

Child Friendly Justice – European Network

European Webinar

REPORT

“Child Friendly Justice: Do Words Matter?”
13 December 2022 – 2.00 p.m.-3.30 p.m.



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The webinar was attended by 52 participants from over 20 countries worldwide, representing a wide range of professions (lawyers, social workers, psychologists, project coordinators, government representatives, etc.)

Mariama Diallo, Coordinator of the Child Friendly Justice European Network, moderator for this webinar, briefly presented the Network, which is currently composed of 19 organisations across 17 European countries. The Network's main objective is to ensure that justice systems are adapted to children's needs, specificities and vulnerabilities. More specifically, it aims to empower children to have their rights respected in legal proceedings, to have their voices heard in a participatory manner and to strengthen their capacity to advocate for their own rights.

How much do words matter when we talk about child friendly justice?

According to the [book chapter](#)¹ written by [Whitney Q. Hollins Ph.D.](#) & [Tanya Krupat](#) in April 2022 on "Language as a Protective Factor: Making Conscious Word Choices to Support Children with Incarcerated Parents", shifting terminology is important to lessen the stigma and promote children's well-being when a parent is incarcerated. This publication raises awareness on the importance of making conscious word choices to support children with incarcerated parents.

Children of Prisoners Europe (COPE) highlights the importance of advocating for a better use of language, and for avoiding using words such as: convicts, inmates, offenders. As part of their advocacy efforts, COPE developed ten key messages, including the following three messages:

1. Avoid reductionist statements and involve children when developing messages that affect them
2. Foster agency and empowerment of children instead of fostering victimhood; language is therefore a very important factor
3. Focus on the positive change we want to see instead of the situation that the child is in; 'people-first' language is key.

The UN Committee on the Rights of the Child, as the body tasked with interpreting the Convention, launched in 2022 General Comment 24 on children's rights in the child justice system (GC 24), which updates General Comment 10 on children's rights in juvenile justice issued in 2007. It recognises that there has been progress made since 2007 in terms of evolution of rights, legislations, standards and principles, etc. GC 24 recommends shifting from juvenile justice to child justice in the English version. What is particularly interesting is that the previous version of the General Comment was also referring to "juvenile justice" and it was also defining "children in conflict with the law" as well as acknowledging positive developments of the use of language.

¹ Hollins, W.Q., Krupat, T. (2022). Language as a Protective Factor: Making Conscious Word Choices to Support Children with Incarcerated Parents. In: Krysik, J., Rodriguez, N. (eds) Children of Incarcerated Parents. Children of Incarcerated Parents: From Understanding to Impact. Springer, Cham. https://doi.org/10.1007/978-3-030-84713-5_6

Mariama Diallo presented the interdisciplinary panel:

Benoît van Keirsbilck is Member of the United Nations Committee on the Rights of the Child. He has a degree in Social Work and Children's rights and is currently Director of the Belgian section of Defence for Children-International. Benoît was President of the International Movement of DCI from 2013 to 2017. He was the Director for 25 years of the SDJ - Service Droit des Jeunes in Brussels and co-director of the Interdisciplinary Centre for children's rights, chief editor of the Belgian edition of the Youth Law Journal. Benoît is a high-level speaker in numerous conferences across the world and gives frequent trainings in the area of children's rights.

Dr Astrid Podzialowski is a psychologist by education and training. She is the Head of the Social Rights Sector and Equality, Roma and Social Rights Unit of the European Union Fundamental Rights Agency. Astrid previously held academic research and teaching positions in Europe as well as New Zealand and the USA. She has been the project leader of several international research projects and played an active role in the development and update of the FRA Handbook on Children's Rights, which contain a well on resources on case-law and legislation in Europe.

Dr Robert Schwartz is Visiting Scholar at Temple University Beasley School of Law. Robert co-founded the Juvenile Law Centre in Pennsylvania in 1975 and was its executive director from 1982 to 2015. This Centre is a non-profit public interest law firm that uses the law to ensure that youths in the foster care and justice systems are treated fairly and have opportunities to become productive adults. Robert represented dependent and children who committed an offense in the Pennsylvania "juvenile and appellate courts". Robert brought class-action litigation over institutional conditions and probation functions. He testified in Congress before House and Senate committees and has spoken in over 30 states on matters related to children and the law. Robert is a specialist on adolescent development.

Pippo Costella has a degree in Philosophy and is the founder and current director of Defence for Children International Italy. DCI Italy is an active Board member of the CFJ-EN. He has worked on childhood and adolescence development programs with various NGOs, international agencies and institutions in the Middle East, Southeast Asia and Europe. Pippo's experience is focused on the development of strategies and programs for the protection of children from different forms of exploitation and abuse, programs and initiatives aimed at children.

