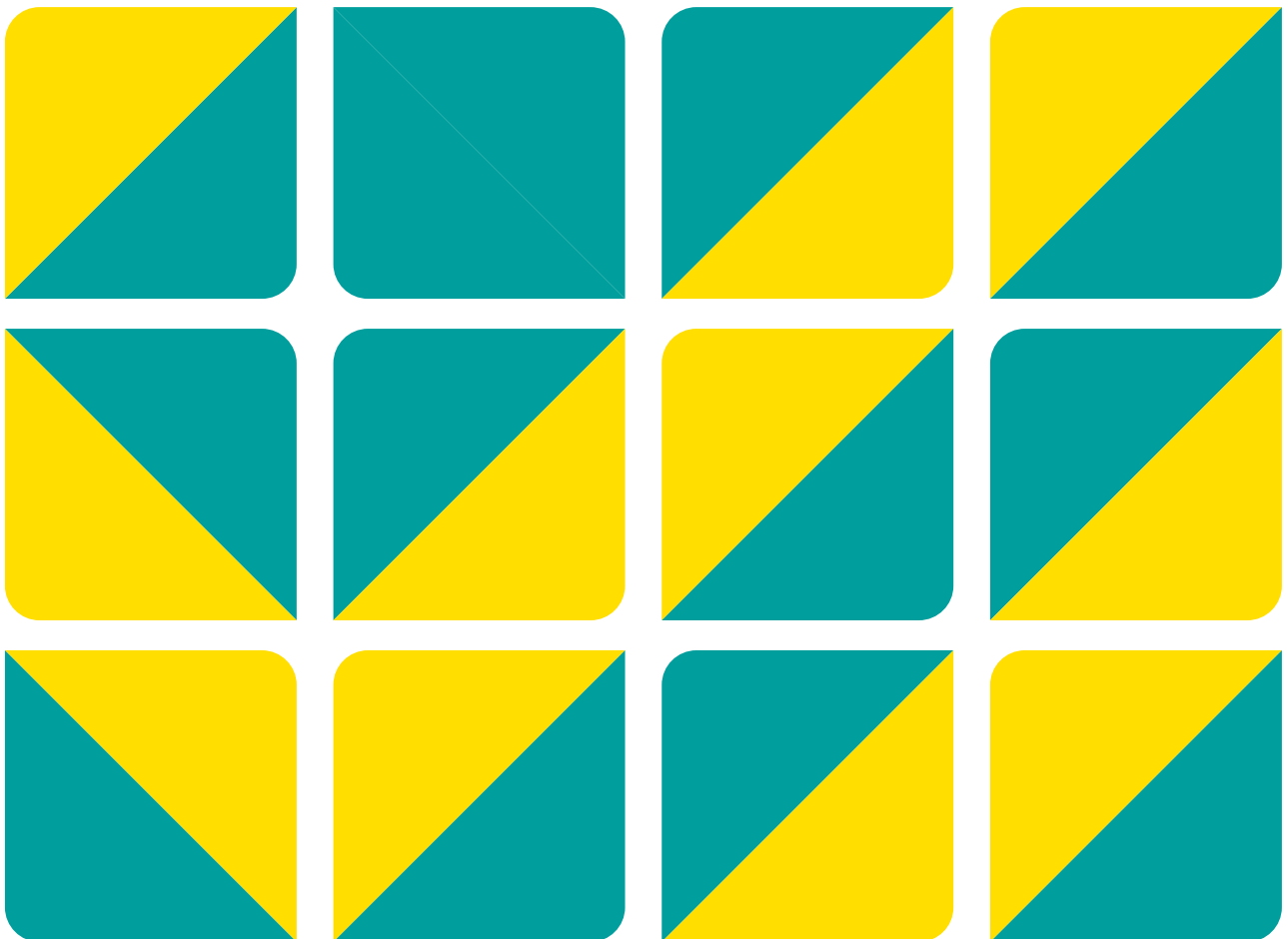


# Justice for Children Justice for All

Justice for Children requires us to respond to children's distinct needs, and realize their full range of rights and opportunities, to achieve peaceful, just and inclusive societies for all.

## Agenda for Action

This Agenda for Action for Justice for Children sets out the strategic levers for change to achieve SDG16 for children in the 2030 Agenda.





