Justice for Children
Justice for All
The Challenge to Achieve SDG16+
The Call to Action

Leave no child behind

Roughly 1 in 3 people across the globe is a child. Yet, while the sustainable development agenda pledges to leave no one behind, there is a stark gap when it comes to measuring, understanding, and - most critically - fulfilling this global ambition for children.

We must strive to ensure that, in our collective efforts to achieve the United Nations Sustainable Development Goals (SDGs), we leave no child behind.

Children are distinct from adults, and have specific needs, rights and capacities. Responding differently to children in the light of this distinctiveness, including engaging them as agents of change, is essential for the successful delivery of these global goals, for people of all ages.

In 2015, the SDGs, agreed by all nations, set out an ambitious vision to achieve justice for all by 2030. They provide global coherence and momentum for realising children’s human rights, as set out in the Convention on the Rights of the Child (CRC) and other key international instruments, to ensure children experience the full benefits of justice.

The SDG 16 seeks to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.

Five years on, while significant progress has been made to conceptualise and quantify the different aspects of justice, and to monitor progress, it is apparent that one specific group has remained largely invisible: children. Consequently, unless particular attention is directed to children, as a global community we will fail to achieve the bold aim of leaving no one behind.

This is a Call to Action to fulfil our collective global commitment to ensure that all children live peaceful, just and inclusive lives, and are provided with the opportunity to flourish and live to their full potential.

This Justice for Children Call to Action offers a new starting point to place children at the heart of an emerging global movement for justice. It is:

- Advancing a new understanding of justice, not only aiming to overcome the challenges children face in accessing legal justice, but also promoting justice as an enabler of children’s opportunities and development to their full potential.
- Targeting critical decision makers, drawing together a range of leaders whose effort and focus ultimately can realise children’s human rights. In addition, we are also including—very importantly—those whose primary focus is not children, but whose decisions nevertheless have a crucial and significant impact on children’s lives, whether directly or indirectly.
- The crucial role of sustained and focussed political commitment, and the securing of the necessary investment in the appropriate financial resources and skills, underpin these efforts.

Building on the growing momentum of national commitments. There are strong synergies in working coherently alongside the SDG 16 global platforms (Open Government Partnership; Global Partnership to End Violence against Children; Task Force for Justice Pathfinders for Peaceful, Just and Inclusive Society) to support country-led commitments to deliver better outcomes for children, that will realise their rights, meet their needs and open up opportunities.

Sharply prioritising impact on children’s outcomes, this Call to Action is maintaining a focus on the end results for children, achieved through highly effective implementation channels to securing sustained change, and addressing our weaknesses to date in accelerating progress to realise the rights, needs and opportunities for children.

With a strategic vision that actively puts children at the centre, affirms human rights, and is aligned with the SDG agenda, the Justice for Children Call to Action is an international, multi-agency project and an essential part of our collective global challenge to achieve SDG 16. It has been commissioned by Pathfinders for Peaceful, Just and Inclusive Societies, with the Task Force on Justice. This Justice for Children project is led by CELCIS - Inspiring Children’s Futures at the University of Strathclyde; and developed and written with the Office of the Special Representative of the Secretary General on Violence against Children; and the Child Justice Advocacy Group, coordinated by Terre des Hommes and Defence for Children International. A Technical Working Group made up of global experts on justice for children has advised and richly informed this work.

1. UNICEF calculations, UN Population Division statistics, 2016: 20% of the global population is estimated to be under age 18. https://data.unicef.org/resources/worlds-children-2016/
3. The Pathfinders for Peaceful, Just and Inclusive Societies are a group of member states, international organisations, global partnerships, and other partners committed to accelerating the efforts of the Agenda 2030 targets for peace, justice and inclusive societies. See more at https://www.un.org/peaceful-just-inclusive-societies/

JUSTICE FOR CHILDREN - THE CALL TO ACTION
Ensure justice in all its forms meets the rights, needs and opportunities of children

