



Children and Young People's
Centre for Justice

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Towards Child-Centred Justice as a System-Level Paradigm Shift



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Towards Child-Centred Justice

as a System-Level Paradigm Shift

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Organised by CYCJ

More than 5 billion people lack meaningful access to justice. In response, a global paradigm shift is underway — from institution-centred to people-centred justice.

What it means

Placing people and their justice needs — not institutions — at the centre of justice systems. Laws, processes and services must be accessible, fair, solution-oriented and responsive to people's lived realities.

Hague Declaration on Equal Access to Justice for All (2019) · Pathfinders for Peaceful, Just and Inclusive Societies

Why it matters

$\frac{2}{3}$ of the global population have unmet justice needs — more than 5 billion people.

The failure to achieve SDG 16 — peaceful, just and inclusive societies — has direct consequences for every other sustainable development goal.

Progress has markedly slowed since COVID-19.

How it works

Broadening pathways to justice beyond formal courts. Improving the quality of people's justice journeys. Investing in prevention as well as resolution.

Empowering people and communities — including through customary and informal justice systems — to act on injustice.

But to be truly universal, this movement must fully embrace children — as 30% of the world's population, with their own distinct rights and needs.

Why Children Need a Distinct Approach

Children are not a marginalised subgroup of adults. They are 30% of the world's population — at a distinct stage of development, with specific rights grounded in their evolving maturity and capacities.

Development

- The prefrontal cortex — governing reasoning, impulse control and decision-making — continues forming well into the mid-twenties
- Children's capacity to understand, consent and navigate complex systems is still evolving
- Dependency on adults shapes every interaction with justice institutions — from arrest to sentencing to reintegration

Needs

- Age-appropriate information, language, procedures and physical environments at every stage of the justice process
- Protection from re-traumatisation within justice processes themselves
- Responses grounded in rehabilitation and reintegration — not punishment
- Particular attention to neurodivergence, disability, migration status and other intersecting vulnerabilities

Rights

- Under the UNCRC, children are rights-holders — not objects of protection or correction
- Best interests of the child as a primary consideration in all decisions (Art. 3)
- The right to be heard and to participate meaningfully (Art. 12)
- Rights grounded not in deficit — but in the recognition that development, maturity and legal capacity take time

This is why child-centred justice is not a subset of people-centred justice — it is its fullest expression.

What is Child-Centred Justice?

Global Declaration on Advancing Child-Centred Justice — Madrid, 2025

"Child-centred justice is a system-level approach to justice in which children, their rights, and their lived experiences constitute the central reference point for the design, functioning and evaluation of justice systems, recognising that ensuring justice for children is crucial to achieving justice for all."

Foussard, Dyer & Davidson — Youth Justice Journal, 2026

"Child-centred justice is a rights-based, solution-oriented approach that places the child at the centre of coordinated multi-agency responses. It is a systemic approach, not merely a procedural one, emphasising the effective participation and empowerment of children."

Four key dimensions:

Expansive: covers all justice contexts for children · Rights-based: grounded in international human rights law · Institutional responsibility: systems must comply · Violence-aware: justice processes themselves can harm children

Core Principles of Child-Centred Justice

01

Children as Rights-Holders

Not objects of protection or correction.
Accountability for rights compliance across all stages of decision-making.

02

Best Interests of the Child

Systematic assessment of how interventions affect children's safety, development and long-term outcomes. (UNCRC Art. 3)

03

Meaningful Participation

Age-appropriate, supported and safe — from individual proceedings to the design and evaluation of justice systems.

04

Developmental Responses

Informed by child development and trauma knowledge. Offending is episodic, transitional, opportunistic — not permanent.

05

Protection from Harm

Justice processes themselves can harm children. Systems must be designed to prevent and respond to this violence.

In June 2025, the 5th World Congress on Justice With Children translated these principles into 3 concrete pillars for action.

