

SYSTEMIC CHILD PARTICIPATION IN JUSTICE

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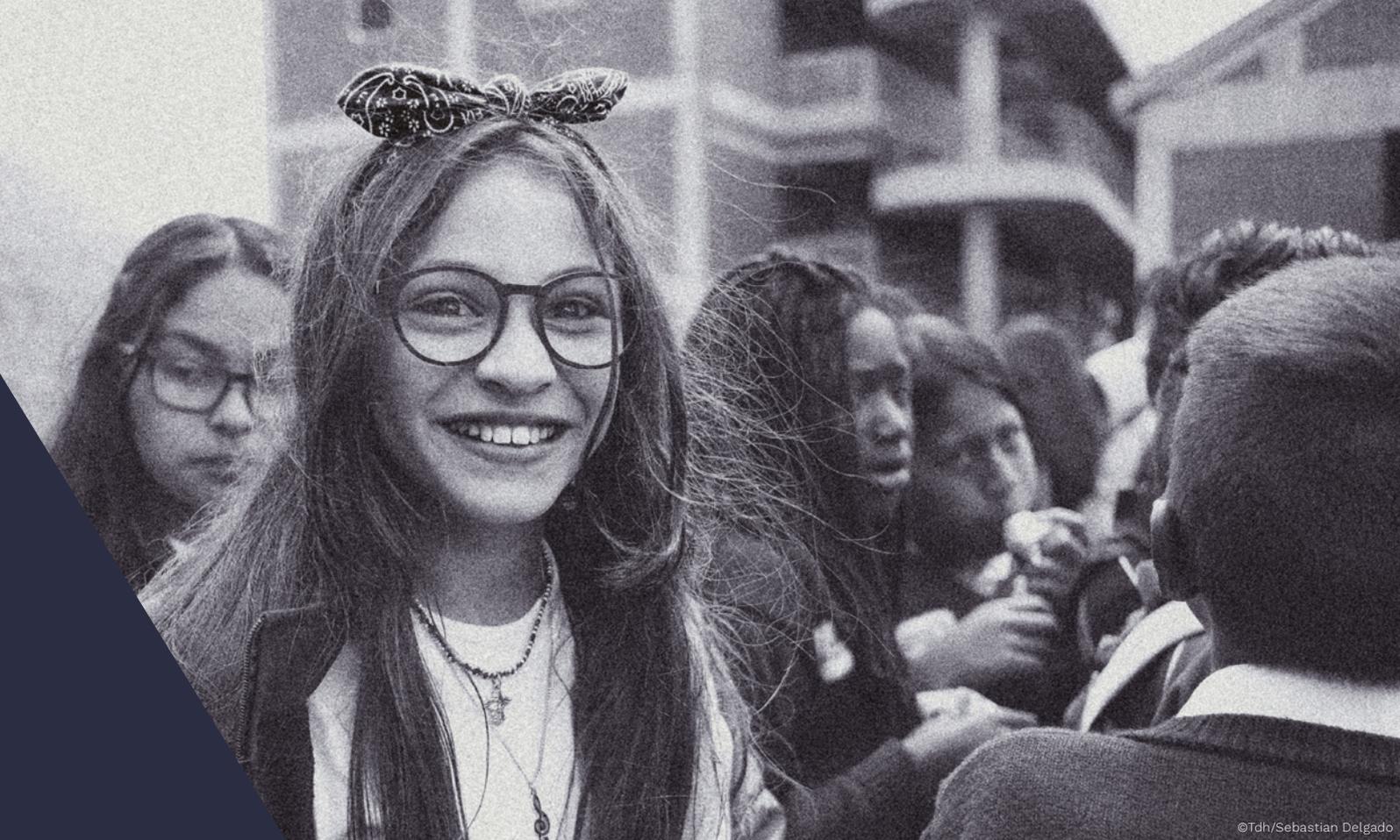
Terre des hommes Lausanne Foundation (Tdh)

is the leading Swiss organization for children's aid. Since 1960, Tdh has helped build a better future for deprived children and their communities, making an impact with innovative and sustainable solutions. Active in 35 countries, Tdh works with local and international partners to develop and implement field projects that improve the daily lives of over four million children and members of their communities, with a particular focus on the domain of access to justice for children and youth.