Children face particular challenges in living just and inclusive lives due to their age, maturity and status and because they are dependent on the care of adults and the communities around them. Children differ from adults in their physical and psychological development, their emotional and educational needs, and their evolving capacities. Because children have these distinct needs, they need specialised approaches to fulfil their potential, determine their best interests and realise their rights. Children can come into contact with the law and justice systems as victims, as witnesses, and when accused of an offence, as an interested party or because intervention is required for their care, protection, health and well-being. They require child-friendly and gender-sensitive justice systems that are specialised, meet their needs and ensure access to justice when their rights are violated. This is of greatest importance where children are unheard and for those who experience profound and sustained injustice. Also, children benefit from justice systems when these are focussed not only on resolution, but on prevention and protection. With justice as prevention, there is greater scope for investment that delivers outcomes that matter to communities and societies, such as fewer and less serious disputes, lowered risk of violence in all its forms, and lowered risk of rights abuses. Prevention provides the platform for human development, impacting areas such as health, education and social protection, which play a pivotal role in delivering better outcomes for children. Justice in all its forms includes criminal and civil justice, as well as economic, social and cultural justice. To ensure this justice, children need access to universal services such as education and health care, and a justice system adapted to the rights and needs of children to prevent harm, to claim their rights, to seek redress or to complain about the violation of their rights. At the same time, children have a right to be empowered to contribute to, and participate in, justice systems and across all areas of their lives. However, children do not consistently experience the justice to which they have a right. Children and their specific requirements are often hidden or made invisible by the adults around them. Due to their dependence on others, they often face challenges in accessing justice. Responding effectively to this dimension of inequality will be the only way to ensure in the Agenda 2030 that we leave no child behind. With 30.9% of the global population estimated to be under age 18, children and young people account for a huge proportion of our population. Our success in the delivery of the global goals – that relate to all ages – will therefore heavily rely on responding effectively and robustly to the distinct needs and rights of children.

The Call to Action is a chance to commit to a transformative agenda for this and future generations of children worldwide. This Call to Action highlights the critical, collective and global Responses needed across Ten Challenges that are essential if the rights, needs and opportunities for children are to be addressed sufficiently to ensure we leave no child behind in our efforts to achieve the SDGs. This Call to Action urges commitments from international, national and local political leaders, policymakers, and the deliverers of public services, as well as non-state actors to inspire, implement, sustain and monitor solutions that realise justice for children. It calls for accelerated progress, through a focus on justice for children, towards securing children’s human rights as set out in the UN Convention on the Rights of the Child (CRC) and other key international instruments, with Agenda 2030 and the Sustainable Development Goals, particularly Goal 16, providing global coherence and momentum. This Call to Action is based on the Justice for Children background Challenge Paper (June 2019), and is prompting sustained national commitments to achieve justice for children across the range of SDG16+ implementation efforts.

In 2019, we mark the 30th anniversary of the Convention on the Rights of the Child. There is no better time to demonstrate visionary political leadership, not only on behalf of those who are children today, but for the 1 billion individuals who will be born between now and 2030: the children who will inherit a post-SDG world. By setting this issue at the heart of the agenda in 2019, this Call to Action is an invitation to reconvene in 2020 for the 75th anniversary of the United Nations, and demonstrate that we, as a global community, are delivering on our promise to leave no one behind. An endorsement to this Call to Action for Justice for Children is to demonstrate bold and visionary leadership today, to accelerate change for children now.

Seize the moment

Our success in the delivery of the global goals will heavily rely on responding effectively and robustly to the distinct needs and rights of children.
A Call to Act: Respond to Ten Challenges

The Justice for Children Call to Action has identified Ten Challenges that need urgent attention and deliberately focussed responses at international, national and local level. These encompass prevention efforts; the urgent challenges; and the foundations required to drive and sustain change.

A. Promote justice as an enabler of children’s development

1. Guarantee the wellbeing and inclusion of all children.
2. Promote justice systems, whether formal or legally plural, that guarantee equal access, benefit, protection and support to children.
3. Prevent unnecessary contact with the justice system and the criminalisation of children.
4. Ensure the right to a legal identity for all children.

B. Accelerate action to respond to the urgent and critical challenges

5. Prevent all forms of violence against children.
6. Safeguard the rights of children who have been recruited, used by or associated with armed, violent extremist and other criminal groups, or who have been accused of national security-related offenses.
7. Eliminate arbitrary and unlawful detention and restrict the deprivation of children’s liberty to exceptional circumstances.