An Evolving Framework for Child Participation in Justice

increasing systemic ambition

JUSTICE

CHILD-CENTRED

System design & governance — justice systems

JUSTICE

CHILD-FRIENDLY

Adapted services & procedures — justice systems

GENERAL

CHILD-LED

Children as agents — all sectors

GENERAL

CHILD-INCLUSIVE

Equity & non-discrimination — all sectors

GENERAL

CHILD-SENSITIVE

Minimum normative floor — all sectors

3 concepts

apply across ALL sectors

(sensitive, inclusive, led)

2 concepts

specific to JUSTICE SYSTEMS

(friendly, centred)

Lundy Model (2007)

- SPACE — Opportunity to express views
- VOICE — Facilitated to express views
- AUDIENCE — Views reach decision-makers
- INFLUENCE — Views are acted upon

Three Pillars of Child-Centred Justice: Whats does Child-Centred Justice requires?

01

Prevention & Diversion

- Early intervention before formal justice contact
- Community support & non-custodial measures
- Diversion at earliest point — not a last resort
- Anti-violence education in schools & communities
- Ex: HALT (NL) — 17% reoffending; Messa alla Prova (IT); Restorative conferencing (BE)

02

Enabling Environments

- Safe, child-centred spaces and procedures
- Trained professionals across all sectors
- Multidisciplinary practice — protection from re-traumatisation
- Accessible information at every stage
- Ex: Barnahus model; Youth Justice Agency NI; India JJ Boards

