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# Children's Rights: Engagement in the criminal justice system

*Engagement Conference at Jönköping  
University*

**Jönköping**

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# Aim



- 1 To discuss childhood abuse
- 2 To highlight why children's rights matter in terms of protection
- 3 To discuss pre-school children's participation in the criminal justice system

# A brief history in time...



- Child abuse is not a recent phenomenon
- Harsh forms of discipline was seen as parent's rights and responsibility Wolfe
- 1950's: official recognition of children in need of protection
- Media drives and public awareness of "battered child"
- 1960's: focus on multi-stressed, multi-problem families
- Perpetrators seen as deviant, malicious, disturbed persons
- Focus shifted to acknowledge that child abuse does not discriminate based on gender, social standing, ethnicity, or religion
- Multi-dimensional perspective

# What is maltreatment in children?

## 5 Types WHO, 2016

- **physical abuse**: punching, beating, kicking, biting, burning, breaking of bones, hair pulling, shaking an infant
- **neglect**: inadequate nutrition, clothing and hygiene; medical neglect, being left unattended in a car, abandonment
- **sexual abuse**: grooming, exhibitionism, rape
- **exploitation**: making pornographic material or prostitution
- **emotional abuse**: marked inattention to child's need for affection, domestic abuse in front of children, permission of drug / alcohol abuse by children



# Some scary statistics...

- 10% of children experienced violence at home [Social departementet, 2001](#)
- 21% of adolescents in upper secondary school reported that they had experienced sexual abuse [Landberg et al., 2015](#)
- 35% of young people interviewed in schools had experienced some form of sexual abuse [Artz et al., 2016](#)
- Children with disabilities more than twice as likely as children without disabilities to be physically and sexually abused [Bornman, 2016](#)



# Tools...



## SUSTAINABLE DEVELOPMENT GOALS

**16 PEACE AND JUSTICE**

# UN Convention on the Rights of the Child

## in Child Friendly Language



"Rights" are things every child should have or be able to do. All children have the same rights. These rights are listed in the UN Convention on the Rights of the Child. Almost every country has agreed to these rights. All the rights are connected to each other, and all are equally important. Sometimes, we have to think about rights in terms of what is the best for children in a situation, and what is critical to life and protection from harm. As you grow, you have more responsibility to make choices and exercise your rights.



Canadian Heritage Patrimoine canadien

**Article 1**  
Everyone under 18 has these rights.

**Article 2**  
All children have these rights, no matter who they are when they live, what their parents do, what language they speak, what their religion is, whether they are boys or girls, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.

**Article 3**  
All adults should do what is best for you. When adults make decisions, they should think about how their decisions will affect children.

**Article 4**  
The government has a responsibility to make sure your rights are protected. They must help your family to protect your rights and create an environment where you can grow and reach your potential.

**Article 5**  
Your family has the responsibility to help you learn to exercise your rights, and to ensure that your rights are protected.

**Article 6**  
You have the right to be alive.

**Article 7**  
You have the right to a name and this should be officially recognized by the government. You have the right to a nationality (to belong to a country).

**Article 8**  
You have the right to an identity - an official record of who you are. No one should take this away from you.

**Article 9**  
You have the right to live with your parents), unless it is better for you. You have the right to live with a family who cares for you.

**Article 10**  
If you live in a different country than your parents, do you have the right to be together in the same place.

**Article 11**  
You have the right to be protected from kidnapping.

**Article 12**  
You have the right to give your opinion, and for adults to listen and take it seriously.

**Article 13**  
You have the right to find out things and share what you think with others, by talking, drawing, writing or in any other way unless it harms or offends other people.

**Article 14**  
You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong, and what is best for you.

**Article 15**  
You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others.

**Article 16**  
You have the right to privacy.

**Article 17**  
You have the right to get information that is important to your well-being, from radio, newspapers, books, computers and other sources. Adults should make sure that the information you are getting is not harmful, and help you find and understand the information you need.

**Article 18**  
You have the right to be raised by your parents, if possible.

**Article 19**  
You have the right to be protected from being hurt and mistreated, in body or mind.

**Article 20**  
You have the right to special care and help if you cannot live with your parents.

**Article 21**  
You have the right to care and protection if you are adopted or in foster care.

**Article 22**  
You have the right to special protection and help if you are a refugee (if you have been forced to leave your home and live in another country), or well as all the rights in this Convention.