The Global Initiative on Justice With Children (JWC)

is an initiative that addresses the most current issues related to the rights of children and adolescents in contact and/or conflict with justice systems.

It is led by the Terre des hommes Foundation, in partnership with Penal Reform International (PRI), and the International Association of Youth and Family Judges and Magistrates (IAYFJM). The Global initiative connects professionals from around the world and serves as a global landmark through World Congresses, as well as regional and national advisory meetings.



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01

Conceptual Framework

What is the issue?

Children interact with and participate in the justice system in a variety of ways and for different purposes. For example, children may encounter the justice system as a child in conflict with the law, a victim or witness, a child in need of care and protection, a refugee or migrant child, a child without parental care, or a child implicated in family law matters such as custody, divorce proceedings, or adoption. Child participation in these contexts is often associated with the child's right to be heard in judicial and other legal proceedings that impact them. It may also involve the child as a participant in the legal process, where they seek access to justice as an applicant and pursue a remedy on their own behalf or, through strategic litigation, on behalf of others.

In narrow terms, child participation in the context of justice can be limited to ensuring their views are taken into account in court or administrative decisions or in orders issued by quasi-judicial or non-judicial bodies. It might involve the delivery of judgments in child-friendly language or the adoption of other measures to promote the child's effective participation in the justice process.

Ensuring the right of the child to be heard in this manner is thought to be essential for children's rights and access to justice and a precursor to child-friendly and gender-responsive justice, which has received much attention by policymakers, practitioners, activists, and academics alike, being the subject of a wealth of research and literature over the past few decades.

However, beyond these forms, there has been comparatively little **focus on the specific participation of children in processes that impact change in the justice system at a systemic and structural level**, rather than the individual level. In failing to pursue a holistic approach to systemic child participation in justice, especially in a manner that is inclusive of often ignored children like those deprived of liberty, policymakers and reformists are missing out on an essential opportunity to design and implement justice systems and frameworks that can have a concrete, positive, and sustainable impact for children and society as a whole.

What is systemic child participation in justice?

Throughout this policy paper, the term **“systemic child participation in justice”** is used to describe the participation of children in the wider discourse on child justice at the local, national, regional, and/or international levels, which results in children influencing the reform of justice and complementary systems in a systemic and structural manner. This may impact legal and regulatory frameworks, procedures, operations, physical conditions, assessment methodologies, and even normative framing. It is a specific form of participation within the larger framework of child participation and is inclusive of all children, though a greater emphasis is placed on children who have experienced contact with the justice system.

In addition, the concept of **“child justice”** may refer narrowly to laws, principles, and practices related to the child justice system and the administration of justice, but it may also encompass the broader concept of access to justice for all children in all its forms, including criminal, civil, administrative, economic, social, and cultural justice, among others.²

² See, e.g., Child Justice Network (2022), *Child-Friendly Justice Terminology Guideline*; and UNICEF (2021), *#Reimagine Justice for Children*.

Why is it important?

The [2021 Global Declaration on Justice With Children](#) emphasised the need to partner with children as experts and central players in the pursuit of positive change to achieve equal, non-discriminatory, and inclusive access to justice for all children.

Systemic child participation in justice can play an important role in this process. Children with experience of the justice system “often demonstrate graphically the vicious cycle of youth offending, arrest, trial, imprisonment, release and recidivism”, which means that **they can provide essential feedback necessary to accomplish positive reform, leading to more effective, robust, and sustainable decision-making and outcomes for laws, policies, and programmes designed and implemented for children.**³

Major child rights organisations also argue that it is essential to incorporate the voices of children in disadvantaged situations in order to achieve societal change because these children “uniquely understand the problems they face and therefore have the greatest potential to devise sustainable and effective solutions[, which] is particularly critical given the lack of robust, disaggregated demographic data available to support decision makers about the needs and challenges these children encounter”.⁴

