteerd om als groep in een proces van twee jaar te werken. Daarna blijven ze lange tijd als alumni betrokken. In deze rol worden ze betaald voor hun inzet als deskundige en doen ze tegelijkertijd professionele ervaring op. Zo is YOPE een plek waar jonge mensen zich kunnen ontwikkelen en dient hun deelname als een positieve springplank naar toekomstige werk- of studiemogelijkheden.

Uit de pool van YOPE-experts worden personen geselecteerd voor specifieke opdrachten op basis van hun beschikbaarheid en hun ervaringsniveau. Waar mogelijk worden bijvoorbeeld meer ervaren jongeren gekoppeld aan minder ervaren jongeren, zodat ze elkaar kunnen steunen en van elkaar kunnen leren. De coördinatoren zorgen er ook voor dat de kansen gelijkmatig over de groep worden verdeeld. In het geval van middellange- en langetermijnprojecten, zoals JUST CLOSER, proberen de coördinatoren een groot aantal deskundigen in te schakelen en tegelijkertijd enige stabiliteit in de activiteiten te behouden. Wanneer een nieuwe deskundige zich aansluit bij een lopende activiteit, wordt hij of zij gebriefd en worden eventuele vragen verhelderd.

Om die reden is voorafgaand aan de Uitwisselingsworkshop over Methodologie (*Exchange Workshop on Methodology*, Turijn, Italië – 27 en 28 oktober 2022) de groep Jeugdtrainers en Adviseurs (JT&A) opgericht en zijn twee jongeren aangetrokken om deel te nemen aan de tweedaagse workshop, die tot doel had het draaiboek te herzien. Zie de lijst van deelnemers in bijlage 1.

1.2 De activiteiten

Na de Uitwisselingsworkshop over Methodologie heeft het YOPE een nulontwerp van de methodologie ontwikkeld voor de Participatory Needs Assessment (activiteit 2.4). Deze activiteit is erop gericht de hiaten in de uitvoering van de verschillende EU-richtlijnen met betrekking tot kindvriendelijke rechtspleging in kaart te brengen. Met andere woorden: de verschillende beleidskaders vergelijken met de realiteit die jongeren in contact met het justitiële systeem ervaren.

Om dit te bereiken is het aan de JT&A-groep de taak onderzoek uit te voeren met behulp van een reeks kindgerichte en participatieve methoden, zoals interviews, creatieve werkplaatsen en focusgroepen onder leiding van jongeren.



De coördinatoren van de groep, Lamyn en Elizabeth, stelden het eerste voorstel op en organiseerden een gezamenlijke sessie met twee leden van de JT&A-groep om het voorstel te bespreken en te testen – één lid dat in Turijn aanwezig was en een nieuw lid.

De sessie vond plaats op 7 december 2022 in het kantoor van YOPE . Tijdens de sessie legde Lamyn het doel van de activiteit uit, de rol van de jongeren en nam hij het voorstel stap voor stap door. De deelnemers kwamen met opmerkingen, suggesties en pijnpunten, die in het tweede ontwerp (bijlage 2) werden verwerkt.

De sessie zou plaatsvinden op 1 maart 2023 in een jeugddetentiecentrum in Nederland. De sessie zou deel uitmaken van het grotere YOPE-curriculum tijdens de vakantieweek, waarin artistieke en sportieve workshops van YOPE de schoolactiviteiten vervangen. Echter, een dag voor de sessie vond er een incident plaats en de instelling besloot alle activiteiten te cancelen terwijl het onderzoek plaatsvindt. Als gevolg daarvan werd ook de Participatory Needs Assessment gecanceld. De coördinatoren van YOPE hebben vervolgens contact opgenomen met andere instellingen waar de activiteit kan worden uitgevoerd, maar hun beschikbaarheid is beperkt en ze kunnen pas over een maand een plek vinden.

Het besluit om de activiteit binnen detentie uit te voeren is tweeledig:

- het bereiken van een groter aantal deelnemers en daardoor robuustere resultaten: buiten detentie zou de pool van deelnemers zich beperken tot ervaringsdeskundigen (momenteel ongeveer 12), terwijl de pool in het detentiecentrum groter zou zijn;
- tijd- en kostenefficiëntie: ondanks de vertraging die het volgen van het schema van het centrum met zich meebrengt, stelt de set-up waarbij gebruik wordt gemaakt van een focusgroep ons in staat alle gegevens op één dag verzamelen. Als we ervoor zouden kiezen om de evaluatie met jongens buiten detentie uit te voeren, zou het erg moeilijk zijn om een dag en tijdstip te vinden waarop alle jongeren beschikbaar zijn, waardoor we de sessie meerdere keren zouden moeten uitvoeren, wat meer tijd van het personeel en de jonge trainers zou vergen en meer financiering voor één activiteit.

Uiteindelijk is op 26 april 2023, van 9.00-15.45 uur, een nieuwe sessie succesvol geïmplementeerd. YOPE-coördinatoren Lamyn en Elizabeth organiseerden de vier workshopsessies tijdens een pauzeweek in een gesloten instelling in het midden van Nederland. We specificeren de locatie niet vanwege onze toestemmingsbeperkingen. Elke workshop was gebaseerd op creatieve methoden en de betrokkenheid van



de twee YOPE-experts Nigel & Jousri (zie bijlage 2 voor de opzet van de workshop). Lamyn leidde de workshop, ondersteund door Jousri en Nigel, terwijl Elizabeth aantekeningen maakte voor dit rapport.

2. Resultaten

2.1 De beginselen van kindvriendelijke rechtspleging als uitgangspunt voor discussie

We openen onze workshop met een korte introductieronde, waarbij de experts zich voorstelden aan de groep. Daarna trappen Lamyn en Elizabeth de sessie af door uit te leggen wat ons doel van de dag was en waarom de experts meedoen. We toonden de trailer van Exchangeing Perspectives, zodat de deelnemers een beeld kregen van wat we in de buitenwereld doen met justitieprofessionals, met internationale projecten als Just Closer. Na afloop deelden we de toestemmingsformulieren uit, die ze na de sessie konden ondertekenen als ze akkoord gingen.

Elizabeth legde kort de betekenis uit van de 9 principes voor kindvriendelijke gerechtigheid en vroeg of die bekend waren bij de jongeren in de zaal. Lamyn ging verder met het interviewen van de YOPE-experts, via de filmscript-methode, om meer vertrouwd te raken met de ervaringen en inzichten van de experts, maar ook door de jonge deelnemers van de workshop uit te nodigen en te vragen hun ervaringen te delen. De eerste groep had 3 deelnemers, de tweede workshop 6 deelnemers, de derde workshop had 1 deelnemer en de laatste workshop had 5 deelnemers. Ze waren tussen de 15 en 21 jaar oud. De meesten hebben een (niet-westerse) migratieachtergrond, maar zijn geboren of opgegroeid in Nederland. De workshop werd afgesloten met een korte samenvatting van de besproken thema's en een grote dank aan de deelnemers en YOPE-experts voor hun energie en openheid.

2.2 De resultaten van de gesprekken: ervaringen, meningen en voorstellen

Workshop 1-4 - hoofdthema's en resultaten

Een van de eerste besproken thema's was het **recht op gezinsleven en privacy**. Lamyn vroeg welke van de negen principes op de dia hen het meest aansprak en deze werd door veel deelnemers genoemd. De meesten vonden dat dit recht werd geschonden tijdens rechtszittingen maar ook bij arrestaties door de politie of in de jeugdinrichting. Ze zeiden ook dat ze zich realiseerden dat het moeilijk is voor de instelling om dit



recht te faciliteren vanwege risico's en procedures. Maar tijdens het gesprek bleek dat de meeste (zo niet alle) deelnemers zich geschonden voelden op dit recht.

Kindvriendelijke justitie is gerechtigheid die...

...het recht op privé- en gezinsleven respecteert

Deelnemers deelden:

"Tijdens het proces mocht ik mijn moeder niet knuffelen terwijl ze huilde. Ik mocht ze niet fatsoenlijk begroeten, ook niet nadat ik ze zo lang niet had gezien."

"Als je 14 jaar bent en ze blazen je voordeur op, terwijl je kleine broertjes en zusje ook thuis zijn. En de hele straat is ook wakker. Maar ze luisterden dat ik thuis was. Waarom ze zo inbreken?"

"Ze luisteren dat ik ook thuis was en mijn zus draagt meestal een sluier, maar ze braken gewoon in huis. Dan vind ik dat niet in opdracht met het familie principe."

"[De politie] zou per geval moeten kijken hoe serieus het is en hoe je de woning moet betreden. Als er (andere) kinderen in huis zijn en geen wapens, dan moeten ze daar ook de procedure op aanpassen. En [pas je ook aan] aan het type gezin."

"Ik heb gehoord dat ze [de politie] erg respectloos waren tegenover mijn ouders, terwijl ik al was weggehaald - maar ze hebben niets verkeerd gedaan."

Een ander opvallend onderwerp was **de bejegening en aanpak van de politie bij de aanhoudingen** (of de AT/speciale aanhoudingseenheid van de Nederlandse politie); alle deelnemers aan deze workshop hadden iets te vertellen over dit onderwerp. Samenvattend wat we hebben gehoord, ervaren de meeste deelnemers hun arrestatie als traumatisch en agressief. Ze hadden niet het gevoel dat het bij de leeftijd paste of het gezinsleven respecteert. De deelnemers delen enkele impactvolle ervaringen, maar geven ook aanbevelingen over welke aanpak beter zou kunnen werken: "Politie moet een vaderlijke toon gebruiken" of merken op dat de politie in Nederland beter communiceert dan sommige ervaren in België.

Kindvriendelijke justitie is gerechtigheid die...

...geschikte leeftijd is

...aangepast aan en gericht op de behoeften van het kind

... eerbiediging van het recht op integriteit en waardigheid

Een paar quotes om bovenstaande te illustreren:



“Ik zou nooit een 12/13-jarige behandelen of benaderen zoals ze me destijds behandelden. Misschien zou ik iemand stevig vastgrijpen, maar ik werd gearresteerd alsof ik een grote man was. En mijn jongere zus was er ook, ze was erg bang.”

“Mijn advies zou zijn om met een vaderlijke toon te benaderen, voor de hele jonge jongens die worden gearresteerd. Dat zou veel beter werken en toch impact hebben.”

“Politie blijft politie, maar als ze zo agressief omgaan met zulke jonge jongens, dan stimuleer je ook haat tegen de politie.”

“Het zou meer impact hebben als iemand gewoon met me zou komen praten, zoals de wijkagent. Hij is een relaxte jongen, maar ook recht voor me als ik iets fout deed. Dat maakte ook indruk op mij, ik zal onthouden wat hij zei.”

“De AT maakt geen grapjes met je. Ze respecteren je huis niet, ze kijken je niet in de ogen en praten niet met je. Ze halen je gewoon op en geven instructies.”

“In Nederland praat de politie nog tegen je, maar in België is het veel erger en de gevangnissen zijn daar ook veel erger.”

“Op een keer wist ik niet dat de politie me kwam ophalen. Er waren dus veel sirenes en auto's en ze gooiden me op de grond. Mijn hele borst had krassen.”

“Ik zou jonge jongens echt aanraden om samen te werken met de politie als ze je komen halen, omdat ze anders heel agressief tegen je worden.”

“Kijk, als je iets fout hebt gedaan mag je wat verwachten, maar ze moeten ook beseffen dat het traumatiserend kan zijn voor jonge jongens. En dat trauma wordt ook in de jeugdgevangenis gestimuleerd, door de kamercontroles.”

Kindvriendelijke justitie is gerechtigheid die...

... het recht respecteren om deel te nemen aan en de procedure te begrijpen

Na het delen van ervaringen over hun arrestatie, richtten we ons op het onderwerp **“naar de rechtbank gaan”**. De meest dominante ervaringen die werden gedeeld, was hoe de meeste jongeren het gevoel hadden dat iedereen in de rechtbank erg officieel en koud (of zelfs boos kijkend) was op hun rechtsdag. De meesten begrepen niet alles wat er gebeurde en werd gezegd, maar sommigen hadden een goede advocaat die doelbewust uitlegde wat er gebeurde. Deelnemers benadrukten het belang van het op de juiste manier



betrekken en informeren van de jonge verdachten op zittingsdagen, waardoor ze het gevoel krijgen dat ze gehoord moeten worden en dat ze impact kunnen hebben op hun zaak als ze hun gedachten en ervaringen delen. Wat ze zouden willen is een meer open en empathische omgeving, waar ze zich welkom voelen om te spreken en zich gehoord voelen, in tegenstelling tot "een koude omgeving waar alles al besloten is".

Hierbij een paar citaten uit de ervaringen van de deelnemers:

"Het was een erg koude sfeer in de rechtszaal. Letterlijk koud, want ik zat zes uur lang in een cel op een betonnen bank. Voor mij voelde het alsof alles verloren en al besloten was. Iedereen keek me zuur en boos aan."

"Zelfs de kinderbescherming en reclassering adviseren ze de rechter en ze kennen je, maar als je je straf krijgt, geven ze niet meer om je. Ik heb nooit meer iets van ze gehoord."

"Een keer hier in de inrichting kwam de grootste baas van het Openbaar Ministerie met me praten. Hij was een vriendelijke man en hij luisterde ook."

"Ik denk dat ik alles begrijp wat er tijdens het proces gebeurde."

"Om eerlijk te zijn, ik zat daar en ik voelde me door hen in de maling genomen. Hoe ze praatten, vooral de aanklagers."

