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The International Bureau for Children’s Rights (IBCR) is conducting the review on behalf of the Child Protection Working Group. Please contact us on info@ibcr.org if you want to be involved and share your expertise.

The International Bureau for Children’s Rights (IBCR) has been involved in the protection of child victims and witnesses of crime for almost 15 years. Its work is being performed in response to an expressed need for assistance by governments and professionals in the field of child protection as well as by children themselves. In the late 1990s, the IBCR began its research on existing international norms and standards of child protection. These include, for example, the *Convention on the Rights of the Child (CRC)*, and the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. The IBCR also focuses its research on best practices in the protection of child victims and witnesses of crime that respect the diversity of legal systems and legal traditions.

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Child Protection Minimum Standards Task Force
UNICEF-led Child Protection Working Group



Child Protection Minimum Standard 14: Justice for children

Assessing the fairness and age-appropriateness of interventions with boys and girls who come in contact with the justice system is a part of the mandate of the global Child Protection Working Group (CPWG); this is the UNICEF-led coordination body for protecting girls and boys in emergency settings. The *Child Protection Minimum Standards in Humanitarian Action (CPMS)* include a standard on Justice for Children, with a focus on juvenile justice undermined by severe emergencies such as armed conflicts or large-scale natural disasters. While child protection actors do partially address the problem in their wider response to child protection in emergencies, there is a need to support the implementation of the CPMS with further guidance.

Child protection in emergencies is “the prevention of and response to abuse, neglect, exploitation of and violence against children in emergencies.” Responding to the need for standards in humanitarian settings, the CPMS were launched in 2012, and gained companionship status to Sphere in 2013; they aim to:

- Establish common principles among those working in child protection;
- Improve the quality of child protection programming;
- Improve accountability within child protection work;
- Provide a synthesis of good practice and learning to date;
- Enable better advocacy and communication on child protection risks, needs and responses.

<http://cpwg.net/minimum-standards/>

“Emergencies often increase the possibility of children coming into contact with the justice system”



What is Justice for children?

Excerpts from Standard No. 14:

The term “justice for children” recognises that children can come into contact with the justice system in a variety of contexts, including in civil and administrative procedures, and that consequently the justice system must be competent to deal with all children who come into contact with it, whether those children are in conflict with the law, victims, witnesses, or in contact with the law as beneficiaries.

Emergencies often increase the possibility of children coming into contact with the justice system as alleged offenders, victims, witnesses, or a combination of these roles. The justice system is generally understood to include the courts, police and correctional facilities, as well

as informal systems such as those working under traditional and customary law.

The term “juvenile justice” refers to children coming into contact with the justice system as alleged offenders. When law and order break down in emergency situations, cases of arbitrary arrest and detention of children suspected of involvement in crime or of having committed administrative offences often increase. In all situations, the principle is to resort to the detention and formal trial only as a last resort and, where possible, to use diversion and alternative measures. ‘Diversion’ means the conditional channelling of children in conflict with the law away from judicial proceedings through procedures, structures and programs that enable them to be dealt with when non-judicial bodies, thereby avoiding the negative effect of formal judicial proceedings and acquisition of a criminal record. The most effective diversion programs are those that involve families and communities.

Standard 14: “All girls and boys who come into contact with the justice system as victims, witnesses or alleged offenders are treated in line with international standards”

Reviewing Standard No. 14

The CPMS Task Force is keen to strengthen the knowledge base of this Standard. The first step is a desk review of Justice for Children in humanitarian contexts. The review aims to identify lessons learned, good practices, challenges (at institutional, policy, operational, funding level etc.) as well as available technical expertise (tools, training and so on) to prevent and respond to associated issues in emergencies. The Standard focuses on juvenile justice, with a lesser emphasis on accountability and redress. The results of the review will be documented in a stocktaking report, which will present the key findings and make recommendations for addressing the gaps in Child Protection in Emergencies response.

How to be involved:

In order for the review to be meaningful and to take the CPMS further, as many practitioners and policy makers as possible need to be involved.

You can contribute to the review by:

- suggesting names and contact details of people to interview;
- indicating names of country programmes that are or have in the past dealt with this issue at any level and might have some documentation;
- providing or linking to any documentation that addresses the topic.

In order for the review to be timely, please send your contribution as early as possible in 2015!

