UNITED NATIONS TASK FORCE ON CHILDREN DEPRIVED OF LIBERTY ADVOCACY SERIES

ADVOCACY BRIEF:

DEPRIVATION OF LIBERTY OF CHILDREN IN THE ADMINISTRATION OF JUSTICE

United Nations
Violence Against Children
United Nations Human Rights Office of the High Commissioner
IOM UN Migration
UNHCR The UN Refugee Agency
Office of the Special Representative of the Secretary-General for Children and Armed Conflict
UNODC
World Health Organization
unicef for every child

ACKNOWLEDGEMENTS

This brief was written by Kirsten Di Martino and Grace Agcaoili (UNICEF) in collaboration with Tea Machaidze and Cecilia Anicama (OSRSG VAC), Alexandra Martins, Dayan Farias Picon, and Hannah Tiefengraber (UNODC). Valuable inputs were provided by other members of UN Task Force on Children Deprived of Liberty, the NGO Panel on Children Deprived of Liberty and UNICEF Country and Regional Offices.

The UN Task Force comprises all UN agencies, mandates and special mechanisms, under the coordination of the Special Representative of the Secretary General on Violence against Children, playing an active role in the implementation of the recommendations of the UN Global Study on Children Deprived of Liberty based on GA Resolutions A/ Res/74/133 and A/Res/75/185.

The United Nations Task Force on Children Deprived of Liberty is integrated by the Special Representative of the Secretary General on Violence against Children (chair), the Special Representative of the Secretary General on Children and Armed Conflict, the United Nations Children's Fund (UNICEF), the Executive Office of the Secretary-General Rule of Unit (EOSG/Rule of Law Unit), the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Committee on the Rights of the Child (CRC), the United Nations Office on Drugs and Crime (UNODC) and the World Health Organization (WHO).

For more information, contact gagcaoili@unicef.org or tea.machaidze@un.org.

Editor and Design: Big Yellow Taxi, Inc.

Cover photo credit: © UNICEF/UN052682/Romen

Suggested citation: United Nations Task Force on Children Deprived of Liberty , 'Advocacy Brief on Deprivation of Liberty of Children in the Administration of Justice ', New York, June 2025.

© United Nations Task Force on Children Deprived of Liberty , June 2025.

CONTENTS

WHY WORK TOWARDS ENDING CHILD DETENTION? 6
- Detention is harmful to children 6
- Deprivation of liberty violates child rights 8
- Neuroscience supports advocacy towards ending child detention 8
- Socio-economic costs are high 9
- Detention is overused and ineffective 9
- Detention does not deter crime 9
- Alternative solutions work 10

WHAT NEEDS TO BE DONE TO ACCELERATE PROGRESS TOWARDS ENDING CHILD DETENTION? 11
- Prioritize prevention and early intervention 11
- Law and policy reform 12
- Access to specialized, child-sensitive justice institutions 13
- Invest in alternatives to judicial proceedings (diversion), non-custodial measures (sentences) and restorative justice 13
- Support independent monitoring and regular review 13
- Strengthen post-release support and reintegration 14
- Invest in child-friendly legal aid 14
- Strengthen child participation and legal empowerment 15
- Build evidence and make the case for prevention 16
- Communicate effectively on child justice 16
- Integrate action on ending child detention in international, regional and national rule of law reform and development plans 17

RESOURCES 18

GLOSSARY 21

ENDNOTES 22

© UNICEF/UN052639/ROMEN

> Deprivation of liberty means deprivation of rights, agency, visibility, opportunities and love. Depriving children of liberty is depriving them of their childhood."
>
> *– UN Global Study on Children Deprived of Liberty*

The UN Global Study on Children Deprived of Liberty (2019) estimates that every year, 410,000 are *de jure* deprived of liberty, while 1.41 million are *de facto* deprived of liberty in the administration of justice, including remand centers and prisons or in police custody.[1] Globally, an estimated 228,000 children were in detention on any given day in 2024.[2] This is only the tip of the iceberg, as data on children in the administration of the justice system is not available from all countries.[3]

Who are children deprived of their liberty?

Those below 18 years old who are in "any form of detention or imprisonment or the placement … in a public or private custodial setting, from which [they are] not permitted to leave at will, by order of any judicial, administrative or other public authority".[4]

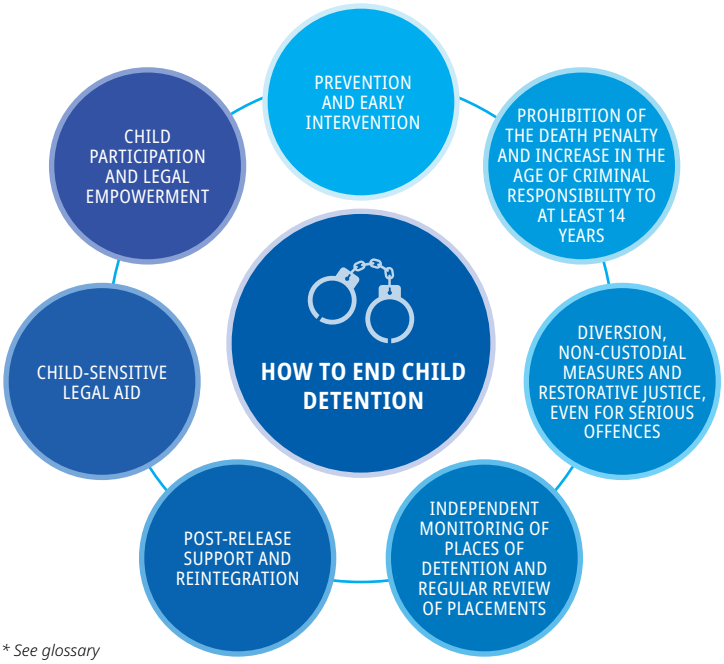
Unlike any other child rights issue, the treatment of children alleged as, accused of or recognized as having infringed penal law is the subject of at least six sets of international standards and norms, underlining the importance of reducing the use of deprivation of liberty in the child justice system to its strict minimum.[5] All State Parties to the UN Convention on the Rights of the Child (CRC) have committed to treating

"every child alleged as, accused of, or recognized as having infringed the penal law (...) in a manner consistent with the promotion of the child's sense of dignity and worth" and which promotes "the child's reintegration and the child's assuming a constructive role in society".

While the CRC stipulates that the detention of children who are alleged as, accused of or recognized as having infringed the penal law should be *"a measure of last resort and for the shortest appropriate period of time,"*[6] deprivation of liberty is often used as a measure of first resort and is globally misused and overused. The overwhelming majority of children in detention are first-time offenders and/or are there for minor and status offences.[7]

Several studies show that detention is highly harmful to children,[8] costly[9] and ineffective in preventing crime.[10] Advances in knowledge about child and adolescent development, along with evidence of effective practices and the harmful impacts of deprivation of liberty on children, have not been adequately reflected in national legislation, policy and practice.

Children deprived of liberty face high risks of violence,[11] and detention of children is closely linked to or constitutes violence against children. It does not deter crime and does not promote the child's reintegration into society.[12] On the fifth anniversary of the UN Global Study on Children Deprived of Liberty,[13] the UN Task Force on Children Deprived of their Liberty[14] calls on States to take all necessary actions to prevent and protect all children, without discrimination,