"Als ik nu terugkijk, had ik meer moeten spreken en delen tijdens het proces. Maar je voelt je op die dagen ook in een hoek gedrukt. En het voelde alsof ik ook niet genoeg tijd kreeg om te praten. Ik had het gevoel dat alles al beslist was."

*"Je bent jong, dus je weet niet hoe je moet reageren op alles wat er gebeurt. Soms is er zoveel bullsh*t gedeeld door de professionals dat je denkt "oke laat maar".*

Het laatste onderwerp waren de **ervaringen van de deelnemers in de jeugdgevangenis**. De belangrijkste berichten die ze deelden, was dat ze zich soms niet begrepen voelden door het personeel en het gevoel hadden dat er zoveel onzekerheid was tijdens hun verblijf. Een persoonlijke benadering en het afstemmen van behandeling en zorg op elke jongere is wat zij belangrijk vonden en nog missen tijdens het verblijf in de instelling. De meesten benadrukten dat als je iets fout doet, je daar straf voor mag verwachten en dat *"het aan de jongere zelf is of hij die verandering gaat doorvoeren"* (deelnemer). Maar **onzekerheid over hun**



toekomst en oneerlijke situaties, veroorzaakt door medewerkers en zij die hun fouten niet erkennen, is voor sommigen een reden om niet mee te werken of positief te staan tegenover de instelling.

Kindvriendelijke justitie is gerechtigheid die...

...snel en ijverig is

Een paar citaten ter illustratie:

"Soms lijkt de advocaat niet te begrijpen wat een PIJ-maatregel is of hoe het is in een jeugdgevangenis."

"Ik heb liever een volwassen straf, want dan heb ik duidelijkheid en een datum. Nu met de PIJ-maatregel is zoveel onzeker, het voelt eindeloos."

"Mijn gedrag is goed genoeg om op proef te gaan, maar ik heb mijn behandeling nog niet gekregen - dus ik kan nog steeds niet gaan."

"Als het voor één persoon werkt, wil dat nog niet zeggen dat het ook voor de anderen werkt."

"Soms krijg je (maximaal) 24 maanden verlenging, terwijl die nieuwe behandelaar je niet eens kent. Maar de rechter luistert nog steeds naar haar."

Uitspraken: dilemma-oefening

In het tweede deel van de workshop vervolgden we ons gesprek met een dilemma-oefening, waarbij de deelnemers een standpunt moesten innemen en hun gedachten over elk onderwerp met de groep moesten delen.

(1) Ik ben op de hoogte van en geïnformeerd over mijn rechten in de rechtbank.

De meerderheid van de jonge deelnemers had het gevoel dat ze wisten wat er gebeurde en wat hun rol was tijdens de rechtsdag.

"Mijn advocaat, maar ook een vriend van mij, informeerde me over hoe alles werkt."

"Dit is de eerste keer dat ik vastzit, het is allemaal erg nieuw voor mij. Maar ik kende mijn advocaat al, dus hij informeerde me vrij goed over alles. En je moet ook gewoon zien wat er gaat gebeuren."

"Ze gebruikten zoveel moeilijke woorden, ik bleef mijn advocaat vragen wat ze bedoelden."

"Ik herinner me dat mijn aanklager zei: "Je bagatelliseert alles." Dus ik vroeg wat dat betekende en toen begreep ik het."



“Eerlijk gezegd wist ik de eerste keer niets van mijn rechten. Ik ben net aangekomen in Nederland en ik wist niet wat er ging gebeuren. Mijn ouders wisten ook niets van het Nederlandse rechtssysteem. Je verwacht gewoon het ergste.”

(2) In het jeugdstrafrecht in Nederland passen de leeftijd en benadering van jongeren bij hun capaciteiten.

De meeste deelnemers waren het niet eens met de stelling. Sommigen zeiden dat het van de zaak en de jongere zou moeten afhangen hoe hij/zij tijdens het proces wordt behandeld. Een paar citaten over dit onderwerp:

“Ik heb het gevoel dat als je ernstige dingen wilt doen als je heel jong bent, je moet voelen en beseffen wat de gevolgen zijn. Maar ik denk dat je nog steeds op leeftijd-geschiede moet worden behandeld.

“Als je op heel jonge leeftijd naar binnen gaat, is de kans groot dat je ook snel weer terugkomt. Jongeren worden in NL heel snel teruggebeld. Eenmaal in het systeem is het moeilijk om er weer uit te komen.”

“Kinderbeschermingsdiensten geven slecht advies, omdat ze je niet echt kennen. En na het proces controleren ze je niet meer.

“School is heel belangrijk, anders kun je jezelf niet ontwikkelen. Je moet toegang hebben tot school.”

“Ook gezinnen moeten ze beter helpen. Bijvoorbeeld om ze te helpen verhuizen naar een betere buurt, ook als ze niet veel geld hebben. Mijn moeder wilde direct na de eerste keer dat ik werd vastgehouden uit onze buurt verhuizen, maar we konden het gewoon niet.”

(3) Ik heb hier iemand die belangrijk voor me is, iemand om in vertrouwen te nemen en die echt met me omgaat.

De meeste deelnemers waren het met deze stelling eens en benadrukten het belang van iemand in de instelling die ze kunnen vertrouwen en waarmee ze kunnen praten. Voor sommige deelnemers is het een fellow in hun unit, maar voor anderen is het een bepaalde hulpverlener of familielid die op bezoek komt.

“Binnen bouw je ook een band met elkaar op en probeer je er voor elkaar te zijn.”



"Ik was koppig en moeilijk in de omgang, maar ik had iemand die me uiteindelijk aanmoedigde om na mijn vrijlating opnieuw te beginnen."

"Ik had een wijkagent die altijd streng en echt tegen me was, maar me ook af en toe de ruimte gaf. Maar daar was hij heel eerlijk over, dus ik wist: als ik het verpest, komt hij achter mij aan."

(4) Als mijn familie me hier in de instelling komt bezoeken, krijg ik genoeg ruimte en privacy om tijd met hen door te brengen.

De meeste deelnemers waren het niet eens met de stelling. Ze hebben het gevoel dat ze altijd in de gaten worden gehouden. De meesten begrijpen de beveiligingsmaatregelen, maar missen aan de andere kant ook een zekere mate van vertrouwen (en ruimte).

"Aan de ene kant laten ze je je familie omhelzen. Maar aan de andere kant weet je altijd dat de beveiliging in de buurt is en kan luisteren."

"Het is erger geworden na de pandemie van Covid. Tegenwoordig kun je veel minder bezoek krijgen en vroeger kon je naast je moeder zitten, nu mag dat niet meer. Het is nu veel strenger."

"Zoveel nieuw en tijdelijk personeel tegenwoordig. Ze komen en gaan, maar willen werken aan units voor langdurig verblijf. Hoe denk je dat dat gaat werken?"

"Er moet een goede overdracht zijn tussen hulpverleners, zij moeten weten wat hier de ongeschreven regels zijn. Er verandert zoveel in het personeel."

"Tuurlijk, regels zijn regels. Maar je moet begrijpen dat longstay-units anders worden beheerd dan het strikte regime voor kort verblijf."

"Je moet het systeem voor je laten werken. U moet uw rechten kennen en vragen wat u nodig heeft. De manier waarop je dingen vraagt, maakt een groot verschil."

"Soms voelt het alsof ze tegen je werken, je vertragen in plaats van je te helpen."

Aan het einde van de workshop hebben we alle deelnemers gevraagd om te delen wat hen heeft geholpen om op de been te blijven en gefocust te blijven op hun eigen doelen. Het was opvallend hoe ze het er allemaal over eens waren dat iedereen zich op zichzelf moest concentreren om naar bevrijding toe te werken, maar



ook het belang van familie benadrukten en dat de motivatie voor verandering ook van de jongere zelf moet komen.

"Je moet hier leren kalm te blijven, je te concentreren op familie en je eigen proces."

"Als ik geen gezin had, zou ik nu niet buiten zijn. Ze zijn heel belangrijk voor me."

"Eerlijk gezegd, ik gedroeg me niet ideaal en veroorzaakte vroeger veel problemen. Ze wilden me zelfs wegzetten op de speciale individuele zorgafdeling. Maar daardoor realiseerde ik me: oké, ik moet nu iets veranderen, want als ik dat niet doe, brengen ze me naar die eenheid. Dus dat was voor mij een keerpunt om te veranderen."

"Je moet geluk hebben met hulpverleners die je echt willen helpen."

"Je moet leren kalm te blijven en ze [verzorgers] geen kans geven om je te pesten. Goed doen."

"Tekort aan personeel schaadt de jongeren. Activiteiten of school gaan niet zoals gepland, proeftijd gaat niet door. En natuurlijk informeren ze je. Maar je kunt er niets aan doen, het laat de jongens met lege handen achter. En als je in paniek raakt, zullen ze het tegen je gebruiken."

Afsluitend: "Wat is je volgende bestemming op je GPS?"

We sloten de sessies af met de vragen waar ze zichzelf over een paar jaar zien en wat hun dromen voor de toekomst zijn. Op deze manier wilden we, na het delen van intense of persoonlijke ervaringen in de workshop, de nadruk leggen op de toekomst en de sessie op een positieve en hoopvolle manier afsluiten. De experts van YOPE deelden wat meer over waar ze nu staan en wat hen zelf (positief) verraste, met als doel de deelnemers te motiveren om hun focus op zichzelf en hun doelen voor release te houden, waarmee ze aangaven dat er ook voor hen betere tijden zullen aanbreken .

Ten slotte deelde Elizabeth enkele citaten die ze tegenkwamen, zodat ze zich bewust waren van wat we uit deze sessie hadden gehaald. We bedankten alle deelnemers voor hun actieve betrokkenheid en de experts voor hun terugkeer naar de instelling om hun verhaal te delen. In de zomer hopen we terug te komen en hen een (algemene) update van ons project te geven.



3. Conclusies

Over het proces

We waren aangenaam verrast door de openheid en bereidheid van de deelnemers om hun ervaringen en gedachten over hun rechtsgang met ons te delen. Bij alle vier de sessies waren de deelnemers in eerste instantie terughoudend om te zien wat de bedoeling van de workshop was. Maar nadat de YOPE-experts hun ervaringen deelden en Lamyn & Elizabeth uitlegden over het belang van het horen van hun ervaringen, gingen de deelnemers heel open in gesprek. Tijd nemen voor de opening is dus belangrijk, om vertrouwen op te bouwen, vooral in de gesloten omgeving waarin we ons bevonden (in de instelling). De creatieve methoden (filmscript en dilemma's) waren een goede manier om het gesprek over deze gevoelige onderwerpen op gang te brengen en deelnemers een rustige en veilige ruimte te bieden om te delen. Dit resulteerde in dynamische gesprekken en discussies, waarbij verschillende meningen werden gedeeld. We waren verrast hoe actief de deelnemers wilden deelnemen aan de discussies en hun gedachten wilden delen of het standpunt van anderen wilden uitdagen. Eén deelnemer wilde zelfs een tweede keer meedoen aan de workshop. Toen hem werd gevraagd waarom hij terugkwam, zei hij: *"Er was een goede sfeer en je kunt niet elke dag over deze onderwerpen praten. Ik vond het leuk."*

Het was erg belangrijk voor de trainers en experts om een goede balans te vinden tussen negatieve en positieve ervaringen. We wilden geen sessie faciliteren waarin alles negatief is; de creatieve methoden en de aanwezigheid van de YOPE-experts waren essentieel om het ook constructief te houden. Spreken over deze gebeurtenissen kan ook trauma's of emoties oproepen, dus we wilden daar bewust en gevoelig over zijn. We hebben extra tijd en moeite gestoken in het afsluiten van de sessie op een positieve manier, door te spreken over hoop voor de toekomst. De rol van de YOPE-experts was hierbij nadrukkelijk van belang, om de deelnemers te motiveren en op het juiste pad naar release te houden.

Als we reflecteren op de sessies en geleerde lessen formuleren, realiseren we ons:

1. Als trainers & experts ben je afhankelijk van het systeem en wat er die week/dag gebeurt in de instelling. Praktische problemen of zelfs miscommunicatie tussen medewerkers (van de instelling) kunnen deelnemers belemmeren om deel te nemen. We hadden 24 deelnemers verwacht, maar mochten er die dag 15 komen. Desondanks willen we benadrukken hoe belangrijk het is om flexibel



te zijn en elke gelegenheid om met jongeren te praten serieus aan te grijpen - aangepast aan de vibe/sfeer waarin ze die dag verkeren. Een goede titel en korte beschrijving (eventueel met een flyer) kunnen de jongeren ook helpen begrijpen wat ze kunnen verwachten, hoewel het risico bestaat dat lezen over "rechten en ervaringen delen" hen niet aantrekt of een andere verwachting wekt. We zouden zeggen "minder is meer", maar wees eerlijk over waar de workshop over gaat.