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# Justice for Children as an essential component of Justice for All >>>>



The 'Justice for Children, Justice for All' working group continues to build on its work with the Pathfinders for Peaceful, Just and Inclusive Societies Task Force on Justice, which advances a new understanding of justice:

*...not only aiming to overcome the challenges children face in accessing legal justice, but also promoting justice as an enabler of children's opportunities and development to their full potential.<sup>1</sup>*

Placing children at the heart of a growing global movement for justice<sup>2</sup>, and involving them meaningfully in this process, are essential to achieving justice for children and to securing the SDG 16+ ambition of achieving justice for all<sup>3</sup> by 2030. Without justice for children, justice for all will be out of our reach.

But progress to achieve the bold commitments made in the SDG agenda has been stalled by the COVID-19 pandemic. Despite some notable demonstrations of solidarity, such as the rise of mutual aid groups, the exacerbation of existing inequalities caused by the global health emergency has led to increased social fragmentation and political isolationism. The Pathfinders' Justice in a Pandemic Briefings illustrate how the pandemic adversely impacted justice for all and how people-centered justice approaches are essential for a just and equitable global recovery. The negative impacts of the

pandemic resulted in renewed energy to reaffirm the importance of multilateralism and the social contract, as seen in the UN Secretary General's *Our Common Agenda*. This UN Agenda also emphasises the critical role that young people have to play in accelerating progress around the SDGs. However, one notable stakeholder group is missing from the agenda: children.

Roughly 1 in 3 people across the globe is a child.<sup>4</sup> In many countries, over half of the population is under the age of eighteen. Yet, children are largely invisible in justice efforts. According to the Justice for All Report, legal needs surveys are not designed to capture the justice needs of children, yet evidence suggests children face an even wider justice gap than adults. Some individuals, groups, countries and communities are being hit harder than others by the pandemic; this includes children<sup>5</sup> and especially those who experience multidimensional inequalities and find it most difficult to access justice. While the global agenda pledges to leave no one behind there is a stark gap when it comes to measuring, understanding, and fulfilling this global ambition for children.<sup>6</sup> This was true before COVID-19, and in the realities of converging health, economic and geopolitical crises, there is a present danger that children become more invisible, unheard and *left behind* than before.



## Children's specific needs, rights and capacities

Fulfilling the promise of SDG 16.3, of access to justice for all, requires intentional and inclusive focus on children and young people, whose particular justice needs are less understood.

Children are distinct from adults, and have specific needs, rights and evolving capacities. They require support and care from their families and carers, and services, that meet their particular needs and rights<sup>7</sup> and that provide them with the critical opportunities that will define their futures. The international Convention on the Rights of the Child<sup>8</sup> sets out these specific characteristics and the related expectations for how whole nations should take action. Responding differently to children in the light of this distinctiveness and these obligations is essential for the successful delivery of the global goals for people of all ages.

Engaging meaningfully with children, listening to their views and experiences, and securing their participation in finding solutions, is necessary to form a foundation that is future-proofed. Children, families and communities need to be confident that leaders at global, national and local level will listen, hear and take forward actions so that no child is left behind and we address the furthest behind first.<sup>9,10</sup>

## Justice for Children

*Justice for Children* in all its dimensions includes criminal, civil and administrative justice, as well as economic, social, cultural and environmental justice.<sup>11</sup>

A child-friendly justice system is adapted to the rights and needs of children. It will: prevent harm; meaningfully invite their views, enable children to claim their rights, seek redress or complain about the violation of their rights.

Having access to justice for children means that children are empowered and supported to prevent justice problems arising, and to resolve those problems that do arise outside the formal system, if at all possible, in a child-friendly environment. When they are working well, formal and informal justice systems<sup>12</sup> together will be supporting all children to access opportunities and to participate fully in society.

These are core preventative and restorative elements that are essential to achieving justice for children.

## The Agenda for Action

The demand for more child-friendly justice responses comes at a time when governments and communities are dealing with the immediate health crisis and impending crushing economic fall-out.<sup>13</sup> Global pressures and demands will make national responses significantly more problematic, for both the immediate and long term. Responding better means building new intergenerational partnerships, and clear investment cases built on data that is adequately disaggregated. These can enable a growing range of innovations that solve the justice problems that children face and close this justice gap.

The advantages are numerous: advancing children's justice prevents future problems by reducing the need for mitigative responses and has a broader impact on society including strengthening an increasingly fragile social contract; these are game-changers for countries as they shape their responses in the pandemic, and beyond.