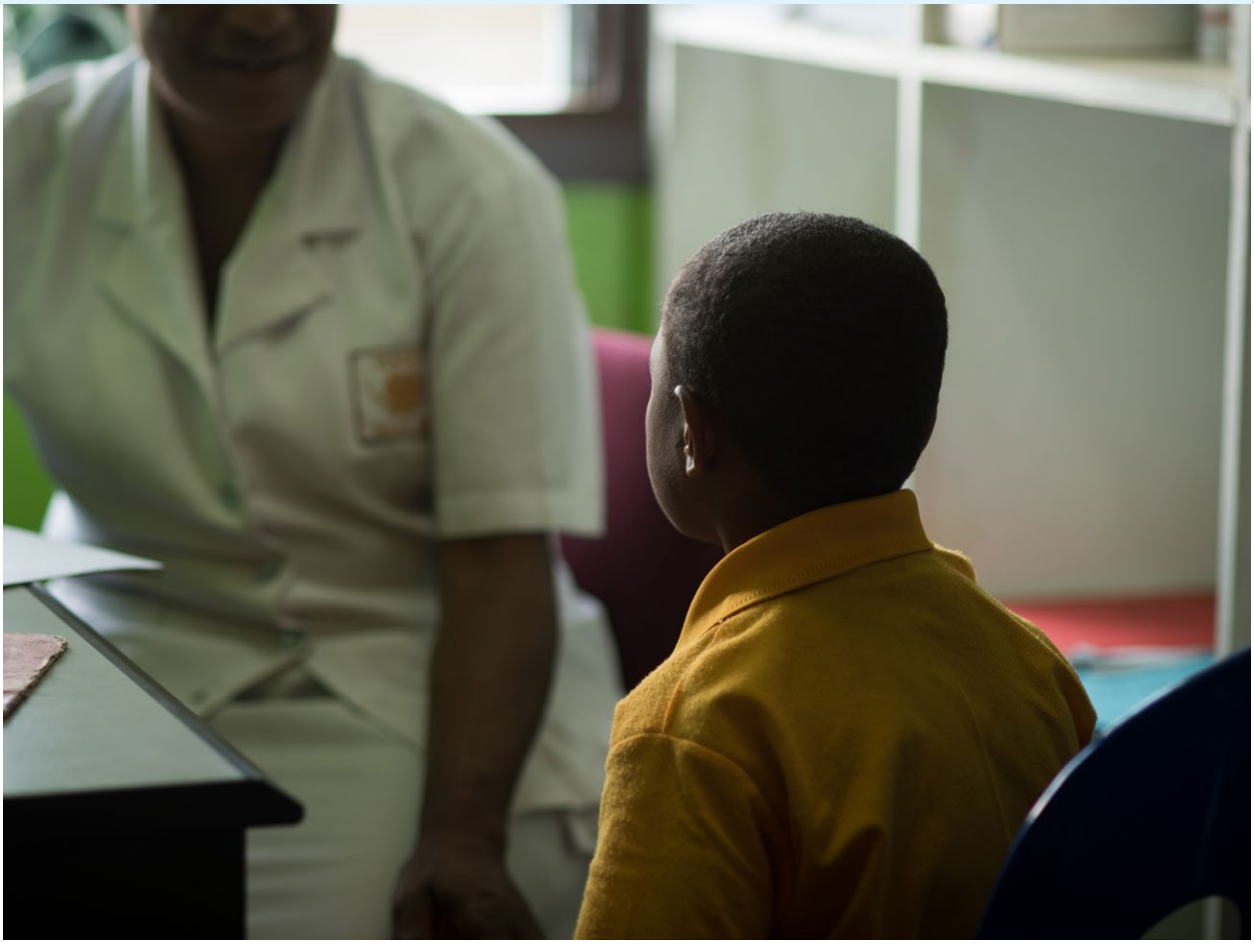


** See glossary*

from being deprived of liberty. This is in line with the Secretary-General's Guidance Note on Child Rights Mainstreaming which recognizes "systematic attention to child rights as necessary for the UN to be fully inclusive and able to deliver on its mandate across all pillars, including upholding 'all rights of all people', achieving the Sustainable Development Goals (SDGs) and ensuring peace and security."[15]

Where are children detained?

Children are detained in a variety of places, including in police custody, penitentiaries, prisons and other closed institutions.[16] The deprivation of liberty of children in all places of detention – by whatever name – should end.



© UNICEF/UN0260081/BELL

WHY WORK TOWARDS ENDING CHILD DETENTION?

DETENTION IS HARMFUL TO CHILDREN

The UN Study on Violence Against Children[17] and the UN Global Study on Children Deprived of Liberty found that detention severely harms children's mental and physical health and well-being, placing them at an extremely high risk of violence[18] across all situations of deprivation of liberty.[19]

Children with disabilities are disproportionately represented in detention,[20] with high prevalence rates of traumatic brain injury, neurodevelopmental disability as well as mental health and cognitive health conditions recorded among those in custodial settings.[21] For instance, in the United States of America, 50 to 75 per cent of children who enter the justice system are impacted by some form of mental health condition.[22]

Violence, abuse or neglect in detention often cause or exacerbate mental and cognitive health conditions.[23] In some cases, children's state of psychiatric conditions worsen tenfold[24] during detention, compared to their mental health prior to detention.

Detention disrupts children's normal development, affecting their cognitive, emotional and social growth and well-being, interrupting education and hindering future opportunities.[25] The negative effects of deprivation of liberty worsen with its length[26] and are correlated with higher rates of morbidity and mortality – most often due to drug overdose, suicide, injury and violence – as compared with their peers in the community.[27]

© UNICEF/UN0214489/BABAJANYAN V

Children, including those in conflict with the law, have the right to the highest attainable standard of physical and mental health.[28] This also means treating every child in a manner that takes into account his or her age and promotes his or her reintegration and assumption of a constructive role in society.[29] All rights in the CRC apply to all children, without discrimination. Therefore, States parties should prioritize diversion and non-custodial measures, and promote restorative justice approaches to ensure that these rights can be realized, with the child's best interests as a primary consideration in all relevant contexts and all actions, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. Every child has the right to access free legal representation as well as other protection, without discrimination.

> "Protecting the child's best interests means that the traditional objectives of criminal justice, such as repression or retribution, must give way to rehabilitation and restorative justice objectives."
>
> *– CRC General Comment No. 14*[30]

Best interests of the child

The best interests of the child are to be considered at all stages of the justice process. The CRC Committee in its General Comment No. 14 has provided guidance on how to understand, interpret and apply the principle, setting out non-exhaustive guiding criteria. A child's view is an integral part of assessing a child's best interests; other factors would include the child's identity, preservation of the family environment and maintaining relations, care, protection and safety of the child, situation of vulnerability and the child's right to health and education.[31]

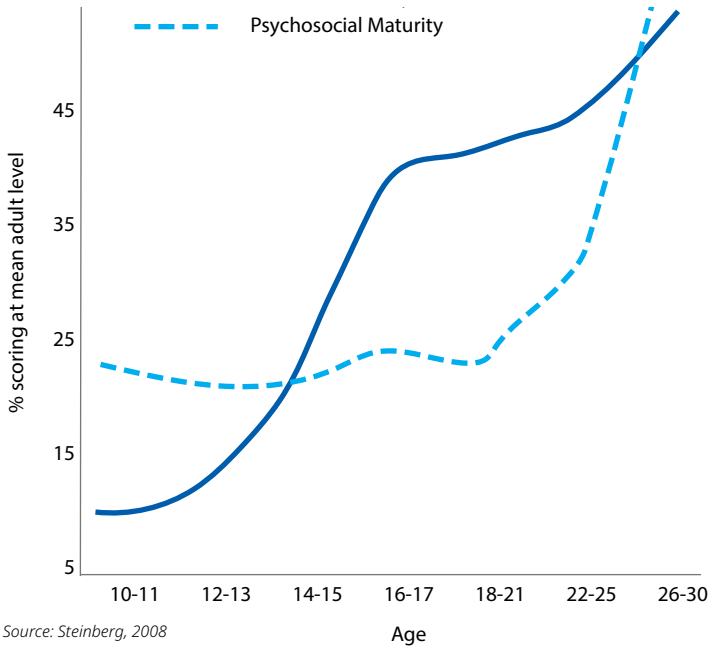
DEPRIVATION OF LIBERTY VIOLATES CHILD RIGHTS

The use of detention in cases of status offences[32] for younger children below the minimum age of criminal responsibility (MACR), for immigration purposes, for mere association with armed groups – including UN-listed terrorist groups – or due to the absence of alternative measures constitutes a violation of child rights. Torture or other cruel, inhuman or degrading treatment or punishment is prohibited,[33] including life imprisonment, corporal[34] and capital punishment, and solitary confinement.[35] Noting that the UN Committee on the Rights of the Child in its General Comment No. 24 recommends setting the MACR at least at 14,[36] detaining younger children raises further concern regarding compliance with the CRC, as do exceptions which set the age below the standardized MACR, including for serious and repeat offences.[37]

Penalizing and detaining child victims of trafficking, including forced begging and criminality, is incompatible with their victim status under the CRC and the "non-punishment" principle of child victims of trafficking.[38] The same goes for *de facto* depriving children of their liberty for "behavioral issues" or placing child victims in protective custody. Detention of children for reasons linked to their migration or legal status or that of their parents is absolutely prohibited, as it is never in the best interests of the child.[39] Children whose parents or guardians are detained should never be detained for the purpose of preserving family unity. In such circumstances, alternatives to detention should be foreseen for the entire family. Conflict or national security reasons are also not exceptions to the application of substantive and procedural safeguards applicable to all children without discrimination of any kind. In situations where there is ambiguity or doubt regarding a child's age, the benefit of the doubt should always be extended to the individual being assessed as a presumed child.

NEUROSCIENCE SUPPORTS ADVOCACY TOWARDS ENDING CHILD DETENTION

Neuroscientists[40] have found that the last part of the brain to develop is the neocortex, even though basic intellectual abilities may reach adult levels before the process of psycho-social maturation is completed. The neocortex regulates planning, reasoning, impulse control, emotions, learning from experience, weighing risks and rewards. Intellectual and psycho-social maturity only coincide in the late 20s. This developmental gap affects certain kinds of decision-making, meaning that children lack the full maturity to comprehend the long-term consequences of their actions. This justifies a higher MACR and emphasizes the need to prioritize diversion and non-custodial measures.



Source: Steinberg, 2008

Moreover, substantial involvement in the criminal justice system can undermine a child's ability to achieve key developmental milestones, which can have significant and lifelong repercussions.[41]

SOCIO-ECONOMIC COSTS ARE HIGH

Regardless of the country or context, deprivation of liberty is extremely expensive. In some contexts, the average cost of keeping a child in detention has skyrocketed and can be more than $1,800 (U.S.) per child, per day, depending on the country.[42]

Besides the direct costs for confinement, there are also projected (indirect) costs on (i) health, including mental health due to deprivation of liberty, and (ii) long-term opportunities for education and decent work. This includes future incomes that children deprived of liberty will not earn due to the limited possibilities to access quality, inclusive education in detention, stigma and difficulties to effectively be reintegrated into society after their release.

In most countries, the budget for measures involving deprivation of liberty represents three-quarters or more of the total budget allocated for the child justice system.[43] Resorting to non-custodial measures often allows for savings to be made in the child justice system.