2. We would recommend letting them fill in the consent form after the closing of the workshop. It is important to be transparent about the session from the start, but we experienced that asking them to sign the form before anything had been discussed (and they just met us) had a negative impact on the safe space we were building for the conversation. These conversations in the institution and asking for consent in this context (where they can hardly decide or sometimes understand what's being asked) need to be taken into consideration and communicated sensitively.
3. Jongeren hebben het recht om deel te nemen aan hun proces en dit project onderstreept hoe belangrijk het is om jongeren de kans te geven zich open te stellen en te delen wat ze voelen en denken. In onze workshops realiseerden we ons (opnieuw) dat deze jonge mensen echt willen praten en delen wat er in hun leven speelt of hoe ze zich voelen, wanneer ze de kans krijgen om dat te doen. Het is de taak en verantwoordelijkheid van de rechtbank en haar professionals om een veilige ruimte te faciliteren waar jongeren zich uitgenodigd en veilig voelen om zich open te stellen.
4. De meeste sessies begonnen met veel negatieve en pijnlijke ervaringen en pessimistische opvattingen van de jongeren over het rechtssysteem. Door dit in de workshop te verwoorden, kunnen ze echter uitzoomen en nadenken over wat professionals en jongeren van die ervaringen kunnen leren. Actief luisteren kan jongeren helpen hun ervaringen te verwoorden en, na het delen van hun negatieve ervaringen, stonden ze ook open voor positieve en reflecterende meningen. Deze sessie gaf niet alleen een veilige ruimte om een beetje te ventileren, maar nodigde hen ook uit om perspectieven uit te wisselen en op metaniveau na te denken over hoe het systeem of de thema's binnen de negen principes kunnen worden gekoesterd of verbeterd. Het vermogen om na te denken en ook positieve veranderingen te zien, kan hen helpen positief en gemotiveerd te blijven voor hun eigen traject in de instelling.

Belangrijkste Boodschappen/



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Om de belangrijkste boodschappen van de jongeren samen te vatten, komen we tot vier hoofdaanbevelingen:

1. Er moet betere communicatie zijn over en nadruk op het recht op gezin en privacy voor jongeren die met justitie in aanraking komen en/of in instellingen verblijven. De meeste jongeren die we spraken, hebben niet het gevoel dat dit recht wordt beschermd en dienovereenkomstig wordt gefaciliteerd.
2. De benadering en behandeling van jongeren bij hun aanhouding (door de politie) of tijdens de rechtszaak is niet altijd afgestemd op hun behoeften en leeftijd. Wel merkten enkele deelnemers op dat het contact en de communicatie met de (wijk)politie ook positief kan zijn. Maar er zijn hier nog steeds kansen om de behandeling van jongeren te verbeteren in overeenstemming met de negen beginselen van kindvriendelijke gerechtigheid.
3. Jongeren willen wel praten en hun ervaringen delen, maar in deze repressieve context is het aan professionals om hen uit te nodigen zich open te stellen en zich veilig en gehoord te laten voelen in hun ervaringen en perspectief. Zonder de verantwoordelijkheid weg te nemen die ze hebben voor de schade die ze mogelijk hebben veroorzaakt, is er ruimte voor verbetering voor professionals om jongeren te begeleiden naar een bij hun leeftijd passende behandeling en behandeling in de instelling, hopelijk resulterend in een transitie uit de misdaad.
4. Investeer in het aannemen, opleiden en behouden van personeel in de gesloten instellingen. Een groot personeelsverloop en een gebrek aan paraatheid hebben een directe invloed op hoe jongeren detentie ervaren en hoe ze zich verzorgd voelen.

Wat zou er volgens jongeren moeten veranderen in het jeugdrechtproces?

- Meer tijd en gelegenheid om tijd door te brengen met je gezin, terwijl je in een gesloten instelling verblijft.
- Betere, op de leeftijd afgestemde aanpak bij politie-aanhoudingen van minderjarigen.



4. Bijlagen

BIJLAGE 1: Lijst van deelnemers per activiteit

<p>Uitwisselingsworkshop over Methodologie 27-28 oktober 2022 - Turijn, Italië</p>	<p>Jousri Ben Riad - Jeugdtrainer Jason Miedemma - Jeugdtrainer Lamyn Belgaroui- Adviseur Ludmila Dias Andrade - Projectcoördinator</p>
<p>Participatory Needs Assessment - methodologische bijeenkomst 7 december 2022 - Amsterdam, Nederland</p>	<p>Yeabsira Wenzinga - Jeugdtrainer Jousri Ben Riad - Jeugdtrainer Lamyn Belgaroui- Adviseur Ludmila Dias Andrade - Projectcoördinator Elizabeth Vrieling - ondersteuning</p>
<p>Participatory Needs Assessment 26 April 2023 - Sassenheim, Nederlandss</p>	<p>Jousri Ben Riad - Jeugdtrainer Nigel Smit - Jeugdtrainer Lamyn Belgaroui- Trainer Elizabeth Vrieling- ondersteuning</p>

BIJLAGE 2: Workshop Framework

- Voor wie: lang verblijf in JJI
- Duur: 75 minuten
- Met wie: Lamyn + 2 YOPE Experts (Elizabeth rapportage)
- Waar: Teylingereind
- Slides PPT: Foto's van YOPE experts in actie, trailer exchanging perspectives, 9 criteria kinderrechten
- Materiaal: Canvas voor 'het filmscript', post it's, A2 vellen, pennen & papier, stiften, tape, stembordjes, post it's, bewijs van deelname
- YOPE Experts: Jousri & Nigel

OPENING (15 mins)

L- Voordracht spoken word/ Lamyn



voorstelronde - wie zijn we, wat komen we doen,

E - wat doen we buiten met YOPE Experts, trailer exchanging perspectives, Just Closer project, slide met 9 criteria - waar je recht op hebt als jongere in jouw proces > voorbeelden vertellen wat we met informatie gaan doen die we ophalen // terugkoppeling geven over paar weken (De podcasts delen met de jongeren)

L- afspraken- geen goed/fout antwoord, hou het dichtbij jezelf, durf eigen mening te geven en uit te dagen, positieve en negatieve ervaringen waar mensen van kunnen leren, we nemen het serieus en deel niet wat je niet fijn vindt om te delen. Els geeft aan het eind een korte samenvatting van wat ze heeft mee getypt.

ICEBREAKER

Tel tot 10 als groep: Je moet omstebeurt inspringen. Als je tegelijk met iemand anders een getal zegt moet je weer opnieuw beginnen.

Woorden associatie spel: De groep zit in een kring, iemand zegt een woord en vervolgens mag de groep op dat woord associëren. Bijv. water, dorst, drinken etc.. Als iemand 'uuuh' voor een woord zegt of een woord zegt dat al eerder is genoemd is hij af.

WERKVORM #1

Korte introductie over wat rechten zijn, mag nog heel breed zijn en hoeft niet perse te gaan over kinder/jongeren rechten.

In deze opdracht mogen jongeren nadenken over wie in hun ogen echt een held is. Wie heeft volgens hen echt wat voor andere betekent en kwam misschien zelfs ook wel echt op voor de rechten van anderen.

WERKVORM #2

FILMSCRIPT / STORYTELLING / SUPER-ADVOCAAT

In deze oefeningen maken we met tape een grote tijdlijn op de muur met van links naar rechts de verschillende scènes. Bij elke scène op de tijdlijn hangen we een A3 vel met de titel.

Onder de titel plakken we met post it's zoveel mogelijk bevindingen en ervaringen van jongeren rond die scene. Aan de ene kant post it's met ervaringen en bevindingen en post it's met tips hoe zij dingen graag anders zouden zien. De tijdlijn dient als een tool om datgene dat besproken wordt visueel te maken. Adhv van vragen kunnen jongeren vertellen en bij sommige vragen ook in steekwoorden eerst dingen op papier zetten voordat we de dialoog aan gaan.

SCENE 1 ARRESTATIE

ga even terug naar de eerste keer dat je werd opgepakt -



Hoe heb je dat beleefd?

Welk gevoel krijg je als je daar aan terug denkt?

Is er iets of iemand waar je gelijk aan moet denken bij dat moment?

REFLECTIE:

Wat heb je nodig om het niet zo heftig te laten zijn?

Stel het zou je broertje zijn, hoe zou het dan beter kunnen? (belang van manier waarop, hoe dan) > steekwoorden opschrijven voor zichzelf;

Idee van Yeabsira > rollenspel good cop/bad cop uitvergroot spelen> scene met verdachte en agent > hoe zou jongere willen dat de arrestatie verloopt.

Welke punten komen er voor jou omhoog (negatief)? Individueel > en dan wat zou jou daaraan beter willen?

Rollenspel - met groep uitwisselen wat mist er nog > zijn er nog aanvullingen die ook beter konden voor jou?

SCENE 2 CELLENCOMPLEX

je kwam binnen -

Wie zag je als eerst?

Wat is je het meest bijgebleven

Omschrijf de plek en sfeer waar je kwam..

Wat zou jij echt gelijk veranderen aan het cellencomplex?

REFLECTIE:

Wat heeft daar indruk op je gemaakt? bijv. jongeren vleugel (niet tussen volwassenen en junks), moet cel voor 21- anders eruit zien? Moeten bewaarders meer lijken op jongerenwerkers of boeit dat niet?

SCENE 3 OP ZITTING

je kwam binnen -

Wat is je het meest bijgebleven?

Snapte je wat er allemaal gezegd werd?

Had je het gevoel dat je goed was voorbereid?

Wat voor een indruk maakte de officier op jou?

Wat voor indruk maakte de rechter op jou?

Zijn er dingen die je graag had willen zeggen op zitting die je toch niet hebt gezegd? Zo ja, waarom koos je ervoor om het niet te zeggen?



SCENE 4 IN DE JJI

Je kwam binnen -

Hoe was het voor jou om voor de eerste keer een JJI binnengebracht te worden?

Wat is je het meeste bijgebleven?

Stel je was baas van de JJI wat zijn dingen die je direct zou veranderen? (visitatie, CP niet als eerste personen van de staf die jongeren ontvangen, instroom groepen niet/wel iedereen bij elkaar)

WERKVORM #3

In deze opdracht gaan we aan de hand van de *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* onderzoeken met jongeren of zij de rechten voor jongeren die in deze guidelines staan ook echt terugzien in de praktijk.

De gespreksleider formuleert steeds een stelling en vervolgens mogen de jongeren stemmen:

Groen -Ik ben het er helemaal mee eens

Geel - Ik ben het er een beetje mee eens

Oranje - Ik ben het er niet helemaal mee eens

Rood - Ik ben het er totaal niet mee eens

Stellingen

Negen principes van kindvriendelijke rechtsgang:

Accessible

Right to due process

Age appropriate

Right to participate and understand the proceedings

Rapid

Diligent

Right to respect for private and family life

Adapted to and focused on the needs and rights of the child

Right to integrity and dignity

Nadat de jongeren hebben gestemd kunnen we verder in gesprek over deze stellingen. Waarom ben je het er wel/niet mee eens? Kan je een voorbeeld geven?

AFRONDING

Wat hebben we gehoord, wat nemen we mee (YOPE)

- Jongeren wordt gevraagd wat zij hebben gehoord van een ander wat ze is bijgebleven in deze sessie
- Jongeren delen wat er eventueel nog onbenoemd is gebleven en wel moet worden meegenomen



- Elizabeth geeft een korte terugkoppeling van dingen die opvielen en die zij heeft opgeschreven
- Tot slot bedanken we de YOPE Experts en jongere voor hun bijdrage





HELLENIC REPUBLIC
MINISTRY OF JUSTICE



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1. Introduction of the project and scope of the Participatory Needs Assessment Report

Protecting children's rights and promoting child-friendly justice is a priority for every well-ordered state. Among the actions of the European Commission to support justice systems that respect the rights and needs of children, and to adapt judicial systems to the needs of children, is the adoption of Directive (EU) 2016/800 of the European Parliament and the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings⁹. The purpose of this Directive is “to establish procedural safeguards to ensure that children, meaning persons under the age of 18, who are suspects or accused persons in criminal proceedings, are able to understand and follow those proceedings and to exercise their right to a fair trial, and to prevent children from re-offending and foster their social integration”.

The JUST CLOSER program focuses on the practical implementation of Directive (EU) 2016/800 and aims at strengthening respect for the procedural rights of children and young people who are in conflict with the judicial system, taking into account their views and suggestions and promoting their active participation, while enhancing the skills of professionals who work with and for children.

The specific goals of the program are:

- Providing children the opportunity to express their doubts, their complaints, to ask for information, to assert their rights freely and receive adequate support from independent and supportive professionals and experienced peers.
- Creating opportunities for professionals in the criminal justice systems of the participating countries to listen to the views of children and engage with them in a constructive exchange of experiences and recommendations in order to promote the progressive implementation of national and EU law in this area.

⁹ The Directive was incorporated into the Greek legal order with Law 4689/2020



- Strengthening the cooperation between different European bodies that envisage the active participation of children as a key variable in the respective national systems and contribute to the harmonization of practice in relation to the relevant legislation in the various Member States and in view of the EU legislation.
- Identify the gaps and strong points of the existing legal framework at the EU level but also at the national level and at the same time promote the harmonization of practices.

The duration of the project is two years.

The consortium consists of 6 partners from 4 EU countries (Italy, Greece, Netherlands, Spain), out of which two (2) are grassroots organizations working directly with children and young people who come into contact with the juvenile justice system in Italy and the Netherlands, three (3) are academic institutions in Genoa, Amsterdam and Valencia and one (1) is a national authority, the Ministry of Justice of Greece.

In Greece, with the decision No. 340/19.09.2022 of the Minister of Justice (Government Gazette 881/Y.O.D.D. /2022¹⁰) a working group was established for the implementation of the action "Justice Closer to children and their families" with the distinctive title "JUST Closer", under reference 101056657 - JUST Closer - JUST-2021-JACC.