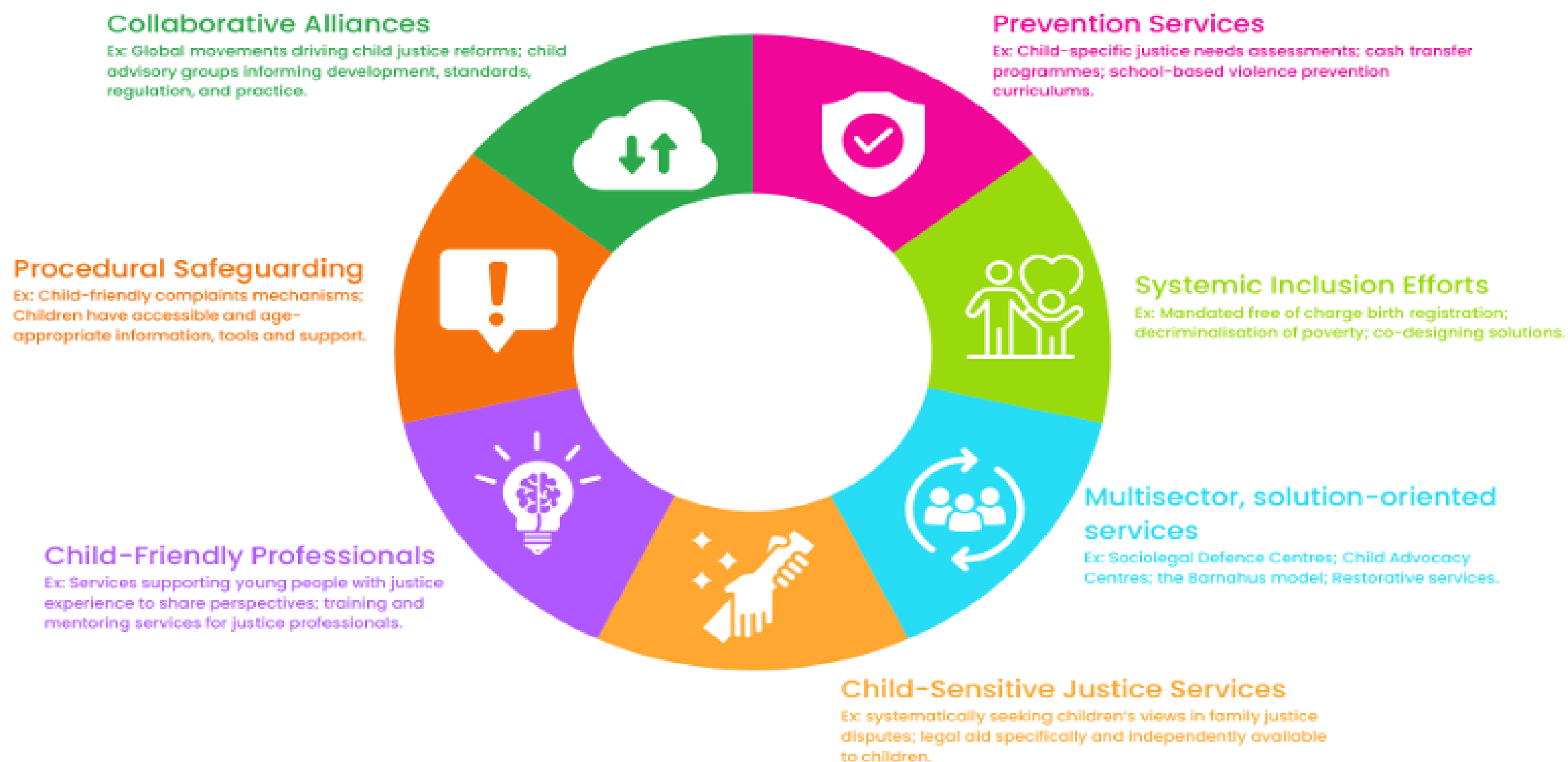
03

Systemic Reform

- Comprehensive legal and policy change
- Children's evolving capacities embedded in law
- Specialised mechanisms across all justice sectors
- Children's participation in plural legal systems
- Ex: Scotland's Whole System Approach

7 Gamechangers for Child-Centred Justice: From Principles to Practice

Gamechangers to Achieve Justice for Children



Gamechangers are evidence-informed innovations that shift justice systems toward child-centred practice : effective, scalable and sustainable.

They address the full spectrum of children's justice needs: from prevention to participation, from professional practice to systemic governance

***"Child-centred justice is not an ideal.
It is a systemic obligation —
and we have the evidence to show it works."***

Merci / Thank you

Children Friendly Justice to Child-centred Justice?

- **Child Friendly:** The Council of Europe (2010) Guidelines on child-friendly justice set out rules for Council of Europe countries to follow to adapt justice systems meet the specific needs of children:
[Child-friendly justice - Children's Rights](#)
- **Child-Centred:** Develops to hold children's rights, developmental needs and protection central to systemic design
[Towards Child-Centred Justice as a System-Level Paradigm Shift: Conceptualising a New Framework Through the Scottish Whole System Approach - Cédric Foussard, Fiona Dyer, Jennifer Davidson, 2026](#)



Scotland



Foundations

Standards for those working with children in conflict with the law 2021

Scottish Government
Responsible and In Action

A Rights-Respecting Approach to Justice for Children and Young People: Scotland's Vision and Priorities

INTRODUCING THE SECURE CARE PATHWAY AND STANDARDS SCOTLAND

Framework for Risk Assessment Management and Evaluation (FRAME) with children aged 12-17

Standards, Guidance and Operational Requirements for risk practice

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014:
Guidance on Part 10: Aftercare

Lord Advocate's guidelines on offences committed by children

First published 01 Mar 2014 | Last updated 22 Oct 2021

Guidance on Referral to the Reporter - Information for Partners

Children's Hearings Improvement Partnership

Changing for children and young people

Developed in partnership with **CYCCJ**

Action for Children

The Criminal Exploitation of Children

Scotland's Framework for Practice

Toolkit

National Guidance for Child Protection in Scotland 2021 - updated 2023

The age of **criminal responsibility** in Scotland will be raised from 8 to 12.