Alternatives to judicial proceedings, such as diversion,[44] are also more cost-effective, decreasing court case loads.[45] In Australia (New South Wales), the average cost per day for a young person to be supervised in the community is almost ten times less than the average cost for depriving a child of liberty.[46] Overall, the cost-social benefit ratio of adult-focused restorative justice interventions was estimated in a study from the United Kingdom to be £14 per £1 invested for all society.[47] The direct return on investment for the criminal justice system itself was £4 per £1 invested.[48] This is before accounting for the broader benefits of restorative justice in improving perceptions of justice amongst victims and society.

DETENTION IS OVERUSED AND INEFFECTIVE

> **"States parties should immediately embark on a process to reduce reliance on detention to a minimum."**
>
> ***– CRC General Comment No. 24***[49]

The rule of 'last resort' requires States to develop and consider alternatives to judicial proceedings – such as diversion – as well as non-custodial measures within the context of judicial proceedings (sentences) that are appropriate for the child rather than immediately curtailing his or her fundamental right to liberty. Detention is not a measure of last resort if there are no alternatives to judicial proceedings and non-custodial measures (sentences) that can be applied.[50] Moreover, repeat offending and serious crimes should neither be set as exceptions to the MACR[51] nor the rule of 'last resort,' as they do not consider individualized assessments of the best interests of the child.

The release of children from detention was used by many States as a COVID-19 mitigation strategy. Between 1 March 2020 and 31 October 2021, 45,000 children were released in at least 84 countries.[52] The fact that so many children could be released from detention in so many countries could indicate that their detention was not a 'measure of last resort'.

DETENTION DOES NOT DETER CRIME

Detention is ineffective in preventing crime.[53] Detention may actually have the opposite effect. Depriving children of their liberty is associated with

future offending and continued contact with the justice system.[54] In detention, children can learn more 'effective' crime strategies from one another, and time spent in detention facilities may desensitize many to the threat of future imprisonment.[55] Turning into 'schools for crimes,' detention facilities and prisons are especially harmful to children who are detained with or in the same premises as adults, exposing them to violence and crime.[56]

ALTERNATIVE SOLUTIONS WORK

Approaches that divert children from the formal justice system at the earliest opportunity, including alternatives to judicial proceedings, including restorative justice[57] and community-based programs, have proven to be most effective, resulting in better outcomes for children and communities.

Restorative justice

Restorative justice processes, including mediation, conciliation, conferencing and sentencing circles, is any process in which the victim and the child alleged as, accused of or recognized as having infringed criminal law and, where appropriate, any other individuals or community members affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator.

A "restorative outcome" is an agreement reached as a result of a restorative process and includes responses and programs, such as reparation, restitution and community service, aimed at meeting the individual and collective needs and responsibilities of the parties and achieving the reintegration of the victim and the child.[58] Research shows that restorative justice approaches can be successfully applied in cases of serious crime[59] and is most efficacious when the harm caused is comparatively serious.[60]

Working towards ending child detention does not mean that children should not be held accountable for their actions. Children can still be held to account in line with international norms and standards, without depriving them of their liberty.

Diversion (alternatives to judicial proceedings) allows children to take responsibility for their actions and learn from their mistakes, including through restorative justice mechanisms focused on 'repairing the harm done' rather than punishment. Restorative justice allows the victim/s, the child and/or any other individual or community member affected by a crime to actively participate in the resolution of matters arising from the crime, often with the help of a fair and impartial third party.[61] Diversion should be the preferred approach in dealing with children.

Diversion

States parties should continually extend the range of offences for which diversion is possible, including for serious offences where appropriate.[62]

Diversion promotes public safety by providing ways for children who have infringed the penal law to be held accountable without disrupting their ability to lead productive lives and contribute to assuming a constructive role in society. Diversion programs can reduce re-offending by up to 70 per cent, depending on the quality of the programs.[63] The greatest gains are from high quality, well-targeted, well-resourced and well-supported programs which are child rights- based.[64] A meta-analysis of 45 diversion evaluation studies reporting on 73 programs found that diversion is more effective in reducing recidivism than conventional judicial interventions.[65] Children referred to diversion programs are twice as less likely to re-offend than those placed in detention.[66]

© UNICEF/UN018622/ZEHBRAUSKAS

WHAT NEEDS TO BE DONE TO ACCELERATE PROGRESS TOWARDS ENDING CHILD DETENTION?

It is possible to prevent children from becoming involved in crime, protect them from deprivation of liberty and safely release them from detention. Building upon existing examples from various regions, this section highlights a set of interconnected and mutually reinforcing actions, anchored in the rights of the child, that effectively prevent and accelerate progress toward ending detention of children:

PRIORITIZE PREVENTION AND EARLY INTERVENTION

Prevention and early intervention are elements of a comprehensive child justice system.[67]

States should address systemic inequalities, discrimination and marginalization that propel children into the criminal justice system. This can be achieved by investing in child protection systems[68] and a dedicated social service workforce for child protection. National child protection systems should be inclusive of all children, regardless of their or their parents' status or beliefs, such as their asylum, refugee, migration or any other status.

There are certain groups of children, who are often overrepresented in the criminal justice system and should not be there. Instead, appropriate care and protection services should be provided. These include, among others, children with mental health conditions,

disabilities and substance-use-related problems. Children from poor socio-economic background, those belonging to minorities or other vulnerable groups are also disproportionately represented in the criminal justice system.[69] Collaboration with other sectors (education, health, social welfare/protection) should be enhanced to support children and families in vulnerable situations and mitigate the risks of children coming into conflict with the law through parenting and family support programs, school and community interventions to address gun violence and drugs and the ensuring of non-discriminatory access of all children irrespective of their status to social services, including mental health and life skills.

Examples of key interventions include **Belize's** life skills programs for diverting children in conflict with the law away from formal judicial proceedings,[70] **Serbia**'s mental health law providing psychosocial support to at risk children[71] and **Cambodia's** integration of a training strategy for the social service workforce into the curriculum of social work.

LAW AND POLICY REFORM

Law reform is urgently needed across many countries to increase the MACR to at least 14 years.[72] Children under the MACR should be treated within the child protection system. This advocacy is supported by developmental and neuroscience evidence that child and adolescent brains continue to mature even into their twenties, affecting certain kinds of decision-making. Setting a higher MACR is a key strategy for preventing detention, but it is equally important to ensure that children below the MACR are not *de facto* deprived of their liberty outside the justice system. This includes preventing placements in closed institutions through administrative processes that do not ensure access to justice and due process guarantees.

Torture, inhuman and capital punishment and life imprisonment for children are prohibited under the CRC and should be abolished in law and practice.[73]

Abolishing and prohibiting status offences should be a priority to prevent the deprivation of liberty.[74] States must also ensure that children are not *de facto* deprived of liberty for behavioral issues by placing them in closed institutions or rehabilitation centres outside of the justice system "to improve their behaviour". Additionally, States should refrain from penalizing or placing child victims of trafficking and forced begging and criminality in "protective custody," further depriving them of their liberty. States should close pathways into the criminal justice system by decriminalizing minor offences for children, as well as irregular entry and stay[75]. Exceptions that set the MACR below 14 years, as recommended by the Committee on the Rights of the Child, should be abolished, including for serious and repeat offences.

Examples of reforms include **Uzbekistan** raising the MACR from 13 to 14 years[76] and **Bahrain** raising it to 15 under its Restorative Justice Law for children, facilitating reintegration by enrolling the child in rehabilitation or national education.[77]

States like **Kenya** and **Morocco** have enhanced gate-keeping[78] policies, procedures and mechanisms in alternative care arrangements to ensure that children are referred to family and community-based care to prevent separation, including those with "challenging behaviour".[79]

ACCESS TO SPECIALIZED, CHILD-SENSITIVE JUSTICE INSTITUTIONS

Children should have access to specialized, child-sensitive and efficient justice institutions where all their rights are protected and their best interests are the primary consideration.[80] An institutional, coordinated and integrated response pursued across relevant sectors, including justice (*See Technical Guidance on Child-friendly courts and proceedings,* UNICEF, 2025), law enforcement, child protection, social welfare/protection (*See Technical guidance on the role of Social Service Workforce,* UNICEF, 2025), education and health, including mental health, (*See Technical guidance on mental health and psychosocial support for children in the justice system*, UNICEF, 2025) is needed. At the same time, training should be provided to all persons having contact with or being responsible for children in the child justice system.

INVEST IN ALTERNATIVES TO JUDICIAL PROCEEDINGS (DIVERSION), NON-CUSTODIAL MEASURES (SENTENCES) AND RESTORATIVE JUSTICE

The responsibility lies with States to ensure that children are diverted away from the formal justice system. Legislation should provide law enforcement, prosecutors and the judiciary with the ability to divert children away from the criminal justice system and to promote restorative justice processes at all stages of the proceedings.[81] The sooner a child is diverted from the justice system, the greater the chances for rehabilitation, reintegration and positive outcomes. Additionally, States must ensure that laws, procedures, authorities and institutions, along with professionals who interact with children, are specialized, properly trained and equipped with child-rights-centered competencies.