On January 18, 2023, the first meeting with the young people who make up the Youth Leaders Group of the program was held in a conference room at the premises of the Ministry of Justice, while on January 27 and 28, 2023, their two-day training took place in the Event Hall of the Ministry of Justice. The aim of the training was for the young people who participated in it to acquire the necessary skills to then be able to conduct consultations with a group of youngsters, who are still involved in criminal proceedings, in order for their views to be gathered, through creative workshops, interviews and focus groups and disseminated in the form of professional podcasts.

¹⁰https://www.et.gr/api/DownloadFeksApi/?fek_pdf=20221400881



2. Approach and methods

2.1 The participants: recruitment of the YT&As

The Youth Leaders group has been selected on the basis of the following criteria:

- Having completed or being at the final stages of their involvement in penal justice proceedings.
- Being able to understand the Just Closer proposal
- Being able to communicate with others, to express their opinion and the possibility to transmit the project's activities.
- Being able to engage with the other participants in a positive way
- Being to engage in the project activities and ensure continued participation.
- Personal characteristics
- Creation of an heterogeneous group in order to promote peer exchange and inclusion.

The Youth leaders were approached by phone by the Juvenile Probation Officers and were provided detailed information on the Just Closer Program. The Juvenile Probation Officers answered all the questions and issues raised by of the Youth Leaders, encouraged their participation, motivated them and provided them with the necessary time to think and make a decision regarding their participation.

The Youth Leaders have been informed that their participation in the project is voluntary and involves compensation and have also been provided with informational material on Just Closer and an informed consent form.

The Youth Leader's group is composed by eight young persons, seven boys and one girl.

- The girl is 18 years old, of Greek nationality, has an older brother and lives with her family.
- Boy 1 is 24 years old, had three siblings, has lost one of them on an accident and has also lost his father. He is of Greek nationality and currently studying and working.



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- Boy 2 is 20 years old, the only child of his family; he is of Greek nationality, lives with his parents and is currently employed.
- Boy 3 is 22 years old, his parents were separated since when the boy was 6 years old, he lives with his father and is of Greek nationality.
- Boy 4 is 24 years old, has lost his father on an accident at a very young age, he is of Greek nationality and lives with his mother and sister. He is of high perceptual ability and has particular familiarity with computers. He currently works as a freelancer.
- Boy 5 is 25 years old, of Greek nationality, has one brother and lives with his family. He graduated from University and is currently working.
- Boy 6 is 20 years old, a Roma person of Greek nationality, lives with his grandmother, his partner and their 1 year old child. He is currently employed.
- Boy 7 is 21 years old, his parents were immigrants to Greece, he has one younger sister, he lost his father at a young age. He lives on his own, attending University and works seasonally

2.2 The methodology and Activities

➤ During the first meeting with the Youth Leaders, on January 18, 2023, the Just Closer program was briefly introduced, the Youth Leaders were explained their role within it and printed informational material on the program, as well as consent forms, were distributed. Basic concepts such as EU Directive, International Convention, etc. were also explained, in simple language, and reference was made to strategies and action plans, at the European and national level, regarding children's rights.

➤ The first two-day training of the eight (8) young people who make up the Youth Leaders Group of the program took place on January 27 and 28, 2023. The activities that took place were led by a) Mrs. Eftychia Katsigaraki, Dr. of Criminology, Head of the General Directorate of Special Legal Issues and Human Rights of the Ministry of Justice, Scientific Manager of the Just Closer Program, coordinator and President of the Just Closer Hellenic Working Group and b) Dr. Simos Papadopoulos, Associate Professor of Theatre Pedagogy at



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the Democritus University of Thrace.

➤ First, the Convention on the Rights of the Child was presented with emphasis on the articles concerning the protection and respect of the rights of the child in the context of proper administration of justice. An activity took place with the presentation of the child's rights through cards. Specifically, each young leader chose one card that depicted a right in the form of a sketch. The aim of this exercise was for the child to guess which right is shown on the card and to comment, from his/her point of view, on whether this right is protected or not by the state.¹¹ Through this activity of matching the sketches with children's rights, it was presented and put under discussion and reflection the definition of the child according to Article 1 of the Convention, the right to freedom of religion according to Article 14 of the Convention, the right to protection from torture were presented and brought up for discussion and reflection and deprivation of liberty, in accordance with Article 37 of the Convention, the right to protection from violence and abuse, in accordance with Article 19 of the Convention, the right to freedom of expression, in accordance with Article 13 of the Convention and the right of the child to be treated with dignity of the Court, provided for in article 40 of the Convention.

Reference was made to the FRA text "Child Friendly Justice- perspectives and experiences of children and professionals" which captures the views and experiences of experts and children on issues related to child friendly justice. The group of youth leaders was asked for their comments.

In addition, reference was made to the texts of the Guidelines of the Committee of Ministers of the Council of Europe for a friendly justice.¹² Their comments were requested from the group of leaders.

On the occasion of the above texts, there was a discussion about the principle of non-discrimination, the best interest of the child, the right to information, the right to be heard¹³, the pedagogical treatment of children by the judiciary and the content of reformative measures, the right to free expression of their opinion, the right to privacy, the rights of protection from violence, neglect and exploitation, as well as the prohibition of torture and

¹¹ See: EUROPEAN PROJECT. (2014) : "CLEAR: CHILDREN'S LEGAL EDUCATION ADAPTED RESOURCES" SAVE THE CHILDREN. page 41. Also the Manuals: CONTACT WITH THE LAW, RIGHTS TO BE PROTECTED FROM VIOLENCE, ABOUT RIGHTS AND BEING MY AGE 1,2,3

¹² Council of Europe Program "Building a Europe for Children with Children" (2010)

¹³ European Program: TWELVE: Promoting the implementation of Article 12 of the Convention on the Rights of the Child in the juvenile justice system. DEFENSE FOR CHILDREN INTERNATIONAL ITALY (2016)



unlawful or arbitrary deprivation of liberty. The leaders referred to their experiences, expressed their opinions and made specific proposals to improve the processes.

A brochure by the French Ministry of Justice¹⁴ was presented, which describes in understandable language with illustration through cartoons, the rights of children involved with the justice system. The children who make up the group of leaders were asked if they would consider a good practice the creation of a similar guide in our country. Of course the whole team agreed that it would be a good action.

From the "Towards LGBTI+ sensitive justice system for children in Europe CHALLENGE PAPER"¹⁵, the relevant table was used regarding the discriminatory treatment of LGBTI+ children by the authorities through hypothetical examples. The group of youth leaders were asked for their comments and opinions.

Cards¹⁶ with the basic principles of child-friendly justice and questions regarding the above principles were distributed. The leaders were divided into two groups, under the supervision of professionals, in order to process the questions and discuss the specific topics. Issues such as the integrity and dignity of children, fair trial, protection of private and family life, freedom of expression and respect for children were raised. Afterwards, the leaders' conclusions and proposals were presented to the plenary.

In addition, the audio-visual material, which was available to the Ministry of Justice, due to our country's participation in the European Program entitled: 'Improving Juvenile Justice Systems in Europe: Training for Professionals', elaborated by the International Juvenile Justice Observatory (IJJO)¹⁷, was used.

➤ During both days of the training, an Inquiry Drama Workshop "Drama and Group Empowerment and Resilience" was held.

The experiential drama workshop held with the young people was based on:

a. bodily and mental exercises and games, through exploring expression and communication, with the aim of creating a team atmosphere: Games and Activities / Kinesthetic Action, Music (Physical movement and

¹⁴ Ministère de la Justice (2021) Guide de la Justice Des Mineurs

¹⁵ Authors: Global Initiative on Justice with Children and Child Friendly Justice European Network. Editors: Cédric Foussard (Terre des hommes), Mariama Diallo (CFJ-EN) and Silvia Randazzo (Independent Child Justice Expert) 2021

¹⁶ The cards of the Just Closer Program sent by DCI were translated

¹⁷ JUST /2013/FRC/AG) (2016)



expression, Relaxation, Observation, Concentration, Imagination, - Transformations. Voice – Breaths – Rhythm, Recognition of participants, Cooperation and trust, Verbal improvisations)¹⁸.

b. the inquiry of a dramatic environment for the study of human behaviors and practices, (i. acquaintance with the original environment and ii. creation of a theatrical – new environment), using the inquiry drama method and its drama techniques, based on the play by Yiannis Tsiros entitled: "Keep on an eye".¹⁹

To create a team atmosphere on the first day, use of the following was made:

- i. psychosocial activities with the aim of building interpersonal bonds and, therefore, creating a team (games and exercises to get to know each other and build trust).
- ii. psychomotor activities aimed at cultivating physical, motor and expressive skills (games and exercises for physical movement and expression, relaxation, observation and concentration, rhythmic and verbal games).
- iii. dramatic activities with the aim of familiarizing the participants with assuming the theatrical role (games and exercises of transformations as well as improvisations).

Observability and attention focus exercises (object or action observation) were carried out with the aim of developing the skills of attention, perception, intake and self-concentration. For the development of the communication skills of the youth leaders, suitable drama techniques were offered and, in particular, the verbal improvisations / verbal games that aimed at cultivating the readiness, spontaneity and fluency of the young people to produce communicative language.

The building of trust was a primary condition for the harmonious coexistence and functional cooperation between the members of the group and in this respect it contributed to the group empowerment and resilience. Following, games to become familiar with each other and contact games took place where the Professor/ drama animator, as mediator and facilitator, used the young people's senses (eye contact, touch, smell) with the aim of communication. The physical movement of young people in the environment of drama and group

¹⁸ Papadopoulos, S. (2021). *Drama in Education and the Ancient Hellenic Thought. The Mimesis of the Good Life [Θέατρο στην εκπαίδευση και αρχαία ελληνική σκέψη. Μίμησις τοῦ καλλίστου βίου - in Hellenic]*. Athens: Papazissis Publications. [ISBN: 978-960-02-3720-7] (pp. 370).

Papadopoulos, S. (2010). *Theatre Pedagogy [Παιδαγωγική του Θεάτρου - in Hellenic]*. Athens [ISBN: 978-960-93-2014-6] (pp. 686).

¹⁹ Tsiros, G. (2022). *Keep on an eye [Τα μάτια τέσσερα - in Hellenic]*. Athens: Kappa Publications. [ISBN: 978-960-628-202-7] (pp. 80).



empowerment and resilience was a means of non-verbal communication linked to their psychological and psychosocial state. The group, within the drama animation environment, reached for interaction, relationship and development of the persons with the mediating presence of the drama animator in a safe and creative environment.

For the inquiry of a dramatic environment on the first day (i. acquaintance with the original environment) the method "inquiry drama and its drama techniques" was used, based on the play by Yiannis Tsiros entitled: "Keep on an eye". In the play in four Acts, Yiannis Tsiros raises the issue of the treatment of the weak, poor citizen by the institutions and the persons who serve them (police, judges, parliamentarians), as well as by the media, when he commits an offense and is confronted with the law.

To create a team atmosphere on the second day, techniques of movement in the space and ball throwing were used based on the reception and perception of the emotional mood by the participants themselves.

The following drama techniques were used to create a new theatrical environment: Ceremony, collective character, conflicting advice, conscience alley, forum theatre, freeze frame, gestus, giving witness, hot seating, ritual, role on the wall, spectactors / spect-actors, still image, teacher in role, thought and social situation tracking, voices in the head, writing and reading in role, face mask.

3. Outcomes

3.1 The principles of child-friendly justice as the starting point for discussion

On March 19, 2023, a meeting of the Youth Leaders Group members with the eight minors who are still involved in criminal proceedings and make up the Youngsters Group, took place in the Event Hall of the Ministry, under the supervision of professionals.



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Basic concepts related to the rights of the Child were explained in a simple language. Then, in order for an atmosphere of trust to be built between the participants and also in order for their communication skills to be developed, theatrical methods and techniques were used, which the members of the Youth Leaders team had been taught during the previous meetings (Inquiry Drama, face mask, hot seating, gestus, Kinesthetic Action, etc.), under the supervision and discreet guidance of the Professor – animator.

The starting point for the discussions between the children was the nine basic principles of child-friendly justice. A justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.

The children shared their experiences, expressed their concerns and their views on the gaps and the strong points of the existing justice system.

3.2 The results of the interviews: experiences, opinions and proposals

As regards the principle of non-discrimination, in the context of a related discussion on how they perceive the meaning and content of discrimination against children, the participants made reference to the discrimination against minors based on their nationality, race, color or disability, which, as a result, leads in their exclusion from various areas of social life and they, further, linked the discriminatory treatment to diversity, highlighting the biased treatment that some people may experience from the authorities.

Regarding the children's right to information, it was pointed out that information about their rights is not always provided, the procedure is not explained, nor is the necessary time allowed to the child to speak and give explanations during the hearing of the case. It was emphasized that information about the proceedings and their rights is equally important to be given also before the hearing, from the time of arrest and subsequently during the interrogation stage, while the provision of full information was associated with the feeling of alleviating anxiety and stress that children feel because of their involvement in the criminal proceedings, with the result that they feel more free to express themselves. It was also pointed out the need to provide



information on issues that will arise after the hearing of the case and which may be affected by the court decision, such as obtaining citizenship and finding a job. They all agreed that information should be given in a language that all children can understand and they specifically mentioned minors from other countries, children with disabilities and children with attention deficit hyperactivity disorder (ADHD).

