

## 60 Quick Facts about Juvenile Justice

In this Childhub publication, you can learn 60 basic facts about the state of juvenile justice in the European region, including key background information, developments, statistics as well as other interesting facts.

### Background facts

1. The development of separate treatment for juvenile offenders emerged in Europe from **the beginning of the 20<sup>th</sup> century**.
2. In the former Yugoslavia, a specific justice system for juveniles was officially created in the late 1920's with the Criminal Code and Criminal Procedure Code in 1929.
3. The **first juvenile judge of the Austrian-Hungarian Monarchy** – Fran Milčinski, was appointed in Ljubljana in 1909.
4. Significant **amendments** were introduced with the end of the WWII and especially **during the 1950s**, including the relaxation of sanctions and the abolishment of life imprisonment for juvenile offenders.
5. International standards of the rights, status and role of children in criminal, civil and administrative proceedings in Europe:  
**the UN Convention on the Rights of the Child (CRC);**  
**the 1985 UN Standard Minimum Rules for the Administration of Juvenile Justice,**  
**the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice; and a number of EU Directives and Regulations.**

### Definitions

6. **(Minimum) Age of Criminal Responsibility** : a specified age below which a child is not considered capable of committing a criminal offence and is not subject to criminal procedure or sanctions.
7. **"Best Interest"** : a standard used to decide what actions or arrangements would most benefit a child, and one on which juvenile court judges may base a disposition, or sentence.
8. **Community-based Program** : treatment, services, and/or supervision provided to youth as part of a diversion program or as a condition of probation, utilised services in the youth's community, rather than in detention.
9. **Delinquent Act/Offense** : an act committed by a youth that would constitute a crime if committed by an adult. Traffic violations, petty or status (absence or running away from home) offenses that are punished with small fines are generally not considered to be delinquent offenses.

10. **Detention:** temporary custody of a juvenile before trial in a secure confinement facility. Detention is imposed after a judge determines that a youth must remain in custody prior to a delinquency proceeding for his/her own protection or the protection of society, or to ensure his/her appearance at the hearing.
11. **Diversions:** a system of procedures and programs designed to channel certain youth away from the formal juvenile court process, especially for first-time offenders, non-violent offenders, and youth whose delinquent behaviour stems from mental health or substance abuse needs to receive appropriate treatment and services from community-based programs
12. **Expungement:** laws that allow juvenile records to be erased and destroyed once the offending youth reaches a certain age so that a juvenile record does not impede individuals from becoming productive members of society.
13. **Juvenile Court:** a court of law that has jurisdiction over cases involving children under a specific age, usually 18.
14. **Restitution:** payments that a judge may order a youth to make either to a particular crime victim or to a crime victims' fund, as part of a youth's disposition or sentence and is generally based on the amount of harm inflicted on the victim.

### Numbers

15. **19 %** of the EU population (95 million) is **under the age of 18**.
16. An estimated **3.8 million** third-country nationals (TCN) **aged below 18** are in the EU, and an estimated **1.6 million EU citizens aged under 18** years living in EU countries other than that of their nationality.
17. In the 18 Member States (MS) over **0.5 million** children had formal contact with the police or criminal justice system in 2010.
18. Out of 22 MS over **0.3 million** children were **convicted of a crime in 2010**.
19. In 1977 **Slovenia**, juveniles committed 18% of all crimes while in 2003 this was about 14%.
20. It is a rule in **Estonia** and many other places that being victimized is not reported to the police.
21. The police are mostly notified if a child is victimized by theft or robbery, and learn of only **every 5th incident** among the two groups, while **4 out of 5 incidents** remain **hidden**.
22. The least known are incidents of **hate crimes (10%)** and **cyber-bullying (7%)**.
23. In 2013 **Albania**, 1,535 children aged between 14 and 18 years were *arrested* and *charged* for criminal acts, which was slightly less in 2014, **1,506 children**.
24. In 2014 **Albania**, **67** children were held in **pre-trial detention for more than six months**, six months being the maximum time to hold children in pre-trial detention in most European countries.

25. In **Albania**, almost **four times as many** children were held in pre-trial detention for more than nine months in 2014 than in 2011, while some children are held in pre-trial detention for more than a year in Albania.
26. The vast majority of youth offending in Europe is dealt with **out of court** by **means of informal diversionary measures**: for example, in **Belgium about 80%, Germany about 70%**.
27. There was a **19 % decrease in criminal offences** committed by juveniles in **Estonia**, from 2013-2014.
28. In 2014, the juvenile criminal offences in **Estonia** included offences of physical abuse (44%), theft (42%), while juvenile misdemeanours included violations of alcohol (34%) tobacco (25%) and traffic (23%) acts.

#### General EU trends

29. All proceedings relating to children are to be prioritized and completed in the shortest time possible, in recognition of the fact that delay can have a particularly adverse effect on them.
30. In half of the MS, **only legal representatives and guardians** (usually parents) enjoy procedural **capacity to bring a case before a court** in civil and administrative proceedings, subject to exceptions such as judicial discretion or parental authorization.
31. In most MS, the **MACR is 14 or 15 years old**, only five jurisdictions have a lower MACR (Ireland – 12, and the UK-England and Wales and UK-Northern Ireland – 10 and UK-Scotland – 12.)
32. When children are not deemed to have legal standing to initiate proceedings, they are rendered reliant on the actions of their legal representatives or guardians to vindicate their rights.
33. In most MS, **ordinary civil courts** are competent to deal with children involved in family and employment cases, whereas **administrative courts** are used for cases relating to asylum, migration, education and administrative sanctions.
34. All MS (except Latvia) have provisions permitting the court to impose **measures to protect children that are suffering** (likely to suffer) significant harm during the proceedings, e.g. temporary child custody, temporary award of alimony, injunctions for child support, restraining orders and non-contact orders.
35. Most MS have established **safeguards** for protecting the rights of child suspects when they are stopped by the police, e.g. right to contact parents or another person of trust.
36. Most MS recognise the **right of children** involved in civil and administrative proceedings to **receive information about their rights and the systems and procedures involved**.