Diversion is available for various offences, including serious offences in **Kenya**, **Somalia**, **South Africa**, **Zambia**, and for repeat offenders in **South Africa**, **Kenya**, **Malawi**, **Uganda**, **Zambia** and **Zimbabwe**.[82]

Examples of diversion practices include the use of unconditional police warning in **Papua New Guinea**[83] and **New Zealand**[84]. **Indonesia** uses community service as a primary penal sanction.[85] In **Thailand**, children are conditionally released to parents and even to community leaders instead of being held in pre-trial detention, while in **Fiji**, community leaders take on this responsibility following family group conferencing. In **Viet Nam**, community-based education is the most common alternative to post-trial detention.[86] **Ireland** has implemented a community-based multi-agency initiative to divert children who have become involved in crime.[87] In **Egypt**, the private sector supports diversion and non-custodial alternative measures.[88]

Restorative justice processes can be applied in serious crimes to promote the healing of the child, the victim and the community. Increasingly, restorative justice programs are being extended to children who have committed serious acts of violence. In **Belgium**, **Germany**, **Ireland** and the **Netherlands**, conferencing is targeted to cases involving serious offences.[89] In **Belgium,** restorative justice is used for serious crimes, allowing all parties with a direct interest in the matter having the opportunity to apply for mediation processes.[90] In **Kiribati**, cases involving serious offences are typically diverted by the Court and conditions such as a written apology are incorporated in diversion plans.[91]

SUPPORT INDEPENDENT MONITORING AND REGULAR REVIEW

States are required to establish a regular and independent system of inspection and continuous monitoring of detention facilities[92] to ensure

that children are protected from further rights violations while in detention and their release is prioritized. Children should have easy access to child-sensitive and gender-responsive complaint mechanisms and should be able to communicate freely and confidentially with independent monitoring bodies. States should consider responding positively to requests from concerned humanitarian, human rights and other organizations for access to custodial facilities, where appropriate.[93]

Child Protection Guidance was developed in **Scotland**.[94] Since July 2002, **South Africa's** Judicial Inspectorate for Correctional Services has Independent Correctional Centre Visitors which conduct regular visits, interview detainees in private and record and discuss complaints.[95] A recent example of a data monitoring tool for violence against children in detention facilities is the 'DATA MOSAIC project' in **Europe**, which improves understanding of how violence is responded to and addressed.[96]

STRENGTHEN POST-RELEASE SUPPORT AND REINTEGRATION

Effective reintegration benefits both the child who has been released from detention and society as a whole. Planning and preparing for a child's release and reintegration into the community should start from the moment a child is deprived of liberty and should recognize the unique experiences and needs of the child. Collaboration among justice, social welfare, education, health and child protection sectors is crucial to ensure a safe release of children from detention and to support the child's reintegration into their family and community, reducing the risk of reoffending.

While the ultimate goal is to end the deprivation of liberty of children, many who are still deprived of liberty, lack access to basic social services and their rights continue to be violated. Immediate, life-saving interventions are necessary to address their needs, alongside ongoing advocacy for their release and broader reforms.

Croatia's "A step forward" programme conducted a comprehensive analysis of service provision in the social welfare and justice systems for evidence-based planning, budgeting and regulating effective interventions to improve the quality of coordination between social welfare and justice for children with behavioural issues in non-custodial and custodial settings.[97] An assessment tool was developed and integrated into the social welfare application. In **Gabon**, mediation is promoted so that children receive non-custodial sentences.[98] Mediators refer children to services, including legal assistance. In **Azerbaijan**, children who are in conflict with the law and are subject to non-custodial measures receive social services, psychological support and legal aid.[99] In **Iraq**, children in detention are provided with legal aid to help secure their release and are provided with mental health and psychosocial support, as well as access to basic health and education.[100] **Costa Rica** supports children who are in conflict with the law using a toolbox with activities that are carried out in the follow-up to the reintegration plans of each adolescent.[101]

INVEST IN CHILD-FRIENDLY LEGAL AID

Children should have access to timely, quality and free legal aid/representation that is child-centred and gender- and disability-inclusive from their first contact with the justice system through all stages of the proceedings. [102] This access is crucial for preventing the deprivation of liberty, and/or challenging the legality of detention before a court or competent authority. Free and

specialized legal aid and counselling practitioners can significantly improve a child's experience within the justice system. For instance, countries with state-funded, specialized legal aid services for children and legal aid providers skilled in working with children are more likely to use diversion and alternatives to pre-trial detention frequently and effectively.[103] (*See Technical guidance on child-friendly legal aid,* UNICEF, 2025)

Zimbabwe supports the decentralization of diversion services to improve access to justice for children through the provision of legal services at help desks and the community mobile legal aid clinics.[104] **Sierra Leone** created the Legal Aid Board,[105] while **Türkiye** works with the Union of Turkish Bar Associations to provide free legal aid.[106] Socio-legal defence centres (SLDCs) in some States – including those more recently established in **Mauritania**, **Lebanon** and **Tunisia** – are staffed with social workers and lawyers/paralegals who work hand-in-hand from the outset to provide children with access to justice and corresponding socio-legal support.[107] This support includes providing information, legal advice and representation and referrals to other services.[108]

A number of technical tools/guidance documents on child-friendly legal aid have been developed, including for **Africa**,[109] **Europe** and **Central Asia**[110]. Quality standards have also been developed for the European Union[111] and a training package for Europe and Central Asia.[112] A legal aid strategy was developed in **Uzbekistan** where legal professionals were trained to provide child-friendly and gender-responsive legal aid.[113] **Cambodia** developed a lawyer's training manual on child-friendly legal aid services and a Practical Guideline on Legal Aid for Persons with Disabilities in Criminal Justice.[114] In **Lao PDR**, paraprofessionals and mediators were trained to deliver and expand legal services.[115] **Zimbabwe** supported the decentralization of diversion services to improve access to justice for children through the provision of legal services at help desks and the community mobile legal aid clinics.[116] **Chile** developed a tool to help professionals better determine the best interests of the child towards holistic access to justice.[117]

STRENGTHEN CHILD PARTICIPATION AND LEGAL EMPOWERMENT

Mechanisms should be established or strengthened to allow children to express their views at all stages of judicial and administrative proceedings that affect them[118] as well as in justice reforms. These mechanisms should include effective feedback and complaint systems that are safe and easily accessible to children. States must ensure that children are provided with age-appropriate information, including the process, their rights, how their views will be considered, the weight given to their opinions, the outcomes after they share their views, etc.[119]

Children with lived experiences of the child justice system, especially those who have experienced detention, should be involved/consulted in the design, evaluation and monitoring of child justice reforms, with the goal of gradually phasing out deprivation of liberty. (*See Technical Guidance on legal empowerment and justice for children,* UNICEF, 2025).

The **Philippines**, among other countries, uses alternative arrangements for giving testimony – such as screens, videotaped evidence and closed-circuit television – to ensure interviews are child-sensitive.[120] When applying innovations in digital justice spaces, safeguards must be in place to ensure that the benefits outweigh the risks and that fundamental human rights are respected.

BUILD EVIDENCE AND MAKE THE CASE FOR PREVENTION

The general public's demand for a tough stance on crime has the consequence of drawing more children into the justice system. Transforming policies to prevent children from coming into conflict with the law and deprived of liberty requires persistent efforts to present a compelling case.

Ongoing research is necessary to understand the underlying causes leading children to commit offences, the impact of violence on children and the harmful effects of deprivation of liberty, among others. Further research is needed to demonstrate that alternatives to judicial proceedings and non-custodial measures (sentences) are more effective and less costly in deterring children from violence and crime.

Measures to establish and strengthen administrative data systems, disaggregated by age and gender, and other relevant factors should be an integral part of a specialized child justice system. The number and situation of children in conflict with the law, as well as information on alternatives to judicial proceedings and non-custodial measures (sentences) should be monitored and reported. Data should also be disaggregated and highlight particular groups of children in vulnerable situations who face discrimination or/and are overrepresented in detention. Data should be used to build the evidence to inform policy and programme actions and to share knowledge.[121]

In 2022, **Greece** completed the first-ever assessment of the child-friendliness of its justice system based on qualitative interviews, case studies and a literature review, as well as a synthesis of laws and data on the child justice system, the way children are treated by the system, the policies and strategies, child participation and available services.[122] The findings and recommendations to improve the child justice system provided the basis upon which a National Action Plan on the Improvement of the Child Friendliness of the Justice System was developed.[123] **Zimbabwe** has a national diversion framework with a strong monitoring and evaluation mechanism and data management.[124] **Malawi** uses the RapidPro system, a mobile-based data capturing system that gathers data on children in conflict with the law and on how they were dealt with by the social service and justice actors, to mobilize real-time action and influence policy change.[125]

COMMUNICATE EFFECTIVELY ON CHILD JUSTICE

Proposal for policy and legal changes should be accompanied by a clear communication strategy, including social behavior change approaches, to garner public support. This entails explaining the underlying causes and systems failures that lead children to come into conflict with the law, while highlighting successful prevention strategies, alternatives to judicial proceedings and non-custodial measures (sentences). Communication and public advocacy should be based on accurate data reporting, and social behavior change strategies should be developed to address negative public perceptions of children, particularly certain groups of marginalized children.

A proactive communication approach, rather than a reactive approach to serious isolated cases, should be adopted to highlight success stories, such as the successful implementation of alternatives to detention, restorative justice and safe release. The media plays a crucial role in shaping how children in conflict with the law are portrayed and perceived; this influence should be leveraged to promote a more informed and compassionate public perspective.

