

CONCLUSIONS & BEGINNING OF GROUP DISCUSSION

In conclusion, it is useful to summarise features of a rights based approach generally and in particular in justice settings. Justice proceedings involving children can and indeed must be tailored to allow children to bring claims, to contribute evidence and views where relevant and to have their rights as children fully reflected in determinations.

1. Most fundamentally, rights are universal and imply obligations on duty bearers, and entitlements for children as rights holders. This contrasts with a more classical needs-based approach to children's issues, where a more discretionary welfare provision is based on an identification of the child's needs. In other words, we need to think about the child as an active agent with rights. This is true for all children, including those for whom access to justice may be particularly challenging, for example disabled children.

2. This notion of obligations and entitlements demands a careful consideration of the implication of UN CRC provisions in relation to children, in every situation. It can have an impact on the procedural safeguards that must be in place, but also the information that must be assessed and how and the interplay of child rights with other legal provisions in the decision itself.

3. It is crucial to involve the right actors, with the right authority, role, skills and tools in delivering child friendly justice.

A final word, increasingly regional courts are holding national systems to account for failures to address children's rights. We will see examples of this in the next session. So, in conclusion, the term "child friendly" should not be taken to suggest that adapting the justice process so that it responds adequately to the needs of children is merely a discretionary exercise.