Similarly, the UN Office on Drugs and Crime (UNODC) argues that any reform of child justice systems must pursue capacity-building for duty-bearers simultaneously with capacity-building for the rights-holders to better enable them

to claim and exercise their own rights, as “children must be considered key agents in their own protection through their personal knowledge of their rights and of effective methods of avoiding and responding to risks”.⁵

UNODC suggests that these voices should be properly integrated into the development and implementation of law and programmes through institutional mechanisms that enable systemic child participation in justice. **This form of participation can also increase the children's sense of ownership over policies and initiatives, which can be a decisive factor for their success.**⁶

On an individual level for children in *conflict* with the law, both conventional and systemic participatory opportunities can in turn have a positive influence on the child's motivation and involvement in programmes for reintegration, leading to better outcomes for the child by taking ownership and recreating positive ties with the society.⁷ The greater the child's say in the development, design, and evaluation of these processes, the greater their ownership and support for these programmes will be. Indeed, services meant to support reintegration following release from detention cannot be successful without taking account of the experiences and views of the child. Participation in this context is thus crucial to promote the child's reintegration and to build a solution-oriented system, which ultimately benefits the society as a whole.

³ Gerison Lansdown (2011), *Every Child's Right to be Heard A Resource Guide on the UN Committee on the Rights of the Child General Comment No. 12 (Save the Children and UNICEF)*, pp. 5–7, 69; and Organisation for Economic Co-operation and Development (2017), *Chapter 8. Engaging youth in policy-making processes (Module 6)*, in EVIDENCE-BASED POLICY MAKING FOR YOUTH WELL-BEING: A TOOLKIT [hereinafter “OECD Toolkit”].

⁴ Joining Forces (2021), *Children's Right To Be Heard We're Talking: Are You Listening?*, p. 9.

⁵ UNODC (2013), *Justice in Matters Involving Children in Conflict with the Law Model Law on Juvenile Justice and Related Commentary*, p. viii.

⁶ OECD Toolkit.

⁷ Di Hart and Chris Thompson (2009), *Young people's participation in the youth justice system* (National Children's Bureau), pp. 6, 15; Ton Liefwaard et al. (2017), *Can anyone hear me? Participation of children in juvenile justice A manual on how to make European juvenile justice systems child-friendly* (2nd ed., International Juvenile Justice Observatory), p. 22; and Paola Pannia (2016), *TWELVE – Children's right to participation and the juvenile justice system Theory & Practices for Implementation* (Defence for Children International Italy), pp. 35–6.



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02

International Principles and Guidance

The **Convention on the Rights of the Child (CRC)** specifies a child's right to be heard, imposing a specific obligation on states parties to ensure that children are allowed to express their views “freely in all matters affecting the child” and that these views are “given due weight in accordance with the age and maturity of the child”, while also additionally mandating that children must be “provided the opportunity to be heard in any judicial and administrative proceedings affecting the child”.⁸

The **UN Committee on the Rights of the Child (CRC Committee)** has provided further guidance into the scope of this obligation through its **General Comment No. 12**, indicating that the views of children, both individually and collectively as a group, must be carefully listened to and considered in “decision-making, policymaking and preparation of laws and/or measures as well as their evaluation” when the matter under discussion affects the child, especially considering that their perspectives and experiences can enhance the quality of the solutions.⁹

The CRC Committee explains that this right to be heard as a whole has broadly been conceptualised as child participation, meaning “ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes”.¹⁰

The CRC Committee in 2003 indicated that the child's right to be heard on matters that affect them “implies the ascertainment of the views of particular groups of children on particular issues[, such as the views of] children who have experience of the [child] justice system [being heard] on proposals for law reform in that area”.¹¹

In 2007, it noted that “the voices of children involved in the [child] justice system are increasingly becoming a powerful force for improvements and reform, and for the fulfilment of their rights”.¹² The Committee noted a similar trend in 2009, urging states parties to consult children in drafting, developing, and implementing laws, policies, plans, and programmes.¹³

⁸ Convention on the Rights of the Child (1989), 1577 U.N.T.S. 3, art. 12.

⁹ Committee on the Rights of the Child (2009), *General Comment No. 12 The right of the child to be heard*, U.N. Doc. CRC/C/GC/12, pp. 9–10, 12, 26–7 [hereinafter “CRC GC12”].

