

## STOP VIOLENCE AGAINST CHILDREN IN COMMUNITIES! CHILDREN IN CONFLICT WITH THE LAW – UNICEF’S ROLE

### UNICEF’S STAND

In the area of **juvenile justice**, UNICEF aims to reduce incarceration while protecting children from violence, abuse and exploitation.

UNICEF promotes rehabilitation that involves families and communities as a safer, more appropriate and effective approach than punitive measures.

Justice systems designed for adults often lack the capacity to adequately address these issues and are more likely to harm than improve a child’s chances for reintegration into society.

For all these reasons, UNICEF strongly advocates:

- **Diversion:** directing children away from judicial proceedings and towards community solutions;
- **Rrestorative justice:** promoting reconciliation, restitution and responsibility through the involvement of the child, family members, victims and communities; and,
- **Alternatives to custodial sentencing:** counselling, probation and community service.

### BUILDING A PROTECTIVE ENVIRONMENT FOR CHILDREN

Building a protective environment for children that will help prevent and respond to violence, abuse and exploitation involves eight essential components. In the context of children in conflict with the law, these are:

#### 1. Government commitment and capacity

- These are crucial to promote and support policies that encourage the use of alternatives to deprivation of liberty.
- A proper approach to juvenile justice also requires that efforts be made to **prevent children from coming into conflict with the law in the first place**. This is work for the entire society, not just the government.

#### 2. Legislation and enforcement

- National laws should be revised to conform with international standards.
- Legislation should be enacted and enforced to prevent children from being deprived of their liberty when they have been victims of abuse and exploitation, were used by adults for criminal activities or have committed status offences or petty crimes.
- **The death penalty for children should be abolished.**

### 3. Attitudes, customs and practices

- Children in conflict with the law may be portrayed as 'wicked' or threatening.
- If public opinion favours tougher responses and harsher sentences towards children in conflict with the law, it would be difficult to establish appropriate juvenile justice mechanisms.
- It is critical that these **negative presumptions of character be challenged openly and vigorously** so that there is better understanding of the issue and greater support towards effective mechanisms that will uphold justice, while ensuring that children do not lose their human rights.

### 4. Open discussion

- The media can promote appropriate approaches to children in conflict with the law, including probation and community service.
- Objective and responsible reporting of crimes committed by children – and the abuses they face in contact with the law – can increase public support for juvenile justice.

### 5. Children's life skills, knowledge and participation

- Children who come in conflict with the law need to be informed about their rights.
- Preventive measures can improve children's understanding of their responsibilities under the law and help them avoid conflict.

### 6. Capacity of families and communities

- Capacities need to be strengthened to enable community involvement in the process of restorative justice.
- Law enforcement officials should be familiar with constructive approaches that make it possible to avoid formal arrest and detention of children in conflict with the law.
- Capacity and knowledge of juvenile judges, magistrates, social workers and police need to be strengthened and increased in the area of juvenile justice.

### 7. Essential services, including for prevention, recovery and reintegration

- Services should be in place offering community-based and family-focused assistance so that children can achieve rehabilitation and avoid repeat offences.

### 8. Monitoring, reporting and oversight

- These are needed to determine the number of children in detention, the proportion of those awaiting trial and trends in sentencing.
- Monitoring can ensure that detention is neither illegal nor arbitrary, that children have access to all basic social services, and that they are not detained alongside adult prisoners and exposed to violence and abuse.

## UNICEF IN ACTION – EXAMPLES

- At the **global** level, UNICEF is a member of the Inter-Agency Panel on Juvenile Justice, which aims to enhance national and global coordination in juvenile justice including by promoting ongoing dialogue with national partners in juvenile justice reform and identifying, developing and disseminating common tools and good practices.
- In the **Republic of Moldova**, UNICEF supported the government in developing the new Criminal Law and the Criminal Procedure Code which provides for improved juvenile justice and brings local legislation in line with the standards of the Convention on the Rights of the Child.
- In **Panama**, UNICEF provided journalists with data on children in conflict with the law in order to help dispel myths and exaggerations of adolescent crime. UNICEF also facilitated training courses on the Convention on the Rights of the Child which built capacity among journalists to report on the rights of children in conflict with the law.