C. Establish and sustain the foundations for change

8. Promote and ensure the empowerment and participation of children in all decisions that affect their lives.
9. Secure sustained political commitment to accelerate the achievement of high-quality justice for children.
10. Ensure responses are based on international standards and evidence-based policies.
Promote justice as an enabler of children’s development

1. Guarantee the wellbeing and inclusion of all children.

The social exclusion and marginalisation of people, especially children and young people, denies their human rights and undermines their wellbeing and development, leading to more vulnerability in society. Despite many years of effort, major shortcomings and failures remain to be addressed: a large number of children and young people’s needs go unmet, and have negative experiences such as being abandoned, neglected, abused, exposed to substance misuse and living in marginal circumstances.

Children can be propelled into the justice system by violence at home, poverty, structural violence and risky survival activities. Children who come from poor, marginalised and socially excluded communities are the most affected, with children from ethnic and minority groups over-represented in the criminal justice system.

Progressive policies, delivered through structured inter-agency collaboration, which strengthen the well-being of the family unit and parents in their caring role, and thereby the well-being of children, should be a priority, especially those that bring a self-sustaining and sustainable benefit to the family.

The role of investment in education, health care, and family and community-strengthening programmes is pivotal in securing justice for children. When accorded a high priority, the benefits in both the short and long-term from these investments can be transformative in the lives of children. Over the long term, investing in children through prevention saves money and contributes to reducing poverty and social exclusion, and tackling the discrimination that children experience. This investment improves children’s overall outcomes.

Response: Identify the policies, situations, practices and legislation that lead to - and those that can reduce the harm of, as well as eradicate - exclusion, discrimination and anti-social behaviour.

Effectively implement preventative and restorative strategies and programmes, across integrated systems that are, together, supporting children’s health, wellbeing, and flourishing, and addressing child and family poverty, exclusion and discrimination.

2. Promote justice systems, whether formal or legally plural, that guarantee equal access, benefit, protection and support to children.

Formal justice systems are different across the world. In some countries, there are specialised justice systems that have been established for children. In other countries, or at an older age during childhood (under 18 years of age), children come into contact with adult systems that are rarely adapted to their specific needs and rights. Many countries are characterised by legal pluralism. In these countries, the overwhelming majority of children come into contact with justice mechanisms that lie outside of official, formal structures.

More needs to be known about informal justice systems and their decision-making in order to understand their role and how it can complement formal systems in accordance with children’s rights.

Response: Ensure that all systems, formal, semi-formal and informal, are child-friendly, gender-sensitive and rights-compliant.

Develop strategies that bring together the child rights, civil justice and criminal justice communities to facilitate multi-disciplinary approaches.

Make available legal assistance and representation for all children.

3. Prevent unnecessary contact with the justice system and the criminalisation of children.

Across the world, there are children who have contact with the justice system for alleged offenses that should not be regarded as crimes, including being kept in detention. This includes both status offences and allegations of being associated with armed groups or criminal gangs. Many children are held in administrative, preventive, military or prolonged pre-trial detention, without the guarantees of due process, and in violation of their rights as enshrined in the CRC and other international instruments.

Response: Review justice systems for children to identify areas where law, policies, systems and practice discriminate against, or do not meet, the rights of children.

Eliminate practices that drive unnecessary contact with the justice system.

Seek alternatives to arrest and promote non-custodial measures, including during the pre-trial stage, through diversion and restorative justice.

Prioritise reform in areas where children are involved in adult-based rather than child-centred justice systems.

The majority of young people’s challenging behaviours can be resolved and addressed without the need for punitive intervention. Contact with the justice system and any consequent criminalisation and penalisation of children creates more problems than brings solutions.

Such policies bring children into a judicial system that damages them and pushes them potentially into more anti-social or criminal behaviour. Young people are more vulnerable to the negative psychological impacts of harsh punitive measures.

Educational systems, health systems, alongside family and community strengthening efforts are key components of an integrated child justice system. Integrated child protection services which focus on the wellbeing of children and their families have the potential, along with other specialised approaches, to support children and help bring about changes in their behaviour, helping children to assume a constructive role in society which is in the interest of everyone.

