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# GLOBAL DECLARATION ON JUSTICE WITH CHILDREN

20 November 2021

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The 2021 World Congress on Justice With Children;

***Having gathered*** over 4,800 intergenerational participants from over 100 countries from 15-20 November 2021 through an online platform, with the theme of “Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”;

***Having been organised*** by the Global Initiative on Justice With Children (a consortium of Terre des hommes, Penal Reform International, the International Association of Youth and Family Judges and Magistrates, and the International Institute for the Rights of the Child) and hosted by the federal Mexican Supreme Court of Justice, with technical support from the United Nations Children’s Fund, the Office of the Special Representative of the United Nations Secretary-General on Violence Against Children, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the Organisation for Economic Co-operation and Development, and the Pathfinders for Peaceful, Just and Inclusive Societies; under the auspices of the Council of Europe and the European Parliament; with pro bono support from Baker McKenzie; and with inputs from the Scientific Committee, the Committee of Honour, the Child and Youth Advisory Group, and the regional and national preparatory meetings of the World Congress;

***Reaffirming*** the concrete commitment to promote, protect, and fulfil children’s rights contained in the UN Convention on the Rights of the Child and other relevant international child rights standards;

***Recalling*** the commitments laid out in the Paris Declaration (France, May 2018), Geneva Declaration (Switzerland, January 2015), and Lima Declaration (Peru, November 2009) of the three previous World Congresses that focused on topics encompassing justice for children, restorative justice, and strengthening of child justice systems;

***Supporting*** the recommendations and action points specified in the global *Justice for Children Call to Action* (September 2019) by the Pathfinders for Peaceful, Just and Inclusive Societies in relation to Sustainable Development Goal 16, developed and endorsed by a diverse group of intergovernmental and civil society organisations and academic institutions at the international, regional, and national levels;

**Recognising** the need to re-emphasise the demands made by children and youth in their statement at the previous World Congress (France, May 2018); the importance of the guidance provided in the *UN Global Study on Children Deprived of Liberty* (November 2019); the impact of COVID-19 on children's access to justice highlighted in the *UN Policy Brief: The Impact of COVID-19 on children* (April 2020) and the *Interagency Technical Note: COVID-19 and Children Deprived of their Liberty* (April 2020); the lessons presented in the *UNICEF Access to Justice for Children in the era of COVID-19: Learnings from the Field* (December 2020); and the commitments for children made by the heads of state and government, ministers, and representatives of UN Member States in the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law (Japan, March 2021) on the occasion of the Fourteenth UN Congress on Crime Prevention and Criminal Justice;

**Notes** the following:

1. That although the UN Convention on the Rights of the Child (CRC) does not specifically mention the words access to justice or remedies, the concept is holistically enshrined throughout its provisions, including the best interests principle; the right of children to receive information, to express their views, and to be heard; the right to be protected from all forms of violence; the rights, protections, and guarantees mandated for children in conflict and in contact with the law; and the measures stipulated in relation to the deprivation of liberty and for the recovery and reintegration of child victims, among others;
2. That the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, among others, apply equally to all children, and establish that any person whose rights or freedoms are violated has a right to an effective remedy, and that this right is to be determined by competent judicial, administrative, or legislative authorities, or by any other competent authority provided for by the legal system of the state;
3. That the principle of non-discrimination is a fundamental pillar of the CRC and serves as a foundation for numerous international, regional, and national legal instruments;
4. That the UN Member States at the UN General Assembly have acknowledged equal access to justice as a fundamental right, including for children, and that ensuring equal access to justice for all and ending violence against children are both core elements of the 2030 Agenda for Sustainable Development, in particular Goal 16;
5. That children are being forced to take responsibility for the failures of society, including the myriad forms of violence that are being directed at them both within and outside the context of justice, which disproportionately impact marginalised children and hinders efforts to prevent and respond to situations and risk factors that cause children to come into contact with the law, whether as a victim/survivor, an alleged or convicted offender, a witness, a combination of all, or in any other status;
6. That the COVID-19 pandemic has amplified existing social inequality and further weakened or completely paralysed already fragile child justice and protection systems and services, and that these problems are exacerbated by a myriad of other contemporary and ongoing crises, including the climate and environmental crisis,

geopolitical tensions and armed conflicts, economic crises, and other humanitarian emergencies, which call for the building of resilient frameworks, systems, and approaches that enable sustainable access to justice for all children;

7. That the world has increasingly witnessed empowered children and young people at the forefront of national and global movements demanding social, gender, racial, climate, and political justice, while successfully shifting debates and influencing justice system reforms;
8. That the absence of discrimination and inequality in the child justice system and in the delivery of access to justice will ultimately benefit all children, regardless of who they are, where they are from, or what situation they are in;
9. That children in contact with the law inherently have the same rights as any other child, which necessitates equal and equitable respect for and protection of their rights and wellbeing, with sensitivity towards the particular vulnerabilities and needs faced by each child and recognition of their evolving capacities;
10. That it is imperative for the systems governing the areas of justice, child protection and welfare, social protection, education, and healthcare, among others, to pursue multidisciplinary coordination and cooperation to holistically and effectively address cases involving children in contact with the law in any form;

