

Under embargo

For release on Monday, November 20, 2023

AN OPEN LETTER FROM THE INTERNATIONAL BUREAU FOR CHILDREN'S RIGHTS ON THE OCCASION OF NATIONAL CHILD DAY

MAKING CHILD-FRIENDLY JUSTICE THE NORM

As Canada marks National Children's Day, the International Bureau for Children's Rights (IBCR) is calling on governments around the world to make child-friendly justice a priority so that its benefits become concrete and tangible for children.

Children come into contact with justice systems every day. Some are attending divorce proceedings, seeking legal documents or navigating migration processes. Others are victims, witnesses or perpetrators of crimes. But all too often, these situations are difficult for children to understand, particularly because laws and legal procedures, mechanisms and professional practices tend to be geared to adults. The justice system was designed by adults, for adults. It hasn't been sufficiently adapted to children's needs and realities, nor does it safeguard their rights.

In 1991, Canada ratified the United Nations Convention on the Rights of the Child, and in doing so it officially committed to giving children access to child-friendly justice. However, if the federal government wishes to uphold its national and international commitments to this important issue, the IBCR believes that it must adopt specific measures that take into account the unique realities and needs of children. This involves implementing and upholding three interrelated approaches.

1/ Child-centred justice – Justice that is beneficial to children and supports their best interests. This approach to justice aims to be clear by using terms and explanations that children can understand; efficient by ensuring that processes that are coordinated and carried out in a timely manner; and participatory by taking into account the children's opinions, which are continually sought using methods that are suitable for their age and trajectory. To make child-centred justice possible, we must hear from children who have been in contact with the law, listen to what they have to say about their experiences and use their recommendations to modify legislation, approaches and professional practices.

2/ Preventive justice – Justice that avoids repression and aims to prevent, rehabilitate and (re)integrate children into society through processes that are empowering. This type of justice aims to be restorative, in particular because children in contact with the law have often been previously exposed to unstable, hostile or vulnerable situations. Preventive justice also seeks to divert away from the courts any cases involving children and to systematically consider alternative solutions to deprivation of liberty for children in conflict with the law, even if they are suspected of terrorism or in migration situations.

3/ A justice system made up of several complementary systems – The formal system of courts and tribunals is sometimes superimposed on Indigenous traditional or customary approaches to justice, which incorporate mechanisms for trying, protecting, defending and listening to children. To provide child-friendly justice, all of these systems must be taken into account, along with the interplay between formal and informal systems. In all cases, children must be able to access justice through a system that allows them to assert all of their rights.

Many of the governments that collaborate with the IBCR are actively looking to improve their justice systems by introducing reforms or developing strategic plans. As we celebrate National Child Day, the IBCR is urging decision-makers to implement the three approaches that underpin child-friendly justice. We want to help governments turn intentions into action. That's why the IBCR offers advisory services and assistance aimed at helping members of the justice system gain the right knowledge and skills to truly serve the best interests of children. Justice system participants also need to be backed by an institutional framework that is effectively coordinated and gives them access to adequate time, tools and resources. This will ensure that children in contact with the law are able to participate, become empowered and benefit from available opportunities for assistance, protection and rehabilitation.

The IBCR's day-to-day work is centred on achieving these goals so that children in contact with the law, many of whom are already vulnerable, are met with systems that are ready and able to uphold their rights.

Martin Causin

Director General

International Bureau for Children's Rights