Regarding the right to a fair trial, the question of whether children in the juvenile justice system are treated fairly, equitably and according to the law, different perspectives were expressed, based on each child's experience. In conclusion it emerged that there is some discrimination and therefore not all children are treated fairly.

In a question asked about ensuring the integrity and dignity of the child at all stages of the process, the children estimated that to a certain extent these rights are ensured, however, they argued that the child's dignity can be harmed during the stage of his arrest by the police and not the Court. It became clear that the role of the police is of particular concern to children, as the issue of police attitudes towards them sparked discussion and reflection. It was also pointed out that the most vulnerable population groups, such as Roma children, foreign children and LGBTI+ children, do not receive the same treatment from the authorities, i.e. they are discriminated against, which offends their integrity and dignity.

On the question of whether the protection of private and family life is ensured for children involved in the criminal justice system, the leaders estimate that their privacy is not protected, as their personal data and details of each case are made public in the media. It was also pointed out that this has an impact on the reliability of the data, as the impact of public opinion affects the judgment of the Court. At the same time, it was emphasized that publicity has a particularly negative effect on the psychology of children, whose details - as well as their families details - are made public.

In addition, the long time that elapses, in some occasions, between the arrest and the hearing of the case was highlighted and a negative, overall, evaluation was made regarding the conditions prevailing in the police stations.

Summarizing, from the discussions it was demonstrated that there is the need:



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- to eliminate discrimination against children at every stage of juvenile criminal justice, especially with regard to foreign, Roma, LGBTI+ children.
 - to be fully informed about the procedures and their rights from the time of arrest to the hearing, in a language that is understandable and suitable for their age and maturity, as well as to receive the appropriate guidance and support, so that they can disengage from the negative feelings brought about by their contact with the criminal justice system.
 - to give them the opportunity to express themselves freely and to be heard, after having previously been informed about the procedures and their rights.
 - to change the harsh attitude of some professionals towards them (and especially the police) through control of the professionals' behavior and their thorough training.
 - to protect their private lives and stop the publication of children's personal data in the media, which could be achieved through implementation of strict control and sanctioning mechanisms.
 - to be assisted at all stages of the proceedings by legal assistants who are trained and specialized in approaching and guiding minors.
- On the other hand, they positively valued their support and encouragement from specific professionals, such as juvenile probation officers, social workers, lawyers and mental health specialists.

Voices of young leaders

"I would tell the peer group, who are still involved in court proceedings, to reassure them, that there are people who can help them, like social workers, juvenile probation officers, lawyers."

"I was not informed about my rights. In the first hearing the Judge was very nice and kind, but in the second hearing I was not well informed, I did not have time to get a lawyer and the prosecutor was very strict with me."

"I had no information. From the phase of the arrest, from the beginning and even after, the children are not informed."



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"Children should be fully informed and feel free within themselves."

"There must be information about what will happen after the court. Will the penalty affect them? Will it stigmatize them? Will there be any impact for an alien regarding the citizenship process, on his/her file? Will there be a problem at work? Will he/she be stigmatized? There should be information on such issues as well."

"I didn't have a bad experience with the procedure."

"I was uncomfortable and afraid of the trial."

"I was reassured by Juvenile Probation Officer."

"We are here to document the problems and offer solutions."

"The Court is an imprint of society. So there is some discrimination and children are not treated fairly."

"There are few cases of discrimination and we have to eliminate them too."

"Judges can be biased. They percentage of children that they meet may be at 80% Roma children and therefore have acquired a bias in dealing with them."

"Let the children be informed, because only then can children express themselves and have a fair trial."

"At the stage of contact with the police, not in court, children's dignity can be lost."

"Foreigners don't get the same treatment."

"If a case becomes public, privacy is lost, as well as the reliability of the data. Children are affected, their psychology. And the Court is affected. The court decision is influenced by public opinion, by reactions, marches, etc."

"Invasion of privacy is not just about juvenile offenders. A father may be on trial and the publicity may have an impact on his child."

"You can't turn against the police."

"...but the Roma offender will be treated differently."



4. Conclusions

Through the discussions and activities carried out with the Groups of Youth Leaders and Youngsters, which had as a common component the interaction and active participation of young people, an attempt was made to draw useful conclusions about their experiences and views on the friendliness of criminal justice at separate stages of their involvement, to assess whether national and international legislation is applied in practice but also for the participants to consolidate their important role in the later stages of the Just Closer program.

In summary, the participating young people mainly emphasized the following needs: adequate information and assistance at all stages of the criminal procedure, opportunity of free expression, respect for their personality (privacy, diversity), training of professionals involved.

The conclusions drawn by the group of Youth Leaders, in combination with those that will be drawn from the meetings with the youngsters, will be used in the training of professionals and, in general, in the next stages of the program.

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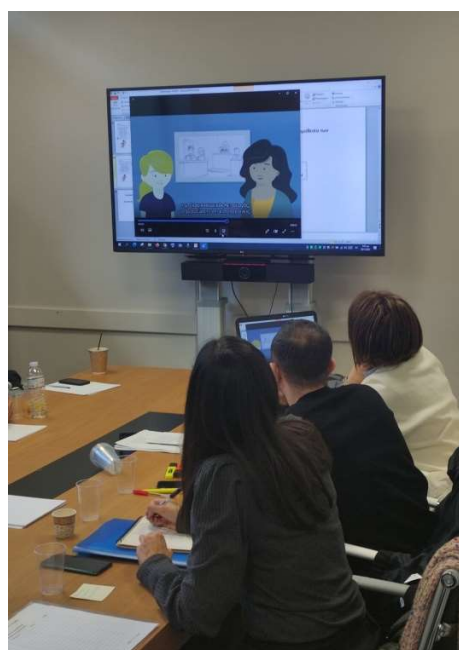
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Council of Europe Program "Building a Europe for Children with Children" (2010)

7. Annex – Photographs

Meetings with Young Leaders group



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HELLENIC REPUBLIC
MINISTRY OF JUSTICE



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MINISTRY OF JUSTICE

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Meeting of Young Leaders and Youngsters Groups



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ΥΠΟΥΡΓΕΙΟ ΔΙΚΑΙΟΣΥΝΗΣ



Project JUST Closer
JUST-2021-JACC
GA No. 101056657
WP2: <Closer Spaces>
D2.3 -8 Participatory Needs Assessment Report
WP2 Leader: DCI Italy



Το έργο Just Closer συγχρηματοδοτείται από την Ευρωπαϊκή Ένωση (JUST-2021-JACC). Ωστόσο, οι απόψεις και οι θέσεις που εκφράζονται είναι μόνο του ή των συγγραφέων και δεν αντικατοπτρίζουν απαραίτητα εκείνες της Ευρωπαϊκής Ένωσης. Ούτε η Ευρωπαϊκή Ένωση ούτε η χορηγούσα αρχή μπορούν να θεωρηθούν υπεύθυνες για αυτές.



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CO	Confidential, only for members of the consortium (including the Commission Services)	
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Τελική Έκδοση	Ευτυχία Κατσιγαράκη ¹ Σίμος Παπαδόπουλος ² Μαρίνα Μπόζνου ³ Δημήτριος Γιουτίκας ⁴ Κατερίνα Ζαχαράκη ⁵ Νάντια Ρωμανίδου ⁶ Αφροδίτη Μαλλούχου ⁷ Βασιλική Καλογερά ⁸	Date
Επιμέλεια Κειμένου	Κατερίνα Ζαχαράκη	

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1. Εισαγωγή στο έργο και πεδίο εφαρμογής της Έκθεσης Συμμετοχικής Εκτίμησης Αναγκών

Η προστασία των δικαιωμάτων των παιδιών και η προαγωγή φιλικής προς τα παιδιά δικαιοσύνης συνιστά προτεραιότητα κάθε ευνομούμενης πολιτείας. Ανάμεσα στις δράσεις της Ευρωπαϊκής Επιτροπής για τη στήριξη συστημάτων απονομής δικαιοσύνης, που σέβονται τα δικαιώματα και τις ανάγκες των παιδιών, και για την προσαρμογή των δικαστικών συστημάτων στις ανάγκες των παιδιών συγκαταλέγεται η θέσπιση της Οδηγίας 2016/800/ΕΕ σχετικά με τις δικονομικές εγγυήσεις για τα παιδιά που είναι ύποπτοι ή κατηγορούμενοι στο πλαίσιο ποινικών διαδικασιών⁹. Σκοπός της εν λόγω οδηγίας είναι “η θέσπιση δικονομικών εγγυήσεων που θα εξασφαλίζουν ότι τα παιδιά, δηλαδή άτομα κάτω των 18 ετών, που είναι ύποπτοι ή κατηγορούμενοι στο πλαίσιο ποινικών διαδικασιών, είναι ικανά να κατανοούν και να παρακολουθούν την εν λόγω διαδικασία και να ασκούν το δικαίωμά τους σε δίκαιη δίκη, και θα προλαμβάνουν την υποτροπή των παιδιών και θα προωθούν την κοινωνική τους ένταξη”.

Το πρόγραμμα JUST CLOSER επικεντρώνεται στην πρακτική εφαρμογή της Οδηγίας 2016/800 της ΕΕ και στοχεύει στην ενίσχυση του σεβασμού των δικονομικών δικαιωμάτων των παιδιών και των νέων που βρίσκονται σε σύγκρουση με το δικαστικό σύστημα, λαμβάνοντας υπόψη την άποψη και τις προτάσεις τους και προωθώντας την ενεργό συμμετοχή τους, ενισχύοντας, παράλληλα τις δεξιότητες των επαγγελματιών που εργάζονται με και για παιδιά.

Οι ειδικοί στόχοι του προγράμματος είναι:

- Να δοθεί στα παιδιά η δυνατότητα να εκφράσουν τις αμφιβολίες τους, τα παράπονά τους, να ζητήσουν πληροφορίες, να διεκδικήσουν ελεύθερα τα δικαιώματά τους και να λάβουν επαρκή υποστήριξη από ανεξάρτητους και υποστηρικτικούς επαγγελματίες και έμπειρους συνομηλίκους.
- Να δημιουργηθούν ευκαιρίες στους επαγγελματίες των συστημάτων ποινικής δικαιοσύνης των συμμετεχουσών χωρών να ακούσουν τις απόψεις των παιδιών και να συμμετάσχουν μαζί τους σε μια εποικοδομητική ανταλλαγή

⁹ Η Οδηγία ενσωματώθηκε στην ελληνική έννομη τάξη με τον ν. 4689/2020





εμπειριών και συστάσεων για την προώθηση της προοδευτικής εφαρμογής του εθνικού και ενωσιακού δικαίου στον τομέα αυτό.

- Να ενισχυθεί η συνεργασία μεταξύ διαφορετικών ευρωπαϊκών φορέων που προβλέπουν την ενεργό συμμετοχή των παιδιών ως βασική μεταβλητή στα αντίστοιχα εθνικά συστήματα και συμβάλλουν στην εναρμόνιση της πρακτικής σε σχέση με τη σχετική νομοθεσία στα διάφορα κράτη μέλη και εν όψει της νομοθεσίας της ΕΕ.

- Να εντοπιστούν τα κενά και τα δυνατά σημεία του υφιστάμενου νομικού πλαισίου σε επίπεδο ΕΕ αλλά και σε εθνικό επίπεδο και ταυτόχρονα να προωθηθεί η εναρμόνιση των πρακτικών.

Η διάρκεια του έργου είναι διετής.

Το consortium αποτελείται από 6 εταίρους από 4 χώρες της ΕΕ (Ιταλία, Ελλάδα, Ολλανδία, Ισπανία), εκ των οποίων δύο (2) είναι οργανώσεις βάσης που εργάζονται άμεσα με παιδιά και νέους που έρχονται σε επαφή με το σύστημα δικαιοσύνης ανηλίκων στην Ιταλία και την Ολλανδία, τρεις (3) είναι ακαδημαϊκά ιδρύματα στη Γένοβα, το Άμστερνταμ και τη Βαλένθια και ένας (1) είναι εθνική αρχή, το Υπουργείο Δικαιοσύνης της Ελλάδας.

Στην Ελλάδα, με την αριθμ. 340/19.09.2022 απόφαση του Υπουργού Δικαιοσύνης (ΦΕΚ 881/Υ.Ο.Δ.Δ. /2022¹⁰) συγκροτήθηκε ομάδα εργασίας για την υλοποίηση της δράσης «Justice Closer to children and their families» με τον διακριτικό τίτλο «JUST Closer», με υπό στοιχεία 101056657 - JUST Closer - JUST-2021-JACC.

Στις 18 Ιανουαρίου 2023, πραγματοποιήθηκε η πρώτη συνάντηση με τους νέους που αποτελούν την Ομάδα των Youth Leaders του προγράμματος, σε αίθουσα συνεδριάσεων του Υπουργείου Δικαιοσύνης, ενώ στις 27 και 28 Ιανουαρίου 2023, πραγματοποιήθηκε διήμερη εκπαίδευσή τους. Στόχος της εκπαίδευσης ήταν οι νέοι που συμμετείχαν σε αυτή να αποκτήσουν τις απαραίτητες δεξιότητες ώστε στη συνέχεια να είναι σε θέση να διεξαγάγουν διαβουλεύσεις με ομάδα εφήβων, οι οποίοι εξακολουθούν να εμπλέκονται σε ποινικές διαδικασίες, προκειμένου να συγκεντρωθούν οι απόψεις τους, μέσω δημιουργικών εργαστηρίων, συνεντεύξεων και ομάδων εστίασης και να διαχυθούν με τη μορφή επαγγελματικών podcasts.