getting it right for every child

CONVENTION ON THE RIGHTS OF THE CHILD

the promise scotland

Bairns' Hoose

YOUTH COURT BLUEPRINT

November 2023

The Children's Hearing System

Key facts

- Run by SCRA, who investigate referrals and may prepare grounds

2024/25 data:

- 9,789 children referred (1.1% of Scotland's children) = 16,847 total referrals
- Majority on care and protection grounds
- 2,447 children referred on offence grounds (6,466 referrals)
- Can be referred until age 16, or aged 16/17 and open to the CHS, or remitted by the court
- Compulsory Supervision Order (CSO) most significant outcome (6355 in place as of 31.03.25)



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION



children's
hearings
scotland

UNCRC:

UK ratified in 1991 became legislation
2024 in Scotland

Notable UNCRC Articles

- Article 2 - Non-Discrimination
- Article 3 – Best Interests of the Child
- Article 5 – Right to Parental Guidance (due to evolving capacities)
- Article 6 – Right to Life, Survival and Development
- Article 12 – Child’s Views (General Comment 12)
- Article 13 - Freedom of Expression
- Article 37 – Protection from Inhumane Treatment and Detention
- Article 40 – Right to Juvenile Justice (General Comment 24)



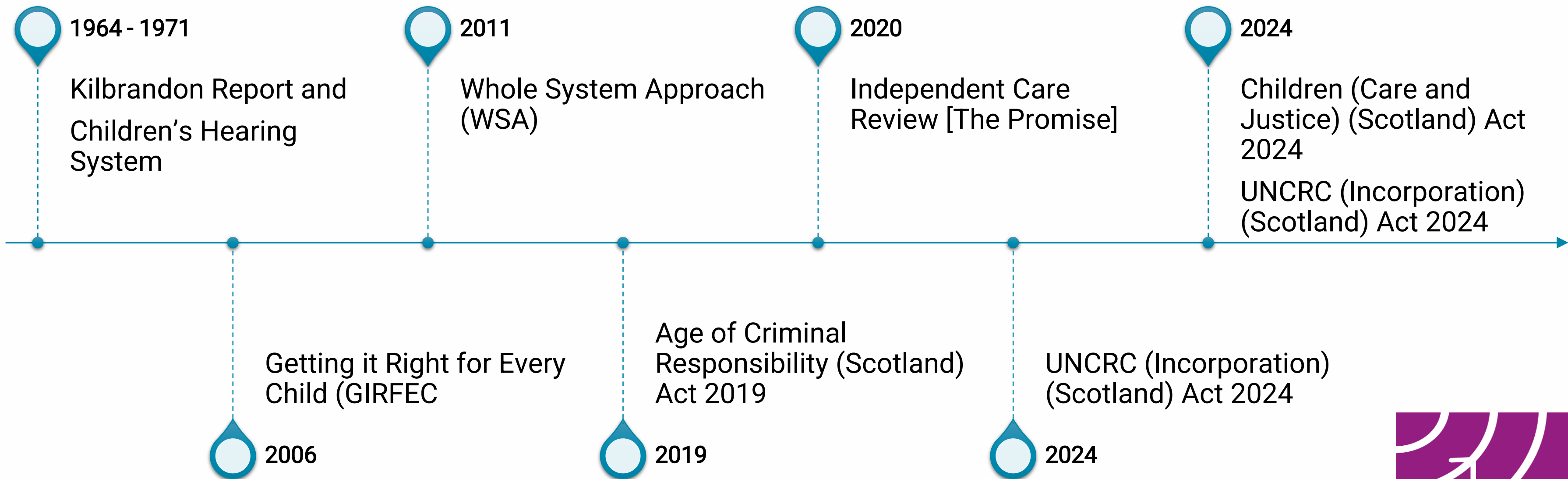
Children (Care & Justice) Act 2024

Key principles

- **All under 18s legally recognised as children**
- Age of referral to SCRA raised to 18, CHS supports extending until age 19
- **CSO prohibition measures and widened scope of movement restriction**
- Enhanced information and support for victims
- **Improved safeguards for children in police custody and court**
- Court must establish and consider implementing measures to enhance participation
- **Increased powers of remittal to the CHS**
- No children in Young Offenders Institutions
- **Guidance, engagement and best practice led by CYCJ and YJIB Implementation Groups, which have children's views central to processes**



