

# Access to Justice: Children Included?

## *In Light of 30 Years UN CRC*

Prof. Dr. Ton Liefwaard | Montréal, 23 May 2019



Universiteit  
Leiden  
The Netherlands

# Focus and outline

## Focus:

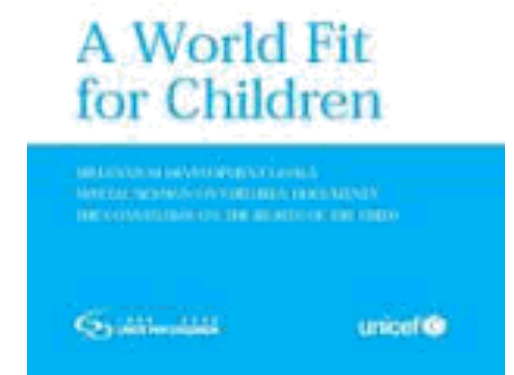
Access to justice as a vehicle to promote *recognition, equivalence and inclusion* of children, in light of the 30<sup>th</sup> anniversary of the UN Convention on the Rights of the Child

## Outline:

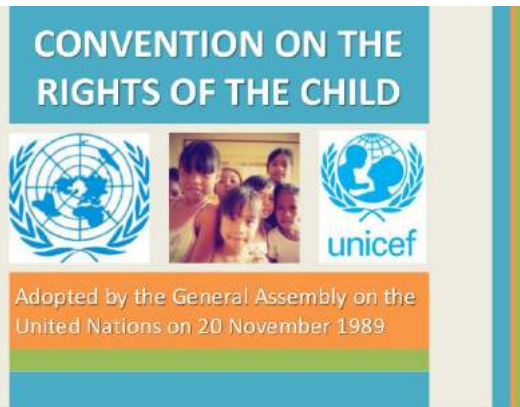
I. Where do we stand? – A Global, Children's Rights Perspective

II. Access to Justice for Children

III. Towards a better understanding of the meaning of access to justice *for* children



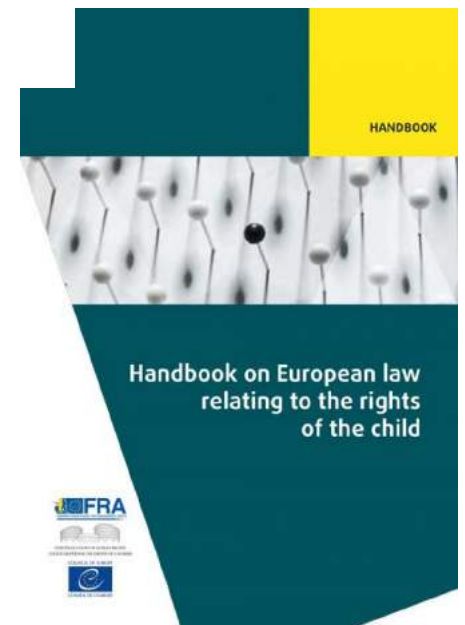
# November 1989





# UN CRC

- A comprehensive, multi-layered and evolving children's rights framework
- Child as
  - Rights holder
  - Human being in development with special rights and needs
  - Member of his (extended) family
- Core notions:
  - Recognition
  - Equivalence
  - Inclusion



# UN CRC – Almost Universal Ratification

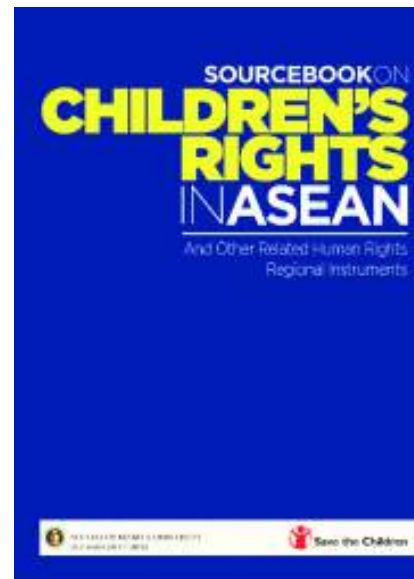
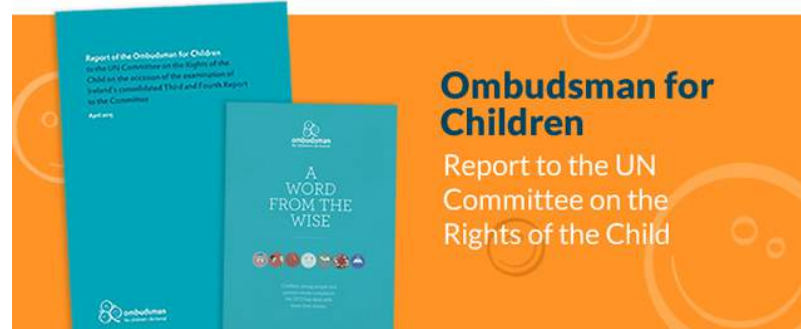