Ha Ryong Jung (Michael) is a Human rights lawyer specialised in children's rights and child protection, particularly in the field of justice for children, with a current geographical focus in Southeast Asia. Michael is Technical Advisor of the Cambodian Child Rights Coalition and Legal Officer at Legal Aid of Cambodia. Michael leads the Child Friendly Justice Network in Cambodia and recently led the development of a terminology guide on child friendly justice.

All panellists were asked to reflect on the following two questions:

- **Why do words matter when speaking about children in contact with justice systems?**
- **What word is for you particularly meaningful when we speak about child friendly justice?**

Benoit Van Keirsbilck: About Children in conflict with the law

One of the difficulties when writing GC 24 was to try to define a child who is suspected, accused, or convicted of having committed an offence. The terminology “**children in conflict with the law**” seems to imply to a child is in conflict with a legislation and probably authorities. This child is now limited to the commission of the offence, while they maybe have not committed it. If we put together all the dimensions of this situation, we can notice that it is very difficult to find the right words to talk about a child in contact with the justice system. When we talk about a child in conflict with the law, we are forgetting about the presumption of innocence. We are therefore putting in the same basket: children who are suspected and children who are indeed in conflict; we do not consider them as persons and as children first and foremost.

Robert Schwartz: About Juveniles

Words matter because they affect how we are representing “clients” in front of juvenile courts: young or youth. Are we dehumanising children when using “juveniles”. Context matters. In the United States for example, the general public knew what a juvenile court was. In 1999, the general public understood what it was when America was celebrating the 100th anniversary of criminal courts. People organised a campaign to rename juvenile courts into children’s courts, while others wanted to save the “juvenile” courts. A juvenile legal system, or a youth legal system, are different from a child justice system, but it needs to be extended to young people over 18. The UN Convention on the Rights of the Child nor GC 24 propose a uniform use of the word child. Finally, words do matter as they do inform public perception, policies and practices. Language is important but it should be part of a larger strategy to promote children’s well-being. Nicely named systems can do great harm, it is therefore essential to think of the actual practice.

Astrid Podsiadlowski: About Minors, Youth and Gender pronouns

Words matter to all professionals working on children’s rights. Article 1 of the UNCRC exposes that “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.

The word **minor** is frequently used in the legislative system of different languages. The definition can differ, for example in a case where a child gets married before having turned 18. We can ask ourselves: “Minor to what?”. It is not straightforward, if we look at the linguistic and psychological perspective. The term ‘minor’ carries a negative connotation relative to development. The term minor should not be used in any of the FRA publications or translations. A child is every person below the age of 18.

With the word **youth** arise various problems: it is not clear when the age of “youth” starts and when it ends. There really is no consensus in international and European standards for what those ages should be. For the UN system, most refer to young people as people aged 15 to 24 years, while the Council of Europe refers in its policy files to ages 13 to 18 years. The starting point of using youth is linked to minimum age requirements and school systems, which differ between countries. It depends whether we talk about criminal responsibility or when it is possible to sign a legal contract. It is therefore important to know how to explain to young people why we do not use the term “youth” in our publications. It relates to the specific protection that applies to all persons up to 18. FRA tries to not refer to youth in its publications. For children deprived of parental care, FRA refers to children and young adult (13-18 years).

In relation to **gender pronouns of a child**, in several languages, the article for using the term of a child is masculine (for example, “l’enfant” in French). “He” or “him” is frequently used to talk about a child in general. There are two solutions: first, using the plural for children as much as possible and second, instead of using “he and she” to refer to a child, also in translations, include the term “they” or another term to acknowledge gender fluidity (for intersex person in particular).

Pippo Costella: About Vulnerability and Context

These two words are really connected. Sometimes, words are proposing things, sometimes they are hiding things. It is important to see how the concept is understood and how the words we are going to use are perceived. The meaning may change depending on the languages. For a dynamic dimension, General Comments can be very formal and refer insufficiently to certain words.

Vulnerability is a highly used word, so we can use it to start discussions, but not with a dynamic dimension. Vulnerability is overused and sometimes is intended as a kind of sickness. In fact, it is the dynamic dimension that we need to see integrated in this word. Sometimes, using this word excludes the possibility to recognise resources and participation or agency or self-determination. One ought to be very careful with the use of this term. Many communications promoted by NGOs are putting forward vulnerability instead of children. This is very much related to “humanitarian marketing”. We have a big responsibility on that as organisations: while we know that it is more effective to show vulnerabilities, one should consider what kind of identity it attaches to children. In some way, vulnerability is disconnected from the reason why a child became vulnerable.