***Respects*** the following voices of children and youth gathered by the Child and Youth Advisory Group of the World Congress:

11. We are a group of children and young people who are passionate about the rights of children in contact with justice systems, particularly because many of us have directly experienced these systems ourselves, and based on our experiences, we feel that:
  - a. Intergenerational discrimination and economic inequality are the root causes of children coming into contact with the law;
  - b. Children in contact with the law face multiple and compounding forms of adversity, including domestic violence, abuse in the family, and exclusion from education, which can heavily impact children's mental health;
  - c. Justice systems do not make children's rights a priority, which leaves many children feeling harmed, ignored, and traumatised by their encounters with the justice system;
  - d. Criminal justice systems too often focus on punishment and blame, instead of rehabilitation and the restoring of peace;
12. We believe that children are the citizens of today and the leaders of tomorrow, and we ask that adults recognise this and that they empower children with knowledge of their rights;

13. In order to create real change for children in contact with justice systems, we demand that governments and civil society work together with children and young people to ensure that the rights of all children, as set out in international law, are fulfilled for every child around the world;
14. In particular, we ask that:
  - a. All children are given equal access to justice in a way that is inclusive and does not discriminate for any reason;
  - b. Children are given the freedom to share their opinions and have their views taken seriously;
  - c. Children's capacities to make decisions about their own lives are recognised, and that they receive adequate support from adults;
  - d. Children are provided with information and guidance on how best they can handle uncertainties and moments of crisis, similar to the current pandemic;
  - e. Children in contact with the law are treated in a way that is humane, where their rights are respected, and which adopts a holistic approach to their mental health and wellbeing;
  - f. Young people in contact with the law who have "aged-out" of childhood are afforded the same provisions as children;
  - g. Children and young people are offered opportunities to learn about and be involved in restorative processes;
  - h. Children and young people are supported to claim their rights, which is key to reviving trust in justice systems;
15. We are convinced that real justice for and with children can be achieved when all children are treated as equals and are provided with the opportunities to work in partnership with adults to fulfil the promises of human rights;

***Thus, we as the organisers, partners, and participants of the World Congress, collectively call*** on all relevant stakeholders, including states and the civil society, to:

### **Genuine realisation of Justice With Children, both today and tomorrow**

16. Work hand-in-hand, as children and adults, to achieve equal, non-discriminatory, and inclusive access to justice for all children around the world, in a manner that partners with children as experts and central players in the pursuit of positive change, including in the normative framing of child justice and access to justice, the building and reform of legal and regulatory frameworks, the operation of systems and implementation of procedures, the capacity-building of relevant actors, and the enforced accountability of duty-bearers, communities, and the wider society;

17. Improve the enabling environment for children as rights-holders to act as agents of change, and amplify the voices of today and of the future, by providing child-friendly, gender-sensitive, and disability-inclusive guidance and information about the law and legal procedures, improving the public understanding of children's rights for children and adults alike, pursuing child-targeted communication in a manner that is most effective for reaching children, and ensuring inclusive and accessible approaches to participation for children of all backgrounds and situations, including all children in contact with the law;
18. Mandate child participation in the law and enforce this law to ensure that children are seated at the table, rather than merely encouraging child participation and engaging with children passively and solely as subjects of consultations, especially for the groups of children in contact with the law who are often excluded from the discussions due to discrimination, marginalisation, vulnerability, or the precarious situations they are in;

### **Inclusive access to justice for children without discrimination**

19. Centre the concepts of pervasive inequality and discrimination in any discussions and reforms concerning child justice, and institute practical solutions to eliminate discrimination on any ground for every child in contact with the law, in a manner that avoids negative labelling and a stigmatising effect;
20. Ensure equal and equitable access to justice for all children, especially those from marginalised groups, in a manner that holistically embraces criminal, civil, administrative, traditional/customary, transitional, and social justice;
21. Develop and utilise age-appropriate, disability-inclusive, gender-responsive, and needs and rights-based justice procedures and facilities for all children in contact with the law that are contextualised and based on neuro-, developmental, and behavioural science;
22. Institute measures that respect and address the cultural and linguistic diversity of each child in contact with the law;
23. Establish community-based services and non-custodial measures that are creatively implemented with communities themselves and universally accessible to children in a non-discriminatory and inclusive manner;
24. Continue and strengthen data collection and assessments at the national and subnational levels to understand how indigenous, minority, and marginalised children come into contact with the law, how their access to justice is being impeded, and the root causes of negative differential treatment towards these children by justice systems, in order to prevent their overrepresentation in the system and to develop properly informed, effective, and sustainable interventions;
25. Secure high-level political commitment towards non-discriminatory and inclusive child justice systems and equal access to justice for children, with appropriate, adequate, and equitable investment of time and resources and the proper capacity-building of all relevant stakeholders that come into contact with children;