Policy and Legislative Journey



Edinburgh Study of Youth, Transitions & Crime

- Most children who offend in adolescence do not go on to offend in adulthood, and many of those engaged in serious offending are not known to justice organisations.
- Children who experienced a range of adversities (including poverty, trauma, care experience, etc.) are significantly more likely to offend in adolescence and into adulthood.
- Pathways of criminal conviction from childhood to early adulthood vary considerably depending on people's early life circumstances, and are associated with a wide range of behavioural, familial, contextual and experiential factors.
- Those who come persistently into contact with the justice system over time tend to be amongst the poorest and most vulnerable people in our cohort.
- Childhood adversities increase the chances of contact with the law.
- Appropriately targeted diversionary strategies can increase desistance from serious offending
- Recent research by SCRA (2025), "*the lives of children who are referred to the Reporter for serious offending tend to be characterised by poverty, maltreatment, exclusion from education and engagement in risk taking within the community*". They also found high correlation of mental-ill health, neurodiversity and learning difficulties within the case sample cohort (p.4).



Whole System Approach (WSA)

Early and
Effective
Intervention (EEI)

Diversion from
Prosecution

Court Support

Support for Re-
integration and
Transitions

Community
Alternatives

Managing Risk of
Serious Harm



Early and Effective Intervention (EEI)

Key Points

- Child specific, available for all under 18s
- Voluntary response to children who come to the attention of the Police for offending, concerning or harmful behaviour
- Minimum intervention – **right response at the right time by the right person** – varied models
- Right response may be no response
- Avoids contact with formal systems – **5,091 referrals 2023/24**
- Avoids conviction and contact with CHS
- Guided by Core Elements (Scottish Government, 2021) though allows local flexibility
- Criteria exclude certain offences and children by age



Diversions from Prosecution

Key points

- **Diversions measure available to children where SCRA/ EEI not an option**
- **Not child specific process, though GIRFEC should inform assessment and intervention plan**
- **Must be enough evidence that prosecution could have been proceeded**
- **Must be an identifiable need for intervention**
- **Suitability assessment, usual 3-month intervention, completion report submitted**
- **Procurator Fiscal may waive charges if satisfied with outcome**
- **The Fiscal and Police can also issue other alternatives to prosecution such as Recorded Police Warnings of Fiscal Warnings or Fines**



Court Support - General Comment 24

“Children differ from adults in their physical and psychological development. Such differences constitute the basis for the recognition of lesser culpability, and for a separate system with a differentiated, individualized approach. Exposure to the criminal justice system has been demonstrated to cause harm to children, limiting their chances of becoming responsible adults.”

(CRC General Comment 24, 2019, p.2)

