

A low-angle photograph of a person wearing a blue long-sleeved shirt, reaching up to hold a white dove. The background is a bright, cloudy sky. The image is used as a background for a UNICEF campaign.

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**#Reimagine Justice
for Children**

This paper outlines a reimagined agenda for the United Nations Children’s Fund (UNICEF) on justice for children. This agenda is designed to guide UNICEF advocacy and programming on justice for children. It is aligned with UNICEF’s new [Child Protection Strategy \(2021–2030\)](#) and new [Strategic Plan \(2022–2025\)](#), which provide the strategic framework for UNICEF’s child protection programming globally.

1. CHILDREN AND JUSTICE IN THE ERA OF COVID-19

The changes we are witnessing in justice for children are greater than ever. While the beginnings of these predated the COVID-19 pandemic, it further catalysed rapid responses and created opportunities for reform in justice for children that would otherwise have been more gradual, or might not have occurred at all.

Access to justice for children is central to UNICEF’s mandate and the implementation of the Convention on the Rights of the Child. Access to justice is both a fundamental human right and a means to enforce human rights. It is key to achieving all the Sustainable Development Goals (SDGs) – particularly SDG 16 on just, peaceful and inclusive societies, and its targets 16.3 (access to justice for all), 16.2 (violence against children) and 16.9 (legal identity for all). And yet, children’s access to justice is often overlooked.

UNICEF’s child protection programme focuses on children’s access to justice in child protection and child justice/juvenile justice. Specifically, children’s interaction with formal and informal justice and

administrative systems as victims/survivors or witnesses of a crime, when accused of an offence, or because an intervention is needed for their care, custody and protection. The legal empowerment of these groups of children is also a principal focus underpinning this work.

The COVID-19 pandemic generated enormous pressure on rule-of-law systems worldwide, with challenges for children. As countries locked down, we saw many children’s rights curtailed in the name of public health and security with little or no oversight or opportunity for redress. Under those circumstances, courts shut down and access to essential social and justice services, such as legal aid and representation, were restricted. These challenges, ongoing in certain country contexts, include:

- Children deprived of their liberty being at [increased risk of contracting COVID-19](#) and being more vulnerable to neglect, abuse, exploitation, and gender-based violence;



ACCESS TO JUSTICE

Access to justice is the ability to seek and obtain a just, equitable and timely remedy for violations of rights. It includes the right to be recognized before the law and to a fair trial, including equal access to courts and equality before the law.

Children interact with the justice systems for many reasons – as victims or survivors, as witnesses, when accused of an offence, as an interested party, or because an intervention is needed for their care, protection, health, or well-being.

Children’s access to justice covers all judicial and administrative proceedings affecting children, including customary and religious justice mechanisms, alternative dispute resolution and quasi-judicial mechanisms (e.g. national human rights institutions). It applies to constitutional, criminal, civil, public and private, administrative, and military law at the national and international levels.

Access to justice requires the legal empowerment of every child and must consider their age, maturity, and evolving capacity.

- Increased family violence, including gender-based and against children, and child sexual abuse and exploitation online;
- Children in street situations being rounded up and detained, while other children are detained for the violation of pandemic curfew orders and movement restrictions;
- Children seeking asylum or on the move being turned away at borders, having their cases denied or being deprived of liberty indefinitely.

Despite these challenges, some reasons for optimism have also emerged. Globally, since the start of the pandemic more than 45,000 children were released from detention in at least 84 countries, as a COVID-19 measure against infection, magnifying [the existing evidence](#) about the value of diversion and of non-custodial measures, and the ineffectiveness of detention. Through [innovative and technological solutions](#), many countries have been able to continue justice services for children and women.

Both prior to and during the pandemic, we have also seen more children and young people at the forefront of protests to demand justice and change worldwide – including ending gender-based violence, dismantling of structural racism and discrimination in justice and law enforcement systems, and action on climate change. Digital technology has facilitated these and other movements, exposing the universal nature of these issues and connecting children and young people across the world.

These actions and events are challenging governments, United Nations agencies and civil society to rethink approaches and to build on transformative actions for wider justice reforms for children. When the pandemic hit, UNICEF was ready to approach governments about the rights of children in the justice system, particularly children in detention. As a leading voice on justice for children due to its long-established partnerships with governments and partners, UNICEF's global presence was – and is – uniquely situated to respond to this crisis.