INTEGRATE ACTION ON ENDING CHILD DETENTION IN INTERNATIONAL, REGIONAL AND NATIONAL RULE OF LAW REFORM AND DEVELOPMENT PLANS

Action towards ending detention must be integrated in international, regional and national rule of law agendas and development plans. The new UN Secretary General's Rule of Law Vision (RoL) emphasizes that '*children should have access to specialized and efficient justice institutions and be recognized as fully-fledged and distinct rights holders'* and that '*the best interests of the child shall be the primary consideration.*'[126] The people-centred approach of the Secretary General's Rule of Law vision should include the meaningful engagement of children and young people to claim their human rights as part of an effective and inclusive RoL.

Regional commitments, such as the **Association of Southeast Asian Nations (ASEAN)**'s Regional Plan of Action (RPA) on Violence against Children,[127] which has a chapter on justice, are reviewed at baseline and midterm and will be reviewed again at end term in 2026. The **European Union Parliament** adopted in December 2023 a report and a resolution on the situation of children deprived of liberty around the world while the **Organization for Economic Cooperation and Development (OECD)** countries developed a Child Friendly Justice Framework.[128] The **Organization of Ibero-American Judges and Justices, Public Defenders and Public Ministers** developed a common set of guidelines on restorative justice for children.[129]

At the national level, countries like **Jamaica** developed a national plan of action for child justice,[130] subsequently adopting a Child Diversion Act and a national diversion policy.[131] **Colombia** included the goal to end child detention in their National Development plan, has a restorative justice strategy/roadmap with detailed protocols, a monitoring and evaluation framework and a capacity building strategy including an annual conference to learn and share international promising practices.[132]

The issue of deprivation of liberty of children should be taken into account while conducting the UN Common Country Analysis (CCA) and how States can be further supported to address it should be explored. Partnership with States should ensure that actions towards ending detention are prioritized in relevant UN Sustainable Development Cooperation Frameworks (SDCF) so that gaps are identified and appropriate actions are included among the priorities.[133]

The **Pakistan** CCA identified issues of capacity that undermine access to justice. The subsequent SDCF identifies actions for "improved access to the justice system, including greater access to legal representation, for women, children and other marginalized groups, including refugees, asylum seekers and stateless persons."[134]

> "No one truly knows a nation until one has been inside its jail."
>
> *– Nelson Mandela*

RESOURCES

- UN Committee on the Rights of the Child. *General Comment No. 24 (2019) on Children's Rights in the Child Justice System*. https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-24-2019-childrens-rights-child.
- Office of the United Nations High Commissioner for Human Rights. *United Nations Global Study on Children Deprived of Liberty*. https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty.
- United Nations General Assembly. *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)*. A/RES/40/33. 1985. https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile-justice.
- United Nations General Assembly. *United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)*. A/RES/45/112. 1990. https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-guidelines-prevention-juvenile-delinquency.
- United Nations General Assembly. *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules)*. A/RES/45/113. 1990. https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-protection-juveniles-deprived-their-liberty.
- United Nations General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*. A/RES/65/229. 2010. https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-treatment-women-prisoners-and-non-custodial.
- United Nations Economic and Social Council. *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*. E/RES/2002/12. 2002. https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-restorative-justice-programmes-criminal.
- United Nations General Assembly. *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. A/RES/70/175. https://docs.un.org/en/A/RES/70/175.
- United Nations General Assembly. *Model Strategies and Practical Measures on the Elimination of Violence Against Children in the Field of Crime Prevention and Criminal Justice (UN Model Strategies to End VAC)*. A/RES/69/194. 2014. https://www.unodc.org/documents/justice-and-prison-reform/UNVAC_Model_Strategies_and_Practical_Measures.pdf.
- United Nations. *UN Study on Violence Against Children*. 2006. https://www.ohchr.org/en/treaty-bodies/crc/united-nations-study-violence-against-children.

- Office of the High Commissioner for Human Rights, United Nations Office on Drugs and Crime, and the Special Representative of the Secretary-General on Violence against Children. *Joint Report on Prevention of and Responses to Violence Against Children Within the Juvenile Justice System*. A/HRC/21/25. 2012. https://digitallibrary.un.org/record/737447.

- Office of the High Commissioner for Human Rights. *Report of the High Commissioner for Human Rights on the Protection of Human Rights of Juveniles Deprived of Their Liberty*. A/HRC/21/26. 2012. https://digitallibrary.un.org/record/737448.

- UNICEF. *Reimagine Justice for Children*. 2021. https://www.unicef.org/media/110176/file/Reimagine-Justice-for-Children.pdf.

- Office of the Special Representative of the Secretary-General on Violence Against Children (OSRSG VAC). *Children's Access to Justice: Advocacy Note*. 2022. https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/publications/access_to_justice-advocacy_paper.pdf

- United Nations. *New Vision of the Secretary-General for the Rule of Law*. 2023. https://www.ohchr.org/sites/default/files/2023-08/230511-new-vision-for-rule-of-law.pdf.

ON DATA

- UNICEF. *Estimating the Number of Children Deprived of Liberty in the Administration of Justice*. 2021. https://data.unicef.org/resources/children-in-detention-report/.

- UNICEF. *Assessing Administrative Data Systems on Justice for Children*. 2021. https://data.unicef.org/resources/assessing-administrative-data-systems-on-justice-for-children/.

- UNICEF. *Gauging the Maturity of an Administrative Data System on Justice for Children*. 2021. https://data.unicef.org/resources/gauging-the-maturity-of-an-administrative-data-system-on-justice-for-children/.

- UNICEF. *Annual Global Data on Rate of Children in Detention*. https://data.unicef.org/topic/child-protection/justice-for-children/.

ON DIVERSION AND ALTERNATIVE MEASURES

- UNICEF East Asia and Pacific Regional Office (EAPRO). *Diversion Not Detention, 2018*. https://www.unicef.org/eap/media/2401/file/Diversion%20not%20Detention.pdf

- UNICEF Europe and Central Asia Regional Office (ECARO). *Diversion of Children in Conflict with the Law from Formal Judicial Proceedings in Europe and Central Asia*. 2022. https://www.unicef.org/eca/media/27691/file/Five%20Advocacy%20Briefs%20on%20Child%20Justice%20&%20Child%20Friendly%20Justice:%20Diversion%20measures.pdf

- UNICEF Eastern and Southern Africa. *Diversion of Children in Conflict with the Law in Eastern and Southern Africa*. https://www.unicef.org/esa/reports/diversion-children-conflict-law-eastern-and-southern-africa.

ON CHILD-FRIENDLY COURTS, THE ROLE OF THE SOCIAL SERVICE WORKFORCE AND MENTAL HEALTH

- UNICEF. *Technical guidance on the role of Social Service Workforce in Justice for Children*. 2025.
- UNICEF. *Technical guidance on mental health and psychosocial support for children in the justice system*. 2025.
- UNICEF. *Technical guidance on child-friendly courts and proceedings*. 2025.

ON LEGAL AID

- UNICEF. *Technical guidance on child-friendly legal aid*. 2025.
- United Nations. *UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*. 2013. https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidlines_on_access_to_legal_aid.pdf.
- UNICEF Europe and Central Asia Regional Office (ECARO). *Guidelines on Child-Friendly Legal Aid*. 2018. https://www.unicef.org/eca/media/5171/file.
- United Nations Development Programme (UNDP). *Practical Guidelines on Legal Aid for Persons with Disabilities in Criminal Justice*. 2020. https://www.undp.org/cambodia/publications/practical-guideline-legal-aid-persons-disabilities-criminal-justice.

ON LEGAL EMPOWERMENT

- UNICEF East Asia and Pacific Regional Office (EAPRO). *Legal Empowerment to Advance Climate and Environmental Justice for Children in East Asia and the Pacific*. 2022. https://www.unicef.org/eap/reports/legal-empowerment-advance-climate-and-environmental-justice.
- UNICEF. *Technical guidance on legal empowerment and justice for children, 2025.*

GLOSSARY[135]

Child/children: every human being below the age of eighteen years, as per Article 1 of the CRC.