**Article 23**  
You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life.

**Article 24**  
You have the right to the best health care possible: safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well.

**Article 25**  
If you live in care or in other situations away from home, you have the right to have those living arrangements looked at regularly to see if they are the most appropriate.

**Article 26**  
You have the right to help from the government if you are poor or in need.

**Article 27**  
You have the right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.

**Article 28**  
You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.

**Article 29**  
Your education should help you use and develop your talents and abilities. It should also help you learn to live peacefully, protect the environment and respect other people.

**Article 30**  
You have the right to practice your own culture, language and religion - or any you choose. Minority and indigenous groups need special protection of this right.

**Article 31**  
You have the right to play and rest.

**Article 32**  
You have the right to protection from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and paid fairly.

**Article 33**  
You have the right to protection from harmful drugs and from the drug trade.

**Article 34**  
You have the right to be free from sexual abuse. Article 33 also applies to you.

**Article 35**  
You have the right to protection from any kind of exploitation being taken advantage of.

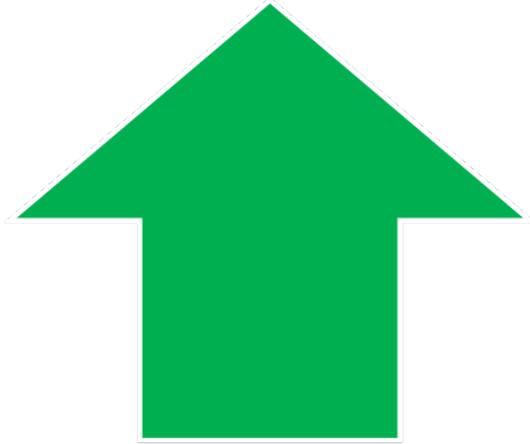
**Article 36**  
No one is allowed to punish you in cruel or harmful ways.

**Article 37**  
You have the right to protection and freedom from your Children unless it is cannot be forced to go into the army or take part in war.

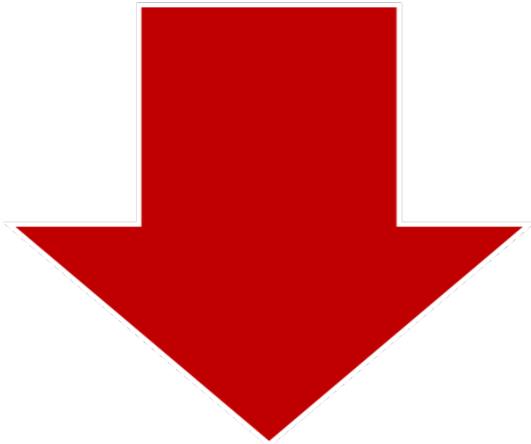
**Article 38**  
You have the right to be protected and treated humanely if you are in conflict with the law.

**Article 39**  
You have the right to help if you've been hurt, neglected or badly treated.





**Positive rights**  
(participation and  
provision rights)



**Negative rights**  
(prevention  
rights)

# 5 Specific Articles from CRC

12

- The child's right to be heard in any judicial and administrative proceedings.

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- The child's right to freedom of expression