Response: Review justice systems for children to identify areas where law, policies, systems and practice discriminate against, or do not meet, the rights of children.

Eliminate practices that drive unnecessary contact with the justice system.

Seek alternatives to arrest and promote non-custodial measures, including during the pre-trial stage, through diversion and restorative justice.

Prioritise reform in areas where children are involved in adult-based rather than child-centred justice systems.
Ensure the right to a legal identity for all children.

Legal identity is fundamental to justice for children. Registering a child immediately after birth is the first step in recognizing a person’s existence before the law. This is a prerequisite for being able to claim and exercise all other rights. It provides access to a nationality or at least a key element to prevent statelessness. It plays a pivotal role for the achievement of social inclusion and economic empowerment, and for achieving many of the other SDGs. It is a fundamental and essential step towards ensuring that all individuals are equal before the law; can claim their rights and access the justice system, as well as other basic services such as health and education. Legal identity also supports unlocking equal access to social protection systems and economic opportunity amongst others.

In the context of justice, ensuring that all children have the necessary legal identity and status means that, at least legally, they are able to access mechanisms to enforce their rights. Without this, children face profound barriers in accessing justice.13 This is a fundamental violation of their rights. Child migrants and refugees are particularly affected by barriers to access legal identity.16

Response: Establish and implement a national plan to strengthen civil registration systems to facilitate the process of birth registration immediately after birth, and access to other components of legal identity for all children, to ensure all children are registered and have a legal identity without discrimination.

Remove barriers to civil registration for migrant and refugee children and their families by both host and home States.

Prevent all forms of violence against children.

Violence, abuse and neglect of children has long term implications, both for the individual child and society at large. Half of the world’s children are victims of violence each year.14 It is estimated that up to 1 billion children aged 2-17 years have experienced physical, sexual, or emotional violence or neglect in the past year.15 Two in every five modern slaves are children.16 However, violence against children is vastly under-reported and often met with a fragmented response or inaction.17 When left unprotected, children are highly vulnerable to exploitation, abuse, and neglect. But violence against children is preventable, and not inevitable.

Response: Establish legislative and policy measures which ensure children have equal protection from violence under the law. This includes a comprehensive ban of all forms of violence against children, including corporal punishment, as well as adherence to basic human rights principles regarding relevant criminal and civil proceedings.

Implement programmes which prevent violence, with a focus on children and including early interventions and support to families; on community and school-based interventions; and on addressing the causes of anti-social and criminal behaviour. Apply the comprehensive evidence-based strategies entitled INSPIRE18 for the effective prevention of violence against children and to respond well to children who have experienced violence.

Put in place early prevention approaches and services to address drivers of child recruitment, and use by and association with armed, violent extremist and other criminal groups and those that decrease children’s vulnerability to recruitment and re-recruitment.

Elaborate the rights of children who have been recruited, used by or associated with armed, violent extremist and other criminal groups, or who have been accused of national security-related offenses. While the recruitment by armed groups and criminal gangs has a long history, the recruitment of children by violent extremist groups is a more recent phenomenon that poses a new challenge to the rule of law.20 Children can be treated primarily as victims while still being held accountable for their actions rather than their associations by following international standards and guidelines applicable to juvenile justice, armed conflict, and reintegration.21 There should be national commitments to treat all children as children, regardless of their associations and actions. These commitments should include avoiding taking actions which create grievances, which can make them vulnerable to re-recruitment or recidivism, which in turn has high costs for States.22

Response: End the over-securization, criminalisation and demonisation of children associated with armed groups in these situations and focus on their protection, rehabilitation and reintegration in line with their rights under international law.

Safeguard the rights of children deprived of liberty to exceptional circumstances.

Deprivation of liberty is one of the most harmful violations of children’s fundamental human rights. In many places, its use is not only of concern but growing, with children being deprived of liberty in the context of migration, armed conflict or terrorism.23 It occurs very often in harmful conditions, and with children detained with adults. Depriving a child of their liberty impacts on their wellbeing and continues into adulthood. The negative consequences contribute to poor physical and mental health, lack of access to education, a high rate of recidivism, family breakdown and unemployment. These result in higher costs for the State in the long term.

