

INTERROGATING YOUNG SUSPECTS

Procedural Safeguards
from a Legal Perspective

Michele PANZAVOLTA
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PREFACE AND ACKNOWLEDGEMENTS

This book is the result of the first part of the European Commission funded research project *Protecting Young Suspects in Interrogations: a study on safeguards and best practice*.¹ The project consists of a legal comparative study, empirical research and the merging of the legal and empirical findings, and its aim is to identify legal and empirical patterns in the procedural protection of juvenile suspects during pre-trial interrogation. The legal study underlying this volume consisted of comparative research into existing procedural safeguards for juvenile suspects during interrogation in the legal frameworks of five selected Member States of the European Union: Belgium, England and Wales, Italy, Poland and the Netherlands. The results of the empirical research, as well as the merging of the legal and empirical findings resulting in a proposal for European minimum rules and best practice on the protection of juvenile suspects during interrogation, will be published in a second volume.

The successful completion of this project has been the joint effort of a large group of people. First and foremost we would like to thank our academic partners – and in-country researchers – for their dedication to the project and the incredible amount of high-quality work they delivered: Claudia Cesari, Deborah Felice, Jackie Hodgson, Vicky Kemp, Justyna Kuzstal, Joachim Meese, Vania Patanè and Barbara Stańdo-Kawecka. Comparative legal research can at times be extremely challenging because it is not easy to convey the nuances of one’s own legal system outside its original language and culture. It was thanks to the large knowledge, flexibility, open-mindedness, patience and tenacity of our partners that we only experienced the positive sides of comparative research. Working with them has been an incredibly enriching experience, not only confined to legal matters.

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Managing and coordinating the project has been the task of the entire Maastricht project team, but three of the four members of the team (Dorris, Michele and Miet) would like to emphasise that it is in particular thanks to the outstanding daily effort of Marc van Oosterhout that everything has run smoothly and efficiently. In addition to conducting large strands of the legal and empirical research, Marc has been responsible for the many organisational and administrative tasks, ranging from setting up project meetings to managing the project website, and many others. Marc has taken up these diverse, challenging duties with the utmost positivity and perseverance and he has proven to be of inestimable value to the project.

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Finally, we would like to thank the European Commission for funding this project. We truly hope that its results may contribute to the current debate on how to effectively strengthen the protection of juvenile suspects during the initial stages of criminal proceedings.

Michele Panzavolta
Dorris de Vocht
Marc van Oosterhout
Miet Vanderhallen

February 2015

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LIST OF ABBREVIATIONS

ASBOs	Anti-Social Behaviour Orders
CC	Criminal Code
CCP	Code of Criminal Procedure
Cost	Constitution of the Italian Republic
CPA	Child Protection Act
CPS	Crown Prosecution Service
CRC	Convention on the Rights of the Child
CWC	Child Welfare Council
C&YP	Children and Young Persons Act
DTO	Detention and Training Order
EAW	European Arrest Warrant
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FME	forensic medical examiner
HR	Hoge Raad
JA	Juvenile Act
LASPO	Legal Aid Sentencing and Punishment of Offenders Act
NJ	Nederlandse Jurisprudentie
PACE	Police and Criminal Evidence Act
PNDs	Penalty Notices for Disorder
UN	United Nations
VOM	victim-offender mediation
YJA	Youth Justice Act
YOT	Youth Offending Team
YPA	Youth Protection Act

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Claudia Cesari is a Professor of Criminal Procedure at the University of Macerata Law School (Italy). She graduated *magna cum laude* in criminal procedure from the University of Bologna in 1991 and obtained her PhD in criminal procedure at the same institution in 1997. Cesari served as Director of the Department of Criminal Law and Procedure at Macerata between 2007 and 2013. She now acts as Vice Director of the Law Faculty. Cesari is also Coordinator of the Centre for Studies and Research into Juvenile Justice at Macerata. Cesari's research interests include juvenile justice, rules of evidence, and diversion techniques. She teaches criminal procedure and juvenile criminal justice. Some of Cesari's most relevant recent publications include *L'irripetibilità sopravvenuta* (1999) (on an exception to the hearsay rule) and *Le clausole di irrilevanza del fatto nel sistema processuale penale* (2005) (on facts that do not warrant prosecution). Cesari has both edited and authored recent publications of the Centre for Studies and Research into Juvenile Justice.

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