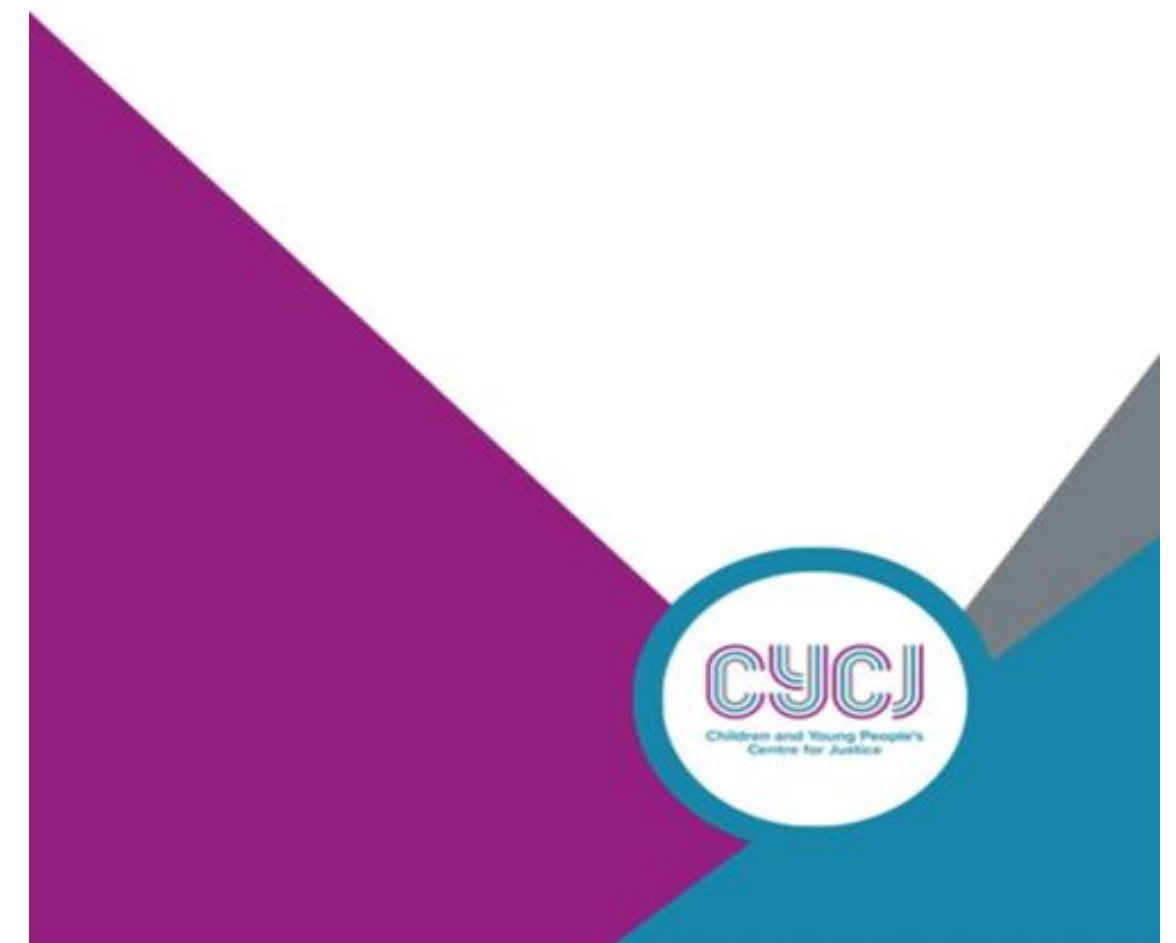


Youth Court Blueprint

Relevant Principles for CHS Court Processes

**YOUTH
COURT
BLUEPRINT**
November 2023

- Support children at Court
- Layout/ Venue
- Participation and Preparation
- Designated Staff
- Language and SLCNs
- Training for Court and Legal Staff



Community Alternatives/ Reintegration

- Keeping children in local communities
- Bespoke alternatives
- Intensive Support
- ISMS – with a monitoring restriction
- Only using deprivation of liberty as a last resort
- Use secure care instead of YOI
- Support children to reintegrate if removed from home



Care & Risk Management (CARM)

- Assist with the early identification, assessment and management of children and young people who display harmful behaviours
- Ensure a transparent, proportionate and rights-based approach which places the child or young person at the centre of decision making and considers risks and needs holistically
- Does not stand alone from GIRFEC and the Child's Plan – rather the CARM process ensures that decisions about risk inform the Child's Plan in a meaningful way
- Local CARM protocols should be signed off by Child Protection Committees and grounded within broader public protection structures and processes (e.g. Community Planning Partnerships)
- Should complement rather than conflict with existing arrangements such as secure screening panels