Now is the moment for UNICEF to reflect on the results and lessons learned prior to and during the pandemic, and then to reimagine its role in transforming justice for children.

Access to justice is central to UNICEF child protection programming

Access to justice is a foundational pillar of the UNICEF Strategic Plan: 2022–2025 (Goal Area 3). Central to UNICEF's child protection programming, especially the work on justice for children, is their ability to seek and obtain a remedy – whether as alleged offenders, victims of and witnesses to child protection violations, or in proceedings for care, custody and protection.

Child protection systems overlap with justice systems, and access to justice is key to establishing strong child protection systems that can prevent and respond to neglect, abuse, exploitation, violence and family separation. Many children still face enormous obstacles, including disabling cultural norms and attitudes, and a lack of knowledge among families and communities regarding their rights to protection and the availability of resources. The failures of systems to recognize those rights or to have child-friendly processes and procedures present yet another barrier.

Recognizing the state as the primary duty-bearer for the realization of children's rights, UNICEF justice for children programming supports the strengthening of national justice systems in over 125 countries. This broadly includes (i) law and policy reforms; (ii) the capacity-building of justice systems to serve and protect children across criminal, civil and administrative law (including migration law); (iii) promoting restorative justice approaches and supporting the use of diversion and non-custodial measures; (iv) legal empowerment for children; and (v) improving support for child victims/survivors and witnesses of crime. UNICEF also works with countries to address specific challenges such as police brutality, arbitrary and unlawful detention, inhumane prison conditions, impunity for perpetrators of serious conflict-related crimes against children (such as child recruitment, child abductions and the killing of children), and the unlawful separation of children from families.

A. Key results: UNICEF's justice programme and COVID-19

Prior to COVID-19, progress on justice targets under the UNICEF Strategic Plan (2018-2021) were slow. The indicators on children benefiting from justice interventions, diversion or alternatives to detention,

and the number of countries with specialized justice systems for children were off-track.

Yet the COVID-19 pandemic has spurred progress. UNICEF and its partners quickly adapted justice for children programming, particularly in criminal justice, and introduced new types of support, which achieved significant results for children. Examples include:

- Globally, since the start of the pandemic more than 45,000 children were released from detention in at least 84 countries, as a COVID-19 measure against infection.
- Virtual juvenile/children's courts were established in several countries to move court processes online and maintain children's access despite lockdowns.



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- Justice training programmes for professionals have shifted to online modalities in many countries.
- Protective personal equipment was provided to various countries for staff of juvenile detention facilities and the training of justice actors in COVID-19 infection control guidelines.
- United Nations agencies took a joint approach to successfully advocate the release of children and women from detention.

B. Key lessons: UNICEF's justice programme adaptation during COVID-19

UNICEF documented key results and lessons learned in [Access to Justice for Children in the Era of COVID-19: Notes from the field](#). These and other lessons were also drawn – prior to COVID-19 – from analyses of the 2019 Global Annual Results Report and progress results in the Strategic Plan. They were also informed by the [UN Global Study on Children Deprived of their Liberty](#) and the [Justice for Children, Justice for All](#) call to action.

