



# General Assembly

Distr.: General  
27 February 2012

English only

---

## Human Rights Council

### Nineteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Plan International, Inc., a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Preventing children from coming into conflict with the law by building a protective environment**

Over one million children are estimated worldwide to be in detention, 95% of whom are charged with minor or petty offences such as theft and other property crimes. Many are arrested and detained for ‘status offences’ such as truancy, running away, begging, vagrancy and alcohol use, which are not considered crimes when committed by adults. The fact that many children lack birth certificates often exposes them to the risk of being prosecuted as adults as they can not provide a legal proof of their age.

There is evidence of the link between children who come from difficult backgrounds - including poverty, broken families, violence, lack of parental guidance, of education, of employment opportunities and of adequate care and access to appropriate protection systems – and the likelihood of them becoming involved in illegal activities<sup>1</sup>.

Many children who enter in conflict with the law belonging to groups being discriminated against and other groups at risk, i.e.; children in street situations, girls, children belonging to ethnic or indigenous minorities, children living in vulnerable areas, asylum seekers and migrant children. For example, children in street situations or victims of sexual and economic exploitation are often detained without proof of misdeed, or are placed in detention as an alternative to adequate care and protection. The involvement of children in youth gangs and criminal activities, particularly in urban areas, has become a worrisome tendency. Furthermore, social labelling of children and adolescents who have committed minor offences as ‘delinquents’ or members of youth gangs –promoted by some media– contributes to their social exclusion, which has proven to be connected to the development of delinquent careers.

Although children who are in conflict with the law have their rights provided for in the CRC and international human rights documents, and notwithstanding the adoption of legislation in this regard in many countries, children in conflict with the law continue to experience abuse and violence while in detention.

Plan International believes that the administration of juvenile justice is too often approached in a way unconnected to larger problems of social justice, and that the approach to this issue is often symptom-based, rather than focused on human rights standards with a development perspective. The issue should not merely address the treatment of children who are already in conflict with the law. Actions should rather focus on tackling the root causes of such phenomenon, as well as on identifying appropriate prevention measures and building a protective environment for all children, with a special attention to children in vulnerable situations, to realise their full potential in societies.

Plan’s rights based approach<sup>2</sup> addresses the structural causes of child poverty, gaps and violations of child rights. It relies on the collective action of civil society to generate a protective environment and empower children to realise their potential, and on the actions of States to meet their obligations under the UN-CRC<sup>3</sup>.

Building an adequate protective environment requires: providing adequate services and opportunities to children; protecting children from situations of vulnerability and; offering children the possibility to participate. Protective environment allows for positive development and enables children to become actors of change in their societies.

---

<sup>1</sup> UN Study on Violence against Children’s World Report (2006) p.193.

<sup>2</sup> Child Centred Community Development.

<sup>3</sup> Promoting child rights to end child poverty, Plan Ltd.

When the above-mentioned requirements are not met, children are at higher risk of coming into conflict with the law, as juvenile criminality does not come from an active and voluntary intention of the child to breach the law, but rather from a reaction to a deficient environment.

Plan believes that work in this field should focus on two major strands: prevention (building and enabling a protective environment) and protection<sup>4</sup>.

Based on Plan's work and experience on prevention and actions needed to protect children at risk of becoming in conflict with the law, we urge governments to pay attention to the followings:

### **Enhance the role of families and communities**

To prevent children from entering in conflict with the law it is necessary that they are supported both by the government -that develops and implements prevention and protection mechanisms- and by their own families and communities. States should therefore strive to promote the well-being and development of families and communities by providing appropriate social and educational programmes, including support to families in vulnerable situations and human rights education and promotion in schools and through the media. In case of children deprived of family environment or children experiencing/victims of domestic violence, the State should ensure they have access to information as well as to appropriate care and protection services. Such interventions should be able to reach children who are most at risk of becoming in conflict with the law.

Plan Philippines project "Community-Based Prevention and Protection Program for Children at Risk and Children in Conflict with the Law", ran between 2004-2008, reached out to children at risk of being or already in conflict with the law. Activities included: supporting Village Justice Committees to implement the project; preventing and providing appropriate assistance to children in conflict with the law; enhancing the Village Council's child-protection capability; conducting awareness-raising activities on juvenile justice; ensuring birth registration among children in street situations and children in conflict with the law. Evaluations showed that the program contributed to transforming lives of children in conflict with the law: many of them returned to school and started advocating for children's rights<sup>5</sup>.

### **Prioritize inclusion and access to economic and social rights and basic services**

Preventing children from entering in conflict with the law should include crime prevention policies and programmes that address the root causes of social problems such as poverty and inequality, and which emphasise inclusion and access to economic and social rights and basic services with a focus on gender. Policies and programmes should specifically target children at risk of coming into conflict with the law as a particular group, and should encourage children to be socialised and integrated through their family, community, peers, school, voluntary organisations, vocational training and work environment.

There is a need for policies and programmes that benefit girls. Programmes should aim to improve the situation of girls living in the streets, in shelter homes, or in slums by

<sup>4</sup> Ibid.p.12.

<sup>5</sup> Report: "Behind the Mask: experiences of children in conflict with the law from rural and non-major urban areas"(2006).

providing them with adequate care, protection, and access to other support systems, as well as access to secondary education and boarding school.

Policies and programmes should also ensure access to education and health care to children living and working in the streets, children in detention and children who are reintegrated into society after being detained. These include the provision of education, vocational training, apprenticeship and job opportunities and life skills activities for children at risk.

In Uganda, Plan is focusing on economic rehabilitation of girls engaged in commercial sex work by finding them appropriate and ethical ways of living a meaningful and less risky professional life<sup>6</sup>.

Birth Registration should be provided to all children immediately after birth through universal, free, accessible and effective registration procedures without discrimination. Having a birth certificate can be essential for children in order to be able to show proof of their age and to not be prosecuted as adults.

### **Invest in awareness raising and capacity development**

Awareness-raising and capacity-building projects should be developed and supported by governments and civil society targeting parents, teachers, communities, administrative and governmental authorities, police, social and health workers, NGOs, media and children on the importance of ending all forms of violence against children, as well as on measures in place to prevent it. Training should be provided to all law and policy makers and criminal justice practitioners on the relevant international standards.

### **Enable coordination between the social and justice sector**

Crime rates can be turned around by achieving better balance between legitimate law enforcement and preventive measures, with a stronger focus on prevention. The full involvement of the social sector in the area of juvenile justice should be supported and enhanced through policies and programmes aimed at improving coordination between the social and justice sectors at all levels, including prevention, judicial or extra-judicial process, development of alternatives to detention and reintegration.

### **Ensure implementation of the recommendations of the UN study on violence against children**

Paying particular attention to gender and to children in vulnerable situations. In developing policies and programmes to address the phenomenon of children in conflict with the law, take into account the Committee on the Rights of the Child's general comments No.10 on children's rights in Juvenile Justice and No.19 on the right of the child to freedom from all forms of violence.

---

<sup>6</sup> Plan Uganda provided young girls engaged in commercial sex work with skills to find alternative means of livelihood and reached over 100 female commercial sex workers between 13 and 25. Plan Uganda ©.