A person is vulnerable in proportion to how much the **context** is making him or her vulnerable. Etymologically, context means weaving; it describes a kind of interlinked nature. Sometimes, the juvenile justice context has made children vulnerable. In some way, the word “context” proposes a systemic dynamic with an epistemological sense, which prevents a division and fragmentation of our reading of the situation of children. It is important to keep in mind the connection between elements. Sometimes we try to concentrate on vulnerability without considering whether it is the context that made the person vulnerable. Sometimes, the child is avoided, or we omit to consider that this child is vulnerable for precise reasons for which the system bears responsibility. We tend to consider the child in a fragmented way instead of considering the Convention for example as a systemic platform to understand what the best interests is or to analyse the phenomenological situation this child is in.

Ha Ryong Jung (Michael): About Normal

As a lawyer, all words are important. For example, in Cambodia, the age of criminal responsibility is 18, but it is the age at which the person who commits an offense is tried as an adult, while the minimum age of criminal responsibility is 14. Because the words used are very similar, it creates much confusion. In Korea, there is no different word for sex and gender, which impacts provisions and support for members of the LGBTI+ community and how we are able to have a think about special support for them. Here, the term “normal people” has been the subject of much discussions to define what is “normal” and is sometimes used in opposition to people belonging to the LGBTI+ community.

It is important to underline that the term juvenile may seem neutral when it is used in languages like French and Spanish, but in English it can offend persons who are suspected.

Another important thing to consider here is when certain words can be translated in the same way in many languages but translated in a different way in other languages when considering the context. For example, this is the case for the words sex and gender in Korea, where the initial word for sex and gender could be the same word in Korean.

The **Child-Friendly Justice Terminology Guidelines** is very important for children. The guidelines were created to promote better understanding of words to use. The reason to develop this document was to gear people towards using them instead of unintentionally using damaging terminologies. From the start, it was decided to develop the terminology guidelines both in English and Cambodian. For the English version, different voices from various backgrounds in the world were integrated (people from different contexts giving their inputs), and for the Khmer version, it was reduced to terms that made more sense in the local context and language. Its aim is to make sure that policy makers, stakeholders, translators, and not just government stakeholders, are using adapted words.

Panel Discussion and interaction with the audience

The moderator added that the term minor is widely used in France and Italia for example, instead of child. The work of practitioners on a day-to-day basis also includes being involved in discussions and reflections about awareness about which the words are used.

Participants actively interacted in the chat to underline that the use of acronyms is a negative practice to refer to children and the importance and negative impact of media who perpetrate certain stigmas.

Benoit Van Keirsbilck referred to Michel Foucault and Michel van de Kerchove, French and Belgian authors who have done some research on demystifying vocabulary, and on how the way something is called is the way it will be. In Belgium, the child protection law is a legislation which applies to children having committed an offense, and we use “protection centres” instead of “child detention centres”. When a child would be placed in this **child protection centre**, the society may feel like that they are not in detention, but of course when asking concerned children, they will say that they are in prison and detained. Still, should it be called a detention centre or prison for juveniles? There should be a difference between prison for adults and a place for children where the primary aim should not be deprivation of liberty.

In French, the verb “**placer**” is used for objects, and not for a person; therefore, it cannot be used for translating the placement of a child in a centre. Also, the word **adolescent** has no negative connotation in French but, may have some in other languages.

In Europe, some emphasis has been put on **child participation** and **child empowerment**. The EU has recently launched a Strategy on the Rights of the Child, which includes a Thematic Area on child friendly justice. This work was done in consultation with children. The terminology guide was done for instance in consultation with children. In general, it is a good practice to involve children in the selection of wording that concerns them, where there is capacity and it is manageable.

Ha Ryong Jung (Michael) noted that for the guidelines he presented, they were unfortunately not able to consult children. Jumping on the audience comments, he noted that using acronyms could be easier, such as the expression children in conflict with the law that can be shortened as CICL. But it is insensitive to use **acronyms** for people with disabilities; they prefer to be called persons with disabilities to remain focused on the fact that they are first a person. He thought that it is interesting that acronyms can have positive or negative effects. Regarding gender terminology, he prefers using **parentage** rather than paternity, as it is more inclusive.

Pippo Costella underlined one more word: **power**. The power of using certain words. Taking the UN Convention on the Rights of the child as a cultural platform for systematic analysis can help show how much is it important to put the child at the centre through the power of language to change the discourse. He added that it is impossible to talk about words without considering **images**, as all words solicit images and solicited images and words are not necessarily based on the principles of the convention. ‘How much do images matter?’ was proposed as a topic for next year’s webinar, since it is very much connected with the discourse.