# Levers for change to achieve justice for children



Four levers for change are core to achieving justice for children—an essential component of achieving justice for all. Building on the *Justice for All* Levers of Justice Reform, and drawing on the learning so far from, and in relation to, children during COVID-19, these levers include:

- 1 • Building new types of partnerships  
*Focus on inclusive intergenerational partnerships*
- 2 • Developing strategies for smarter financing  
*Focus on the case to shift investment to children's inclusion and well-being, and the political support for prevention, to secure justice for children*
- 3 • Using data and evidence to steer reform  
*Focus on disaggregated data, child friendly methodologies and child-centred views to drive change*
- 4 • Scaling up justice innovations  
*Focus on both imagination and safeguards for digital justice tools with children*

## Lever 1: 'Build new types of partnerships'

### Focus: Inclusive intergenerational partnerships .....

#### Intergenerational engagement is emerging as one of the defining trends of the post-pandemic world

Participatory initiatives such as Our Future Agenda,<sup>14</sup> #CovidUnder19,<sup>15</sup> UN Youth,<sup>16</sup> the Young Justice Leaders<sup>17</sup> and the World Congress on Justice with Children<sup>18</sup> are demonstrating how children and young people can play meaningful roles in informing policies and standards. In March 2022, the UN Special Representative of the Secretary General on Violence Against Children (SRSGVAC) and civil society partners organised a landmark briefing to children at the Human Rights Council to demonstrate what accountability to children can look like.<sup>19</sup> Important learning can be leveraged from these experiences to further drive systemic change which supports children's right to participation in decisions which affect their lives.

#### Building more coherent and inclusive justice systems for children starts with the foundation of new partnerships with children and young people.

Developing partnerships with children and young people should be based on the extensive body of evidence which outlines the justice problems children face (see Part 1), with special recognition of children's multiple identities and lived experiences. While implementing provisions for children in contact with justice systems is still of critical importance, lessons from the pandemic suggest that ensuring the systematic and meaningful participation of children and young people needs to be mainstreamed across all areas of access to justice work to implement systemic change.<sup>20 21</sup>

#### We must shift the paradigm from child participation in justice sector reform, to partnerships with children to improve access to justice.

These partnerships recognise children's agency, systematically invites children's views, and maintains open channels for participation, engagement and feedback.<sup>22</sup> It is critical to reinforce child and youth participation as important 'new partnerships' that are essential for achieving justice for all, in order to develop policy guidance which affirms children's rights individually<sup>23</sup> and supports government policy and practice.<sup>24</sup>

#### Actions to build these intergenerational partnerships:



- Respecting and promoting children's right to be heard as a critical driver of the justice for all agenda, through supporting intergenerational exchanges.<sup>25</sup> This especially must include those children whose rights are most at risk. Prioritising engagement with these children fulfils the UN Agenda 2030<sup>26</sup> pledge by all governments to "address the furthest behind first".
- Investing in systematic feedback loops between policy-makers, systems leaders, frontline providers of child-focused services. This includes both social and justice systems, and the children that they serve, in order to secure and promote accountability in services, and reflect effective practice that begins with children's lived realities.
- Upholding the participation rights of children in contact with justice systems. This means ensuring justice systems and practices, both formal and informal, are inclusive, accessible and empower children, and support complaints mechanisms that are made accessible to children, including through recruiting, coaching and training child-friendly professionals. Enabling a continuum of accountability at all levels improves the likelihood that from the first instance, children's human rights will not be breached, and children can access justice when they are.
- Ensuring legal assistance and representation is child-friendly, age-appropriate and available to all children. Facilitating active and meaningful roles in justice reform for children, particularly those who have been in contact with prevention and justice systems.
- Reinforcing accountability<sup>27</sup> to children in a two-pronged manner: through more responsive governance to children who are expressing their views; and more responsive, child-friendly access to justice processes. This includes: systematically embedding children's experiences, feedback and voices into justice systems at a structural level;<sup>28</sup> and ensuring that each children's views are taken into account in decisions that affect their lives.



## Lever 2: 'Develop strategies for smarter financing'

**Focus: The case to shift investment to children's inclusion and well-being, and the political support for prevention, to secure justice for children**

### Shifting investment to what works to support children's inclusion and well-being is a cornerstone of achieving justice for children.<sup>29</sup>

There is global growing recognition of the power of investing in prevention<sup>30 31</sup> and in the strength of smarter financing strategies that direct resources towards what works.<sup>32</sup> This is all the more critical given that current realities of tightening expenditures and restricting investment in public services disproportionately impact children.<sup>33</sup> In planning longer term through COVID-19, more than 100 countries face spending cuts which are likely only to exacerbate inequality.<sup>34</sup> This is in direct contrast with children's increased needs and vulnerabilities emerging through COVID-19, where "children urgently need access to sustainably financed social protection systems."<sup>35</sup>

### "Smarter finance creates incentives for reform."<sup>36</sup>

Indirect support for children – such as promoting decent work for the adults in their families – and direct support targeted at children themselves are both crucial.

