Key issues in East Asia and the Pacific

Effective access to justice for children is essential for the realization of all children’s rights, and these rights must be enshrined in legislation. All countries in the region have ratified the Convention on the Rights of the Child (CRC) and many have enshrined key children’s rights in national laws. However, few have mechanisms that allow violations of children’s rights, including economic, social, cultural and civil and political rights, to be addressed. Only three countries (Thailand, Mongolia and Samoa) have ratified the Optional Protocol to the CRC on a Communications Procedure (2011), which allows children to seek recourse to the CRC Committee if domestic remedies are exhausted.

Effective access to justice is also fundamental to preventing and responding to violence against children. The justice system must: enable child victims to secure justice; hold perpetrators accountable; and safeguard children from further harm. Children who come into contact with the justice system as victims or witnesses, because they are in conflict with the law, or during custody or protection hearings must have their rights protected and benefit from specialized approaches. However, many countries in the region do not have specialized procedures, agencies, institutions or environments for children (e.g., child-friendly courts). The social service workforce, which plays an essential role in supporting children in contact with the justice system, is nascent. The health sector is often ill-equipped to provide support for child victims of violence or to collect robust forensic evidence. The provision of diversion and non-custodial measures is limited, resulting in unnecessary detention of children.

A child’s right to a legal identity and nationality, as well as the protection and realization of children’s rights and legal guarantees, and access to services can be enhanced by an effective birth registration system. While birth registration of the under-5s (84 per cent) is relatively high in the region, significant effort will be required to reach 100 per cent coverage by 2030 and ensure that no child – regardless of ethnicity and other status – is left behind.

1 Access to justice for children refers to the right to obtain a fair, timely and effective remedy for violation of rights, through processes that take into consideration children’s specific needs, vulnerabilities and evolving capacity, and protect their dignity.
Driving results for children

Justice must be accessible to all children, regardless of their sexual orientation and gender identity, and to the most vulnerable children, such as those with disabilities, indigenous and migrant children, and those in humanitarian settings, especially considering the heightened risk of rights violations and violence. To contribute to the achievement of Sustainable Development Goal 16, UNICEF prioritizes support to: (1) enhancing access to justice to challenge child rights violations and obtain remedies; (2) ensuring child victims of violence, abuse and exploitation can secure justice and are protected from revictimization, including through the establishment of child-sensitive procedures in line with international standards; (3) reducing the use of all forms of deprivation of liberty of children, promoting diversionary measures and alternatives to detention, enhancing protection of children deprived of their liberty, and safeguarding the due process guarantees of children; and (4) enhancing civil registration and vital statistics systems, with a focus on achieving 100 per cent coverage for birth registration.

Key programme strategies

**Systems and capacity**
- Strengthen the mandate and capacity of national human rights institutions and mechanisms to protect and enforce children's rights.
- Establish/enhance specialized procedures, institutions and environments for children in criminal, civil, administrative and family proceedings.
- Strengthen the mandate and capacity of law enforcement and the judiciary to effectively handle children's cases, protect their rights and meet the specific needs of vulnerable groups.
- Strengthen inter-agency case management processes and the capacity of the social services and health sectors to support access to justice for children.
- Ensure adequate provision for diversion and alternatives to detention in legislation, policy and practice.
- Increase the number of trained registrars and birth registration points, including through mobile registration units and collaboration with the health and education sectors for routine registration and catch-up campaigns.

**Data, evidence and knowledge**
- Enhance the information management system across justice system institutions to more effectively collect disaggregated data on cases of boys and girls in contact and conflict with the law.
- Generate evidence on effective prevention and response interventions to offending by under-18s, including in relation to serious crimes and children below the age of criminal responsibility, building on the recommendations of the forthcoming Global Study on Children Deprived of Liberty.
- Assess how the ‘best interests of the child’ principle is applied by courts in their interpretation of laws.

**Governance, policy and budget**
- Promote reform to align domestic legislation with the CRC and other international standards.
- Promote the ratification and operationalization of the Optional Protocol to the CRC on a Communications Procedure.
- Support the development of laws and policies that strengthen birth registration systems, including integrated systems of civil registration and identity management.
- Ensure adequate budget allocations, policies and institutional mechanisms are in place to operationalize laws on child rights, access to justice, juvenile justice and civil registration, with a focus on birth registration.

**Partnerships and alliances**
- Engage regional bodies (e.g., ASEAN, Pacific Islands Forum, Human Rights Commissions, Child Rights Coalition of NGOs) in advocating for legislative reform, monitor compliance with the CRC and other international human rights treaties and support treaty body reporting processes.
- Collaborate with associations of judges, law enforcers, lawyers and social workers to enhance specialized procedures and approaches for cases involving children, and promote alternatives to detention.
- Engage with the private sector, especially Information and Communications Technology providers, to strengthen civil registration and vital statistics systems (with a focus on birth registration), and to build awareness of children’s rights and access to justice.
- Collaborate with UN agencies and other bilateral/multilateral agencies involved in access to justice, migration, civil registration and vital statistics and identity management.

**Behavior change**
- Provide children and their families with accessible information on their rights and the remedies available, promote trust in and use of the justice system, and address social norms that create barriers to children accessing justice.
- Develop strategies to address social norms that drive offending and support harsh treatment of children in conflict with the law.
- Develop strategies to increase demand for birth registration, including awareness of how to register children and the importance of obtaining a birth certificate.

2 "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." SDG 16 comprises specific targets on access to justice (16.3), protecting children from violence (16.2), legal identity, including birth registration (16.9) and national human rights institutions (16.a).