


KEY PRINCIPLES


FOR CHILD RIGHTS-CONSISTENT CHILD RIGHTS STRATEGIC LITIGATION PRACTICE

SCOPING, PLANNING AND DESIGN OF CRSL


Key principles that should be borne in mind by CRSL actors when carrying out work around the scoping, planning and design of CRSL:




Choice of thematic areas and long-term strategic planning are relevant to child rights-consistent practice because they ensure a child rights perspective is dominant in the work over time.




Where a decision is taken not to involve children in a particular case, this should be decided following an assessment of the risks and benefits to children's rights.




Where there are children involved in a case, they should be engaged in identifying the rights issue(s) to be litigated in the case, the goals to be pursued by the litigation, and in the whole strategic planning of litigation.



Children should be provided with the information necessary to understand and weigh up the opportunities/risks involved in litigation, from the outset.



CRSL litigators should ensure that their litigation work is always in children's best interests (which also requires explanations to children, and consideration of their views).



Litigators should be attentive to how CRSL work might impact on children's policy/advocacy agendas.

OPERATIONALISING CRSL

Key principles that should be borne in mind by CRSL actors when operationalising CRSL:



Agenda-setting and characterisation of CRSL should take into account children's rights to privacy and physical and psychological recovery.

Where children are directly involved in the case, they should be engaged in the process of agenda-setting and characterisation of the case.



Lawyers and others working with children on CRSL should engage with and effectively communicate with those children throughout the process, including through the use of language and communication technologies that are user-friendly for children.

Remedies should be in line with the views and interests of the children affected, and children should be involved in the development of remedies as far as is possible.



Settlement of cases should be done in a manner that considers the best interests of the child and in consultation with the children affected.

Children should be supported to call a halt to litigation at any point that they wish to.



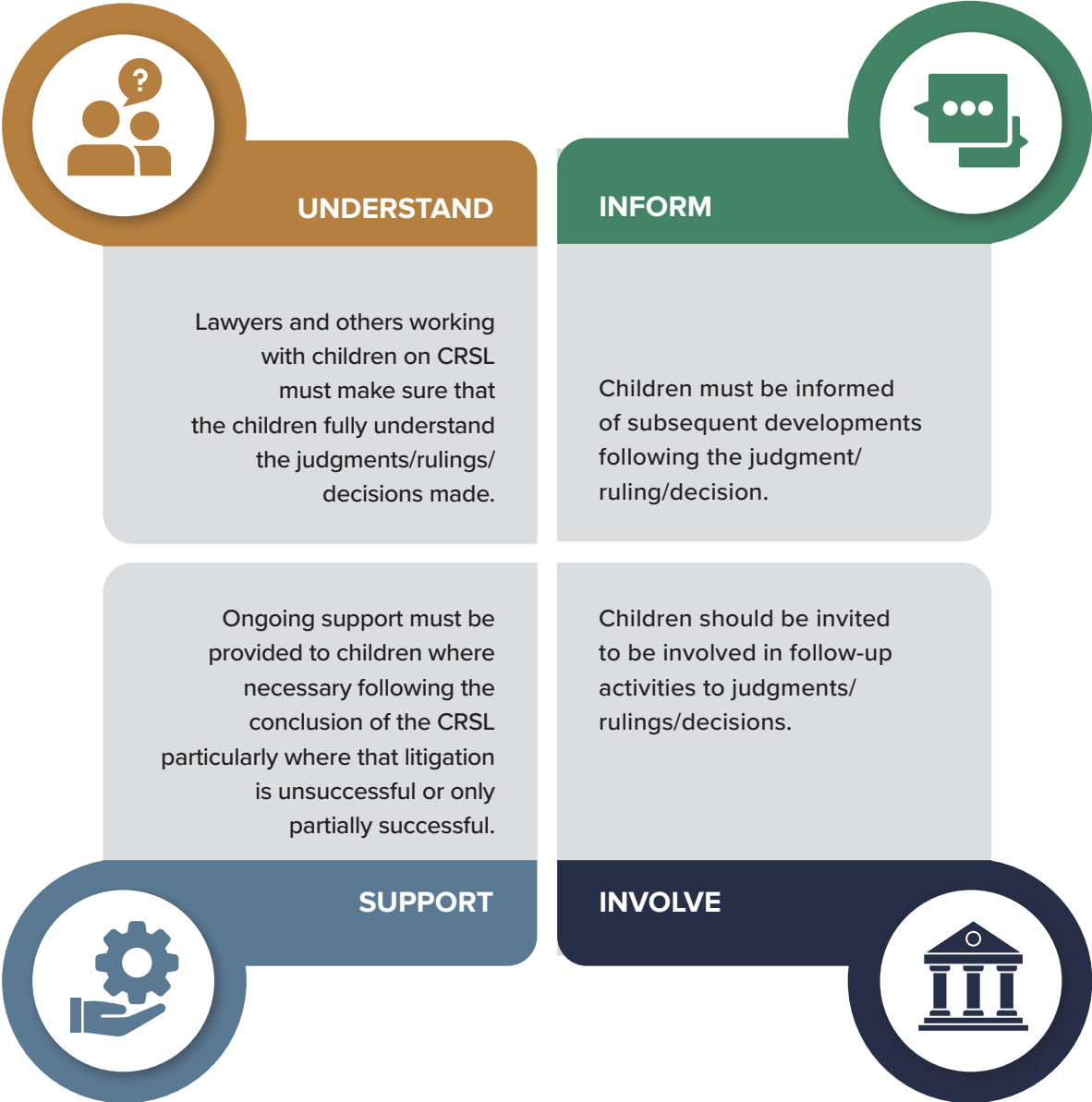
Children should be made aware of possible outcomes and what those outcomes might mean in advance of judicial decisions so as to manage their expectations.

If litigation is protracted, as children grow older and become more mature, their views in relation to the litigation should be accorded increasing weight.



FOLLOW-UP TO CRSL, INCLUDING IMPLEMENTATION

Key principles that should be borne in mind by CRSL actors when working on follow-up to CRSL, including implementation:



EXTRA-LEGAL ADVOCACY (POLITICAL ADVOCACY AND OTHER CAMPAIGNING, MEDIA WORK AND COMMUNICATIONS)

Key principles that should be borne in mind by CRSL actors when working on extra-legal advocacy (political advocacy and other campaigning, media work and communications):

CRSL practitioners should be attentive to the risks of harmful media attention, ensure that children are aware of what such risks are, and must act to mitigate these to the greatest extent possible.

Children’s views about how they/their cases should be presented to external audiences (including in publicity materials) should be given effect to by CRSL practitioners. This will involve working to ensure that partners/fundraisers/funders accord proper respect to children’s views in their work around the CRSL.



Children’s right to privacy should be respected at all times, which means the representations of practitioners to the court should take account of the child’s right to privacy and seek to prevent reporting of the child’s name or image or identity, unless the child specifically wants to be identified.

Where media forms part of the CRSL-related advocacy, children should be provided with the support and training needed to engage with the media effectively (should they choose to do so).

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Advancing **Child Rights Strategic Litigation**

ADVANCING CHILD RIGHTS STRATEGIC LITIGATION

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