## Resilient access to justice for children in the face of crises and pandemics

26. Adopt a legal and policy basis for innovative and resilient justice processes and procedures for children during emergency and non-emergency contexts to enable sustainable access to justice for all children;
27. Consider implementing virtual courts, hearings, interviews, case and information management, and other procedures, in a manner that guarantees procedural safeguards, that complements in-person hearings and procedures, and that are developed based on tested and effective practices, with a consideration for the digital and geographical divide, accessibility and inclusivity, security and privacy, confidentiality, and the child's consent and comfort level;
28. Institute and implement clear protocols for interagency and multisectoral cooperation in emergency/crisis planning and response, and ensure that key bodies in the child protection and justice systems are considered to be essential services that are allowed and prioritised to operate during the times of a pandemic or emergencies;
29. Build the capacity of justice actors on an ongoing basis to prepare them to quickly and effectively adopt and utilise the measures and tools developed and instituted to adapt to the volatile situations in times of crises;
30. Develop child-friendly, gender-sensitive, and disability-inclusive informational materials about methods of coping with the impact and uncertainties of crises and pandemics in relation to children's rights and opportunities to access justice;

## Child-friendly access to justice for all children in contact with the law

31. Pursue multidisciplinary approaches in access to justice for children, based on seamless coordination among sectors and among actors, in a manner that minimises children's unnecessary contact with justice systems;
32. Provide child-friendly, gender-responsive, disability-inclusive, trauma-informed, and context-appropriate justice and social services, information, and other appropriate legal and non-legal assistance for all children in contact with the law in any form, in a manner that is responsive to the individual child's needs, identity and background, situations, and level of maturity;
33. Ensure the provision of accessible mental health and psychosocial support to help children in contact with the law and their families to cope, adapt, and transform in the face of their specific situations;
34. Identify and implement effective methods for early intervention, holistic and comprehensive family support and strengthening, and community building through the reinforcement of social protection schemes and services, in order to disrupt pathways that lead children to come into contact with the law, to prevent and minimise risks that may lead to offending or reoffending behaviour, and to enable children to live an ordinary childhood free of violence and undue vulnerabilities;

35. Prioritise restorative justice, diversion, rehabilitation, and reintegration for all children in contact with the law through comprehensive, coordinated, and tailored case management approaches, instead of isolated and generalised interventions;
36. Decriminalise child behaviour that should and can be more effectively addressed by systems involved in child protection, social protection, healthcare, and mental health and psychosocial support, among others, including multidisciplinary alternative responses for drug-related offences and the removal of status offences; and
37. Institute specialised training, reform academic curriculums, and foster service delivery innovations to build a professional and competent 21<sup>st</sup> century workforce of child justice and child protection actors and relevant stakeholders, especially legal practitioners, law enforcement officers, prosecutors, judicial officers, corrections officers, and social service workers, on topics including child development, child-friendly interviewing and questioning techniques, proper protocols to prevent re-traumatisation, and methods to consciously reduce implicit bias.

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## Endorsers

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The **Global Initiative on Justice With Children** is a joint programme developed by a consortium of international organisations that organises the World Congresses as a Justice With Children Global Milestone and also engages and mobilises a global community of practitioners through the Justice With Children online platform. It aims to facilitate critical discussions and action-oriented problem-solving among professionals through an online and onsite space for reflection, exchange, and constant learning in the field of child justice.

The **World Congresses on Justice With Children** are designed to address the most current issues related to children in contact and/or conflict with the law, and it provides a dedicated and active space for children and youth, policy makers and justice system stakeholders, academics, civil society and UN representatives, and other experts and practitioners to: (1) Promote fair and appropriate justice systems for and with children worldwide; (2) Provide space for professionals to exchange best practices, foster scientific cooperation, formulate policy recommendations, and raise awareness of justice for children; and (3) Support the operational implementation of international instruments and standards related to the rights of children and young people in contact with the law.

The **2021 World Congress on Justice With Children** focused on exchanging practice-oriented strategies to reduce discrimination that undermines access to – and the quality of – justice systems, and to ensure that all children are guaranteed equal treatment in the eyes of the law. Participants engaged in international and regional plenary sessions and action-oriented workshops consisting of panel discussions, certified trainings, and policy-oriented working group meetings. Within the overall theme of “Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”, 11 sub-themes were prioritised during the World Congress:

- Systemic racism and the disproportionate criminalisation of children from indigenous, ethnic, and other minority groups;
- Discrimination due to gender, sexual orientation, and gender identity: fostering a gender justice approach;
- Discrimination experienced by children and young people affected by migration, including refugees, unaccompanied foreign children, and children of foreign parents;
- Discrimination due to disability and health conditions;
- Discrimination due to substance use and abuse;
- Criminalisation of children’s online behaviour;
- Age limits and status offences;
- Ensuring that the voice of the child is heard in child justice systems;
- Fulfilling children’s rights in the contexts of legal pluralism;
- Building resilient child justice systems in times of crises and pandemics; and
- Tackling violence within child justice systems and ensuring child-friendly approaches for child victims, offenders, and witnesses.

This **Global Declaration on Justice With Children** was drafted by the World Congress Consortium and its Child and Youth Advisory Group, with inputs from the Scientific Committee, organising partners, and participants of the World Congress and its preparatory meetings.

For more information, visit [www.justicewithchildren.org](http://www.justicewithchildren.org).