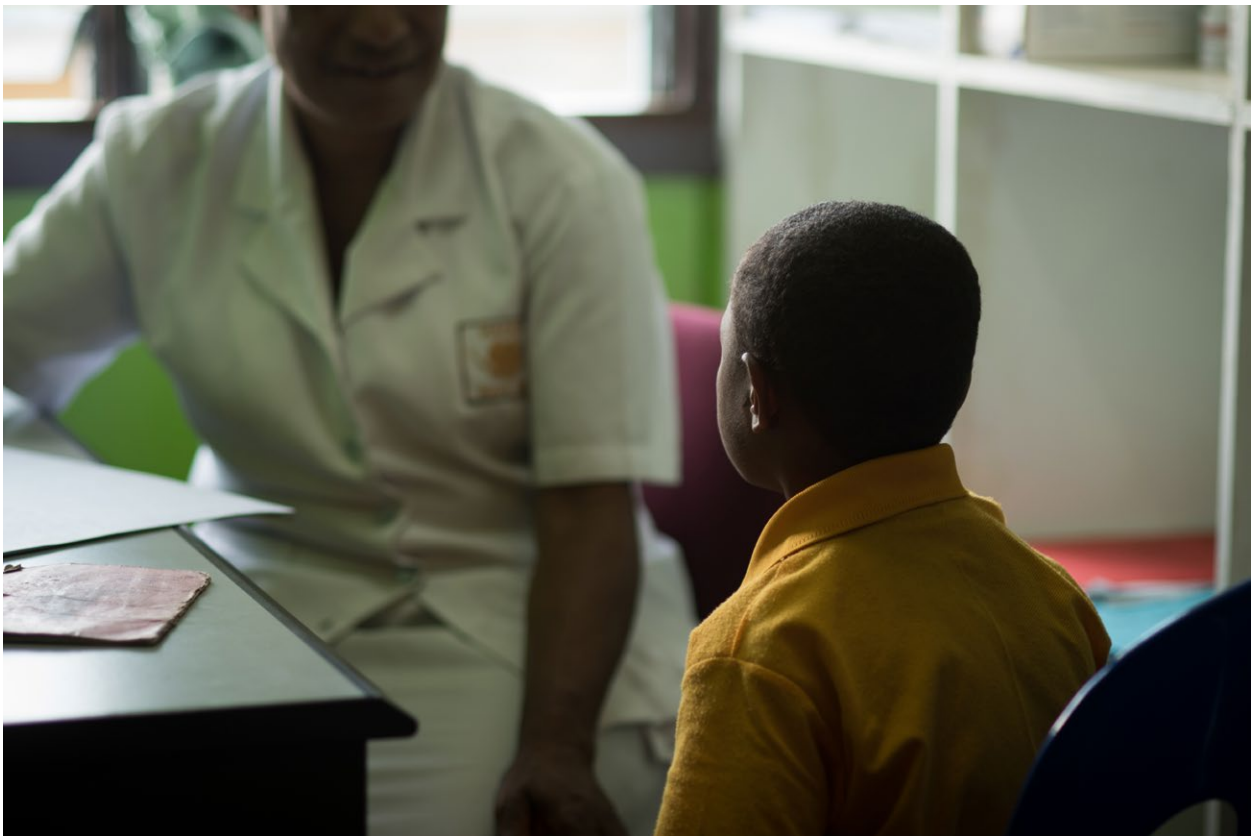
Deprivation of liberty: any form of detention or imprisonment, or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.[136] It was used interchangeably with detention or imprisonment in this brief.

Diversion: measures for referring children away from the judicial system, at any time prior to or during the relevant proceedings.

Minimum age of criminal responsibility: the minimum age below which the law determines that children do not have the capacity to infringe the criminal law.

Restorative justice: any process in which the victim, the offender and/or any other individual or community member affected by a crime actively participates together in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative processes include mediation, conferencing, conciliation and sentencing circles.

Status offences: acts that are not considered crimes if committed by adults.



© UNICEF/UN0260081/BELL

ENDNOTES

1 This includes children detained in pre-trial, pre-sentencing and post-sentencing in any type of facility (including police custody). It does not include children detained under administrative processes, such as in migration centers, or in protective custody, such as victims/survivors or witnesses. UN Global Study on Children Deprived of Liberty (UN Global Study on CDL, 2019), para. 86, https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty.

2 The global estimates are based on data referring to the years between 2014 and 2024 for a subset of 177 countries, representing 86 per cent of the global population of children aged 5 to 17 years. United Nations Children's Fund, *Children in Conflict with the Law: Global and regional estimates, 2025 update*, UNICEF, New York, 2025, https://data.unicef.org/topic/child-protection/justice-for-children/.)

3 There were 118 replies from 92 countries submitted. A request from the UN Global Study on CDL to "count all children deprived of liberty at a specific snapshot date (26 June 2018) and to collect annual data, as far as available, for the last 10 years," yielded 67 official responses (UN Global Study on CDL, 13).

4 is used interchangeably with detention in this brief. United Nations General Assembly, *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules)*, A/RES/45/113, 1990, art. 11(b), https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-protection-juveniles-deprived-their-liberty.

5 United Nations General Assembly, *Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (UN Model Strategies)*, A/RES/69/194, 2014, https://docs.un.org/en/A/RES/69/194. United Nations General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)*, A/RES/40/33, 1985, https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile; United Nations General Assembly, *United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)*, A/RES/45/112, 1990, https://digitallibrary.un.org/record/105349?v=pdf; United Nations General Assembly, *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules)*, A/RES/45/113, 1990, https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-protection-juveniles-deprived-their-liberty; United Nations General Assembly, *United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)*, A/RES/45/110, 1990, https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-non-custodial-measures; United Nations, *Guidelines for Action on Children in the Criminal Justice System (the Vienna Guidelines)*, 1997, https://www.ohchr.org/en/instruments-mechanisms/instruments/guidelines-action-children-criminal-justice-system.

6 United Nations, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, Article 37, https://www.unicef.org/child-rights-convention.

7 UN Global Study on Children Deprived of Liberty, *United Nations Global Study on Children Deprived of Liberty*, 2019.

8 UN Global Study on Children Deprived of Liberty, *United Nations Global Study on Children Deprived of Liberty, with references, 2019.*

9 See e.g., Parliament of New South Wales, *Youth Justice – Average Cost Per Day – Custody in Youth Justice Center*, 2023, https://www.parliament.nsw.gov.au/lc/papers/Pages/qanda-tracking-details.aspx?pk=96220; Justice Policy Institute, *Sticker Shock 2020: The Cost of Youth Incarceration*, 2020, https://justicepolicy.org/wp-content/uploads/2022/02/Sticker_Shock_2020.pdf; Geert Cappelaere, *Children Deprived of Liberty – Rights and Realities* (Liège: Éditions Jeunesse et Droit, 2005), http://createsolutions.org/unicef/Documents/resources/theme/detention/geertchildrendeprivedliberty.pdf.

10 See e.g., Thomas Crofts et al., "Deterring Children From Crime Through Sentencing: Can It Be Justified?" *Youth Justice* 23, no. 2 (2023): 182–200.

11 UN Global Study on Children Deprived of Liberty, *United Nations Global Study on Children Deprived of Liberty*, 2019.

12 Committee on the Rights of the Child, *General Comment No. 24 (2019) on Children's Rights in the Child Justice System*, CRC/C/GC/24, United Nations, 18 September 2019, para. 77, https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-24-2019-childrens-rights-child.

13 UN Global Study on Children Deprived of Liberty, *United Nations Global Study on Children Deprived of Liberty*, 2019.

14 The UN Task Force comprises all UN agencies, mandates and special mechanisms, under the coordination of the Special Representative of the Secretary General on Violence against Children, playing an active role in the implementation of the recommendations of the UN Global Study on Children Deprived of Liberty based on UNGA Resolutions A/Res/74/133 and A/Res/75/185.

15 Guidance Note of the Secretary-General on Child Rights Mainstreaming, 2023, https://www.ohchr.org/sites/default/files/2023-09/Guidance Note-Secretary-General-Child-Rights-Mainstreaming-July-2023.pdf

16 See generally UN Global Study on Children Deprived of Liberty, *United Nations Global Study on Children Deprived of Liberty*, 2019.

17 United Nations, *Secretary-General's Study on Violence Against Children: World Report on Violence Against Children*, 2006, https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/document_files/world_report_on_violence_against_children.pdf.

18 Ibid., pp. 196-200.

19 Immigration, criminal justice, institutions, armed conflict, national security, detained with caregivers

20 UN Global Study on Children Deprived of Liberty, *United Nations Global Study on Children Deprived of Liberty*, 2019, para. 31.

21 Gaye Lansdell et al., "Neurodisability and the Criminal Justice System: A Problem in Search of a Solution," in *Neurodisability and the Criminal Justice System: Comparative and Therapeutic Responses*; Ian Lambie, *What Were They Thinking? A Discussion Paper on Brain and Behaviour in Relation to the Justice System in New Zealand*, 2020, https://bpb-ap-se2.wpmucdn.com/blogs.auckland.ac.nz/dist/f/688/files/2020/02/What-were-they-thinking-A-discussion-paper-on-brain-and-behaviour-in-relation-to-the-justice-system-in-New-Zealand-updated.pdf.

22 Lee Underwood and Aryssa Washington, "Mental Illness and Juvenile Offenders," *International Journal of Environmental Research and Public Health* 13, no. 2 (2016): 228.

23 Ibid.

24 Alan Leschied, "Youth Justice and Mental Health in Perspective," *Healthcare Quarterly* 14, no. sp (2011): 42–47, https://pubmed.ncbi.nlm.nih.gov/24956427/.

25 WHO Regional Office for Europe, *Policy Brief: Health Concerns Among Children Deprived of Liberty*, 2021.

26 UNICEF, *Estimating the Number of Children Deprived of Liberty in the Administration of Justice*, 2021, https://data.unicef.org/resources/children-in-detention-report/.

27 UN Global Study on Children Deprived of Liberty, *United Nations Global Study on Children Deprived of Liberty*, 2019, para. 29.

28 CRC, Article 24. See also GC No. 24, para. 95(d).

29 GC No. 24, para. 76.

30 UN Committee on the Rights of the Child, *General Comment No. 14 (2013) on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration (Art. 3, Para. 1)*, CRC/C/GC/14, 29 May 2013, https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf.