Astrid Podsiadlowski then pointed out that the term **child friendly justice** is very established among child rights specialists, but people who are not working in this area may not find the concept to be so clear. She underlines that the most important thing on child participation is that children can be safe and protected when they participate. She furthermore underlined the **diverse role children can play** in justice systems; for example, in different type of procedures, we can talk about children as victims, or witnesses. However, these terms have many connotations attached.

Mariama Diallo reminded that the name of the CFJ Network includes Child Friendly Justice – European Network for this reason. Still, some practitioners and people who have been working in the field for long time, mention to prefer using child-centred or child-focused justice. It would be interesting to develop a discussion about the reasoning behind ‘friendly’ and what is friendly about the system today.

Ha Ryong (Michael) Jung noted that the International Association of Youth and Family Judges and Magistrates uses "**child-focused justice**" considering the concern that the term "child-friendly" justice may strengthen the unfair and unfounded stereotype that judges who hear cases of children in conflict with the law are too friendly and soft on crime. The UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime utilizes the term "**child-sensitive justice**".

Mariama Diallo shared about her own experience in Eastern Europe, and gave the example of **institutionalisation** of children, which it is a big challenge there. While on paper it might look satisfactory, because a lot of services have been developed, in practice, children were not in fact ‘deinstitutionalised but moved to a third floor named “family home” of the big institutions they were living in. Despite the attractive name, the building remained the same building. It is important to underline the differences between what is said and what is actually being done in practice.

Two additional words were put into the debate by the audience: **deviance**. In Eastern Europe, this terminology has been used in legislation and official texts. Child rights organisations advocated to change this terminology to: ‘children in conflict with the law’ but the word remained in the official text.

Pippo Costella considered that it is not by chance that society will start using certain words to refer to deviancy. Instead of talking about or mentioning the deviance of the system, we are referring to the deviance of children. In some ways, a shift of paradigm could help find new words in order to change systems. There is a need to question why in a paradigm, we express reality with certain words, and what interest there is in expressing reality with certain words that might not be appropriate. In some ways, words matter but at the same time, the use of words can cause more injustice for children.

Participants in the chat added that the use of "**centre de rétention**" or "**centre fermé**" in French to designate detention centres for migration-related offences often prevents the general public from understanding what they really are. In the advocacy for prohibition of detention of children in migration, it is important to take this into account.

Robert Schwartz clarified that nicely named systems can do great harm, and **Benoît Van Keirbilck** agreed that mentioning situations in another way sometimes gives the impression that a soft approach is adopted.

They considered that deviance is absolutely a stigmatising word to use when referring to children involved in justice systems. It refers to someone who is not in the mainstream, and this can lead to the erasure of children from society. In the field of health, words coming from the mental health system are used to describe people who are different and have been adopted by society to refer to people they perceive as “abnormal”. In addition, in the past, when people started to talk about **juvenile justice**, it seemed to be a progress because there used to be just one same system for everyone (children and adults alike). **As systems change, so do words and we must adapt to them.** This is also why the UNCRC changed its wording from juvenile justice systems to child justice systems.

Another controversial expression was inserted in the chat, linked to the concept of “deviance”: **“behavioural change”**, which is still used in several countries to refer to the approach in responding to and ‘treating’ children in the justice system - which focuses solely on individual responsibility, while blaming children themselves for their behaviour, without considering the role of the context/communities/whole society.

Ha Ryong Jung (Michael) explained that deviancy and **delinquency** are very difficult and offensive words to apply to children. It is very challenging to change the terms that the general public is using. The term child justice in general is used in different ways depending on people, their social cultures and the context, such as different procedures.

Mariama Diallo added that rights are evolving, so that words that were once considered progressive may have become offensive when evolving.

Benoit Van Keirsbilck mentioned that the term ‘child justice’ can be confusing in the frame of GC 24, which precises that it is for children suspected, convicted, or committed an offence. He finds that the term is also used for administrative and civil justice, not just criminal procedures. There is a risk to reduce the extent of child justice to this field.

He added that nowadays, **‘alternatives’** appear as a second option, which is exactly the contrary to what the UN Convention and Committee say. **Deprivation of liberty** needs to be the second option and alternatives the preferred one. The solution for a child is the alternative care and not the deprivation of liberty.

Ha Ryong Jung (Michael) explained that the Child-Friendly Justice Terminology Guideline that was developed proposes to use **“non-custodial measures”** in lieu of “alternatives to detention/imprisonment”. The word “alternative” gives the impression that it is a lesser or secondary option, although it should in fact be considered as a primary option for children.

To conclude, the panellists and the audience were left to reflect on the following questions from the moderator:

- What am I, as a practitioner, doing in order to perpetuate better practices for children?
- Am I, by using certain words and concepts, perpetuating stigmatising language without sometimes having the awareness of it?
- What words can make children feel protected and safe?