¹⁰ CRC GC12, p. 3.

¹¹ Committee on the Rights of the Child (2003), *General Comment No. 5 General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)*, U.N. Doc. CRC/GC/2003/5, p. 12.

¹² Committee on the Rights of the Child (2007), *General Comment No. 10 Children's rights in juvenile justice*, U.N. Doc. CRC/C/GC/10, p. 12.

¹³ CRC GC12, p. 122.

Various other international standards highlight similar approaches to systemic child participation in justice. The **Beijing Rules** note that a “constant appraisal of the needs of [children in conflict with the law], as well as the trends and problems of [child offending behaviour], is a prerequisite for improving the methods of formulating appropriate policies and establishing adequate interventions, at both formal and informal levels”, and the Rules underline the value of taking into account the views of both children in conflict with the law and other children in contact with the law.¹⁴

Similarly, the **Riyadh Guidelines** stress the importance of a child-centred orientation that sees children as active partners in society, which involves their participation in policies and processes to prevent child offending behaviour, as well as in the formulation, development, and implementation of plans and programmes in the context of social policy linked to justice.¹⁵

The **Vienna Guidelines** also emphasise the child-oriented justice system approach that respects the child’s “right to participate meaningfully in, and contribute to, society”.¹⁶ The **Guidance Note of the UN Secretary-General on the UN Approach to Justice for Children** suggests involving children “from the outset in identifying legal matters important to them” in the context of child participation.¹⁷ Furthermore,

the **UN Global Study on Children Deprived of Liberty** stresses the need to empower children deprived of liberty in influencing decisions related to their own treatment and to “support comprehensive and robust research with children [in all detention contexts and settings] in order to determine what their own views and experiences are”.¹⁸

These principles are also enshrined in numerous **regional instruments and guidance**, including the Revised European Charter on the Participation of Young People in Local and Regional Life, Guidelines on Action for Children in the Justice System in Africa, Association of Southeast Asian Nations Declaration on the Commitments for Children, and declarations and resolutions of the Organization of American States.¹⁹

¹⁴ UN General Assembly (1985), *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (“The Beijing Rules”), U.N. Doc. A/Res/40/33, Rule 30 commentary.

¹⁵ UN General Assembly (1990), *United Nations Guidelines for the Prevention of Juvenile Delinquency* (Riyadh Guidelines), U.N. Doc. A/Res/45/112, Guidelines 3, 9, 50.

¹⁶ UN Economic and Social Council (1997), *Guidelines for Action on Children in the Criminal Justice System*, U.N. Doc. E/Res/1997/30, pp. 8, 11.

¹⁷ UN (2008), *Guidance Note of the Secretary-General UN Approach to Justice for Children*, p.5.

¹⁸ Manfred Nowak (2019), *The United Nations Global Study on Children Deprived of Liberty* (UN), p. 113 [hereinafter “GSCDL”].

¹⁹ See, e.g., Council of Europe Congress of Local and Regional Authorities of Europe (2003), *Revised European Charter on the Participation of Young People in Local and Regional Life*, Principles 31–2; African Child Policy Forum (2011), *Guidelines on Action for Children in the Justice System in Africa*, Guideline 22; Association of Southeast Asian Nations (2001), *Declaration on the Commitments for Children in ASEAN*, pp. 6, 18; Organization of American States (OAS) (2013), *General Assembly Forty-Third Regular Session in La Antigua, Guatemala Proceedings Volume I*, OEA/Ser.P/XLIII-O.2, p.37; OAS (2017), *General Assembly Forty-Seventh Regular Session in Cancun, Quintana Roo, Mexico Proceedings Volume I*, OEA/Ser.P/XLVII-O.2, pp. 103–4; OAS (2018), *General Assembly Forty-Eighth Regular Session in Washington, D.C., USA Proceedings Volume I*, OEA/Ser.P/ XLVIII-O.2, pp. 16, 179; and OAS (2019), *General Assembly Forty-Ninth Regular Session in Medellin, Colombia Proceedings Volume I*, OEA/Ser.P/XLIX-O.2, pp. 30, 136.