Response: Drastically reduce the number of children deprived of liberty: Ensure that detention is only used as a matter of last resort, in exceptional circumstances and for the shortest possible period. In situations of immigration, do not detain children due to their immigration status. The Global Study on Children Deprived of Liberty24 will be presented to the United Nations General Assembly in October 2019. Its conclusions will be instructive in our efforts to realise justice for children.

Accelerate action to respond to the urgent and critical challenges.

7. For example, see the UN Secretary-General’s note to the General Assembly, A/C.5/59/31. The integrated disarmament, demobilization and reintegration standards of violence against children in conflict or terrorism.
8. For example see the UN Secretary-General’s note to the General Assembly, A/C.5/59/31. The integrated disarmament, demobilization and reintegration standards of violence against children in conflict or terrorism.
Promote and ensure the empowerment and participation of children in all decisions that affect their lives.

International law stipulates that children have the right to be heard and their views should be given “due weight in accordance with the age and the maturity of the child” (Article 12, CRC). Children in need of justice have specific requirements to be heard and their views should be taken into account in line with the CRC and other international treaties and guidelines. However, this commitment is not consistently built into justice systems. For example, at all stages, from encountering the police to the implementation of measures, including in institutions and custodial settings, children’s views and experiences continue to be poorly heard across the world. Likewise, in civil justice decision-making, for children who are at risk of being, or unable to live with their parent(s), effectively determining the necessity of alternative care for that child, and their most suitable care option, relies on practitioners ensuring the views of the child are sought, heard and genuinely taken into account. This is far from yet being the norm.

Children accessing justice systems often do not have access to legal advice, representation and advocacy and over one quarter of courts fail to let children give evidence, a basic legal requirement, due to their age or because evidence from children is not given due weight in court proceedings. All forms of justice can better meet the rights of children and be more effective if they are informed by children’s views and experiences, and build on children’s effective participation.

Establish and sustain the foundations for change

Secure sustained political commitment to accelerate the achievement of high-quality justice for children.

Every Government at national and local level requires sustained, high levels of political commitment to implement justice for children. This needs to be underpinned by the rigorous prioritisation of the financial and human resources necessary to resolve the prevailing challenges, as well as effective approaches to implementation. Without these prerequisites, progress towards securing justice for children is inhibited and delayed.

Highlighting the significant potential returns to investment in ensuring justice for children is critical in generating political support within States for both the overarching vision for reform and detailed change programmes. These returns accrue both directly to children as they benefit from leading lives to their full potential in a just society, and less directly from the net benefits that accrue to the wider community and nation. The latter are generated from the greater contribution of the children to society, and from the cost savings that result from the positive impact of greater justice on the demands of the child on society, and the reductions in service provisions to manage the impact of these injustices.

Response: Ensure that there is support and leadership from key decision-makers in government, primarily the Ministers for Justice, Finance, Education and Internal Affairs, as well as, naturally, the Minister for Children, or their equivalents, to implement justice for children. Ensure that there is an awareness and understanding of the significant benefits and savings to wider society of investing in justice for children, as well as the direct benefits to the child. Accord a high priority to prevention budgeting to reduce costs in the future and produce wider social, economic and environmental benefits.

Every Government at national and local level requires sustained, high levels of political commitment to implement justice for children.

- Ensure responses are based on international standards and evidence-based policies.

The Agenda 2030 commitment to leave no one behind requires that children should be specifically included and identified in the way quantitative and qualitative data and evidence are gathered and used to improve justice for all, including children. The SDGs are particularly relevant for those people who are on the margins, overwhelmingly the position of children, because children are virtually invisible in the creation and functioning of justice systems.

Children and young people are heavily reliant on justice systems to protect and promote their rights, yet legal needs and victimisation surveys are not designed to capture their justice needs, and other evidence suggests they face an even wider justice gap than adults.

The justice gap needs to be measured in a way that consistently ensures a focus on children and ensures that justice systems and services meet international human rights standards.

Response: Methodically and strategically collect, analyse and use data and evidence to accelerate better policy identification and innovative changes that will make a positive difference for children. This should include data generated by, and with, children.

Promote and share strategies and indicators to measure success and outcomes on justice for children.

Develop new knowledge through research on effective approaches to preventing and responding to children in conflict with the law or in contact with the justice system.