BECAUSE  
**EVERY CHILD**  
IN THE WORLD  
HAS ONE THING  
IN COMMON.  
**THEIR RIGHTS.**

# Impact of the CRC



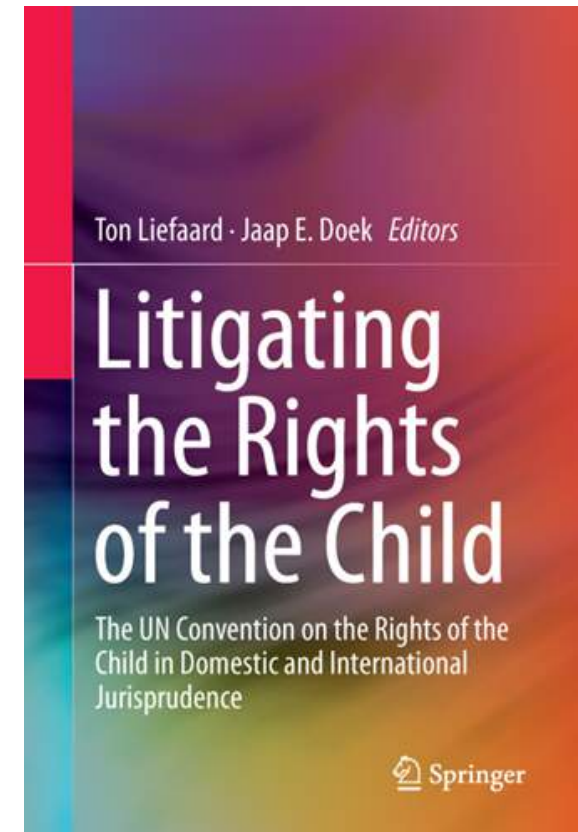
## CHILDREN'S ACT & REGULATIONS



Constitutional Court  
of South Africa



ACERWC

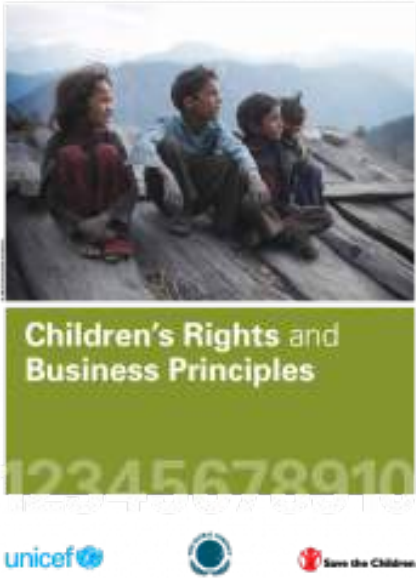
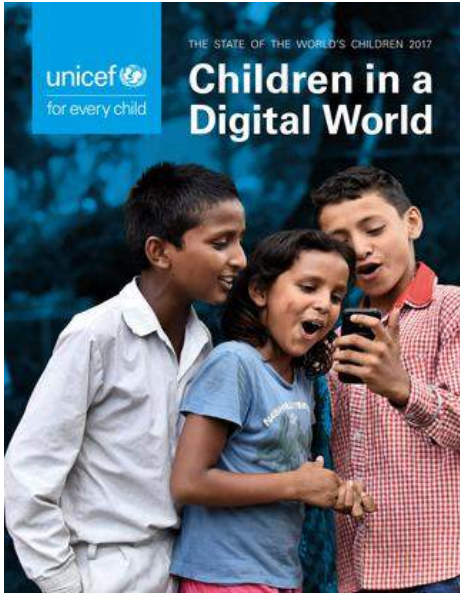
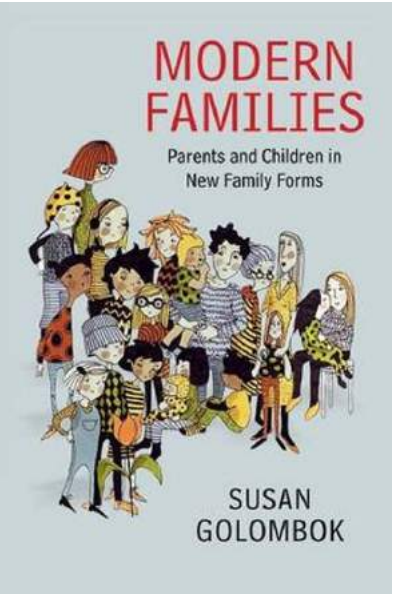