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03

Case Examples

Intergenerational societal change

Restorative justice practices both within and outside of the justice system have been identified as an effective, positive, safe, and sustainable form of participation for children, such as in schools, community centres, courts, and detention facilities.²⁰ In particular, creative restorative justice approaches grounded in consensual participation by children deprived of liberty have shown promising results both for the child and for the wider community. For example, the **participatory educational theatre programmes in the child detention facilities of Kenya** enable children to design and perform plays that directly address the violence and oppression they have been subjected to, whereby children “become active bearers of their claims to justice [and together with] the audience [develop] a sense of shared responsibility crucial for change”, which ultimately “prompts the community to take action, become agents of social change and find long-term solutions”.²¹ As such, innovation in systemic participation for children deprived of liberty can benefit the broader society.

There is also the concept of co-management, in which children and adults work in close collaboration with shared power to run an institution or mechanism. The Council of Europe operates a **Joint Council on Youth**, whereby “young people and government representatives jointly decide the Council of Europe youth sector’s priorities, objectives and budget envelopes”.²² **STARR** is a network of children and adults in Scotland with lived experience in secure care, established under the government’s Secure Care Strategic Board. STARR played an integral role in developing and implementing the **Secure Care Pathway and Standards**, which set out the continuum of support and services for children in or on the edges of secure care.

²⁰ Yvon Dandurand and Annette Vogt (2020), *Handbook on Restorative Justice Programmes Second Edition*, in CRIMINAL JUSTICE HANDBOOK SERIES (UNODC), pp. 8–10, 33–6; GSCDL, pp. 333–4; and Special Representative of the Secretary-General on Violence Against Children (2013), *Promoting restorative justice for children*, pp. 27–31.

²¹ GSCDL, p. 330.

This catalysed transformation to improve the experiences and outcomes for children, while pushing for commitment and accountability from key actors in the care and justice systems. STARR continues to help develop government policies and practices to ensure that those who experience secure care can grow up feeling safe, supported, and respected.

In addition, children with lived experience can play an important role in co-facilitating capacity-building for justice system actors, which also results in a shift in mindsets. The **Youthlab by Young in Prison** enables young people to creatively train and meaningfully engage with justice professionals using their first-hand experiences in detention. A toolkit was developed to assist in the transformation of the child justice system through child and youth participation.²³ **Peer Power** in England works with “young partners” between the ages of 16 and 25 with lived and learned experience in justice processes and secure settings to influence the work and practices of justice professionals, such as coaching and training for staff at secure settings, which helps to improve services and processes for children and to drive positive system change.

Institutionalising systemic child participation is important to yield effective and sustainable results, which can involve children’s councils, advisory groups, and consultative bodies.²⁴ Partnership relationships between children and adults can “provide an opportunity to channel efforts in a positive and constructive manner, and to include children as part of the solution”.²⁵

²² Anne Crowley and Dan Moxon (2017), *New and innovative forms of youth participation in decision-making processes* (Council of Europe), p. 23.

²³ See <https://exchangingperspectives.org/>.

²⁴ For example, the Child Advisory Team of the European Union/Council of Europe Joint Project “CP4EUROPE – Strengthening National Child Participation Frameworks and Action in Europe” comprises up to 15 children from five countries, who have prepared tools for promoting child participation at various levels and participated in consultative, collaborative, and child-led activities with excellent results.

²⁵ Special Representative of the Secretary-General on Violence Against Children (2021), *Children as agents of positive change A mapping of children’s initiatives across regions, towards an inclusive and healthy world free from violence*, p. 16.

Development of legal instruments, systems, and procedures

The **Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice** were drafted through a consultative process with children, which was the first time that the Council of Europe involved children in drafting a legal instrument, with the views of children actually integrated into the Guidelines in specifically identifiable ways.²⁶ A report was published on the entire child participation process, including its methodologies and approaches, a qualitative analysis of the data gathered, and an explanation of how the Guidelines specifically reflect the views of the children, and the report's stated purpose is to both present the views of children and also to reflect on the lessons learned as a way of improving future child participatory initiatives by the Council of Europe.²⁷

In addition, the **Council of Europe's Committee of experts on the rights and the best interests of the child in parental separation and in care proceedings** (CJ/ENF-ISE) conducted a feasibility study on the development of a legal instrument in 2021. Building on these results, they conducted 24 focus group consultations with 59 children from May to July 2022, who formulated recommendations based on their first-hand experiences of the justice system in parental separation and care proceedings. These voices will be integrated into any resulting legal instruments by the Council.