19

- State obligations to protect children against maltreatment and abuse

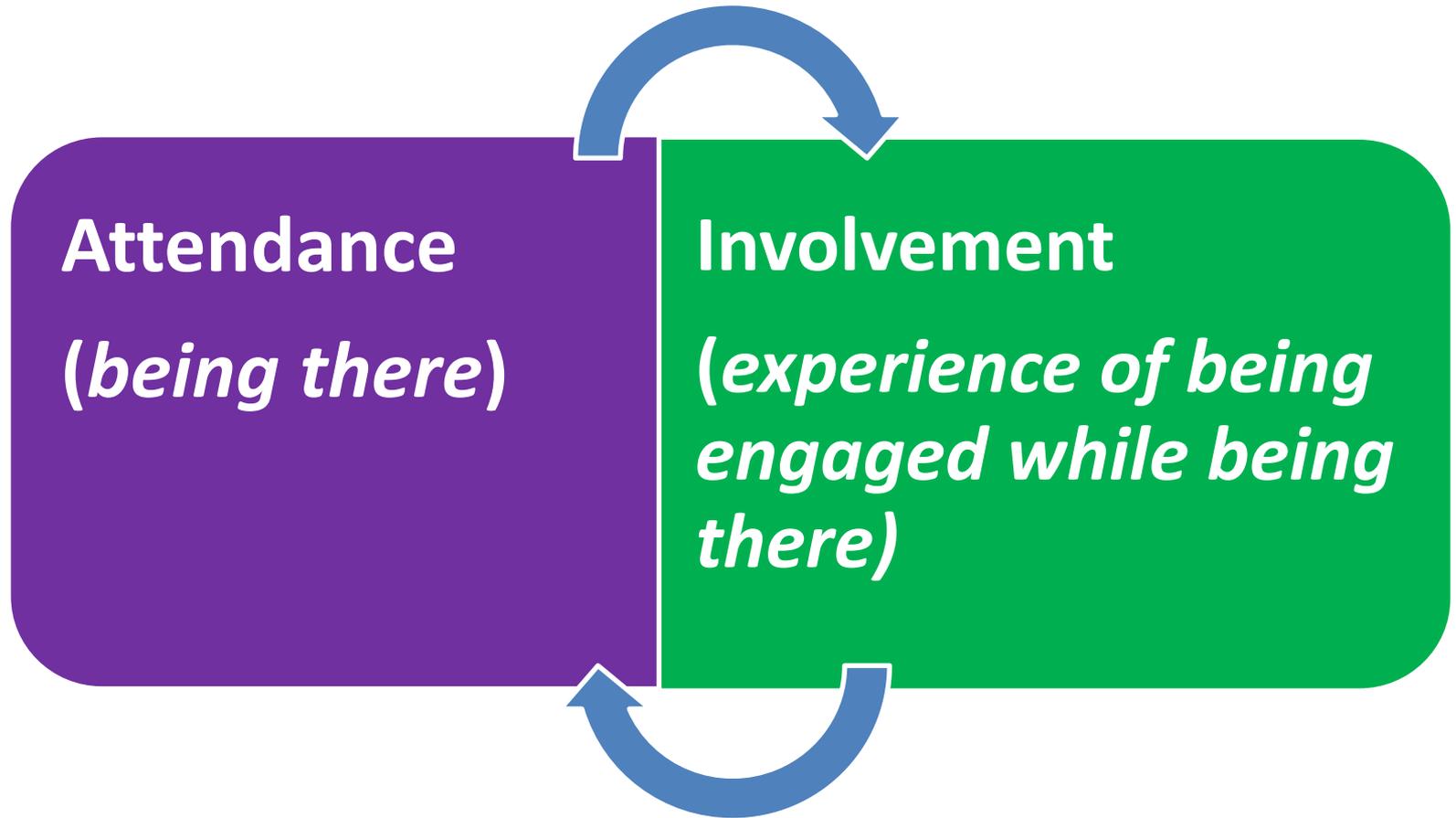
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- State obligations to prevent the abduction or trafficking of children