1. **Broad-scale application of non-custodial measures.** Prior to COVID-19, most countries resisted releasing children from detention, or resisted the use of non-custodial measures for those in conflict with the law. The actions taken during the pandemic have shown that governments can overcome this resistance when there is a clear and compelling justification – in this case, a public health emergency. Ending the deprivation of liberty and globally scaling up non-custodial measures is within reach if the momentum is maintained and we continue to provide persuasive justifications for doing so. Ineffective post-release support to children poses a key threat to reaching this result and needs greater investments.
2. **Certain groups of children are not being released.** Children in immigration detention, military detention, those detained in the context of national security concerns, and children in detention due to their alleged association with armed groups have not been included in COVID-19 release measures. This points to the need for more targeted actions to ensure release measures do not leave these groups of children behind.
3. **Stress on child justice systems offers the chance for systemic reform.** Justice services are generally not classified as essential services during a pandemic, leaving the children within the system invisible. Justice programming is usually missing from country-level emergency preparedness, leaving girls and boys, particularly those in detention, at increased risk of harm at the onset of an emergency. This stress is proving to be an entry point for wider reforms, including the recognition that the justice and social service workforces are essential for children in justice systems across the development–peacebuilding–humanitarian context.
4. **Innovations are improving children's access to justice.** Technology and other innovations (e.g. virtual or mobile courts, online justice training and online post-release support) are increasing children's access to justice. They also offer opportunities for UNICEF to work differently with partners, and for justice and welfare systems to reach more children more effectively. Balancing the benefits while bridging the digital divide remains a critical challenge.
5. **The legal empowerment of children as an accelerator for change.** In recent times, the world has witnessed empowered children and young people demanding justice (social, racial, climate and political), and successfully shifting debates. This compels a critical reflection of UNICEF's justice for children programming to boost the engagement of children and young people with lived experience of justice systems and for the organization to make non-discrimination (gender, gender identity and sexual orientation, race and ethnicity, disability, age, and nationality) more intentional in its programmatic approaches.
6. **Justice systems continue to be highly gendered.** Girls continue to be invisible within justice systems, including as victims of crime such as sexual abuse and exploitation and in juvenile justice systems. Concurrently, boys continue to be overrepresented throughout all juvenile justice systems globally and are often invisible as victims of sexual abuse and exploitation. At the same time, the imprisonment of pregnant women and women with their children raises serious well-being and developmental concerns. This points to the necessity for more gender-responsive interventions across justice systems for children.