Examples can also be found at the national level. **Ireland** was the first European country to develop a **national strategy** on child participation in decision-making, specifying that children are entitled to a voice in legislation, policy, and practice in the justice system, with a strategic indicator specified to this end.²⁸ This has led to a participation strategy in the national detention centre – Oberstown Children Detention Campus – which has ensured children's participation in individual, residential, and centre-wide decision-making in a transformative manner. Similarly, in **Mexico**, a cross-sectoral coordinating body developed a **national guideline** for engaging with children, including those in contact with the law, and **Peru** has a **similar protocol** for the judicial participation of children.

In **Slovenia**, children participated in the development of the **2021 Law on Child Protection in Criminal Proceedings and their Comprehensive Treatment in Barnahus** to ensure that a truly child-friendly Barnahus institution can be established to support child victims throughout the legal process. In **Pakistan**, children were involved in the **establishment of child courts and designing of child-friendly spaces** in the courts, and the country's Ministry of Law and Justice pursues **evidence-based reform** that integrates the experiences of children in courts, including through artistic forms of expression. Similarly, the **Children's Koori Court** in **Victoria, Australia** was built together with the Aboriginal community, integrating direct feedback from children.

²⁶ Council of Europe (2010), *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, second part on "Explanatory memorandum", pp. 11–14.

²⁷ See Ursula Kilkelly (2010), *Listening to Children About Justice Report of the Council of Europe Consultation with Children on Child-Friendly Justice* (Council of Europe Directorate General of Human Rights and Legal Affairs).

²⁸ Irish Department of Children and Youth Affairs (2015), *National Strategy on Children and Young People's Participation in Decision-Making 2015–2020*, pp. 15, 45.

Participation in global studies and policy recommendations

The **UN Global Study on Children Deprived of Liberty** and its follow-up approaches present a model of systemic child participation in justice whereby the voices of children have led to the framing of concrete recommendations for legal and structural reform in justice, with their voices subsequently reflected in discussions on public decision-making. 274 children and youth who were deprived of liberty when they were under 18 years old, in 22 states, were consulted by child participation experts and organisations.²⁹ The establishment of the **Child Participation Working Group** as a dedicated research team with expertise in child participation methodologies had enabled the Global Study to incorporate the views of children in diverse detention settings and different social and geographical contexts. The content, scope, and structure of the consultation questions were developed in collaboration with an advisory group of children who had experience being deprived of liberty.

The 800-page Global Study designates a specific chapter to the views and perspectives of children, and this was the first time the views of individual children were concretely incorporated into a UN Global Study.³⁰ The Global Study notes that “even when deprived of their liberty, children are both capable and willing to [express their views]”, despite the challenging environments in which consultations may take place.³¹ The chapter concludes with a list of recommendations to governments drafted based on the views of the children.³²

The **follow-up to the Global Study** has also been integrating child participation. For example, the **national launch of the Global Study in Cambodia** was organised by a number of domestic and international partners, including child and youth-led networks in the country. These networks facilitated a series of pre-session consultations with children in Cambodia, including those with experience being deprived of liberty, and the children collectively agreed on a joint statement consolidating the voices of children on this topic, including the challenges they face, the forms of support they find helpful, and their asks to the government. The two-hour national launch event was moderated by a child representative, and there was a dedicated session with child speakers, whose voices were heard and responded to by the government and civil society.³³ The child and youth-led networks played an active and important role in the collaborative process.

²⁹ GSCDL, pp. XVII–XVIII, 80–1, 83.

³⁰ See GSCDL, pp. 79–113.

³¹ GSCDL, p. 111.

³² GSCDL, p. 113.

