



CHILD
FRIENDLY
CITIES &
COMMUNITIES

unicef 
UNITED KINGDOM

© UNICEF/Madhok

CHILDREN'S RIGHTS IN THE NEW NORMAL

6. CHILDREN IN CONTACT WITH THE LAW

THE CHANGE

While Covid-19 disrupted the lives of all children in the UK, the pandemic threw up unprecedented challenges for children in contact with, or at risk of being in contact with, the law.

Not only did the pandemic severely exacerbate the underlying vulnerabilities that bring many children into contact with the law in the first place, it also dramatically reduced vital sources of support (schools, social services, youth offending services, networks of family and friends) that divert them away from the criminal justice system. While local services were quick to adapt and shift to remote engagement, the digital deprivation experienced by many children on youth offending teams' caseloads meant not all children were able to access the same levels of support.

At the same time – and coinciding with global protests against racial injustice – the pandemic highlighted existing concerns about the shocking racial disparities in the criminal justice system; with black children continuing to be disproportionately stopped and searched, arrested, held on remand, and sentenced to custody.

THE CHALLENGE

As we mark two turbulent years since the start of the pandemic, the opportunity to review the way local services engage with children in contact with the law from a child rights perspective should not be missed.

Children in contact with the law are among the most marginalised and hidden groups of society, and often viewed as offenders first, children second. This can mean their rights as children are disregarded, rather than being understood as intrinsic. The challenge facing local authorities and their partners is to confront this view head-on by designing youth offending services that proactively take a [child rights-based approach](#).

This is an approach that advocates for all those below the age of 18 to be treated first and foremost as children. Which means all their rights, as set out in the [UN Convention on the Rights of the Child](#), are fully met; including their right not to be discriminated against.

**NEW
NORMAL**

**A UK COMMITTEE
FOR UNICEF
(UNICEF UK) SERIES
FOR COUNCILS AND
THEIR PARTNERS**

6. CHILDREN IN CONTACT WITH THE LAW

THE STARTING POINT: CHILDREN'S RIGHTS



All children under 18 should enjoy all their rights as set out in the UNCRC **without discrimination**, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.



The **best interests of the child** should be the top priority in all decisions and actions that affect children.



Every child should have the **same opportunities to develop to their full potential**.



Every child has **the right to be heard**, and this includes directly i.e. not only through a representative.



Children **must not suffer cruel or degrading treatment or punishment**; should be arrested, detained or imprisoned only as a last resort and for the shortest time possible; and must be treated with respect and care.



A child accused or guilty of breaking the law must be **treated with dignity and respect**. They have the right to legal assistance and a fair trial that takes account of their age. Governments must set a minimum age for children to be tried in a criminal court and manage a justice system that enables children who have been in conflict with the law to reintegrate into society.

THE UNCRC

The full list of children's rights as set out in the UN Convention on the Rights of the Child (UNCRC) can be found [here](#).



6. CHILDREN IN CONTACT WITH THE LAW

RECOMMENDATIONS

- 1** Integrate child rights language into local campaigning for greater investment in youth work, youth centres and other preventative services and facilities. Young people don't just deserve this support, they are legally entitled to it under the UNCRC.
- 2** Take a child rights-based approach to local youth justice strategies, so that discrimination is rooted out, children's best interests and dignity are upheld, their voices are heard and respected, and their rights are fully met.
- 3** Use a child rights impact assessment in the commissioning of local youth offending services. Provide child-friendly and accessible mechanisms for children and young people to have a voice in the development, delivery and review of these services.
- 4** Ensure local approaches to youth justice involve multiple agencies in order to gain a robust and holistic understanding of children and young people's needs and vulnerabilities, particularly those of care-experienced children who are overrepresented within the youth justice system. Use these relationships to build a strong understanding of when and how children come into contact with the law and to proactively identify young people at risk.
- 5** Prioritise the availability of suitable secure and non-secure local authority accommodation for children who have been refused bail, so that children are held in police custody as a last resort and for the shortest possible time.
- 6** Police forces should ensure officers are trained in and know how to use a child rights-based approach when interacting with children and young people, and weave children's rights into their values and culture. This includes sharing clear, child and young person-friendly information to help young people understand the police's role in keeping them safe.
- 7** Police forces should stop the use of in-humane practises on children such as solitary confinement, tasers and spit-hoods.



6. CHILDREN IN CONTACT WITH THE LAW

FURTHER READING AND RESOURCES

- *A rights-based analysis of youth justice in the United Kingdom:* UNICEF UK in-depth review of children's rights in the UK's youth justice system (2020)
- *General comment 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment:* Adopted by the UN Committee on the Rights of the Child in 2006
- *General comment 24 on on children's rights in the child justice system:* Adopted by the UN Committee on the Rights of the Child in 2019
- *Child rights impact assessment:* Child Friendly Cities & Communities template and guidance for local authorities (2021)

CHILDREN'S RIGHTS IN THE NEW NORMAL

This document is one in a series of recommendations for councils and their partners published monthly by the [UNICEF UK Child Friendly Cities & Communities](#) team.

Continue the series: unicef.org.uk/child-friendly-cities/new-normal