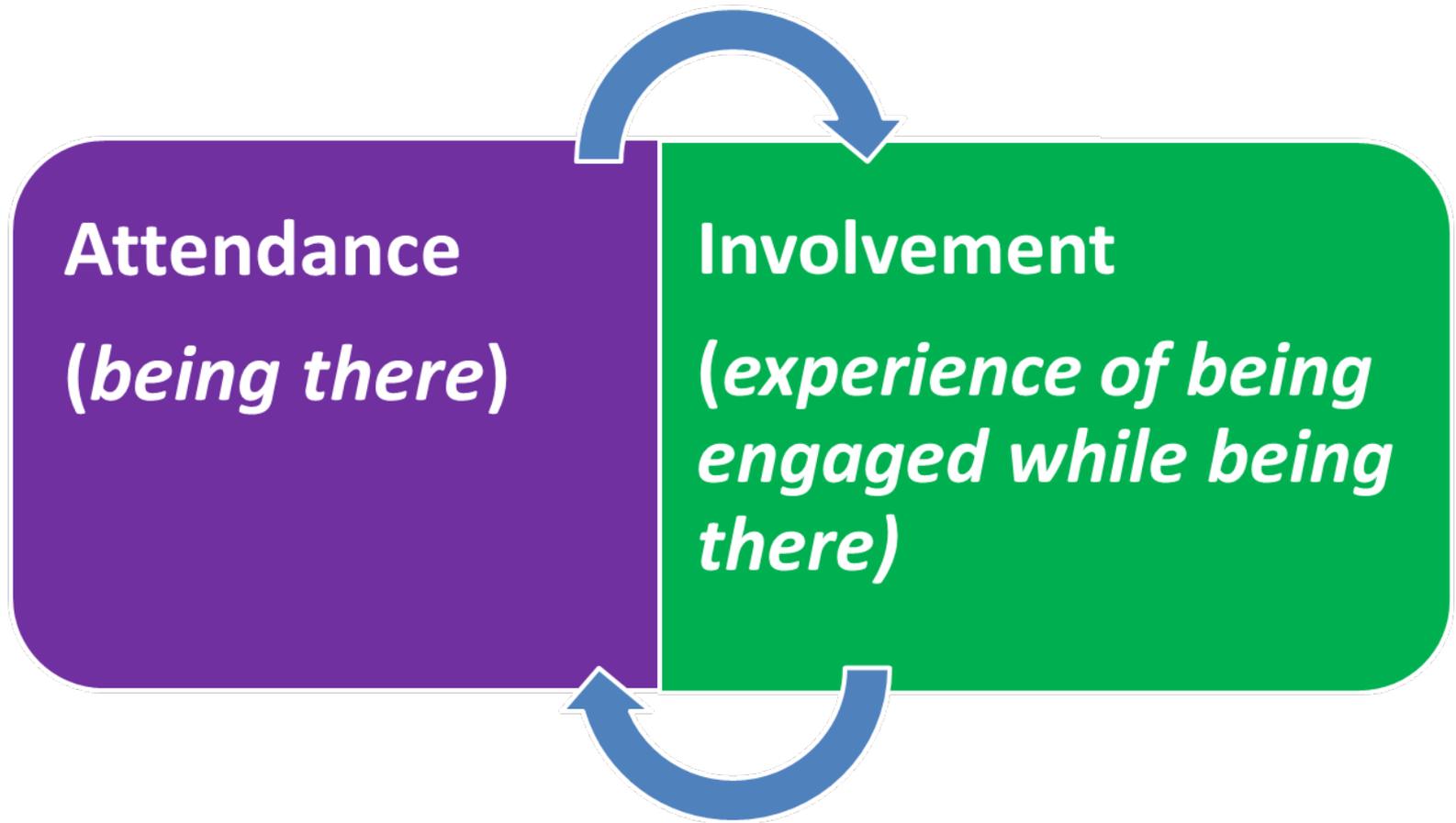
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- State obligations to ensure that children are not subjected to torture, inhuman or degrading treatment or punishments,

# Participation



# Participation in criminal justice system



# Attendance...being there



- Studies needed in poverty settings that focus on children's needs on higher level of Maslow's Hierarchy of Needs, e.g. safety [Lynegård, Donohue, Bornman, Granlund, & Huus, 2013](#)
- Listen to children's own voices when designing policies and services aiming for them, in line with CRC [Lynegård et al., 2013](#)
- Caregivers (proxy raters) and children (self-raters) answered questions regarding basic needs (access to clean water, food to eat) in same way – but significant differences regarding higher order needs – importance to ask children themselves [Huus, Granlund, Bornman, Lygnegård, 2015](#)

# Attendance ...being there (2)

- Caregivers are concerned about **Protection Rights** = mentioned 172 times

Huus, Dada, Bornman & Lygnegard, 2016

- Statistical significant difference between rural and urban caregivers regarding
  - right to protection ( $p < 0.001$ )
  - right to no discrimination ( $p < 0.003$ ) Huus et al., 2016
- Concerned adult that will initiate the process
- Access (police stations ; social workers ; court preparation officers ; court) Bornman, 2016



# Involvement...

- Vocabulary needed to disclose abuse – implications for pre-schoolers **Bornman, Bryen, Kershaw & Ledwaba, 2011**
- Vocabulary list needed to use in court : Who, What, Where, When & How **White, Bornman & Johnson, 2015**
- Investigating barriers in criminal justice system (e.g. types of questioning allowed, testifying without facing alleged perpetrator, testifying in chambers not in court, use of intermediary **Bornman, White, Johnson & Bryen, 2016**
- Use of Talking Mats visual framework to allow children to voice their own opinions **Murphy & Cameron, 2008**