³³ Organizing Committee for the National Launch of the GSCDL in Cambodia (2021), *Outcome Report National Launch of the UN Global Study on Children Deprived of Liberty in Cambodia*, pp. 5–6, 12–4.

Co-creation of global discourse

The **2021 World Congress on Justice With Children** and its **Child and Youth Advisory Group** are an example of children and adults jointly co-creating meaningful spaces of participation where the children's right to be heard by decision-makers in justice systems was upheld, complemented by strategic empowerment and technical support from civil society organisations. The Child and Youth Advisory Group comprised of individuals between the ages of 15 and 25 with experience being in contact with the justice system, as a mechanism for children and young people as experts of their own lived experiences to work alongside adult allies to advocate for change at the highest levels with decision-makers in justice systems from around the world. Recognising the effectiveness of peer-to-peer methodologies, other children and youth who either participated in previous World Congresses or had experience in child justice advocacy work were involved as peer mentors.

In addition, the **regional and national preparatory meetings** for the World Congress have also been an avenue for systemic child participation in justice. For example, the **regional European preparatory meeting** culminated into a policy brief on child-friendly justice to assist the European Commission in framing the European Union's Strategy on the Rights of the Child 2021–2024. As a part of this process, 40 children and young people between the ages of 12 and 24 were consulted through focus group discussions and individual interviews, including those with experience in the justice system, and a dedicated section on the voices and perspectives of children served to be a core element of the policy brief as presented to the European Commission.³⁴

³⁴ Terre des hommes (2020), JUST with children: Child-friendly justice for all children in Europe; *Policy brief in response to the Consultation on the EU Strategy on the Rights of the Child 2021-2024*, pp. 7–22.



04

Ten Points: Partnering with Children as Key Actors of Child Justice Reform

Whether initiated and/or supported by governments, child-led organisations, or other organisations working with children, the following ten points should be integrated as core principles and approaches for effective systemic child participation in justice:

Core principles of child participation

1. There is a need to **shift our conventional notion** of thinking about child participation in justice to ensure that discussions on this topic necessarily **emphasise participation at both the individual and systemic levels**, as a concrete right of the child. Child participation must be **viewed as a continuum in its entirety**, from the provision of child-friendly information, to participatory activities, to the translation of children's views into actual change, and to follow-up. To ensure non-tokenistic participation, the views of children must be given **due weight in affecting real and specifically identifiable change**.
2. Child participation should be an **institutionalised process of intense exchange between children and adults**, rather than a momentary act, and it must involve a **feedback loop** to the children as to how their views and ideas have been interpreted, used, and have influenced any outcomes in what specific ways. This follow-up process is essential, even if the child is in an environment where regular communication may be difficult. Children should also be involved in the **assessment and monitoring** of the changes that result from their participation.
3. Children should be provided with a **safe and respectful environment** in which they can freely participate from their own perspective, without pressure, manipulation, or limitations as to what can be said. Children should not be expected to have a comprehensive knowledge of their experiences, but rather a sufficient understanding to form their own views. Particular attention must be paid to the **power dynamics at play in challenging environments** like detention facilities, and children must be **safeguarded** from potential retaliation, discrimination, or other risk factors of any form as a result of their participation. This would require tailored **child safeguarding policies, data protection protocols, and ethical data collection and participation procedures**.
4. The voices of children should be reflected in the **development of the participatory mechanism** itself on an ongoing basis before, during, and after the participation process, so that continuous improvements are made. This **recognises children as problem identifiers, intervention designers, and implementers**, and it enables them to take ownership of the process.
5. Systemic child participation in justice must be grounded in a **comprehensive approach that values and integrates the voices of children from various backgrounds and in all types of situations**,³⁵ in a manner that is **non-discriminatory but also sensitive** to the experiences of children facing particular vulnerabilities, paying attention to the impact of trauma, adversity, inequalities, and exploitation and abuse. The voices of children in contact with the law for whatever reason should be **heard holistically**, in order to safeguard their rights, prevent deprivation of liberty, and ensure child-friendly justice for all. To enhance **inclusivity**, particular efforts should be made to ensure the effective participation of marginalised children by **providing appropriate assistance, enhancing enabling environments, challenging unfounded biases about the child's ability to participate, and building the competence of facilitators and participants**.