¹⁰https://www.et.gr/api/DownloadFeksApi?fek_pdf=20221400881





2. Προσέγγιση και Μέθοδοι

2.1 Οι συμμετέχοντες: Διαδικασία επιλογής των YT&As

Η ομάδα Youth Leaders επιλέχθηκε με βάση τα ακόλουθα κριτήρια:

- Να έχουν ολοκληρώσει ή βρίσκονται στο τελικό στάδιο της εμπλοκής τους σε ποινικές διαδικασίες.
- Να είναι σε θέση να κατανοήσουν το πρόγραμμα Just Closer
- Να μπορούν να επικοινωνούν με άλλους, να εκφράζουν τη γνώμη τους και να έχουν τη δυνατότητα να μεταδώσουν τις δραστηριότητες του έργου.
- Να είναι σε θέση να αλληλεπιδρούν με τους άλλους συμμετέχοντες με θετικό τρόπο
- Να είναι σε θέση να συμμετέχουν απρόσκοπτα και με συνέπεια στις δραστηριότητες του έργου
- Προσωπικά χαρακτηριστικά
- Δημιουργία μιας ετερογενούς ομάδας με σκοπό τόσο την προώθηση της ανταλλαγής απόψεων μεταξύ συνομηλίκων αλλά και της συμπερίληψης.

Η προσέγγιση των Youth Leaders έγινε τηλεφωνικά από τους Επιμελητές Ανηλίκων. Τους δόθηκαν λεπτομερείς πληροφορίες για το Πρόγραμμα Just Closer ενώ οι Επιμελητές Ανηλίκων απάντησαν σε όλες τις ερωτήσεις και τα ζητήματα που έθεσαν οι Youth Leaders, ενθάρρυναν τη συμμετοχή τους, τους παρακίνησαν και τους παρείχαν τον απαραίτητο χρόνο για να σκεφτούν και να αποφασίσουν σχετικά με τη συμμετοχή τους.

Οι Youth Leaders έχουν ενημερωθεί ότι η συμμετοχή τους στο έργο είναι εθελοντική και συνεπάγεται αποζημίωσης ενώ έχουν επίσης λάβει ενημερωτικό υλικό για το Just Closer και ένα έντυπο συγκατάθεσης κατόπιν ενημέρωσης.

Η ομάδα των Youth Leaders αποτελείται από οκτώ νεαρά άτομα, επτά αγόρια και ένα κορίτσι.

- Το κορίτσι είναι 18 ετών, ελληνικής υπηκοότητας, έχει έναν μεγαλύτερο αδερφό και διαμένει με την οικογένειά της.
- Το αγόρι 1 είναι 24 ετών, είχε τρία αδέρφια, έχασε ένα από αυτά σε ατύχημα ενώ έχει επίσης χάσει και τον πατέρα του. Είναι ελληνικής υπηκοότητας, σπουδάζει και εργάζεται.





- Το αγόρι 2 είναι 20 ετών, μοναχοπαίδι, ελληνικής υπηκοότητας, ζει με τους γονείς του και σήμερα εργάζεται.
- Το αγόρι 3 είναι 22 ετών, οι γονείς του ήταν χωρισμένοι από όταν το αγόρι ήταν 6 ετών, ζει με τον πατέρα του και είναι ελληνικής υπηκοότητας.
- Το αγόρι 4 είναι 24 ετών, έχει χάσει τον πατέρα του σε ατύχημα σε πολύ νεαρή ηλικία, είναι ελληνικής υπηκοότητας και ζει με τη μητέρα και την αδερφή του. Είναι υψηλής αντιληπτικής ικανότητας και έχει ιδιαίτερη εξοικείωση με τους υπολογιστές. Αυτή τη στιγμή εργάζεται ως ελεύθερος επαγγελματίας.
- Το αγόρι 5 είναι 25 ετών, ελληνικής υπηκοότητας, έχει έναν αδερφό και ζει με την οικογένειά του. Είναι, πλέον, απόφοιτος Πανεπιστημιακής Σχολής και αυτή τη στιγμή εργάζεται.
- Το αγόρι 6 είναι 20 ετών, Ρομά ελληνικής υπηκοότητας, ζει με τη γιαγιά του, τη σύντροφό του και το ενός έτους βρέφος τους. Αυτή τη στιγμή εργάζεται.
- Το αγόρι 7 είναι 21 ετών, οι γονείς του ήταν μετανάστες στην Ελλάδα, έχει μια μικρότερη αδερφή, έχασε τον πατέρα του σε νεαρή ηλικία. Ζει μόνος του, φοιτά στο Πανεπιστήμιο και εργάζεται εποχιακά.

2.2 Μεθοδολογία και δραστηριότητες

➤ Κατά την πρώτη συνάντηση με τους νέους, στις 18 Ιανουαρίου 2023, παρουσιάστηκε συνοπτικά το πρόγραμμα Just Closer, εξηγήθηκε στους Youth Leaders ο ρόλος τους μέσα σε αυτό και διανεμήθηκε έντυπο ενημερωτικό υλικό για το πρόγραμμα και έντυπο συγκατάθεσής. Εξηγήθηκαν επίσης, σε απλή γλώσσα, βασικές έννοιες όπως Οδηγία της Ε.Ε., Διεθνής Σύμβαση κλπ. και έγινε αναφορά σε στρατηγικές και σχέδια δράσης, σε ευρωπαϊκό και εθνικό επίπεδο, σχετικά με τα δικαιώματα των παιδιών.

➤ Η πρώτη διήμερη εκπαίδευση των οχτώ (8) νέων, που αποτελούν την Ομάδα των Youth Leaders του προγράμματος πραγματοποιήθηκε στις 27 και 28 Ιανουαρίου 2023, στην αίθουσα εκδηλώσεων του Υπουργείου Δικαιοσύνης. Των δράσεων που έλαβαν χώρα ηγήθηκαν α) η κα Ευτυχία Κατσιγαράκη, Δρ. Εγκληματολογίας, Προϊσταμένη Γενικής Δ/σης Ειδικών Νομικών Ζητημάτων και Ανθρωπίνων Δικαιωμάτων του Υπουργείου Δικαιοσύνης, Επιστημονικά Υπεύθυνη του Προγράμματος Just Closer, συντονίστρια και Πρόεδρος της Ομάδας Εργασίας Just Closer και β) ο κ. Σίμος Παπαδόπουλος, Αναπληρωτής Καθηγητής Παιδαγωγικής του Θεάτρου στο Δημοκρίτειο Πανεπιστήμιο Θράκης.





➤ Αρχικά, παρουσιάστηκε η Σύμβαση για τα Δικαιώματα του παιδιού με έμφαση στα άρθρα που αφορούν την προστασία και το σεβασμό των δικαιωμάτων του παιδιού, στο πλαίσιο απονομής δικαιοσύνης. Έγινε δραστηριότητα με την παρουσίαση των δικαιωμάτων του παιδιού μέσω καρτών. Συγκεκριμένα κάθε young leader διάλεξε από μία κάρτα που αποτύπωνε ένα δικαίωμα με τη μορφή σκίτσου. Η άσκηση αυτή είχε ως στόχο να μαντέψει το παιδί ποιο δικαίωμα αποτυπώνεται στην κάρτα και να μας το σχολιάσει, σύμφωνα με την άποψη του, για την προστασία ή μη από την πολιτεία του δικαιώματος αυτού¹¹. Μέσω αυτής της δραστηριότητας αντιστοίχισης των σκίτσων με τα δικαιώματα των παιδιών, παρουσιάστηκαν και τέθηκαν υπό συζήτηση και προβληματισμό ο ορισμός του παιδιού σύμφωνα με το άρθρο 1 της Σύμβασης, το δικαίωμα ελευθερίας της θρησκείας σύμφωνα με το άρθρο 14 της Σύμβασης, το δικαίωμα προστασίας από βασανιστήρια και στέρηση της ελευθερίας, σύμφωνα με το άρθρο 37 της Σύμβασης, το δικαίωμα προστασίας από βία και κακοποίηση, σύμφωνα με το άρθρο 19 της Σύμβασης, το δικαίωμα ελευθερίας της έκφρασης, σύμφωνα με το άρθρο 13 της Σύμβασης και το δικαίωμα του παιδιού σε αξιοπρεπή αντιμετώπισή του από τη Δικαιοσύνη, που προβλέπεται στο άρθρο 40 της Σύμβασης.

Έγινε αναφορά στα κείμενα του FRA «Child Friendly Justice- perspectives and experiences of children and professionals» στο οποίο αποτυπώνονται οι απόψεις και οι εμπειρίες των ειδικών και των παιδιών σε ζητήματα που αφορούν την φιλική προς το παιδί δικαιοσύνη. Ζητήθηκε ο σχολιασμός τους από την ομάδα των leaders.

Επιπρόσθετα, έγινε αναφορά στα κείμενα των Κατευθυντηρίων Γραμμών της Επιτροπής Υπουργών του Συμβουλίου της Ευρώπης για μια φιλική δικαιοσύνη.¹² Ζητήθηκε ο σχολιασμός τους από την ομάδα των leaders.

Με αφορμή τα παραπάνω κείμενα, έγινε συζήτηση σχετικά με την αρχή απαγόρευσης των διακρίσεων, το βέλτιστο συμφέρον του παιδιού, το δικαίωμα στην ενημέρωση, στην ακρόαση¹³, την παιδαγωγική μεταχείριση των παιδιών από τη Δικαιοσύνη και το περιεχόμενο των αναμορφωτικών μέτρων, το δικαίωμα ελεύθερης έκφρασης της γνώμης τους, το δικαίωμα προστασίας της ιδιωτικής ζωής, το δικαίωμα στην προστασία από βία, παραμέληση και εκμετάλλευση, καθώς και σχετικά με την απαγόρευση των βασανιστηρίων και τη στέρηση της

¹¹ Βλ. σχετικά: EUROPEAN PROJECT. (2014) : “ CLEAR: CHILDREN’S LEGAL EDUCATION ADAPTED RESOURCES» SAVE THE CHILDREN. page 41. Επίσης και τα Manuals: CONTACT WITH THE LAW, RIGHTS TO BE PROTECTED FROM VIOLENCE, ABOUT RIGHTS AND BEING MY AGE 1,2,3

¹² Πρόγραμμα του Συμβουλίου της Ευρώπης «Οικοδόμηση μιας Ευρώπης για τα παιδιά με τα παιδιά»(2010)

¹³ Ευρωπαϊκό Πρόγραμμα :TWELVE:Προωθώντας την εφαρμογή του άρθρου 12 της Σύμβασης για τα Δικαιώματα του Παιδιού στο σύστημα απονομής δικαιοσύνης σε ανηλίκους”. DEFENCE FOR CHILDREN INTERNATIONAL ITALY (2016)





ελευθερίας κατά τρόπο παράνομο ή αυθαίρετο. Οι leaders αναφέρθηκαν στις εμπειρίες τους, διατύπωσαν τις απόψεις τους και έκαναν συγκεκριμένες προτάσεις για τη βελτίωση των διαδικασιών.

Παρουσιάστηκε το έντυπο του Γαλλικού Υπουργείου Δικαιοσύνης¹⁴ που περιγράφει σε γλώσσα κατανοητή με απεικόνιση μέσω cartoons, τα δικαιώματα των παιδιών που εμπλέκονται με το σύστημα απονομής της δικαιοσύνης. Ζητήθηκε η γνώμη των παιδιών που απαρτίζουν την ομάδα των leaders, αν θα θεωρούσαν καλή πρακτική, τη δημιουργία αντίστοιχου οδηγού και στη Χώρας μας. Φυσικά όλη η ομάδα συμφώνησε ότι θα ήταν μια πολύ καλή δράση.

Αξιοποιήθηκε από το έντυπο Towards LGBTI+ sensitive justice system for children in Europe CHALLENGE PAPER¹⁵, ο σχετικός πίνακας αναφορικά με τη διακριτική μεταχείριση παιδιών ΛΟΑΤΚΙ από τις αρχές μέσα από υποθετικά παραδείγματα και ζητήθηκε ο σχολιασμός και η άποψη των παιδιών.

Μοιράστηκαν κάρτες¹⁶ με τις βασικές αρχές της φιλικής για τα παιδιά δικαιοσύνης και με ερωτήματα αναφορικά με τις ως άνω αρχές. Οι leaders χωρίστηκαν σε δύο ομάδες, υπό την επίβλεψη επαγγελματιών, προκειμένου να επεξεργαστούν τα ερωτήματα και να συζητήσουν σχετικά με τις συγκεκριμένες θεματικές. Τέθηκαν ζητήματα όπως η ακεραιότητα και η αξιοπρέπεια των παιδιών, η δίκαιη δίκη, η προστασία της ιδιωτικής και οικογενειακής ζωής, η ελευθερία της έκφρασης και ο σεβασμός απέναντι στα παιδιά. Ακολούθως παρουσιάστηκαν τα συμπεράσματα και οι προτάσεις των leaders στην ολομέλεια.

Επιπλέον, χρησιμοποιήθηκε το οπτικοακουστικό υλικό, που είχε στη διάθεση του το Υπουργείο Δικαιοσύνης, λόγω συμμετοχής της Χώρας μας στο Ευρωπαϊκό Πρόγραμμα με τίτλο: 'Improving Juvenile Justice Systems in Europe: Training for Professionals', elaborated by the International Juvenile Justice Observatory (IJJO)¹⁷.