# Any meaning?



# The world anno 2019

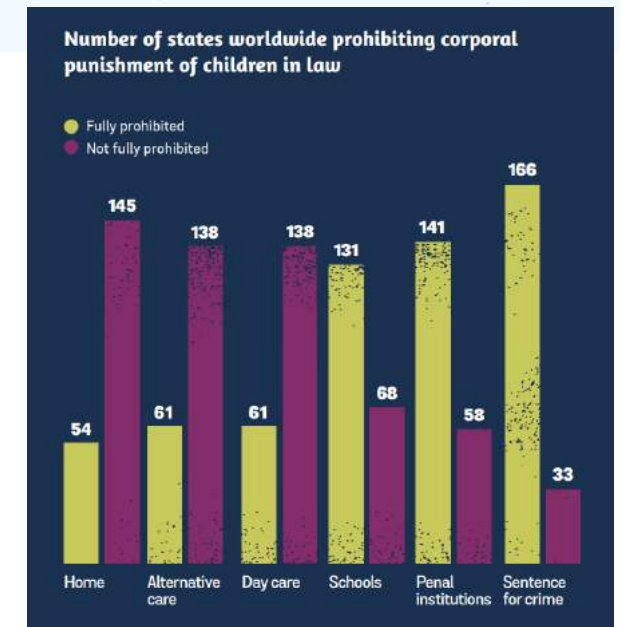
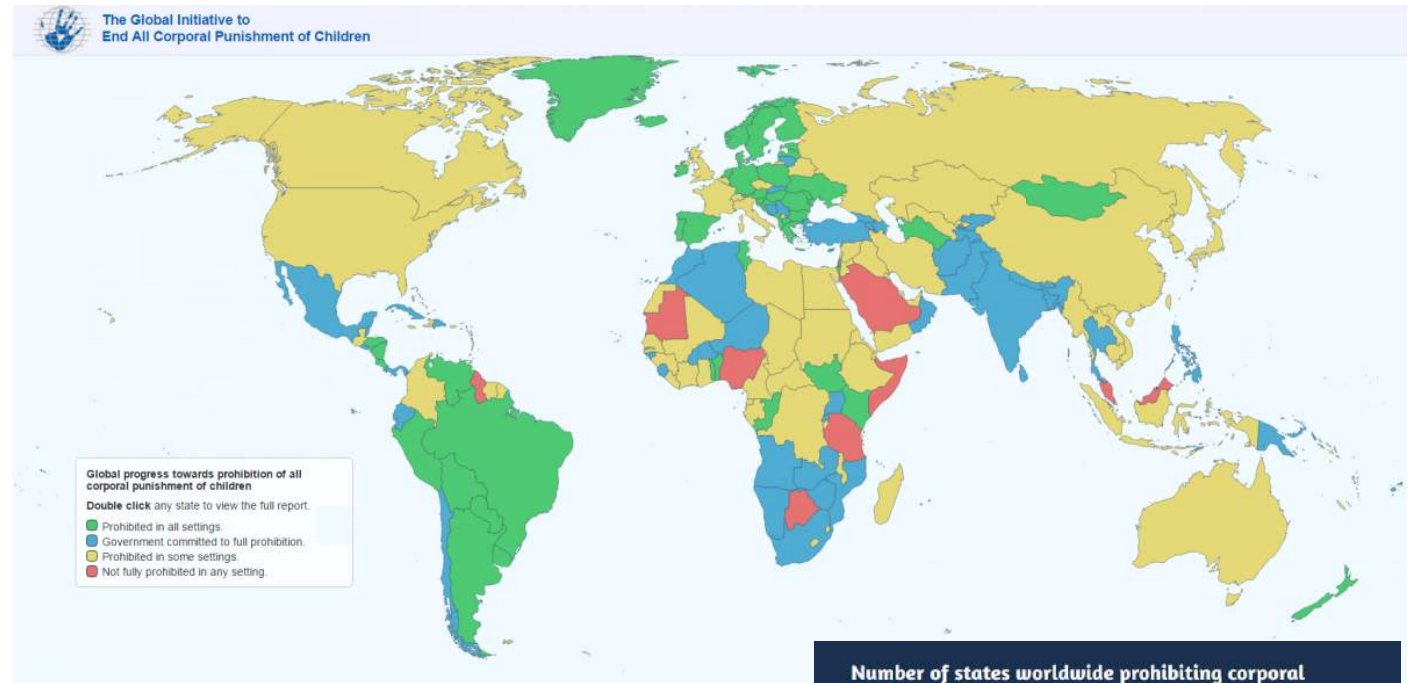