³⁵ For example, this may include children with disabilities, illiterate children, young children, girls, LGBTQIA+ children, Indigenous and ethnic minority children, migrant and refugee children, stateless children, children from low socioeconomic backgrounds, children in rural areas, children caught in the digital divide, children in street situations, children subjected to labour, trafficking, or exploitation, etc.

Intergenerational participatory methodologies

6. Considering that adults traditionally make decisions and operate justice systems on behalf of children, the **intergenerational dimension of participation should be reframed in a manner that gives agency to children** in matters that inflict serious consequences and have a fundamental impact on their lives. Children should not be included as mere beneficiaries of participation in pre-identified agendas and priorities set by adults, but rather, **adults should share more of their power with children and enable children to be their own gatekeepers of their participation**, in a manner that trusts children to make their own decisions and that **takes their views and decisions seriously**. These processes must ensure that the relationship between children and adults is **based on equality, mutual respect, and partnership**.³⁶
7. Efforts should be made to understand and connect to **what motivates and drives children to participate and achieve change as well as what causes them to disengage**, as concrete achievements are more easily attained when personal drive to participate is combined with the right tools and methodologies. The **building of trust** is an important element of this process, especially for children in contact with the law who may have distrust in political processes and towards the authorities due to past history of abuse perpetrated by the authorities, fear of retaliation, fear of not being believed, or worries of confidentiality not being respected where necessary.
8. Strategies should be developed to **support children** in their systemic participation in justice, including in pushing forward with their own **child-led processes**, through **capacity-building, empowerment, and provision of child-friendly information and resources**. Adults should actively seek and capitalise on **partnerships with child and youth-led organisations** and networks, while also fostering **peer-to-peer approaches** to participation. Children participating as active agents of change can lead to widespread and continuing engagement, rather than a one-time ordeal.

9. The **commitment of high-ranking decision-makers** must be secured, who have the political power, the will, and the passion to ensure and amplify effective child participation in all stages of the policy-making and justice reform process. There should be an increased **awareness and understanding** by the authorities on the importance of building structures and mechanisms for children to participate systemically, as a matter of governmental duty and accountability, combined with **proper resource allocation**. Awareness-raising tools for different audiences can support a shift in mindsets to view children as agents of change. **Recruitment of justice system actors** should include **relevant criteria** to ensure their commitment to and competence in child participation, and **interdisciplinary trainings** should be provided on child participative approaches and child-friendly justice concepts and terminology.³⁷

Innovation and child participation

10. Studies should be undertaken to seek **innovation in child participatory methods**, including the **development and testing of new methods or concepts** that more effectively enable children to influence decision-making or that enable public bodies to better gather and integrate the views of children into decision-making, especially in challenging places like facilities that deprive liberty.³⁸ There is a need to adapt to and embrace the **digital and technological revolutions**, and **information and communication technologies** should be thoroughly explored and creatively utilised beyond as a mode for simple data collection.³⁹

³⁶ See, e.g., Louise Forde and Ursula Kilkelly et al. (2020), *The Right of Children to Participate in Public Decision-Making Processes* (Save the Children International).

³⁷ See, e.g., Child Justice Network (2022), *Child-Friendly Justice Terminology Guideline*; and Anne Crowley et al. (2020), *Handbook on children's participation for professionals working for and with children* (Council of Europe).

³⁸ See, e.g., Council of Europe (2016), *Child Participation Assessment Tool* (Children's Rights Division and Youth Department).

³⁹ See, e.g., Jennifer Davidson and Cédric Foussard et al. (2022), *Justice for Children Agenda for Action* (University of Strathclyde).

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- **Najat Malla M'jid & Tea Machaidze**
(Office of the Special Representative of the Secretary-General on Violence against Children)
- **Olivia Rope**
(Penal Reform International)
- **Regina Jensdottir**
(Children's Rights Division, Council of Europe)
- **Ton Liefwaard**
(Leiden University)
- **Ursula Kilkelly**
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