37. **Protections** to ensure information for **child victims and witnesses are adequately informed** about their rights and procedures are rare, not enshrined in 6 and 11 MS respectively, often implemented on a discretionary basis.
38. 14 MS have set up **special units within their police forces** to deal with child suspects/offenders and/or child victims and witnesses.
39. In some MS, there are **specialized facilities for children in pre-trial detention**, for e.g. Juvenile Justice or Young Offender Centers in Belgium, Germany and UK-Northern Ireland.
40. Some MS adopted **measures to prevent delays** in the judicial process: through special **time limits** in which the court/ a participant must act. E.g. **8 MS** have established a **max. time limit** for cases involving child suspects to get to trial (from 2 weeks in Finland to 6 months in Croatia and UK-Scotland, the average being between 2 and 3 months).
41. **Specialized services** are available for children and their families in **18 MS** (free of charge in 12 MS): support and guidance to ensure that any adverse consequences of the judicial process on family relations are avoided; with availability at all stages of the proceedings.
42. In **22 MS**, it is mandatory **for a legal representative**, guardian, guardian ad litem, adult relative, or a lawyer to be present when a child is interviewed.
43. In **24 MS** there are provisions on the **right of a child to receive assistance** when attending proceedings, incl. from a social worker/ a special representative.
44. **All MS** provide child suspects/offenders involved in criminal judicial proceedings with an **express right to be heard**.
45. Child suspects/offenders who do not speak or understand the language of the procedure have **the right to interpretation and translation** in criminal justice proceedings in **16 MS**, while child victims and witnesses enjoy this right in less than a third of MS.
46. The **right to legal representation** for youth suspects is recognised in all MS, this extends to all phases of the proceedings in the majority of MS, with some exceptions where it applies during the investigation phase only (e.g. Finland, Netherlands and UK-Scotland).
47. Child suspects are provided with **defence counsel** on a mandatory basis in **23 MS**.
48. **All MS** have **procedures to restrict third party access to children's criminal records**, except Malta where crimes committed by children are not entered into criminal records. Most MS automatically delete the criminal records after a specific period of time has elapsed, ranging from one year (Czech Republic) to ten years (Latvia).
49. **Redress mechanisms** are in place across the MS for **children** who have been **discriminated against in criminal judicial proceedings**, e.g. the right to complain

to the corresponding Equality authority or Ombudsperson, the right to pursue a discrimination claim in a civil or criminal court.

### Country-specific facts

50. In **Slovenia**, young offenders are divided into several groups: *children* (under the age of 14), who are not treated by courts, but by social welfare agencies; *younger minors* (aged 14 to 16), against whom only educational measures may be applied; *older minors* (aged 16 to 18); as a rule, educational measures are imposed on them and only in exceptional cases a special sentence may be imposed (a fine or juvenile prison).
51. In **Bulgaria** and **Romania**, children aged 14 and above have **the right to bring cases** before a court in all areas of law, with parental/guardian consent;
52. In **Germany**, the **minimum age of procedural capacity** is **14** in family and placement in care cases, **15** in employment cases and **16** in migration and asylum cases.
53. Only one specialist court exists in **Romania**, while there is no Youth Court in **Albania**.
54. In **Austria**, it is required that judges and prosecutors working in the criminal justice system have **child welfare experience**, incl. 4 years of legal training, with focus on rights and needs of children, professional experience in education, social work / another field relevant.
55. **Specific brigades** operate in **France** and **Sweden** which deal with juvenile justice matters and are responsible for conducting the investigation and interviews of child victims (child witnesses).
56. **Denmark** and **France** have a system of **fast-tracking** the determination of cases involving child suspects in place.
57. In **Romania**, child suspects **only have the right to be heard** by the judge **on one occasion**, a limitation which does not exist in the case of adults;
58. **Latvia's the right to be heard** for child suspects is one of the **widest in the EU**: range of acts they can initiate/ participate in includes during pre-trial proceedings and/or court hearings, among others: submit a complaint about the performance of the investigative authorities; receive prior information on the results of expert examinations; receive copies of all the case materials; express opinions regarding any matter to be discussed.
59. **Germany** has **merit-based criteria** for **free legal aid** to child suspects in: main hearing held at the Higher Regional Court/ the Regional Court; the accused child is charged with a felony; the proceedings may result in an order prohibiting the pursuit of an occupation; the accused child has been in an institution for at least 3 months based on a judicial order/ with the approval of the judge and will not be released from

such institution at least 2 weeks prior to commencement of the main hearing; and others.

60. In **Croatia, monitoring the rights of children in judicial proceedings** is the responsibility of the Ombudsman for Children, in order to protect and monitor the rights and interests of children related to all types of administrative procedures and judicial proceedings.

Sources:

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