➤ Στη διάρκεια και των δύο ημερών της εκπαίδευσης πραγματοποιήθηκε Εργαστήριο Διερευνητικής Δραματοποίησης «Θεατρική Εμφύχωση και Ενδυνάμωση της Ομάδας».

Το θεατροβιωματικό εργαστήριο που αναπτύχθηκε με τους νέους, βασίστηκε:

¹⁴ Ministere de la Justice (2021) Guide de la Justice Des Mineurs

¹⁵ Authors: Global Initiative on Justice with Children and Child Friendly Justice European Network. Editors: Cédric Foussard (Terre des hommes), Mariama Diallo (CFJ-EN) and Silvia Randazzo (Independent Child Justice Expert) 2021

¹⁶ Μεταφράστηκαν οι κάρτες του εν λόγω προγράμματος που μας είχαν αποσταλεί από το DCI

¹⁷ JUST /2013/FRC/AG) (2016)





α. σε ασκήσεις και παιχνίδια, μέσω διερεύνησης της έκφρασης και της επικοινωνίας, με στόχο τη δημιουργία ατμόσφαιρας ομάδας: Παιχνίδια και Δραστηριότητες / Κινησθητική Δράση, Μουσική (Σωματική κίνηση και έκφραση, Χαλάρωση, Παρατήρηση, Συγκέντρωση, Φαντασία, - Μεταμορφώσεις. Φωνή – Αναπνοές – Ρυθμός, Αναγνώριση συμμετεχόντων, Συνεργασία και εμπιστοσύνη, Λεκτικοί αυτοσχεδιασμοί)¹⁸.

β. στη διερεύνηση δραματικού περιβάλλοντος για μελέτη των ανθρώπινων συμπεριφορών και πρακτικών, (i. γνωριμία με το αρχικό περιβάλλον και ii. τη δημιουργία θεατρικού – νέου περιβάλλοντος), με αξιοποίηση της μεθόδου διερευνητική δραματοποίηση και των θεατρικών τεχνικών της, βασισμένων στο θεατρικό έργο του Γιάννη Τσίρου με τίτλο: «Τα μάτια τέσσερα»¹⁹.

Για την Δημιουργία ατμόσφαιρας ομάδας την πρώτη ημέρα αναπτύχθηκαν:

- i. *ψυχοκοινωνικές δραστηριότητες* με σκοπό την οικοδόμηση διανθρώπινων δεσμών και, επομένως, την δημιουργία ομάδας (παιχνίδια και ασκήσεις γνωριμίας και εμπιστοσύνης).
- ii. *ψυχοκινητικές δραστηριότητες* με σκοπό την καλλιέργεια σωματικών, κινητικών και εκφραστικών δεξιοτήτων (παιχνίδια και ασκήσεις σωματικής κίνησης και έκφρασης, χαλάρωσης, παρατηρητικότητας και συγκέντρωσης της προσοχής, ρυθμικά και λεκτικά παιχνίδια).
- iii. *δραματικές δραστηριότητες* με σκοπό την εξοικείωση των συμμετεχόντων με την ανάληψη του θεατρικού ρόλου (παιχνίδια και ασκήσεις μεταμορφώσεων και αυτοσχεδιασμοί).

Πραγματοποιήθηκαν ασκήσεις παρατηρητικότητας και εστίασης της προσοχής (παρατήρηση αντικειμένου ή δράσης) με στόχο την ανάπτυξη των δεξιοτήτων προσοχής, αντίληψης, πρόσληψης και αυτοσυγκέντρωσης. Για την ανάπτυξη της επικοινωνιακής ικανότητας των εφήβων προσφέρθηκαν κατάλληλες θεατρικές τεχνικές και ειδικότερα οι λεκτικοί αυτοσχεδιασμοί / λεκτικά παιχνίδια που στόχευαν στην καλλιέργεια της ετοιμότητας, του αυθορμητισμού και της ευχέρειας των νέων για παραγωγή επικοινωνιακού λόγου.

¹⁸ Papadopoulos, S. (2021). *Drama in Education and the Ancient Hellenic Thought. The Mimesis of the Good Life [Θέατρο στην εκπαίδευση και αρχαία ελληνική σκέψη. Μίμησις τοῦ καλλίστου βίου - in Hellenic]*. Athens: Papazissis Publications. [ISBN: 978-960-02-3720-7] (pp. 370).

Papadopoulos, S. (2010). *Theatre Pedagogy [Παιδαγωγική του Θεάτρου - in Hellenic]*. Athens [ISBN: 978-960-93-2014-6] (pp. 686).

¹⁹ Tsiros, G. (2022). *Keep on an eye [Τα μάτια τέσσερα - in Hellenic]*. Athens: Kappa Publications. [ISBN: 978-960-628-202-7] (pp. 80).





Η οικοδόμηση εμπιστοσύνης αποτέλεσε πρώτιστη συνθήκη για την αρμονική συνύπαρξη και λειτουργική συνεργασία μεταξύ των μελών της ομάδας και από αυτή την άποψη συνέβαλε στην εμπύχωση. Ακολούθησαν παιχνίδια γνωριμίας και παιχνίδια επαφής όπου ο Καθηγητής - εμπυχωτής αξιοποίησε τις αισθήσεις των νέων (επαφή με το βλέμμα, την αφή, την όσφρηση) με στόχο την επικοινωνία. Η σωματική κίνηση των νέων στο περιβάλλον της θεατρικής εμπύχωσης αποτέλεσε μέσο μη λεκτικής επικοινωνίας συνδεδεμένη με την ψυχολογική και ψυχοκοινωνική τους κατάσταση.

Η ομάδα στο περιβάλλον της εμπύχωσης στόχευε στην αλληλεπίδραση, τη σχέση και ανάπτυξη των προσώπων με τη διαμεσολαβητική παρουσία του εμπυχωτή μέσα σε ασφαλές και δημιουργικό περιβάλλον.

Για την Διερεύνηση δραματικού περιβάλλοντος την πρώτη ημέρα (i. γνωριμία με το αρχικό περιβάλλον) αξιοποιήθηκε η μέθοδος “διερευνητική δραματοποίηση και οι θεατρικές τεχνικές της”, βασισμένες στο θεατρικό έργο του Γιάννη Τσίρου με τίτλο: «Τα μάτια τέσσερα». Στο θεατρικό έργο σε 4 Πράξεις ο Γιάννης Τσίρος θέτει το θέμα της αντιμετώπισης του αδύναμου, φτωχού πολίτη από τους θεσμούς και τα πρόσωπα που τους υπηρετούν (αστυνομία, δικαστές, βουλευτές), καθώς και από τα ΜΜΕ, όταν υποπέσει σε κάποιο αδίκημα και έρθει αντιμέτωπος με τον νόμο.

Για την δημιουργία ατμόσφαιρας ομάδας την δεύτερη ημέρα χρησιμοποιήθηκαν τεχνικές κίνησης στο χώρο και πέταγμα μπάλας με βάση την πρόσληψη και αντίληψη της συναισθηματικής διάθεσης από τους ίδιους τους συμμετέχοντες.

Για την δημιουργία θεατρικού νέου περιβάλλοντος χρησιμοποιήθηκαν οι εξής θεατρικές τεχνικές: Τελετουργία, Συλλογικός χαρακτήρας, Αντικρουόμενες συμβουλές, Διάδρομος της συνείδησης, Θέατρο φόρουμ, Παγωμένη εικόνα, Χειρονομιακή στάση, Μαρτυρία, Καρέκλα των αποκαλύψεων, Περίγραμμα του χαρακτήρα, Θεατές/ Δρώντες θεατές, Εκπαιδευτικός σε ρόλο, Ανίχνευση της σκέψης και της κοινωνικής κατάστασης, Αντικρουόμενες σκέψεις, Γραφή και ανάγνωση σε ρόλο, Μάσκα.





3. Αποτελέσματα

3.1 Οι αρχές της φιλικής προς το παιδί δικαιοσύνης ως αφετηρία των συζητήσεων

Στις 19 Μαρτίου 2023, πραγματοποιήθηκε, δια ζώσης, στο Αμφιθέατρο του Υπουργείου Δικαιοσύνης, συνάντηση των μελών της Ομάδας των Youth Leaders με τους οχτώ ανήλικους που εξακολουθούν να εμπλέκονται σε ποινικές διαδικασίες και αποτελούν την Ομάδα των Youngsters, υπό την επίβλεψη επαγγελματιών.

Εξηγήθηκαν, σε απλή γλώσσα, βασικές έννοιες σχετικά με τα δικαιώματα του Παιδιού. Στη συνέχεια, και προκειμένου να οικοδομηθεί ατμόσφαιρα εμπιστοσύνης μεταξύ των συμμετεχόντων αλλά και για την ανάπτυξη της επικοινωνιακής τους ικανότητας, αξιοποιήθηκαν, υπό την επίβλεψη και τη διακριτική καθοδήγηση του Καθηγητή – εμπυχωτή, θεατρικές μέθοδοι και τεχνικές, τις οποίες τα μέλη της ομάδας των Youth Leaders είχαν διδαχθεί κατά τις προηγούμενες συναντήσεις (Διερευνητική δραματοποίηση, Μάσκα, Καρέκλα των Αποκαλύψεων, Χειρονομακή στάση, Κιναισθητική Δράση κ.α.).

Αφετηρία των συζητήσεων μεταξύ των παιδιών αποτέλεσαν οι εννέα βασικές αρχές της φιλικής προς το παιδί δικαιοσύνης. Μιας δικαιοσύνης προσβάσιμης, κατάλληλης για τη συγκεκριμένη ηλικία, γρήγορης, επιμελούς, προσαρμοσμένης και επικεντρωμένης στις ανάγκες και τα δικαιώματα του παιδιού, που σέβεται τα δικαιώματά του, και κυρίως το δικαίωμα σε δίκαιη δίκη, το δικαίωμα συμμετοχής στη διαδικασία και κατανόησής της, το δικαίωμα στον σεβασμό της ιδιωτικής και οικογενειακής ζωής, καθώς και το δικαίωμα στην ακεραιότητα και την αξιοπρέπεια. Τα παιδιά μοιράστηκαν τις εμπειρίες τους, εξέφρασαν τους προβληματισμούς τους και διατύπωσαν τις απόψεις τους για τα κενά αλλά και τα δυνατά σημεία του υφιστάμενου συστήματος δικαιοσύνης.

3.2 Τα αποτελέσματα των συνεντεύξεων: εμπειρίες, απόψεις και προτάσεις

Οι συμμετέχοντες, με αφορμή την αρχή απαγόρευσης των διακρίσεων, στο πλαίσιο σχετικής συζήτησης αναφορικά με το πώς αντιλαμβάνονται την έννοια και το περιεχόμενο της διάκρισης σε βάρος παιδιών, αναφέρθηκαν στις διακρίσεις που γίνονται σε ανήλικους με κριτήριο την εθνικότητά τους, τη φυλή και το χρώμα





τους ή λόγω κάποιας αναπηρίας, με συνέπεια τον αποκλεισμό τους από διάφορους τομείς της κοινωνικής ζωής και συνέδεσαν τη διακριτική μεταχείριση με τη διαφορετικότητα, καταδεικνύοντας τη μεροληπτική αντιμετώπιση που μπορεί να υφίστανται κάποια άτομα από τις αρχές.

Αναφορικά με το δικαίωμα των παιδιών στην ενημέρωση, επισημάνθηκε ότι δεν παρέχεται πάντα ενημέρωση για τα δικαιώματά τους, δεν εξηγείται η διαδικασία ούτε παρέχεται πάντα ο απαραίτητος χρόνος στο παιδί να μιλήσει και να δώσει εξηγήσεις κατά την εκδίκαση της υπόθεσης. Τονίστηκε ότι η ενημέρωση για τις διαδικασίες και τα δικαιώματά τους είναι εξίσου σημαντικό να γίνεται και πριν από την ακροαματική διαδικασία, από το χρόνο της σύλληψης και ακολούθως κατά το στάδιο της ανάκρισης ενώ η παροχή πλήρους ενημέρωσης συνδέθηκε με το αίσθημα κατευνασμού της αγωνίας και του άγχους που νιώθουν τα παιδιά εξαιτίας της εμπλοκής τους στην ποινική διαδικασία, με συνέπεια να νιώθουν πιο ελεύθερα να εκφραστούν. Επισημάνθηκε, επίσης, η ανάγκη να παρέχεται ενημέρωση και για ζητήματα που θα ανακύψουν μετά την εκδίκαση της υπόθεσης και τα οποία ενδέχεται να επηρεάσει η δικαστική απόφαση, όπως η απόκτηση ιθαγένειας και η εξεύρεση εργασίας. Όλοι συμφώνησαν ότι η ενημέρωση πρέπει να γίνεται σε γλώσσα που να μπορούν να κατανοήσουν όλα τα παιδιά και συγκεκριμένα αναφέρθηκαν σε ανήλικους από άλλες χώρες, παιδιά με αναπηρίες και παιδιά με διαταραχή ελλειμματικής προσοχής και υπερκινητικότητα (ΔΕΠΥ).

Σχετικά με το δικαίωμα σε δίκαιη δίκη, στο ερώτημα αν στο σύστημα δικαιοσύνης ανηλίκων τα παιδιά αντιμετωπίζονται δίκαια, ισότιμα και σύμφωνα με το νόμο, εκτέθηκαν διαφορετικές οπτικές, με βάση την εμπειρία κάθε παιδιού. Συμπερασματικά προέκυψε ότι υφίστανται ορισμένες διακρίσεις και επομένως δεν αντιμετωπίζονται όλα τα παιδιά δίκαια.