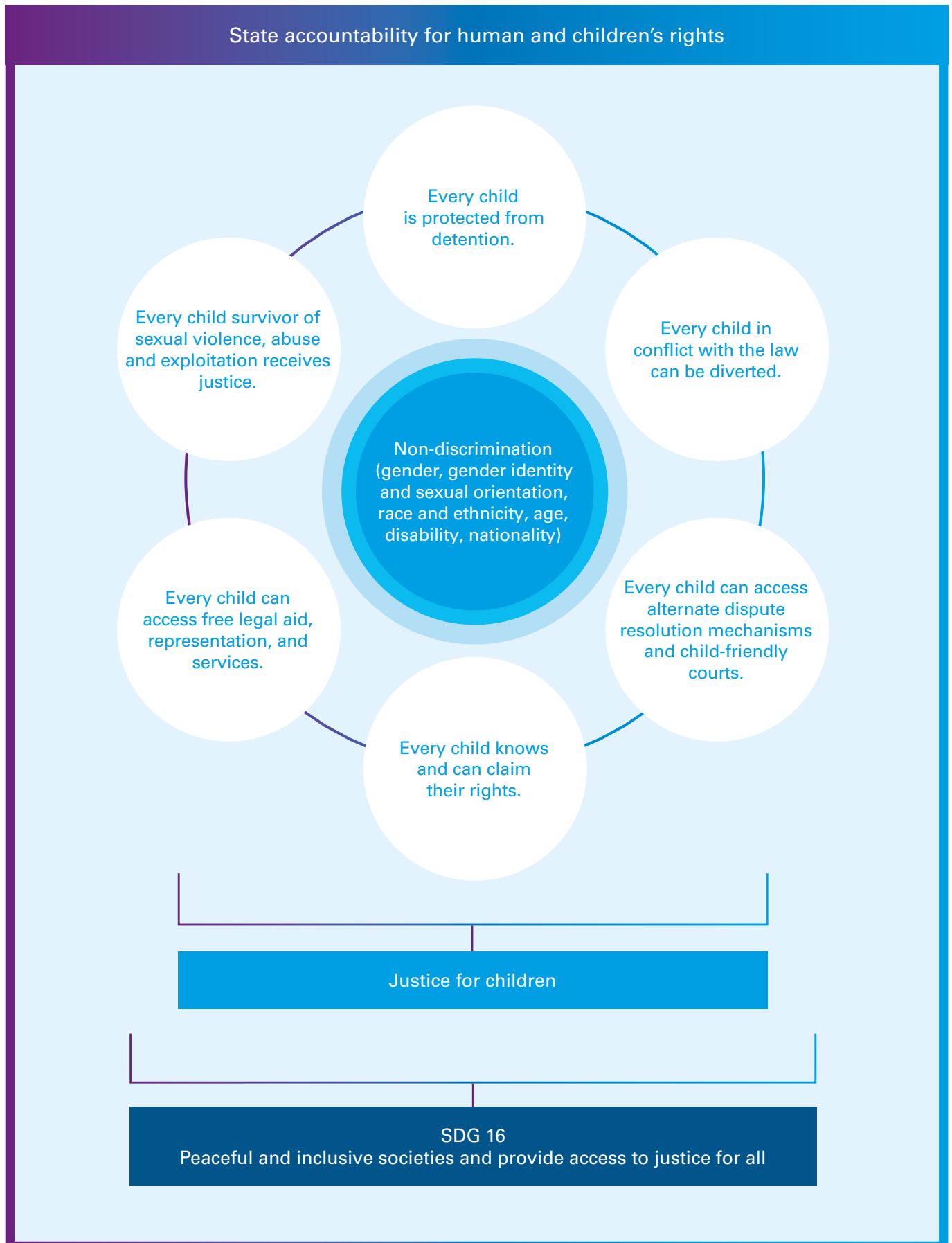
2. JUSTICE FOR CHILDREN: A REIMAGINED AGENDA FOR UNICEF

Based on these results and lessons, UNICEF reimagines justice for children through the following interconnected and mutually reinforcing six actions that can be adapted to countries' contexts to achieve just, peaceful and inclusive societies (SDG 16) for all children.

The backbone of this agenda is **non-discrimination** (gender, gender identity and sexual orientation, race and ethnicity, disability, age, and nationality), which will be addressed explicitly in each respective action. In reinforcing states' accountability for human rights of children, UNICEF calls for actions to drive progress for a just, inclusive and peaceful society where:

1. **Every child knows and can claim their rights:** Invest in legal rights awareness for children in justice and welfare systems, particularly overrepresented groups – children with disabilities, indigenous and ethnic minority children, children discriminated against due to gender, gender identity and sexual orientation, and children on the move – to claim their rights and to become justice-reform advocates. Support reforms that recognize children's legal standing and their right to be heard.
2. **Every child can access free legal aid, representation and services:** Expand free legal aid for children and build national cadres of specialized lawyers and paralegal services. Integrate social work and child specialization within the justice sector, and intersectoral coordination and collaboration. Support strategic litigation on justice for children, for broader policy impact.
3. **Every child in conflict with the law can be diverted:** Prioritize prevention and early intervention in child offending – including through the child protection system, community engagement and stronger linkages with allied systems – and increase support to children in street situations and youth experiencing homelessness. Promote the global implementation of restorative justice approaches as the standard, scale up diversion, and integrate mental health and psychosocial support throughout juvenile justice systems.
4. **Every child is protected from detention:** End the detention of children in conflict with the law through legal reforms (including of the minimum age of criminal responsibility), the provision of child protection services, the use of non-custodial measures and therapeutic approaches, the elimination of inhumane and degrading treatment and conditions, and the strengthening of post-release reintegration support. End the unlawful and arbitrary detention of children, immigration detention of children, and detention due to association with armed groups or for national security reasons. Prioritize the use of alternatives to detention in cases where children live with a detained or imprisoned caregiver.
5. **Every child survivor of sexual violence, abuse or exploitation receives justice:** Embed child-friendly and gender-sensitive justice processes and procedures, and strengthen cooperation between justice, child protection and allied systems to respond to violence, abuse and the exploitation of children. Remove limitation periods for sexual offences against children and establish redress schemes for survivors of child sexual violence, abuse and exploitation. Support the development of comprehensive legal frameworks to protect children from online or technology-facilitated sexual abuse and exploitation.
6. **Every child can access alternative dispute-resolution mechanisms and child-friendly courts:** Support specialized children's courts and virtual and mobile courts, as appropriate. Increase investment in traditional/informal, transitional justice, and alternative dispute-resolution mechanisms to be child-friendly, gender-responsive and provide remedies for violations of children's rights to protection, as appropriate.

Figure 1. UNICEF reimagines justice for children through six interconnected actions





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3 United Nations Plaza
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Website: www.unicef.org

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