27. See the United Nations’ Guidelines for the Alternative Care of Children http://www.alternativecareguidelines.org and the application of the necessity/suitability principles in Moving Forward: Implementing the Guidelines for the Alternative Care of Children
29. Each country must ratify the CRC. At all stages, from encountering the police to the implementation of measures, including in institutions and custodial settings, children’s views and experiences continue to be poorly heard across the world. Likewise, in civil justice decision-making, for children who are at risk of being, or unable to live with their parent(s), effectively determining the necessity of alternative care for that child, and their most suitable care option, relies on practitioners ensuring the views of the child are sought, heard and genuinely taken into account. This is far from yet being the norm.

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The Plan for Delivering the Call: Creating the environment to achieve Justice for Children

The success of this Call to Action rests on securing national commitments, and implementing local change to achieve justice for children globally. It depends on decisions and actions in those countries, communities, families and between individuals to effect this change. This Call to Action challenges us all to rethink our ‘business as usual’ efforts and appeals to a wide range of actors to make decisions and act in ways that will more effectively achieve justice for children.

With aligned partnerships and coherence across our many efforts, we must galvanise leaders and other actors globally - including the international donor community of multilateral and non-government organisations and national governments - to implement solutions that realise Justice for Children in the following ways:

Inpiring others to take up the Vision:
- With the Pathfinders for Peace, Just and Inclusive Societies, embed the Justice for Children vision within the overarching global justice vision, as set out in Agenda 2030.
- Harness the Global Platforms by aligning Justice for Children with the existing platforms advancing Agenda 2030 and the UN SDGs, including the Task Force on Justice, the Global Partnership to End Violence Against Children and the Open Government Partnership and work in partnership to deliver the vision.

Pursue global, regional and national opportunities to drive forward the vision, strategy and priorities to deliver Justice for Children.

Galvanizing courage and leadership:
- Establish a High Level Implementation Group of global ambassadors and champions of Justice for Children to inspire global and national commitment and action, and to raise awareness more widely—especially across the range of institutions and actors that are not normally associated directly with delivering these priority outcomes for children, but which have a powerful, albeit less direct, impact on justice for children.
- They are essential to injecting sustained momentum into securing these outcomes.
- Support networks of children themselves working alongside the High Level Implementation Group as agents of change to inform the High Level Implementation Group and the wider project.

Enabling real change for children:
- Facilitate conversations with leading global and regional organisations to explore the importance of Justice for Children to their interests and determine their role in delivery.
- Convene a series of regional and local roundtable events to disseminate to, and explore the implications of, the Call to Action with key policy-makers and delivery agents in those regions.
- Explore how to support national leaders in their pursuit of bedding in the Justice for Children vision in their national communities, and implementing quality nationally-tailored programmes.
- Working with and through others, secure commitment from national and local stakeholders to implement and monitor solutions that realise Justice for Children.

Learning together to get better:
- Collectively undertake activities that generate new knowledge, inspire political will and bring greater focus on each of the Ten Challenges and Responses.
- Convene partnerships to develop a clear framework to measure progress over time, based on concrete and quantified goals and actions, with meaningful indicators and data.
- Identify and tackle the real world obstacles and inhibitors of progress, and act to lessen their power on progress for Justice for Children.
- Explore with key national governments already engaged in taking forward the Justice for Children vision, their potential roles as Global Exemplars.
- Identify successful examples of practice in national and local settings and support their appropriately adapted implementation.

Explore how to support national leaders in their pursuit of bedding in the Justice for Children vision in their national communities, and implementing quality nationally-tailored programmes.
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Citation:

Acknowledgements:
The authors are very grateful to the Technical Working Group participants in the international expert meeting in Venice, Italy (14-15 Mar 2019); to those who generously gave their time directing the team to key ideas and references; and to those who commented on drafts of the Challenge Paper. Thanks also to those whose reflections, support and other efforts have been critical to the achievement of this project including the translators for this project; and the excellent Justice for Children Secretarial Team: Miriana Giraldi and Maria Flores-McGinty, CELCIS; Charlotte Morris, Centre for Youth and Criminal Justice; and Myriam Wischnewski, Defence for Children International Geneva. For full list, see the Challenge Paper.

Disclaimer:
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