### Highlighting returns to investment in justice for children generates stronger political support for smarter financing.<sup>37</sup>

At this critical moment, where the well-being of children and their future opportunities are fragile and uncertain, making an economic and financial case for their prioritisation is crucial.

### Smarter financing takes into account children's lives now and their future adulthood.

Importantly, returns accrue both directly to children as they benefit from leading lives to their full potential in a just society, and indirectly from the net benefits that accrue to the wider community and nation - generated from the greater contribution made by children to society and the lower costs that they might impose as adults. Reductions in service provision due to the reduced demands on society of the child across their lifespan results in cost savings for society where states manage the impact of injustices and improve access to justice.

### Child well-being underpins the whole breadth of national objectives,

including objectives that do not explicitly name children. National strategies on inclusive growth and addressing societal inequalities are both dependent on advancing child well-being and play a key role in its promotion.<sup>38 39</sup> In stark contrast, neglecting the pivotal role of child well-being in catalysing progress towards national strategic priorities will undermine the delivery of many national objectives. It will also undermine efforts to achieve justice for children, and so too, justice for all.

### Prioritising children is an increasingly prevalent objective in national strategies.<sup>40</sup>

Sustained and sustainable political commitment to child well-being and family inclusion is growing. Many government and civil society actors may not see their direct role in child well-being and access to justice, yet they play a critical role in enhancing children's well-being.<sup>41</sup>

### Incorporating an effective whole-of government approach should be a top priority;

this approach embraces all the ministries of government and public sector bodies that can enhance child well-being and works in close partnership with civil society to create a whole-of-nation approach.<sup>42</sup> The drive to accelerate progress towards the desired outcomes and forms of child well-being, and to markedly increase the quality and impact of the interventions, should be paramount.

### Whole-of-government and whole-of-nation approaches needs to be sustained by the best analysis.<sup>43</sup>

National strategies, budgetary planning, and specific programmes to advance the well-being of children need to be underpinned by evidence and analysis to enable smarter financing that is focused on prevention. Analysis should demonstrate the economic and social value, and the high rates of return of investing in the well-being of children. Short and longer-term time horizons are essential to assess direct and indirect investment benefits both to the child and to broader society.<sup>44</sup> The annual budget, together with the medium-term budgetary plans of governments, are central to defining this commitment. Building the supportive case for investment in children – and demonstrating the pivotal role of children and their families in national prosperity – must lie at the heart of budgeting processes.



## Actions for smarter financing of justice for children:

- Building the economic and financial case for investing in justice for children, to support smarter financing in the pandemic recovery for the breadth of national prosperity. This means ensuring that there is an understanding of the benefits and savings to wider society of investing in justice for children, as well as the direct benefits to the child well into adulthood.
- Securing the best available evidence and data to inform the best budget decisions.
- Supporting a shift to justice as prevention. Investing in preventative measures to reduce the numbers of children in situations of adversity. This requires according a high priority to prevention budgeting which includes economic and social dimensions that create the conditions to effectively address the prevention of sharp regressions in child well-being and produce wide social, economic and environmental benefits.
- Encouraging stronger political commitment through global engagement, generated through persuasion, and national role-modelling on the global stage, to set the national bar higher.
- Supporting key decision-makers in national leadership to implement justice for children, as part of a wider strategy to achieve justice for all.
- Making children's well-being a collective cabinet responsibility, with one key minister assuming the coordinating role to ensure operational effectiveness and delivery, together with clear and precise responsibilities amongst all the delivery partners.<sup>45 46</sup>





## Lever 3: 'Use evidence and data to steer reform'

### Focus: Disaggregated evidence and data, child friendly methodologies and child-centred views must drive change

#### Evidence is integral to ensuring justice for children

because it helps keep reforms on track by directing continuous improvements of effective policy interventions and action. Data informs this evidence.