Extending the Whole System Approach

- Sentencing and penal policy commission
- Increase in Diversion from Prosecution
- EEI for young adults
- Workforce Development group
- Data group
- Police Custody group



Child-Centred Justice

Declaration underpinnings

- **Children recognised as rights holders**, requires accountability of for rights compliance across all stages of decision making
- **Child's best interests as a primary consideration**, Requires systemic assessment of how interventions affect children's safety, development and long-term outcomes
- **Meaningful participation and empowerment** (age appropriate, safe and protective)
- **Developmental and age-appropriate responses**, informed by knowledge

WSA Framework demonstrations

- **Built on welfare, rights-based policy ethos**
- Principles embedded in routine processes (police discretion, prosecutorial decision making, care planning and judicial oversight)
- **Minimum and proportionate intervention focus** (based on evidence of system harms)
- **Commitment to relationships and continuity** (collaborative decision making and governance)
- **Evidenced fall in CHS offence referrals, convictions and custodial sentences** – viewed with caution
- Encompasses victim's rights and public confidence





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Thank You



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Panel Discussion



Talking Impact, Talking Justice

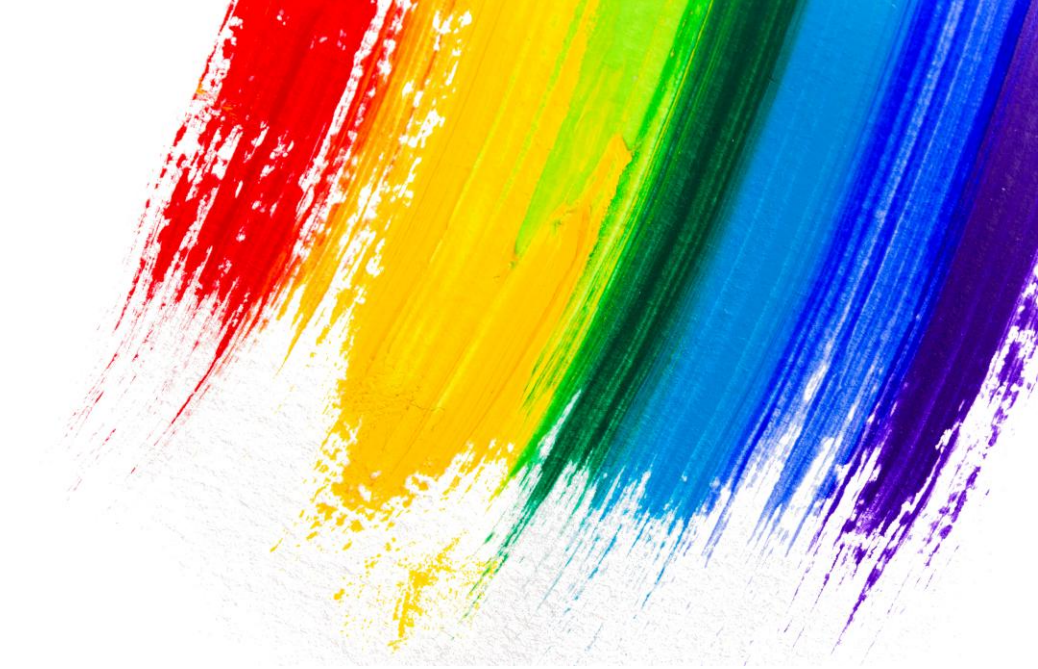
Discussion Series from the Baker McKenzie
Pro Bono Practice



**Understanding Disability Around the World: The
Launch of the Global Disability Legislation Index**

8 July 2026 | Virtual
2-3 pm BST

<https://tinyurl.com/BakerPB>



REGION

APAC Community Sprint

EMEA and India Community Sprint

Americas Community Sprint

SCHEDULE

27 October 2026,
9 am - 1 pm HKT

28 October 2026,
10 am - 2 pm CET

29 October 2026,
9 am - 1 pm PDT



<https://tinyurl.com/BakerJIA>