31 CRC, Article 3. See also M.G. Agcaoili, "Best Interests of the Child in Juvenile Justice: Analysis of Malaysia, Thailand and the Philippines," *Asia Pacific Social Science Review* 24, no. 2 (2024), https://www.dlsu.edu.ph/wp-content/uploads/pdf/research/journals/apssr/2024-june-vol24-2/ra2.pdf.

32 CRC GC No. 24, para 12.

33 CRC, Article 37.

34 GC No. 24, para. 75. See generally UN Committee on the Rights of the Child, *General Comment No. 8 (2006): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (Arts. 19; 28, Para. 2; and 37, Inter alia)*, CRC/C/GC/8, 2006.

35 Havana Rules, 67; Bangkok Rules, 22, Nelson Mandela Rules, 43; CRC GC No. 24 (2019) on children's rights in the child justice system, para 95 (G) and (h).

36 GC No. 24, para. 22.

37 GC No. 24, para. 25.

38 United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)*, 2000, https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons.

39 See UN Task Force on Children Deprived of Liberty, *End Immigration Detention of Children*, 2024, https://violenceagainstchildren.un.org/end-immigration-detention-of-children. See also WHO Regional Office for Europe, *Addressing the Health Challenges in Immigration Detention, and Alternatives to Detention: A Country Implementation Guide* (Copenhagen: WHO Regional Office for Europe, 2022), https://www.who.int/europe/publications/i/item/9789289057929.

40 Elizabeth Scott and Laurence Steinberg, *Rethinking Juvenile Justice* (Cambridge, MA: Harvard University Press, 2008); George Patton et al., "Our Future: A Lancet Commission on Adolescent Health and Wellbeing," *The Lancet* 387, no. 10036 (2016): 2423–78, https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)00579-1/abstract.

41 Nathan Hughes et al., "Health Determinants of Adolescent Criminalization," *The Lancet Child & Adolescent Health* 4, no. 1 (2020): 3–5, https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(19)30347-5/abstract.

42 See e.g., Parliament of New South Wales, *Youth Justice – Average Cost Per Day – Custody in Youth Justice Center*, 2023, https://www.parliament.nsw.gov.au/lc/papers/Pages/qanda-tracking-details.aspx?pk=96220.

43 Ibid.

44 "Diversion" refers to a process for dealing with children alleged as, accused of or recognized as having infringed criminal law as an alternative to judicial proceedings, with the consent of the child and the child's parents or legal guardian (United Nations Model Strategies, Annex, para 6, (i)).

45 UN Global Study on Children Deprived of Liberty, *United Nations Global Study on Children Deprived of Liberty*, 2019, 312.

46 Parliament of New South Wales, *Youth Justice – Average Cost Per Day – Custody in Youth Justice Center*, 2023, https://www.parliament.nsw.gov.au/lc/papers/Pages/qanda-tracking-details.aspx?pk=96220.

47 Frank Grimsey Jones et al., "An Economic Evaluation of Restorative Justice Post-Sentence in England and Wales," *Frontiers in Psychology* 14 (2023), https://www.frontiersin.org/articles/10.3389/fpsyg.2023.1162286/full.

48 Ibid.

49 GC No. 24, 2019, para. 83.

50 See GC No. 24, 2019, paras. 13-19.

51 GC No. 24, 2019, para. 25.

52 UNICEF Country reports, 2021. Data for at least 84 countries from 1 March 2020 to 31 October 2021.

53 Using detention to deter crimes is at odds with the way children make decisions; see Thomas Crofts et al., "Deterring Children from Crime Through Sentencing: Can It Be Justified?" *Youth Justice* 23, no. 2 (2023): 182–200. Children lack the cognitive development to undertake the type of consequential reasoning necessary for the use of detention to be effective in deterring crime (Ibid.).

54 See e.g., Sentencing Advisory Council, *Reoffending by Children and Young People in Victoria*, https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending_by_Children_and_Young_People_in_Victoria.pdf.

55 Patrick McCarthy, Vincent Schiraldi, and Miriam Shark, *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model* (Washington, DC: National Institute of Justice and Harvard Kennedy School, 2016).

56 See e.g., Ian A. Silver et al., "Incarceration of Youths in an Adult Correctional Facility and Risk of Premature Death," *JAMA Network Open* 6, no. 6 (2023): e2318044, https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2806838.

57 See United Nations, *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*, 2002, https://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf. Studies show that restorative justice may be most effective in cases involving violence; see Katherine Beckett and Martina Kartmann, *Violence, Mass Incarceration and Restorative Justice: Promising Possibilities* (University of Washington, 2016). For example, recent studies show that victim offender mediation effectively reduces recidivism among people convicted of violence; see Caroline M. Angel et al., "Short-term Effect of Restorative Justice Conferences on Post-Traumatic Stress Symptoms Among Robbery and Burglar Victims," *Journal of Experimental Criminology* 10 (2014).

58 Ibid.

59 Tanya Rugge et al., *Evaluation of the Collaborative Justice Project: A Restorative Justice Program for Serious Crime* (Ottawa: Public Safety and Emergency Preparedness Canada, 2005), https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/cllbrtv-jstc-prjct/index-en.aspx.

60 See Katherine Beckett and Meghan Kartman, *Violence, Mass Incarceration and Restorative Justice: Promising Possibilities*, 2016.

61 GC No. 24, 2019, para. 8.

62 GC No. 24, 2019, para. 16.

63 UNICEF, *Toolkit on Diversion and Alternatives to Detention*, 2010.

64 Ibid.

65 Holly Wilson and Robert Hoge, "The Effect of Youth Diversion Programs on Recidivism: A Meta-Analytic Review," *Criminal Justice and Behavior* 40, no. 5 (2013): 497–518.

66 Ibid.

67 GC No. 24, 2019, para. 9.

68 UNICEF, *Child Protection Systems Strengthening: Approach, Benchmarks, Interventions*, 2021, https://www.unicef.org/documents/child-protection-systems-strengthening.

69 Office of the High Commissioner for Human Rights, United Nations Office on Drugs and Crime, and the Special Representative of the Secretary-General on Violence against Children, *Joint Report on Prevention of and Responses to Violence Against Children Within the Juvenile Justice System*, A/HRC/21/25, 2012, 5–6; Manfred Nowak, *Report of the Independent Expert Leading the Global Study on Children Deprived of Liberty, Submitted Pursuant to General Assembly Resolution 72/245*, A/74/136, 2019, 10.

70 UNICEF Belize, *Country Office Annual Report*, 2022, https://www.unicef.org/media/135446/file/Belize-2022-COAR.pdf.

71 Republic of Serbia, *The Law on the Protection of Persons with Mental Illness*, 2013, https://extranet.who.int/mindbank/item/2682.

72 GC No. 24, 2019.

73 CRC, Article 37(a). See also GC No. 24, paras. 79-81.

74 United Nations, *Model Strategies and Practical Measures on the Elimination of Violence Against Children in the Field of Crime Prevention and Criminal Justice (UN Model Strategies)*, annex, part three, sec. XI, para. 29, A/RES/69/194, 2014.

75 See UN Committee on the Rights of the Child, *Report of the 2012 Day of General Discussion: The Rights of All Children in the Context of International Migration*, November 2012, para. 78.

76 Uzbekistan, *Criminal Code*, art. 17, https://legislationline.org/sites/default/files/2023-09/Criminal%20code%20of%20the%20Republic%20of%20Uzbekistan%20%281%29.pdf.

77 Kingdom of Bahrain, *Law No. (4) of 2021 Promulgating the Restorative Justice Law for Children and Their Protection from Maltreatment*, art. 3, https://bahrain.bh/wps/wcm/connect/b024d7f9-de6d-415c-afa1-42e5a7cf8683/LAW%2BNO.%2B%284%29%2BOF%2B2021.pdf?MOD=AJPERES&CVID=oaM6yXU.

78 Better Care Network, *Gatekeeping Mechanisms*, n.d., https://bettercarenetwork.org/practitioner-library/implementation-mechanisms/gatekeeping-mechanisms.

79 Government of Kenya, *National Positive Parenting Guidelines*, 2023, https://www.socialprotection.go.ke/sites/default/files/Downloads/Nov.%202023%20National%20Positive%20Parenting%20Programme%20Guidelines%20F_231009_123646%20(2).pdf.

80 United Nations, *New Vision of the Secretary-General for the Rule of Law*, 2023, 5, https://www.ohchr.org/sites/default/files/2023-08/230511-new-vision-for-rule-of-law.pdf.

81 Office of the Special Representative of the Secretary-General on Violence Against Children (OSRSG VAC), *Promoting Restorative Justice*, 2013, 39, https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/publications/7._promoting_restorative_justice.pdf.

82 UNICEF, *Diversion Programmes in Eastern and Southern Africa Region: Best Practices, Opportunities and Challenges*, 2022, https://www.unicef.org/esa/media/13321/file/UNICEF-Diversion-Programmes-ESAR-2023.pdf.

83 Government of Papua New Guinea, *Police Juvenile Justice Policy and Protocols*, 2006; See also UNICEF East Asia and Pacific Regional Office (EAPRO), *Diversion Not Detention: A Study on Diversion and Other Alternative Measures for Children in Conflict with the Law in East Asia and the Pacific*, 2017.

