

# THE RIGHTS OF CHILDREN IN THE JUSTICE SYSTEM IN HAMBURG, GERMANY

FINDINGS FROM EDUCATIONAL TRIP, NOVEMBER, 2023

JUVENILE JUSTICE INITIATIVE

# HAMBURG VS CHICAGO

- **Population:**
  - Chicago - 2.6 million in urban area; over 5 million in larger (County) region
  - Hamburg - 2.5 million in urban area; over 5 million in larger metro region
- **Migration:**
  - Hamburg - @26% of population immigrants - from North Africa, Turkey & Syria, eastern Europe, and increasingly from Ukraine
  - Chicago - @18% of population immigrants - from Mexico, central and South American nations
- **Age:** Chicago has a slightly younger population (33.1 years vs. 45 years)
- **Incarcerated Population (adult and juvenile, pre and post trial)**
  - Hamburg – @2,000
  - Chicago – Over 17,000 - ADULT: 4,754 in Cook County Jail (12/5/23), 12,349 IDOC (6/30/23) JUV: @300 pre & post?

# GERMAN CONSTITUTION

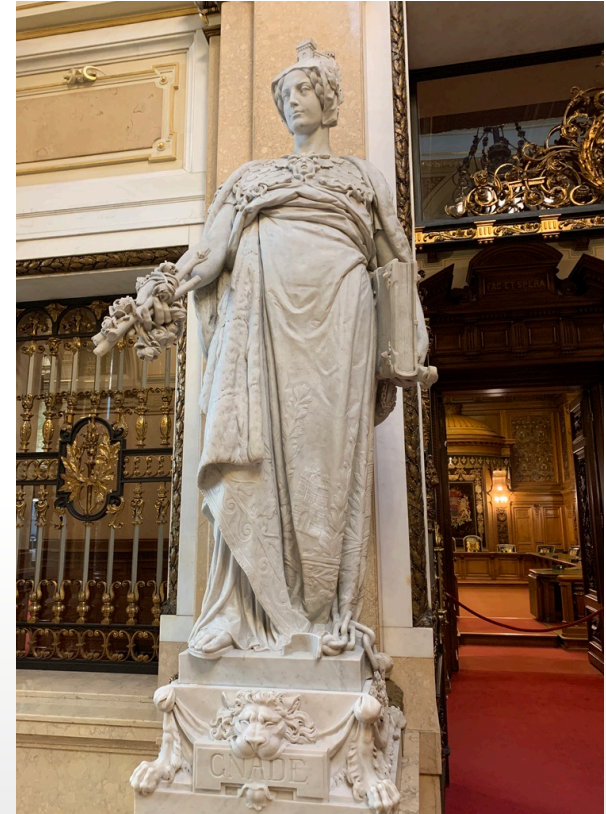
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- **Article I**

**[Human dignity – Human rights – Legally binding force of basic rights]**

- (1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.
- (2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

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# CONVENTION ON RIGHTS OF CHILD & HUMAN DIGNITY

## RIGHTS EMBEDDED IN GERMAN LAW

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- Minimum Age for prosecution – 14.
- No adult prosecution/sentencing of children under age 18.
- Juvenile sentences used in cases involving young adults.
- "juvenile" prisons – those receiving juvenile sentences, age 14 up through early 20's.





# JUVENILE PRISON - JVA HAHNOFERSAND

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- A Prison from the Outside.
- Population @126
  - No one under age 14.
  - Pre and Post Trial
  - Includes young adults given juvenile sentences

# CELLS LOOK THE SAME – BUT OPEN KITCHEN TO PREPARE FOOD/SNACKS

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PROGRAMMING INCLUDES EDUCATION, GYM, AND VOCATIONAL AS WELL AS THERAPY

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- Vocational can lead to certification for employment
- Social-emotional therapy especially in cases involving violent offense

# FORMER PROSECUTOR

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- On minimum age of 14 – “what would a 12-year-old do in a juvenile facility?”
- Under age 14 – use social services and psychiatric services, as needed.
- **Sentencing:** *For defendants tried as juveniles (this can also be the case for young adults, younger than 21 years at the time of the offence) there is no lifelong sentence. The highest prison sentence for juveniles is 10 years, for young adults convicted of murder the prison sentence can be 15 years in exceptional cases.*



# LESSONS FROM HAMBURG – CHILDREN’S RIGHTS WORK

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- Minimum age of 14 for prosecution & deprivation of liberty
- No adult prosecution/sentencing of children under age 18
- Deprivation of liberty as a last resort
- Juvenile sentencing available in young adult cases