#### Yet the pandemic reconfirmed the evidence and data gap about children and their experiences of justice problems.

The uncertain estimates of numbers of children facing deprivation of liberty<sup>47</sup> or who are living in alternative care<sup>48,49</sup> perpetuates children's invisibility and reinforces adults' inaction. There is limited data about what has been happening when children are afforded alternatives to detention for example, in the emergency release of children from detention that happened during the pandemic.<sup>50</sup> Little follow-up thus far has been undertaken to understand what was happening to children and how their reintegration was taking place.<sup>51</sup>

#### Age disaggregated evidence and data are essential.

Only an evidence and data framework that has a focus on children will enable tracking progress toward the national vision to advance justice for children; available justice data often does not give the information justice leaders, policymakers and funders need to drive change.<sup>52</sup> The Agenda 2030 commitment to leave no one behind means that children need to be specifically included and identified in quantitative and qualitative evidence and data gathering to improve justice for all, and the commitment to address the furthest behind first needs a clear focus on the most disadvantaged and least visible and most at risk.<sup>53</sup> These are the children whose rights are most at risk.

#### Those on the margins of society – overwhelmingly the position of children – are virtually invisible in the creation and operation of justice systems.

Quantitative data should be disaggregated by age to include under 18-year-olds<sup>54</sup> where possible. In cases where datasets do not include this age group, explicit efforts should be made to identify alternative data sources that could provide proxy measures that enable children as a demographic to be considered in the analysis.

#### Structural injustices that children face cannot be understood without evidence and data that take into account the intersectionality of their experiences.

For example, understanding children's family's income, ethnicity, disability and rurality can inform more sharply focused and more effective policies and programmes.

#### Quantitative data is not sufficient to measure the justice gap for children.

Children and young people are heavily reliant on justice systems to protect and promote their rights, yet legal needs and victimization surveys are generally not designed to capture their justice distinct needs, and other evidence suggests they face an even wider justice gap than adults.<sup>55</sup> The justice gap needs to be measured in a way that consistently ensures a focus on children and ensures that justice systems and services meet international human rights standards.

#### Child-friendly methodologies will drive progress with nuanced, relevant and ethical insights.

Evidence and data collection about justice needs must be made more inclusive through systematically seeking to integrate children. High quality and statistically robust quantitative and qualitative evidence and data are both essential to understand and inform initiatives. In quantitative data gathering, particular care should be taken to ensure that any methodology used to collect data from children, particularly those in vulnerable situations, does no harm and complies with the highest ethical standards in research.<sup>56</sup> Qualitative methodologies may additionally offer a more profound exploration of power relations and children's experiences of justice problems.

#### People-centred evidence and data should inform effective solutions.<sup>57</sup>

This needs to give value to children's views and experiences. Involving those who produce, analyse, and use data in collection and monitoring, produces better evidence-based policies for child-centred systems.<sup>58</sup> Keeping hold of the learning, the innovations, and the progress that is being made for and with children under COVID-19 will help us to lock in the gains, to realise the global goals despite these many pressures ahead. In doing so, this will ensure children as the principal focus, as agents and as rights-holders, are regularly included to realise our collective end goal.

#### Analyse the impact of justice systems in the lives of children, from a child-centred view.

Solutions will be limited if they remain solely focused on mitigative actions. In the medium-term, innovations that properly deliver on this vision of justice for children will invest in preventative responses to support families and communities, even more than previously. The greatest potential to realise the SDGs for children exists where these approaches effectively address the circumstances and rights of those children and families who are most excluded, and most left behind. This means methodologies that accord care in the identification of the children involved; governments must draw on organisations with expertise and trusting relationships and find inspiring and creative ways to engage children in the development of their strategies. Engaging with families and others about children<sup>59</sup> will also be essential, but insufficient.<sup>60,61</sup>



#### Actions for evidence and data collection for justice for children:

- Establishing an evidence and data framework, based on the national vision, for monitoring the targeted child outcomes and the impact of policy on the evolution towards these outcomes. Only then can progress be tracked and interventions enhanced towards the national vision for justice for children.<sup>62</sup>
- Promoting the use of age-disaggregated evidence and data in new and already-established justice needs surveys. Disaggregate this further by applying intersectional analyses that includes characteristics of children who are overrepresented in their contact with justice systems to better inform the focus for reform.
- Promoting the importance of reliable and ethically sourced evidence and data about children's experience of justice problems and tailored methodologies for obtaining these evidence and data.
- Supporting governments to improve the quality of reporting against SDG 16 indicators through Voluntary National Review processes, including evidence and data disaggregated for under-18 year olds (where available) alongside robust qualitative data from participatory and inclusive consultations with children.