Όσον αφορά τη διασφάλιση της ακεραιότητας και της αξιοπρέπειας του παιδιού σε όλα τα στάδια της διαδικασίας, τα παιδιά εκτίμησαν ότι σε ένα βαθμό διασφαλίζονται, ωστόσο, υποστήριξαν ότι η αξιοπρέπεια του παιδιού μπορεί να πληγεί κατά το στάδιο της σύλληψής του από την αστυνομία και όχι στο Δικαστήριο. Διαφάνηκε ότι ο ρόλος της αστυνομίας απασχολεί ιδιαίτερα τα παιδιά, καθώς το ζήτημα της στάσης των αστυνομικών απέναντί τους πυροδότησε τη συζήτηση και τον προβληματισμό. Επισημάνθηκε, επίσης, ότι οι πιο ευάλωτες ομάδες πληθυσμού, όπως τα παιδιά Ρομά, τα αλλοδαπά παιδιά και τα παιδιά ΛΟΑΤΚΙ+ δεν έχουν την ίδια αντιμετώπιση από τις αρχές, υφίστανται δηλαδή διακριτική μεταχείριση, γεγονός που προσβάλλει την ακεραιότητα και την αξιοπρέπειά τους.





Σχετικά με την διασφάλιση της προστασίας της ιδιωτικής και της οικογενειακής ζωής για τα παιδιά που εμπλέκονται στο σύστημα ποινικής δικαιοσύνης, εκτιμήθηκε ότι δεν προστατεύεται η ιδιωτικότητά τους, καθώς δημοσιοποιούνται προσωπικά τους δεδομένα και στοιχεία της εκάστοτε υπόθεσης στα Μ.Μ.Ε. Επισημάνθηκε, επίσης, ότι αυτό έχει επίπτωση στην αξιοπιστία των δεδομένων, καθώς ο αντίκτυπος της κοινής γνώμης επηρεάζει την κρίση του Δικαστηρίου. Τονίστηκε, παράλληλα, ότι η δημοσιότητα έχει ιδιαίτερα αρνητική επίδραση στην ψυχολογία των παιδιών, των οποίων στοιχεία-καθώς και των οικογενειών τους- δημοσιοποιούνται.

Επιπλέον, επισημάνθηκε η μεγάλη χρονική απόσταση μεταξύ της σύλληψης, της απαγγελίας κατηγορίας και της εκδίκασης της υπόθεσης, σε κάποιες περιπτώσεις, καθώς αρνητική ήταν η αποτίμηση των παιδιών και σχετικά με τις συνθήκες που επικρατούν στα αστυνομικά τμήματα.

Συνοψίζοντας, τα παιδιά κατέδειξαν την ανάγκη:

- να εξαλειφθούν οι διακρίσεις εις βάρος παιδιών σε κάθε στάδιο της ποινικής δικαιοσύνης ανηλίκων, ειδικά σε ό,τι αφορά παιδιά αλλοδαπά, Ρομά, ΛΟΑΤΚΙ+.
- να υπάρχει πλήρης ενημέρωση για τις διαδικασίες και τα δικαιώματά τους από το χρόνο της σύλληψης μέχρι την ακροαματική διαδικασία σε γλώσσα κατανοητή και προσφιλή για την ηλικία και την ωριμότητά τους, καθώς και η κατάλληλη καθοδήγηση και υποστήριξη, ώστε να απεμπλακούν από τα αρνητικά συναισθήματα που επιφέρει η επαφή τους με το σύστημα ποινικής δικαιοσύνης.
- να τους δίνεται η δυνατότητα να εκφράζονται ελεύθερα και να ακούγονται, αφού προηγουμένως έχουν ενημερωθεί σχετικά με τις διαδικασίες και τα δικαιώματά τους.
- να αλλάξει η σκληρή στάση κάποιων επαγγελματιών απέναντί τους (και ιδιαίτερα των αστυνομικών) μέσω ελέγχου της μη σύννομης συμπεριφοράς τους και ενδελεχούς εκπαίδευσής τους.
- να προστατεύεται η ιδιωτική τους ζωή και να παύσει η δημοσίευση δεδομένων προσωπικού χαρακτήρα των παιδιών στα ΜΜΕ, στο οποίο θα μπορούσαν να συμβάλει η εφαρμογή μηχανισμών αυστηρού ελέγχου και κυρώσεων.
- να επικουρούνται από νομικούς συμπαραστάτες σε όλα τα στάδια της διαδικασίας, οι οποίοι να είναι εκπαιδευμένοι και εξειδικευμένοι στην προσέγγιση και καθοδήγηση ανηλίκων.





Από την άλλη πλευρά, αποτίμησαν θετικά την υποστήριξή τους και την ενθάρρυνσή τους από συγκεκριμένους επαγγελματίες, όπως επιμελητές ανηλίκων, κοινωνικούς λειτουργούς, δικηγόρους και ειδικούς ψυχικής υγείας.

Φράσεις των παιδιών

«Θα έλεγα στην ομάδα των συνομηλίκων, που εξακολουθούν να εμπλέκονται σε δικαστικές διαδικασίες, για να τα καθησυχάσω, ότι μπορούν να τα αναλάβουν άνθρωποι που θα τα βοηθήσουν, όπως κοινωνικοί λειτουργοί, επιμελητές ανηλίκων, δικηγόροι».

«Δεν είχα ενημέρωση για τα δικαιώματά μου. Στο πρώτο δικαστήριο η Πρόεδρος ήταν πολύ καλή και ευγενική, όμως στο δεύτερο δικαστήριο δεν ήμουν καλά ενημερωμένος, δεν πρόλαβα να πάρω δικηγόρο και η Εισαγγελέας ήταν πολύ αυστηρή μαζί μου».

«Δεν είχα ενημέρωση. Από τη φάση της σύλληψης, από την αρχή αλλά και μετά, δεν ενημερώνονται τα παιδιά».

«Τα παιδιά πρέπει να έχουν πλήρη ενημέρωση και να νιώθουν πιο ελεύθερα μέσα τους».

«Πρέπει να υπάρχει ενημέρωση και για το τι θα γίνει μετά το δικαστήριο. Η ποινή θα τα επηρεάσει; Θα τα στιγματίσει; Ένας αλλοδαπός θα έχει επιπτώσεις στη διαδικασία για απόκτηση ιθαγένειας, στον φάκελό του; Στην εργασία θα υπάρχει πρόβλημα; Θα στιγματιστεί; Να υπάρχει ενημέρωση και για τέτοια θέματα».

«Εγώ δεν είχα άσχημη εμπειρία από τη διαδικασία».

«Είχα δυσφορία και φοβόμουν στη δίκη».

«Με καθησύχασε η Επιμελήτρια Ανηλίκων».

«Είμαστε εδώ για να καταγράψουμε τα προβλήματα και να προσφέρουμε λύσεις».

«Το Δικαστήριο είναι αποτύπωμα της κοινωνίας. Άρα υπάρχουν κάποιες διακρίσεις και δεν αντιμετωπίζονται τα παιδιά δίκαια».

«Υπάρχουν λίγες περιπτώσεις διακρίσεων και πρέπει να τις εξαλείψουμε κι αυτές».

«Οι Δικαστές μπορεί να είναι προκατειλημμένοι. Μπορεί να βλέπουν 80% παιδιά Ρομά και άρα να έχουν αποκτήσει μια προκατάληψη στην αντιμετώπισή τους».

«Να είναι πληροφορημένα τα παιδιά, γιατί μόνο τότε μπορεί να εκφραστεί το παιδί και να έχει μια δίκαιη δίκη».





«Στο στάδιο της επαφής με την αστυνομία, όχι στο δικαστήριο, μπορεί να χαθεί η αξιοπρέπεια των παιδιών».

«Οι αλλοδαποί δεν έχουν την ίδια αντιμετώπιση».

«Σε περίπτωση που πάρει ένα γεγονός δημοσιότητα, χάνεται η ιδιωτικότητα, αλλά και η αξιοπιστία των δεδομένων. Τα παιδιά επηρεάζονται, η ψυχολογία τους. Και το Δικαστήριο επηρεάζεται. Η δικαστική απόφαση επηρεάζεται από την κοινή γνώμη, από αντιδράσεις, πορείες κλπ.»

«Η παραβίαση της ιδιωτικής ζωής δεν αφορά μόνο ανήλικους παραβάτες. Μπορεί να δικάζεται ένας πατέρας και η δημοσιότητα να έχει αντίκτυπο στο παιδί του».

«Δεν μπορείς να στραφείς εναντίον της αστυνομίας».

«...όμως ο παραβάτης, ο Ρομά, θα αντιμετωπιστεί διαφορετικά».

4. Συμπεράσματα

Μέσα από τις συζητήσεις και τις δραστηριότητες που πραγματοποιήθηκαν με τις Ομάδες των Youth Leaders και των Youngsters, οι οποίες είχαν ως κοινή συνισταμένη τη διάδραση και την ενεργό συμμετοχή των νέων, επιχειρήθηκε να εξαχθούν χρήσιμα συμπεράσματα σχετικά με τις εμπειρίες και τις απόψεις τους για την φιλικότητα της ποινικής δικαιοσύνης στα επί μέρους στάδια της εμπλοκής τους σε αυτήν, να αποτυπωθεί κατά πόσο εφαρμόζεται στην πράξη η εθνική και διεθνής νομοθεσία, αλλά και να εμπεδώσουν οι συμμετέχοντες τον σημαντικό ρόλο τους στα μετέπειτα στάδια του προγράμματος Just Closer.

Συνοψίζοντας, οι συμμετέχοντες νέοι τόνισαν κυρίως τις ακόλουθες ανάγκες: επαρκής ενημέρωση και βοήθεια σε όλα τα στάδια της ποινικής διαδικασίας, δυνατότητα ελεύθερης έκφρασης, σεβασμός στην προσωπικότητά τους (ιδιωτικότητα, διαφορετικότητα), εκπαίδευση εμπλεκόμενων επαγγελματιών.

Τα συμπεράσματα που εξήχθησαν από την ομάδα των Youth Leaders, σε συνδυασμό με αυτά που θα εξαχθούν από τις συναντήσεις με τους youngsters θα αξιοποιηθούν στην εκπαίδευση των επαγγελματιών και εν γένει στα επόμενα στάδια του προγράμματος.





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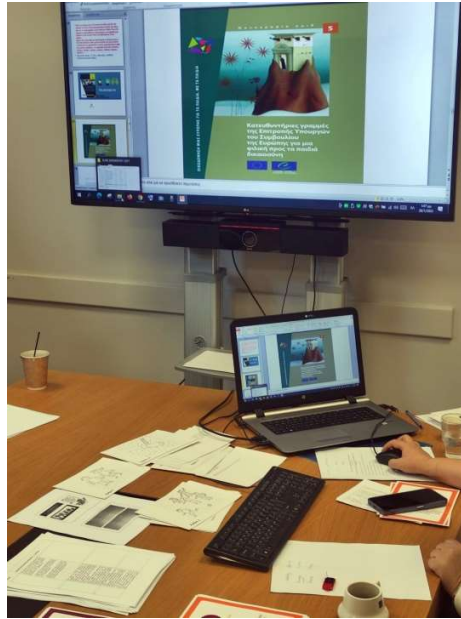


7. Παράρτημα – Φωτογραφικό Υλικό

Συναντήσεις με Ομάδα Youth Leaders



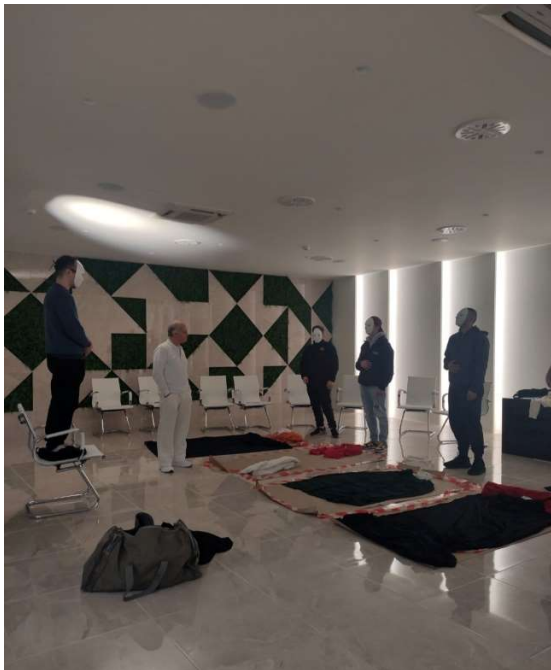
Το έργο Just Closer συγχρηματοδοτείται από την Ευρωπαϊκή Ένωση (JUST-2021-JACC). Ωστόσο, οι απόψεις και οι θέσεις που εκφράζονται είναι μόνο του ή των συγγραφέων και δεν αντικατοπτρίζουν απαραίτητα εκείνες της Ευρωπαϊκής Ένωσης. Ούτε η Ευρωπαϊκή Ένωση ούτε η χορηγούσα αρχή μπορούν να θεωρηθούν υπεύθυνες για αυτές.



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Συνάντηση Ομάδων Youth Leaders και Youngsters



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ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΥΠΟΥΡΓΕΙΟ ΔΙΚΑΙΟΣΥΝΗΣ



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 JUST CLOSER 



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