



CPMS Video Series - Facilitator's Notes

Standard 14 – Justice for Children

Background: This document was created to promote the use of the Standard 14 video. It is intended to prompt discussion among people who have watched it and want to learn more about the topic, as well as to reflect collectively on how the standard is or could be implemented in their context. These notes could be used as part of a coordination meeting, briefing session, orientation or training workshop.

Discussion Points:

Message 1: Emergency contexts have an impact on children in contact with the law.

- 1.1 What was the situation prior to the crisis?
- 1.2 What changes are we noticing? What evidence do we have of those changes?
- 1.3 What measures are in place at the a) State b) civil society and c) community levels to mitigate the negative impacts of the crisis on children's contact with the law? Who is doing what on response and prevention?

Things to stress

- There are different categories of children in *contact* with the law: Children in *conflict* with the law, child victims and witnesses of a crime. Boys and girls often have different needs to address.
- Different types of emergencies have different impacts on children. These may include but are not limited to:
 - Collapse or deterioration of the infrastructures or security situation in areas where children in contact with the law are.
 - Interruption or alteration of rehabilitation or other basic services (food, water sanitation and health), as well as legal aid services.
 - Interruption or slowdown in the justice process that results in long delay, loss of legal files, etc.
 - Police violence, raid or forced enrolment into security forces, as well as arbitrary detention.
- Children in contact with the law and especially children in conflict with the law are often in the blind spot; they are the invisible in emergencies and their care and protection can suffer if we are not taking specific measures to cover their rights as part of the response.
- Possible detention sites Include but are not limited to police custody, prison, juvenile detention centres, women's detentions centres, army bases, premises of the intelligence / national security bodies, refugee centres.
- To be effective, protection activities in emergencies have to keep some specific attention on children in contact with the law.

- Customary justice mechanisms and actors are an essential part of the picture; it is therefore critical to reach out to the informal justice system as part of the mapping and response.
- In preparedness: how do we strength the system so it can be more resilient to any shocks? Protocols? Staffing? Training?

Message 2: Different actors have different mandates (specific or cross-cutting), so there needs to be some coordination to ensure a holistic approach.

2.1 What is the relevant coordination body? (How to adapt this for an emergency without sidelining pre-existing groups?) Are we linking with other humanitarian actors? Does the coordination arrangement encourage, promote and be accessible to local (and traditional justice) actors?

2.2 What are the roles of the various government ministries/departments, UNHCR & Red Cross and Red Crescent societies (both national and international)?

2.3 Are there Standard Operating Procedures covering all ways children come in contact with the law? (How can we develop/update them?)

2.4 Are there any sticking points in the coordination and collaboration? What can we do to address them?

Things to stress

- It is very helpful to map the different juvenile justice and protection actors and analyze how and why they would work together on this issue.
- It is important to consider coordination:
 - i. among the different stakeholders in the formal justice system (police, prison services, legal aid, social workers, courts, and Ministries),
 - ii. between formal and customary systems,
 - iii. and with humanitarian and development counterparts.
- Specific roles must be established for key areas - such as monitoring sites of possible detention - according to each organization's mandate, expertise and capacity to deal with the given situation. Agreed interagency tools and guidelines should be referred to/used.
- All action must be coordinated with the relevant government authorities (unless this is not in the best interest of the children).
- Whilst immediate actions are a priority, a long-term response is also likely to be needed. So there needs to be a broad vision of how immediate actions will feed into a longer term programme.

Message 3: Activities should be prioritized according to the situation and the needs of children

3.1 Based on our current evidence, what are the agreed priorities? Who is doing what/where/for whom?

3.2 Are detained children safe where they are? (share any concerns on physical, sexual, psychological aspects; refer back to discussion on SOPs)

3.3 What (if any) blockages exist to providing these services/activities?

3.4 In preparedness: What is currently in place and how can this be adapted for an emergency? How do we ensure that standards do not decrease?

Things to stress

- Ensure that all children's rights are respected: food/water, health, immediate safety.

- Ensure that children in contact with the law are not victims of violence from the institutions, public authorities, or other duty bearers mandated to protect them.
- Ensure that children in conflict with the law have regular contact with their families and caregivers.
- Organise specific psychosocial activities, using trained staff.
- Mitigate the most common risks factors that lead children in conflict with the law, for example: loss or reduction of family income, living on the streets, loss of home, physical safety, displacement.

Message 4: Collect data on the situation of children, child rights violations, changes in the legal status of children

4.1 Who is currently collecting what data? (think broadly); what trends are we seeing?

4.2 Do we have a common set of questions to ask in individual situations?

4.3 How are we going to monitor the various possible sites where children might be in contact with the law / detained?

Things to stress

- It's important to maintain an up-to-date analysis of children's legal situations – such as number of children in detention, the types of offences they have committed, changes in their legal status, arbitrary detention, length of time and treatment in police custody, access to legal advice and other services, and victims' access to justice.
- It is vital to adhere to the strictest standards on data collection and record-keeping, including those related to confidentiality and privacy.

Overall:

- How do we expand our teams to meet growing needs and retain quality service?
- How do we ensure our response is sustainable and feeds into longer term CP programming?
- Are we linking with efforts to implement other relevant standards: Physical violence and other harmful practices, case management, sexual violence, MHPSS, community-based child protection, UASC, etc.
- What training opportunities do we have and do we need to create?
- Have we mapped our human, financial and community resources?

Key Resources (created after publication of the CPMS):

- Justice for Children Scoping Review & Summary report. CPWG (2015)
- Case studies for Afghanistan, Haiti, Mali, and the Philippines. CPWG (2015)
- Training materials: relevant modules in CPWG's Face-to-Face CPiE package (2014) and Action for the Rights of the Child (revised 2013)
- Introduction to Justice for Children webinar <https://www.youtube.com/watch?v=ZO81ZAcO-ak>