## Lever 4: 'Scale up justice innovations'

### Focus: Imagination and safeguards for digital justice tools with children

#### Digital justice innovations look to be here to stay.

Digital tools for online communication and the use of technologies in legal proceedings burst onto the justice scene during COVID-19, with funding constraints further accelerating their use. This has enabled swift adaptations, and forms a strong learning platform for reflection, planning and embedding reforms.<sup>63</sup> This has also risked ushering in a potentially uncritical embracing of technology to solve problems. An increased reliance on technology will offer benefits but must not be adopted uncritically.

#### Design people-centred digital justice tools that are transformational.

This is an opportunity to design digital tools that solve people's justice problems. In their design and development, efforts must ensure that justice problems are not simply replicated through an online means.<sup>64</sup> Ensure that digital tools are at the service of children rather than the system, helping to avoid children's detention, criminal records, and stigmatization, strengthening the holistic reintegration of the child into the society, and safeguarding against a dehumanising of the justice system for children.



#### Include children in digital design.

The distinct nature of the challenges for children in contact with justice systems must be central to this transformational digital design. To take full advantage of the possibilities that digital tools can offer, children must be actively engaged in co-creation and problem solving, from the beginning point of defining the problem to be solved. This is necessary to ensure children's interests—as victims, as defendants, as witnesses, as interested parties, or because intervention is required for their care and protection—are prioritised in the solutions.

#### Develop child-centred procedural safeguards.

Mitigate the potential risks for children related to new technologies. Develop specific standards and norms regulating the use of remote technology in justice proceedings. Know the limits of useful technology: online communication should not replace direct and physical contact. Concerns about privacy and participation rights in online hearings need to inform the best application of technologies, and who it is for, in the digital transformations ahead.

#### Imagine how digital tools can support institutions' accountability to children and open new avenues to access justice.

How might digital systems be designed to enable greater participation of children, and in return increased accountability of institutions to children? Institutions that encourage a responsive culture where engaging children is the norm, and where complaints mechanisms for children ranging from informal to formal, can better be supported? Enabling a continuum of accountability, in child-friendly interactions between professionals and children, child-friendly proceedings, and effective complaint and remedy routes improve the likelihood that, in the first instance, children's human rights will not be breached, and children can access justice when they are.

#### Digital transformation should seek to reach the 'furthest behind first'.<sup>65</sup>

Children's lack of access to technology, digital devices and the internet resulted in increased isolation and limited access to education during COVID-19. A concerning number of children have subsequently not returned to education, and the lack of digital access leaves some children far behind their peers. Access to technology must be delivered for those facing the greatest adversity.



#### Actions for digital innovation that realise justice for children:

- Engaging children as stakeholders at the problem-identification and design phases of digital justice service design.
- Creating procedural safeguards by developing specific standards and norms regulating the use of remote technology in justice proceedings involving children.
- Equipping countries with the necessary tools to mitigate potential risks for children related to this technology.



## Achieving justice for children to secure SDG 16+



Placing children at the heart of a growing global movement for justice is essential to achieving justice for children and to securing the SDG 16+ ambition of achieving justice for all by 2030.

This means responding to children's distinct needs and realizing their full range of rights and opportunities; only then will we achieve our collective Global Goal of peaceful, just and inclusive societies for all.

As the mid-point to the UN Agenda 2030 comes into view, the 'Justice for Children, Justice for All' working group partners continue to build on this work with the Pathfinders for Peaceful, Just and Inclusive Societies Task Force on Justice. Connecting with the Justice Action Coalition and its member nations, the Young Justice Leaders, and many others including children themselves, the working group will sharpen a collective focus on children and justice, and amplify partners' impact.

This Agenda for Action calls for accelerated action with and for children across four key strategic levers for change, to overcome the regression of progress and exacerbation of justice problems in the face of multidimensional crises, and to realign focus toward achieving the SDG16+ ambition of peaceful, just and inclusive societies by 2030.

Responding better – and distinctively for children and for future generations –

means building new intergenerational partnerships, and clear investment cases built on data that is adequate and disaggregated.

These can enable a growing range of innovations that solve the justice problems that children face and close this justice gap.

The advantages are numerous: advancing children's justice prevents future problems by reducing the need for mitigative responses and has a broader impact on society including strengthening an increasingly fragile social contract.

These are game-changers for countries as they shape their responses in the pandemic, and beyond.



## Endnotes

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- UNCRC Article 12 states: "1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."
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