



## 2 JUSTICE SYSTEMS

Children in contact with the justice system are in a vulnerable situation. They may be in need of protection; they may have witnessed or experienced a crime; or they may be alleged as, accused of, or recognized as having infringed the penal law.

Justice systems are designed for adults, and are developed in pursuit of law and order. They often lack the capacity to respond to children's needs, to recognize their vulnerabilities in these complex situations, including in relation to gender, and/or to respect, protect and fulfil child rights through appropriate action. At present the capacity of justice systems to adapt to children's circumstances is further threatened by competing crises that often result in budget cuts, strained resources, and insufficient time.

Many children are unable to access justice or are left to deal with complex bureaucratic processes alone. They may lack information, explanations and support, and may be faced with punitive approaches. Many do not understand what they are accused of and do not receive adequate information on their rights and the consequences of their actions; e.g., to waive the right to a lawyer during police interrogation. This leaves them more exposed to crime and violence and deprived of appropriate protection and responses. While e-justice represents an opportunity in this context, it can also lead to further risks for children.

**The OSRSG-VAC and UNODC work to promote justice for children. This entails:**

- A justice system that recognizes that it can play a crucial role not only the response to crime and violence against children but also in protecting children from these phenomena through proactive prevention strategies;



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- A justice system that only uses deprivation of liberty as a measure of last resort,[31] and that implements a variety of alternative measures to judicial proceedings (diversion) and to detention that are more conducive to rehabilitation and reintegration processes;
- A justice system that recognizes trafficked children as victims of crime and does not punish them or smuggled migrant children for acts that they were compelled to commit as part of their trafficking or through having been smuggled;
- Coordination mechanisms that connect the justice system with health, education, and child protection systems, to provide children with comprehensive support and tailored assistance;
- Institutions, laws, and procedures tailored and specialized to child-sensitive and gender-responsive strategies that are accessible, participatory and capable of fulfilling the specific needs of children with full respect for their rights. This includes specialized procedures and services for child victims and witnesses as well as tailored strategies for the treatment of child alleged offenders;
- Specialized capacity development for professionals to ensure that they are trained in child rights, specific forms of violence against children, and appropriate prevention and response strategies.

When it comes to the treatment of children alleged as, accused of, or recognized as having infringed the penal law, this Strategy advocates for change beyond simple adaptation. Specialized child justice systems should not merely aim to adapt procedures and measures for adults to the needs and circumstances of children but rather pursue a fully child-centred approach. This approach is based on the latest research and understanding of the developmental processes of children, recognizes their specific needs, and takes a restorative approach to justice aimed at repairing and overcoming harm, rather than applying mere punishment. Justice systems can only truly serve the whole of society when they protect, respect and fulfil child rights.

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[31] See UNODC, Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System (2017); idem, Justice for Children in the Context of Counter-Terrorism: A Training Manual (2019); idem, Rehabilitation and Reintegration of Child Victims of Recruitment and Exploitation by Terrorist and Violent Extremist Groups: A Training Manual (2019), Prevention of Child Recruitment and Exploitation by Terrorist and Violent Extremist Groups: The Role of the Justice System: A Training Manual (2020)