# Challenges re: Recognition, Equivalence & Inclusion

- Marginalised groups of children
- Violence against children
- ‘Emerging issues’
- Lack of visibility of children
- Policy implications:
  - Recognition / equivalence / inclusion in law and practice (macro & micro)
  - Protection of *all* children
  - Children as ‘actors’ / ‘citizens’ – making children visible

Sources: <https://resourcecentre.savethechildren.net/global-themes/child-protection/childrens-world-map> & <https://endcorporalpunishment.org/countdown/>



# Participation & Access to Justice

- Right to be heard – art. 12 UN CRC
- Hearing of children – participation – child-sensitive justice / ‘child-friendly justice’
- Meaningful participation?
  - Information
  - Assistance
  - ‘empowerment’
  - Accountability
- Inclusion of *all* children
- Access to justice: children included?

# Access to justice for children

## - Emerging area

- Standard-setting – ‘right to an effective remedy’
- Civil-society and inter-governmental activities – as a broader notion
- Academia – direct or indirect subject of study

## - Domestic and international level

- 3<sup>rd</sup> Optional Protocol to the UN Convention on the Rights of the Child
- SDGs
- Regional (human rights, victims), domestic and local level

## - At the heart of ‘children’s rights’



**SAVE THE DATE!**

UNITED NATIONS CONFERENCE CENTER (UNCC)  
8, 9 & 10 May, 2018 | Addis Ababa, Ethiopia

**CONTINENTAL CONFERENCE  
ON ACCESS TO JUSTICE  
FOR CHILDREN IN AFRICA**

  **DEFENCE FOR CHILDREN INTERNATIONAL (DCI)**  
DÉFENSE DES ENFANTS INTERNATIONALE (DEI)  
DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL (DNI)  
*the worldwide movement for children's rights*

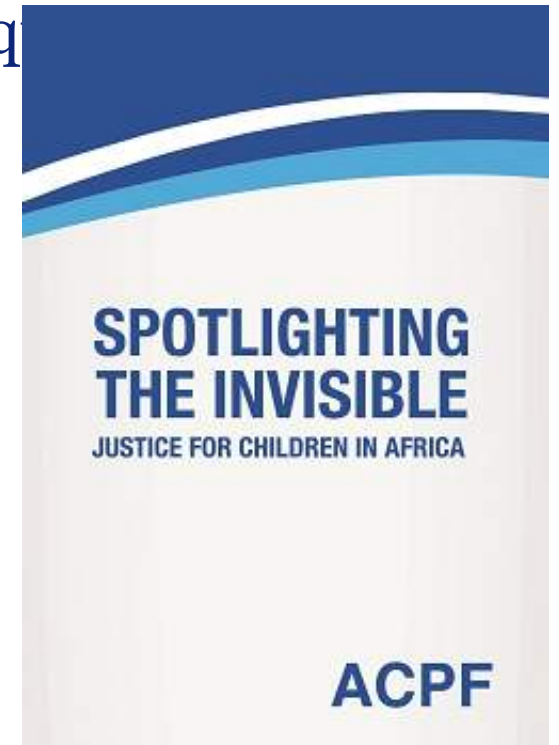
<https://www.childjusticeinafrica.info>

For more information  
Contact: **Ms Eskedar Beyene** [beyene@africanchildforum.org](mailto:beyene@africanchildforum.org)



# Some observations

- Relevance from a children's rights perspective
  - Recognition of child as rights holder – rights and remedies
  - Accountability mechanisms – beyond state actors
  - Compensation, redress, reparation ... and more (art. 39 CRC)
- Specific challenges and barriers for children – special requirements
  - (legal) empowerment of children
  - Child-sensitive proceedings & remedies
  - Bearing in mind children's relationship with others
- Functions
- Forms
- Fora



