©Tdh / Ollivier Girard

+7,000,000
children and youth
are deprived
of liberty
every year

+4,000
Justice actors per year
are provided with
practical capacity
development

70%
Justice processes and
decisions concerning
children happen at the
community level

Theory of change
Access to Justice (A2J) Programme

Context

Children and youth come into contact with the law for various reasons: as defendants or witnesses in criminal proceedings; as parties in family proceedings; as victims of physical or psychological violence, of sexual abuse, of torture and other forms of ill-treatment, or other crimes or rights violations. The outcomes of these cases can be hugely significant for the children's and youth's lives in both the long term and the short term, significantly hindering their development and their opportunities if access to justice is not adequately provided. Child Justice has been highlighted as a priority to be addressed, following the Convention on the Rights of the Child & General Comment CRC 24/2019.

Goal

Tdh wants to contribute to a significant improvement and promotion of safe, restorative, and inclusive access to justice for children and youth where their rights are upheld.

Target population

- Children (-17) and youth (18-24) who are (alleged) offenders, victims, and witnesses in a variety of justice processes and systems, or at risk to be. Many children and youth who are parties in justice processes as (alleged) offenders or witnesses might be also survivors of violence (including sexual and gender-based violence SGBV). A survivor-centered approach will be applied across all our interventions. Children associated with armed forces or armed groups (CAAFAG) are also a group of focus.
- Family members and caregivers of the above mentioned groups of children and youth.
- Children accompanying their mothers in detention.
- Justice authorities and professionals working with children in contact with the law.
- Communities and customary justice actors.

Expertise & contribution to change

The A2J programme's work focuses on the following interlinked pathways of change contributing to SDGs 5 and 16:

1. **Procedural safeguards** are reinforced across child justice systems.

2. **Inclusive and non-discriminatory access to justice**, with a focus on gender justice, is prioritized.

3. **Plural justice systems** are strengthened and officially interact together.

4. **Social cohesion** is enhanced through the promotion of local justice for children and youth as well as through their role as agents of change to achieve peaceful societies.

Differentiation approaches

Evidence-based advocacy and participation:

- Powering the one-if-its-kind Global Initiative on Justice With Children, a multi-level advocacy platform fostering multiple partnerships between organizations, practitioners, academia, and children and youth
- Organization of World Congress on Justice With Children, fed by preparatory regional and national advisory events *www.justicewithchildren.org*
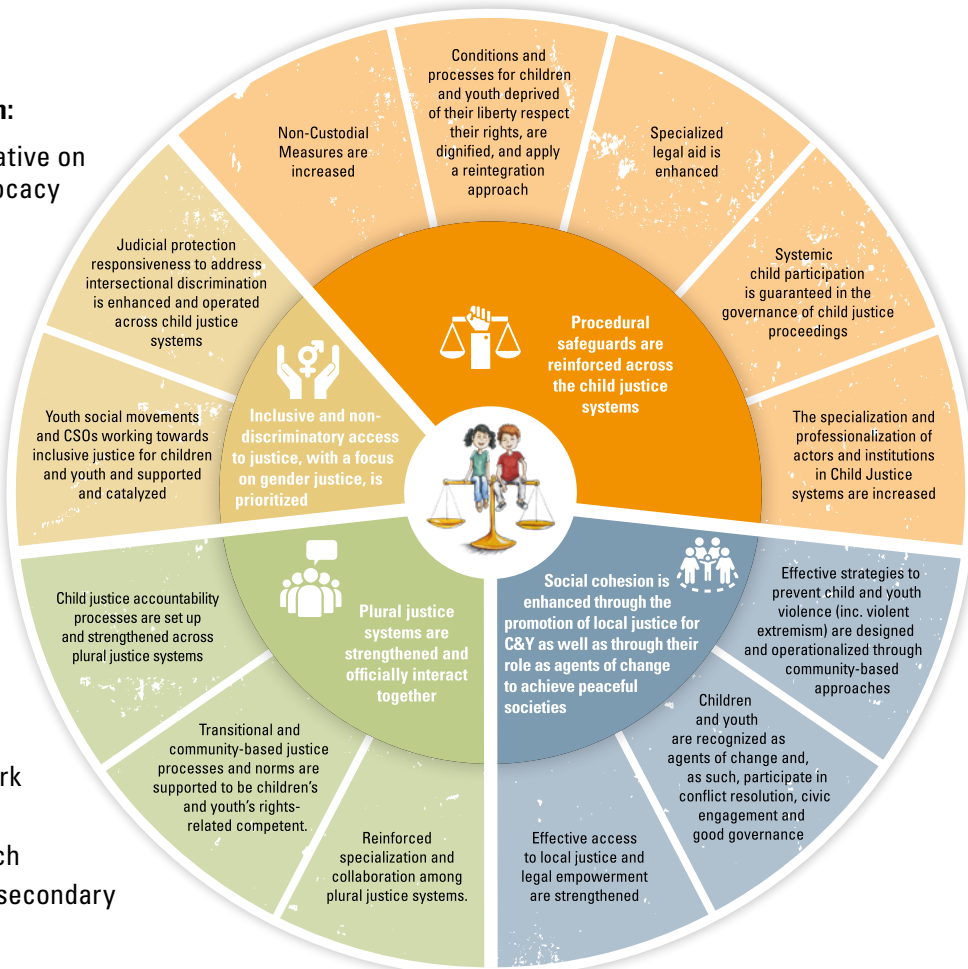
Partnership & localization:

- Working in close collaboration with national and local justice authorities and community groups
- Supporting capacity development to improve the availability and quality of child-centred systems

Publication & technical expertise in legislative and law enforcement framework and justice practices:

- Production of knowledge through research
- Support the development of primary and secondary regulations and policies

Multi-sectoral approach

Access to Justice & Migration:
Research, advocacy, and field interventions to ensure the judicial protection of children on the move, including administrative detention, SGBV and trafficking child victims, and support on civil documentation and asylum/refugee claims.

Access to Justice & Health:
Ensuring access to perinatal health services for pregnant women (and for their children under 5) in contact with the law with a focus on those deprived of liberty with special attention to victims of SGBV.

Access to justice & Child Protection:
Mental health and psychosocial support, and case management for children in conflict with the law, safeguarding standards regarding concrete processes at the judicial level, developing clear protocols (i.e., for the detention centers, when working with victims/survivors and witnesses in the chain of justice). child participation in justice. Collaboration in the areas related to CAAFAG and SGBV, with a focus on child marriage.

Access to justice & Water, Sanitation and Hygiene (WASH):
Improving WASH conditions in detention and development of WASH standards/protocols for detention facilities, followed by awareness and capacity development.

Access to justice & Innovation/ICT4D:
Development and pilot of 'E-justice/Digital Justice' (virtual courts, remote hearings, e-documentation systems, application of artificial intelligence in child justice proceedings, and the rights of children and youth in digital justice contexts). Design and operationalization of innovative learning platforms on child justice.

Circular diagram text:

- Non-Custodial Measures are increased
- Conditions and processes for children and youth deprived of their liberty respect their rights, are dignified, and apply a reintegration approach
- Specialized legal aid is enhanced
- Systemic child participation is guaranteed in the governance of child justice proceedings
- The specialization and professionalization of actors and institutions in Child Justice systems are increased
- **Procedural safeguards are reinforced across the child justice systems**
- Judicial protection responsiveness to address intersectional discrimination is enhanced and operated across child justice systems
- Youth social movements and CSOs working towards inclusive justice for children and youth and supported and catalyzed
- **Inclusive and non-discriminatory access to justice, with a focus on gender justice, is prioritized**
- Child justice accountability processes are set up and strengthened across plural justice systems
- **Plural justice systems are strengthened and officially interact together**
- Transitional and community-based justice processes and norms are supported to be children's and youth's rights-related competent.
- Reinforced specialization and collaboration among plural justice systems.
- **Social cohesion is enhanced through the promotion of local justice for C&Y as well as through their role as agents of change to achieve peaceful societies**
- Effective strategies to prevent child and youth violence (inc. violent extremism) are designed and operationalized through community-based approaches
- Children and youth are recognized as agents of change and, as such, participate in conflict resolution, civic engagement and good governance
- Effective access to local justice and legal empowerment are strengthened

Alignment with institutional priorities

Nexus:
Contributing to the resilience of justice systems in crisis, legal aid for children affected by emergencies including children deprived of liberty, and social cohesion activities within communities in conflict.

Climate change:
Reducing Tdh's carbon footprint related to justice activities, advocating for 'Climate Justice' with children (strategic litigation and rights to association and peaceful assembly of children), and reducing climate impact on children deprived of liberty.

Gender and diversity:
By applying a comprehensive mainstreaming approach, creating ownership and full application of the Tdh Gender & Diversity Policy, including by our multisectoral partners. By applying a programme expertise approach (Gender Justice Programmatic Approach) with a focus on children and youth in contact with the law that are survivors of gender-based violence and support to youth feminist social movements & organizations working on equality and equity.

Contact

For more information please contact:
Yann Colliou *yann.colliou@tdh.org*
Marta Gil *marta.gil@tdh.org*

ZEWO

Terre des hommes
Helping children worldwide.

©Tdh /03.2023