84 New Zealand Police, *Formal Warnings – Police Manual Chapter*, 2022, https://www.police.govt.nz/about-us/publication/formal-warnings-police-manual-chapter.

85 UNICEF East Asia and Pacific Regional Office (EAPRO), *Diversion Not Detention*, 2018, https://www.unicef.org/eap/media/2401/file/Diversion%20not%20Detention.pdf.

86 Ibid.

87 Ireland National Police and Security Services.

88 UNICEF Egypt, *Country Office Annual Report*, 2023, https://www.unicef.org/media/152561/file/Egypt-2023-COAR.pdf.

89 See e.g., International Justice Observatory, *Practical Guide: Implementing Restorative Justice with Children*, 2019, https://childhub.org/sites/default/files/library/attachments/implementing_practical_guide_eng.pdf.

90 Belgium, Law of 22 June 2005 Implementing Mediation in the Code of Criminal Procedure.

91 UNICEF, *Diversion Not Detention*, 2018.

92 United Nations General Assembly, *Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (UN Model Strategies)*, annex, part three, sec. XVI, A/RES/69/194, 2014; and *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules)*, Rules 14 and 72, A/RES/45/113, 1990, https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-protection-juveniles-deprived-their-liberty.

93 United Nations, *Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines)*, 1997, para. 22.

94 HM Inspectorate of Prisons for Scotland (HMIPS), *Child Protection Guidance*, 2023, https://prisonsinspectoratescotland.gov.uk/sites/default/files/monitoring/HMIPS%20-%20Child%20Protection%20Guidance%20-%202022.pdf.

95 Judicial Inspectorate for Correctional Services.

96 Justice with Children, Data Mosaic: Data for Monitoring the Safety of Imprisoned Children.

97 UNICEF Croatia, *Country Office Annual Report*, 2022, https://www.unicef.org/media/135846/file/Croatia-2022-COAR.pdf.

98 UNICEF Gabon, *A New Chance for Abdoul Thanks to Criminal Mediation*, 2024, https://www.unicef.org/burkinafaso/recits/une-nouvelle-chance-pour-abdoul-grace-a-la-mediation-penale; See also UNICEF Gabon, *Country Office Annual Report*, 2022, https://www.unicef.org/media/142211/file/Gabon-2022-COAR.pdf.

99 See UNICEF Azerbaijan, Child protection.

100 UNICEF Iraq, *Country Office Annual Report*, 2022, https://www.unicef.org/media/136761/file/Iraq-2022-COAR.pdf; UNICEF Iraq, *Country Office Annual Report*, 2023, https://www.unicef.org/media/152576/file/Iraq-2023-COAR.pdf.

101 UNICEF Costa Rica, *Country Office Annual Report*, 2022, https://www.unicef.org/media/135836/file/Costa-Rica-2022-COAR.pdf.

102 United Nations, *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, 2013, https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidlines_on_access_to_legal_aid.pdf.

103 United Nations Office on Drugs and Crime (UNODC) and United Nations Development Programme (UNDP), *Global Study on Legal Aid – Global Report*, 2016, 116.

104 See e.g., UNICEF Zimbabwe, *Improving the Administration of Child Justice in Zimbabwe*, 2021, https://www.unicef.org/zimbabwe/stories/improving-administration-child-justice-zimbabwe.

105 HiiL Justice Dashboard, Sierra Leone Legal Aid Board, n.d.

106 Union of Turkish Bar Associations, n.d.

107 Defence for Children International, Socio-legal Defence Centers, n.d.

108 See e.g., Defence for Children International, *Manual for EU Member States: How to Ensure the Rights of Children in Conflict with the Law? Focus on the Role of the Lawyer at the Different Stages of Juvenile Justice Proceedings*, n.d., https://www.defenceforchildren.nl/media/2318/manual-for-eu-ms_web_en.pdf.

109 United Nations Office on Drugs and Crime (UNODC), United Nations Children's Fund (UNICEF), and United Nations Development Programme (UNDP), *Child-Friendly Legal Aid in Africa*, 2011, https://www.unodc.org/pdf/criminal_justice/Child-Friendly_Legal_Aid_in_Africa.pdf.

110 UNICEF, *Guidelines on Child-Friendly Legal Aid*, 2018, https://www.unicef.org/eca/media/5171/file.

111 European Union, *Quality Standards for Legal Assistance for Children Suspected and/or Accused: A Step-by-Step Guide*.

112 UNICEF East and Central Africa Regional Office (ECARO), *Training Package on Child-Friendly Legal Services*, 2024, https://www.unicef.org/eca/reports/unicefs-training-package-child-friendly-legal-services.

113 UNICEF Uzbekistan, *Country Annual Report*, 2022, https://www.unicef.org/media/136501/file/Uzbekistan-2022-COAR.pdf.

114 Legal Aid Cambodia and United Nations Development Programme (UNDP), *Practical Guideline on Legal Aid for Persons with Disabilities in Criminal Justice*, 2020, https://www.undp.org/cambodia/publications/practical-guideline-legal-aid-persons-disabilities-criminal-justice.

115 UNICEF Lao PDR, *The Joy of Helping Children in Need of Protection: Para-Legal Workers in Lao PDR Are Being Trained to Provide Support to Children Victims of Violence and in Conflict with the Law*, https://www.unicef.org/laos/stories/joy-helping-children-need-protection.

116 UNICEF, *Diversion Programmes in Eastern and Southern Africa Region: Best Practices, Opportunities and Challenges*, 2022.

117 See UNICEF, *Guía para la Evaluación y Determinación del Interés Superior de los Niños, Niñas y Adolescentes en Casos de Medidas de Protección Especialmente Vinculadas al Cuidado Alternativo*, 2022, https://www.unicef.org/chile/media/7896/file/guia%20interes%20superior.pdf.

118 CRC, Article 12.

119 GC No. 14, 2013.

120 Supreme Court Administrative Matter No. 20-12-01-SC (Re: Proposed Guidelines on the Conduct of Videoconferencing), 2020.

121 UNICEF, *Assessing Administrative Data Systems on Justice for Children: A Tool for Country Self-Evaluation*, 2021, https://data.unicef.org/resources/assessing-administrative-data-systems-on-justice-for-children/; UNICEF and United Nations Office on Drugs and Crime (UNODC), *Manual for the Measurement of Juvenile Justice Indicators*, 2006, https://www.unodc.org/pdf/criminal_justice/Manual_for_the_Measurement_of_Juvenile_Justice_Indicators.pdf.

122 UNICEF, *Assessment of the Child Friendliness of the Juvenile Justice System in Greece*, 2022, https://www.unicef.org/greece/en/reports/assessment-child-friendliness-justice-system-greece.

123 UNICEF Greece, *Country Annual Report*, 2022, https://www.unicef.org/media/135936/file/Greece-2022-COAR.pdf.

124 Zimbabwe National Diversion Framework, *2018*, https://www.unicef.org/zambia/media/1306/file/Zambia-diversion-framework-2018.pdf.

125 UNICEF Malawi, *Country Office Annual Report*, 2022, https://www.unicef.org/media/136166/file/Malawi-2022-COAR.pdf.

126 United Nations, *New Vision of the Secretary-General for the Rule of Law*, 2023, 5, https://www.ohchr.org/sites/default/files/2023-08/230511-new-vision-for-rule-of-law.pdf.

127 ASEAN, *Regional Plan of Action on the Elimination of Violence Against Children (ASEAN RPA on EVAC)*, 2018, https://asean.org/wp-content/uploads/2018/01/49.-December-2017-ASEAN-RPA-on-EVAC-2nd-Reprint.pdf.

128 Organisation for Economic Co-operation and Development (OECD), *Child-Friendly Justice Framework*, 2023, https://www.oecd.org/gov/oecd-child-friendly-justice-framework-6a60970e-en.htm.

129 *Declaración Iberoamericana de Justicia Juvenil Restaurativa*, 2015, https://intercoonecta.aecid.es/Documentos%20de%20actividad/DECLARACION%20IBEROAMERICANA%20JUSTICIA%20JUVENIL%20RESTAURATIVA.pdf.

130 Jamaica, *National Plan of Action for Child Justice 2010-2014*, https://moj.gov.jm/sites/default/files/pdf/npa.pdf.

131 Jamaica, *Child Diversion Act*, 2018, https://www.japarliament.gov.jm/attachments/article/339/The%20Child%20Diversion%20Act,%202018.pdf.

132 See Colombia, *Plan Nacional de Desarrollo 2022-2026*, https://www.dnp.gov.co/plan-nacional-desarrollo/pnd-2022-2026.

133 UN Country Teams are encouraged to offer support to the development of a national frameworks so that the funds mobilized are invested in key SDG priorities and opportunities – including justice for children as identified within the CCA.

134 UN Pakistan, *United Nations Sustainable Development Cooperation Framework (2023-2027), 2022.*

135 Definitions in the Glossary are derived from GC No. 24, unless indicated otherwise.

136 See UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *General Comment No. 1 (2024) on Article 4 of the Optional Protocol (Places of Deprivation of Liberty)*, UN Doc. CAT/OP/GC/1, 2024, para. 3.

United Nations

VIOLENCE AGAINST CHILDREN

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

IOM UN MIGRATION

UNHCR The UN Refugee Agency

CHILDREN AND ARMED CONFLICT

UNODC

World Health Organization

unicef for every child