

KYOTO PLEDGE ON CHILD RIGHTS AND CRIMINAL JUSTICE

For criminal justice systems to be just, they must uphold the rights of all children. The 14th UN Crime Congress – which will be held from 7 to 12 March 2021 in Kyoto, Japan – is an opportunity to reaffirm the importance of commitment to child rights based criminal justice systems.

The focus of this Congress is the 2030 Sustainable Development Agenda. With the central promise of the Sustainable Development Agenda to ‘leave no one behind’ we, as civil society organisations, urge those present at the Congress to remember the rights and dignity of all children, and to commit to *leave no child behind*.

Sustainable Development Goal 16 calls for all States 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.*

In order to truly achieve this goal, attention must be paid to an often-neglected group: children.¹ Children face specific challenges in their relationship to criminal justice systems, because of their age, social status, and dependence on adults, but this does not mean that they are not full rights-holders, entitled to respect and protection. Children may come into contact with criminal justice systems in a range of ways, including as victims, witnesses, when accused or convicted of crimes, or when their parents are accused or convicted of crimes. Too often, the systems they encounter are not child-sensitive and not designed to meet their needs.² Where this is the case, children cannot access justice, and those institutions are not genuinely effective, accountable or inclusive, and often prevent children from exercising their rights.³ Equally, systems which prevent children’s contact with criminal justice systems must be prioritised, including by education programmes and early intervention with cross-sectoral, rights-based approaches. Wherever possible, children should be protected from exposure to the criminal justice system. Fully addressing this challenge requires a whole-of-system approach, rooted in children’s rights⁴ and with a gender perspective.

For these reasons, we call on States present to make the following pledge, in order to advance the rights of children within criminal justice systems and to further advance progress towards full realisation of SDG16.

- We ask States to make the following commitment in their official statements, in the high-level segment, and in their interventions to the Congress Workshops, as well as incorporating its core messages into their national criminal justice implementation going forward.
- We encourage States to engage in dialogue with child rights experts present during the Congress.

¹ In-line with Human Rights Council Resolution on the *Rights of the child: protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development*, para. 5 which ‘calls upon States to leave no child behind in the implementation of all the Goals and targets of the 2030 Agenda and to pay particular attention to children in marginalized and vulnerable situations, such as (...) children involved with the criminal justice system, including those deprived of liberty’ and para. 4 which calls upon States ‘to promote, protect, respect and fulfil the rights of the child and to mainstream them into all legislation, policies, programmes and budgets, as appropriate, aimed at implementing the 2030 Agenda’.

² This issue was invoked in regional consultations for the Congress, including in paragraph 44(d) of the Report of the Asia and Pacific Regional Preparatory Meeting [A/CONF.234/RPM.1/1].

³ The Committee on the Rights of the Child’s Revised General Comment 24 on children’s rights in the child justice system (2019) [CRC/C/GC/24] provides the authoritative guidance on child justice systems.

⁴ This approach is laid out in detail in the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (2015) [A/C.3/69/L.5].

- **Declaration:** We call on States to ensure that the Congress Declaration is grounded in a child rights-based approach and is interpreted and implemented from a child-rights based perspective.

Our vision: Criminal justice systems in which children are seen, children are heard, and children’s rights are upheld.

Our pledge: Acknowledging that our crime prevention activities and criminal justice systems impact on children, and recognising our duty to prevent harm caused in the name of crime prevention and criminal justice, in line with our commitment to the rights of the child, we pledge to ensure that children are seen, children are heard, children are fully able to participate, and children’s rights are upheld in our criminal justice policy and practice.

Key Actions

Across the world, States should implement child-friendly and rights-compliant criminal justice systems in line with international standards and best practice, in which children are empowered as agents of change, including by:

1. Ensuring a child rights-based approach to criminal justice policy and practice, including by undertaking systematic and continuous training on this approach to all relevant professionals.
2. Ensuring that the best interests of the child are a primary consideration in decisions that impact upon them, including at all stages of a parent or carer’s contact with criminal justice systems.
3. Upholding the child’s right to effective participation in all aspects of the development and implementation of criminal justice.
4. Reviewing and reforming criminal justice legislation, policy and practice to bring them in line with the Committee on the Rights of the Child General Comment 24 on children’s rights and the child justice system.
5. Implementing the recommendations of the Global Study on Children Deprived of their Liberty.
6. Endorsing the Call to Action from the Pathfinders’ Task Force on Justice: the ‘Justice for Children, Justice for All’ initiative⁵.
7. Reconvene and assess progress made against the aforementioned commitments during the 2021 World Congress on Justice with Children, scheduled for November 2021⁶.

⁵ The Pathfinders for Justice ‘Justice for Children, Justice for All’ initiative is an international, multi-agency initiative with a strategic vision that actively puts children at the centre, affirms children’s human rights, and is aligned with the SDG agenda. It forms an essential part of our collective global challenge to achieve SDG 16.

<https://www.justice.sdg16.plus/justiceforchildren>

⁶ <https://justicewithchildren.org/world-congress/>

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