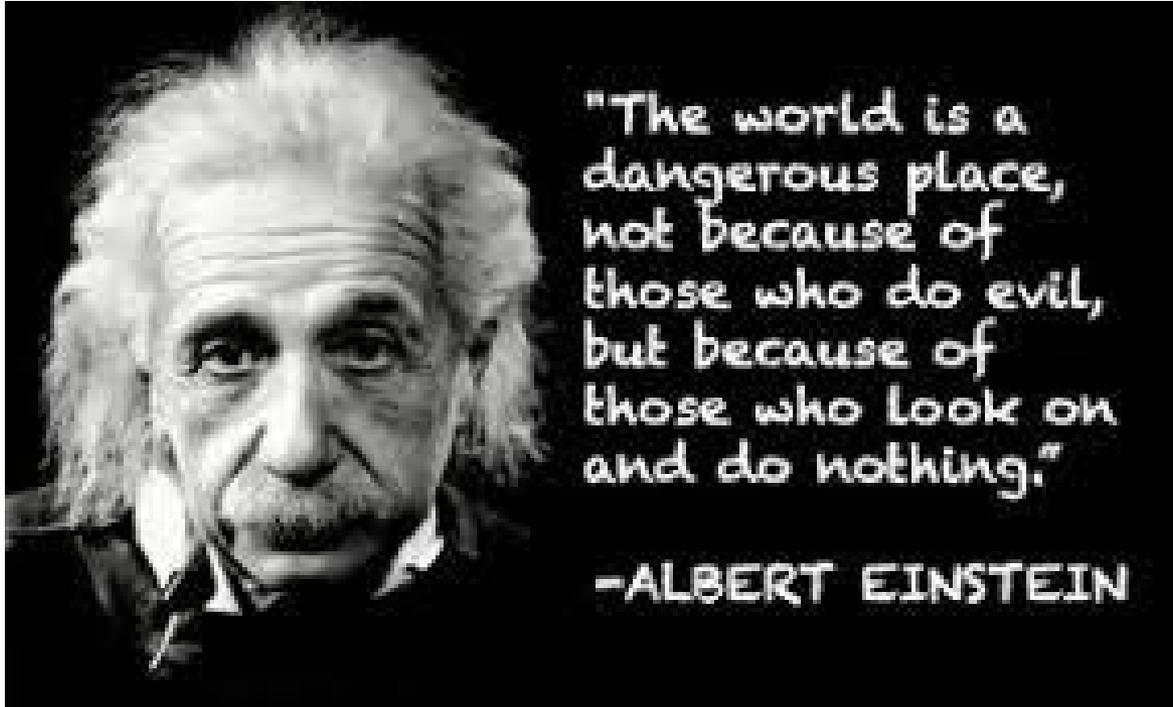


# Involvement...



- Violence prevention programs,
- e.g. Stay Safe [MacIntyre & Carr, 1999](#) Elements such as
  - naming & recognizing feelings
  - building self-esteem
  - developing assertiveness & social skills
  - knowing about personal boundaries & body space
  - learning about basic safety skills
  - introducing the vocabulary used in the lessons.
- Police training – sensitivity towards children with disability [Viljoen, Bornman, Wiles & Tönsing, 2016](#)

# Concluding thoughts

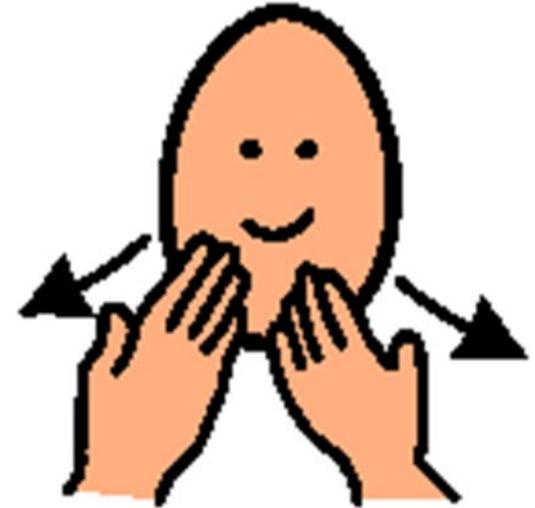


**Tack!**

**Thank You!**

**Dankie!**

**Siyabonga!**



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