

## MESSAGE OF UNICEF REGIONAL DIRECTOR, DANIEL TOOLE

### Regional Workshop on Justice for Children

3 November 2014, UN Conference Centre, Bangkok, Thailand

Her Royal Highness Princess Bajrakitiyabha Mahidol  
Mr. Jeremy Douglas, UNODC Regional Director  
Distinguished speakers and participants  
Members of the diplomatic community  
Ladies and gentlemen

I am delighted to be with you here today for this important workshop on justice for children

Ladies and gentlemen. Individuals whose rights have been denied or violated rely on the justice system to seek remedies. Thus a normal expectation of the justice system is fairness, objectivity and a capacity to listen. We also know that for many people, the justice process and system can be intimidating and even traumatic. For a child, reporting a crime, reporting abuse or being questioned means retelling an already traumatic experience, often over and over again.

Accessing justice is an essential pre-requisite for the promotion and protection of all the rights of the child. As we commemorate the 25<sup>th</sup> Anniversary of the Convention on the Rights of the Child this month, we at UNICEF are pleased to co-convene this regional workshop of justice professionals with UNODC and the Thailand Institute of Justice. As stated by the Committee on the Rights of the Child, “for rights to have meaning, effective remedies must be available to redress violations.”

In accessing justice, children are confronted with the same barriers as anyone else in society, such as lack of awareness about their rights, about redress processes, courts fees, and in many places, a distrust in the system, and fear of stigma. But children also face additional obstacles due to their status as a child, in particular because they very often lack legal capacity to initiate judicial proceedings and due to prevailing social norms about children themselves.

A child friendly justice system should ensure that all children have access to, and are effectively served and protected by national justice systems. The system must also recognize the continuum of welfare and justice practices and thus, ensure appropriate links to social welfare systems. Thus national justice systems play distinct roles in strengthening the protective environment to safeguard children against all forms of abuse, exploitation, neglect and violence. They should promote attitudes, beliefs, values and behaviours that ensure children’s well- being and protection, and affirm children’s human rights, as set forth in the Convention on the Rights of the Child, its optional Protocols and other international instruments.

#### Situation in the region

Many countries in our region have enacted child focused legislation and policies on justice for children. However, many provisions of these laws, remain unimplemented. Many countries still do not have specialized police and courts for children and diversion and alternatives to detention are still lacking. While the CRC Committee recommends that the minimum age of criminal responsibility should at least be 12 years old, in six countries in East Asia and ten countries in the Pacific this minimum age is below 12 years. In two countries, the minimum age of criminal responsibility is very low, at 7 years (Myanmar and Tonga). The minimum age of sexual consent also varies. In one country which has been a leader in many areas of landmark legislation, the age of sexual consent is

still 9 years old (Philippines). Clearly a 9 years old can often be coerced and forced to do things against his or her will.

The CRC is the most widely ratified international human rights instrument, an enormous asset for the protection and promotion of child rights. Yet, it took 25 years after its entry into force for a communications procedure to be established for the CRC. All other human rights instruments have complaints procedures. The third CRC Optional Protocol entered into force in April of this year. The 3<sup>rd</sup> Optional Protocol provides for a communications or 'complaints procedure'. The procedure allows individuals, groups of individuals or their representatives who claim that their rights have been violated by a State that is party to the CRC or its two Optional Protocols to bring a complaint or communication before the CRC Committee upon exhaustion of domestic remedies. In our region, only Thailand has so far ratified this important instrument.

### UNICEF's role

UNICEF has a role to assist governments and other partners to strengthen all parts of the child protection system, including the justice mechanisms, to operate in the best interest of the child. Around 130 UNICEF country offices are working in the area of justice for children. To date, in most countries, UNICEF has focused its efforts on juvenile justice and on reducing the numbers of children in detention, mainly through legal and policy reform, capacity building and the setting up mechanisms for diversion from judicial proceedings and alternatives to deprivation of liberty. UNICEF has also moved beyond a focus on juvenile justice to justice for children. This means going beyond engaging solely with children in conflict with the law to also work on supporting children appearing as witnesses and victims, and children involved in administrative and civil proceedings.

UNICEF increasingly supports government efforts to establish child-friendly courts and police procedures; victims support units, toll free lines, legal support and counselling. The work has focussed on building the skills and capacity of justice sector professionals who work with children through pre- and in-service training and the inclusion of justice for children modules in regular professional curricula. Advocacy for the integration of children's issues in broader rule of law efforts and leveraging support from other UN entities has shown concrete results in several countries. At UNICEF, we also continue our active participation in fora to coordinate rule of law efforts across the United Nations, ensuring that children's issues are adequately reflected in all policies and strategies developed within the scope of the rule of law.

### Challenges

Your Royal Highness, Distinguished guests and Colleagues,

Much more remains to be done. And we cannot stop working until all children who comes in contact with the justice system understand their rights and the justice system itself understands their unique vulnerability.

We must all ensure that the laws and policies enacted are fully implemented to protect the rights of the child. Where child rights are violated, children must have recourse to a child friendly justice system. We also need to show that the law works by innovating and coming up with juvenile delinquency prevention programmes as well as diversion and alternatives to judicial proceedings and deprivation of liberty. Child sensitive procedures should be in place for child victims and witnesses in criminal and civil proceedings. Informal justice systems that promote children's rights should be upheld and those that perpetuate violations of children's rights should be discontinued. Children's views must also be sought and considered.

Ladies and gentlemen,

It is our collective responsibility to ensure that a child's quest for justice is not another injustice. A child should always look at the justice system as a friend, an ally, a defender, even a superhero. That is our joint task and a task we can achieve when we work together.

Thank you.