



IPJJ Fact sheets

Fact sheet - Justice for Children

The way children are treated by national justice systems and security institutions is integral to the achievement of the rule of law. Despite important progress, children are yet to be viewed as key stakeholders in rule of law initiatives: there are important gaps in terms of the realisation of the rights of children as victims, witnesses and offenders; work to implement child justice standards is still frequently handled separately from broader justice and security reforms; access to justice, though increasingly recognised as an important strategy for protecting the rights of vulnerable groups, rarely takes children into account.

Rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards¹.

In this context, the UN Secretary General issued in 2008 a Guidance Note on Justice for Children, outlining strategies for a **common UN approach to justice for children**² within existing rule of law principles and framework.

The justice for children approach aims to ensure that children (defined by the Convention on the Rights of the Child as all persons under the age of eighteen) are better served and protected by justice systems. This approach specifically aims at ensuring full application of international norms and standards for **all children who come into contact with justice** and related systems as victims, witnesses or alleged offenders; or for other reasons where judicial, state administrative or non-state adjudicatory intervention is needed (for example regarding their care, custody or protection).

This approach goes beyond juvenile justice, to include not only children in conflict with the law – alleged as, accused of, or recognised as having infringed the penal law – but also child victims and witnesses of crime in contact with justice systems, and children in contact with justice systems for other reasons such as custody, protection or inheritance (i.e. child parties to a justice process).

The justice for children approach brings new elements of thought to actors working on justice issues; it integrates new categories of children who were barely considered previously; it paves the way for the right of children to concretely obtain access to justice, including to seek and obtain remedy; it invites stakeholders to integrate justice for children issues in broader agendas around rule of law, including governance, security, social welfare and justice sector reforms.

¹ Report of the Secretary-General “Delivering justice: programme of action to strengthen the rule of law at the national and international levels”, March 2012

² Guidance Note of the Secretary General - UN Approach to Justice for Children, September 2008

The justice for children approach provides:

Guiding principles & a framework for UN justice for children activities

Guiding principles of the UN Approach

All justice for children interventions, from policy development to direct work with children, should be guided by the following principles, which are based on international legal norms and standards:

- Ensuring that the **best interests** of the child are given primary consideration in all actions concerning children;
- Guaranteeing **fair and equal treatment** of every child, free from all kinds of discrimination;
- Advancing the right of the child to **express his or her views freely** and to be heard;
- Protecting every child from **abuse, exploitation and violence**;
- Treating every child with **dignity** and compassion;
- Respecting **legal guarantees** and safeguards in all processes;
- **Preventing** conflict with the law as a crucial element of any juvenile justice policy;
- Using **deprivation of liberty** of children only as a measure of last resort and for the shortest appropriate period of time;
- **Mainstreaming** children's issues in all rule of law efforts.

Framework for justice for children activities

The main strategy towards reaching the objectives of the UN approach consists of ensuring **greater attention to children issues in all rule of law efforts** by:

- Broadening **partnerships**;
- **Leveraging** the work of UN entities around rule of law;
- **Scaling up** and using existing expertise in improving the realisation of the rights of child victims, witnesses and alleged offenders.

Concretely, this means integrating children's issues in the following efforts:

- ❖ **Strengthening national systems**
Constitution-making processes; law and policy reform efforts; institutional reform and capacity development for professionals; coordination between the social and justice sectors.
- ❖ **Legal empowerment and access to justice**
Human rights education and legal awareness; community-based legal and paralegal outreach services; child-sensitive procedures to ensure the child's full-fledged participation.
- ❖ **Specific crisis and post-crisis intervention**
Peace agreements; transitional justice mechanisms; security sector reforms; involvement of children in transitional justice processes.

This involves building the capacity of all stakeholders, including civil society.