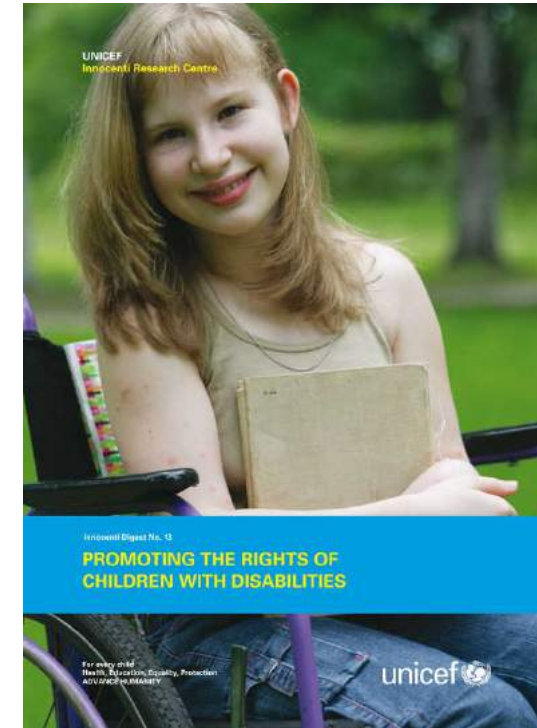
# Towards a better understanding ... (1/2)

## - Access to justice as a concept

- \* Strict vs broad concept
- \* 'Justice'
- \* Beyond children as 'victims'
- \* Children – parents/family – state/community

## - Context

- \* Specific groups of children
- \* Specific situations
- \* Children within their context
- \* Beyond state actors



# Towards a better understanding ... (2/2)

## - Objectives of access to justice

- \* Matter of principle
- \* ‘Justice gap’ – *‘recognition, equivalence and inclusion’*
- \* ‘Best interests of the child’ & children’s well-being – better services
- \* Satisfaction – procedural justice
- \* ...

## - Other matters

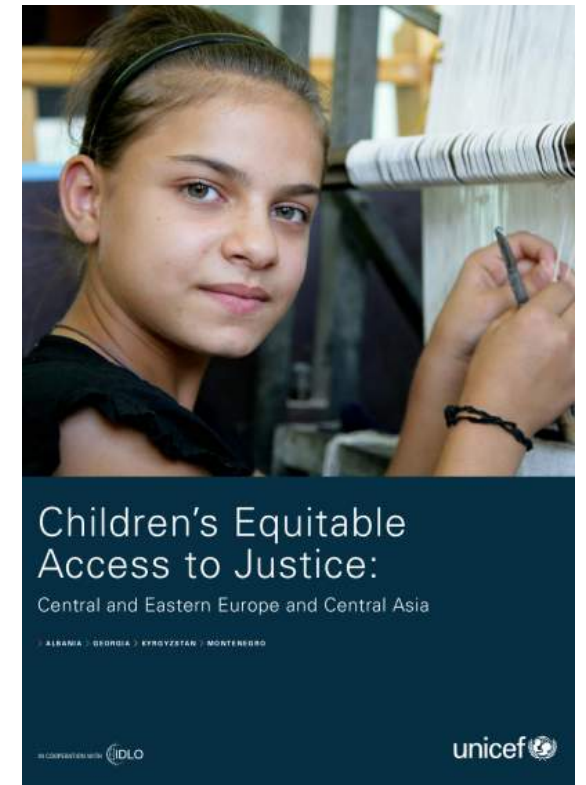
- \* Informed guidance to duty-bearers
- \* Monitoring and evaluation – costs
- \* Comprehensive and interdisciplinary scholarship, incl. children’s rights law





# Children('s rights) at the crossroads

- Children's rights in the 21st Century
- 'Leaving no one behind'
- Access to justice for and including *all* children



Prof. Dr. Ton Liefwaard  
Vice-Dean for Education  
Professor of Children's Rights &  
UNICEF Chair in Children's Rights  
Leiden Law School

E-mail: [t.liefwaard@law.leidenuniv.nl](mailto:t.liefwaard@law.leidenuniv.nl)  
Twitter: @tonliefwaard



Universiteit  
Leiden  
The Netherlands



# Child Law Education Leiden Law School



## Advanced Master / regular master

Master of Laws (LL.M): **Advanced Studies in International Children's Rights**  
**(Dutch) child law** - regular master program (*in Dutch*)

## Bachelor level

**Introduction to International children's rights** (*in English*)  
**Introduction to Dutch child law** (*in Dutch*)  
**Legal Aspects of Child Abuse** (*in Dutch; part of interdisciplinary minor on child abuse*)

## Summer School Programme 'Frontiers of Children's Rights'

**24-28 June 2019 – Leiden / The Hague – 7<sup>th</sup> edition**  
**Regional editions in different parts of the world**



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[en.mastersinleiden.nl](http://en.mastersinleiden.nl)

## Post-graduate education & training

**Child Law & international children's rights**