

EQUITABLE ACCESS TO JUSTICE FOR CHILDREN IN THE WESTERN BALKANS -A SUB-REGIONAL AGENDA



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Equitable Access to Justice¹ for children in the Western Balkans -a sub-regional agenda

1. Purpose of this paper

The purpose of the paper is to provide an overview of the key considerations and priorities related to children's access to justice in the Western Balkans in the coming years. It outlines strategic areas where UNICEF in collaboration with other partners can further support governments to accelerate children's access to justice work. It is informed by successes in justice for children reforms in the Europe and Central Asia region (ECAR) and in the Western Balkans subregion in particular, and the need for the countries in this subregion which are aspiring to become EU members to align their actions with the relevant EU strategy (ies) in this area.

2. Child Justice Reform²: A story of success in the Western Balkans

UNICEF is the leading advocate for justice for children reforms in Europe and Central Asia,³ promoting equitable access to justice for all children who find themselves in contact with the justice system, be it as offenders, victims, or witnesses of crime, or as interested parties in civil and administrative proceedings. Our approach thus goes beyond care for children accused of crimes, as we also promote equitable access to justice for all children whose rights have been violated.

The Western Balkan countries have gained considerable ground in child justice reforms in the last two decades. Significant progress has been marked specifically, in protecting and fulfilling the rights of children in conflict with the law, manifested in the continuing decrease of children in detention. Available data shows that there was a 60% decrease in the number of children in detention (pre- and post-trial) for the region, during the period 2006-2012⁴. In Albania and North Macedonia, the number of children in pretrial detention decreased by 82% during the period 2011-2018. In Montenegro, there were no children in pretrial and post-trial detention as of 2018⁵.

The number of children in pre-sentence detention has also been generally on the decrease although there was a marked increase in the case of Albania and Serbia in 2017. The numbers remain highest for the 2 countries as of 2018.

1 Access to justice for children refers to the right to obtain a fair, timely and effective remedy for violations of rights, as put forth in national and international norms and standards, through adapted processes that protect children's dignity and promote their development.

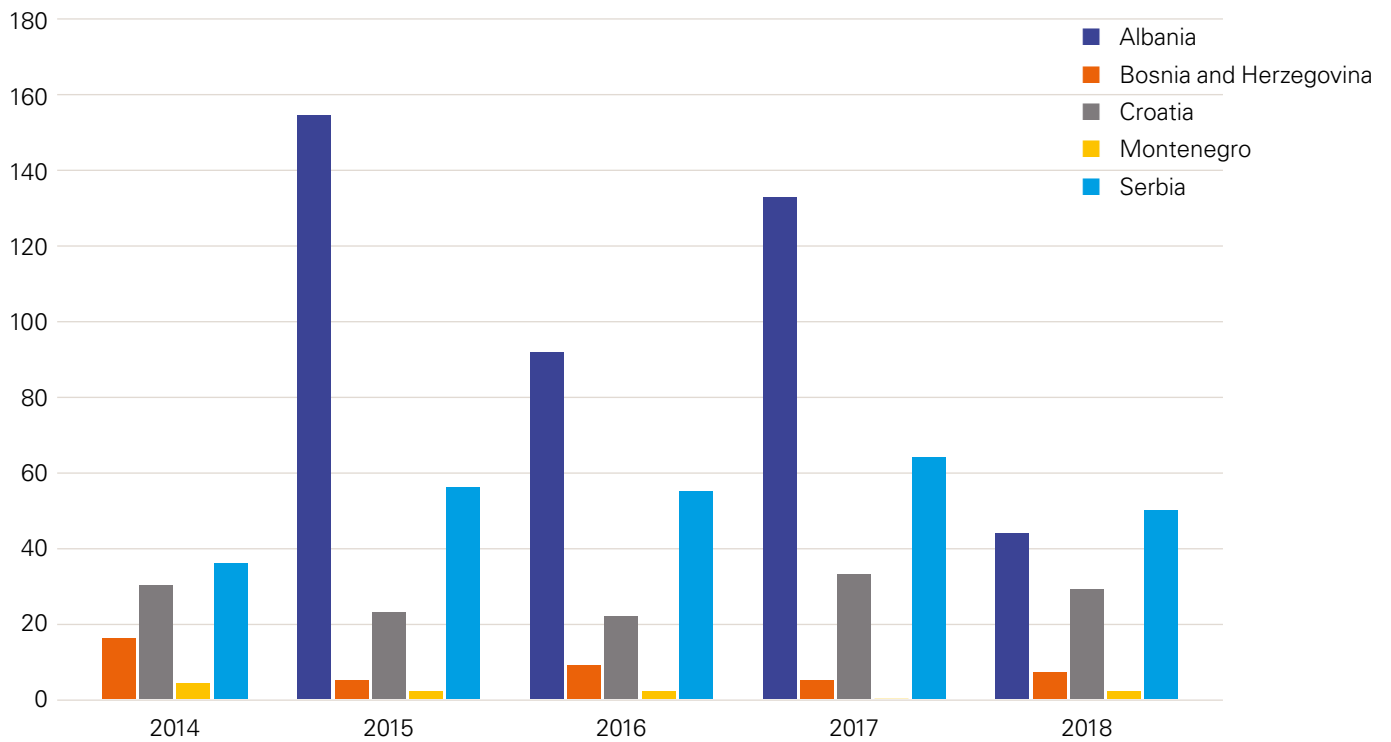
2 Previously-would be referred to as Juvenile justice system. GC 24 recommends use of child instead of juvenile

3 Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Greece, Kazakhstan, Kosovo (UNSCR1244), Kyrgyzstan, Republic of North Macedonia, Moldova, Montenegro, Romania, Serbia, Tajikistan, Turkey, Turkmenistan, Ukraine, Uzbekistan

4 Multi-country evaluation of the impact of juvenile justice system reforms on children in conflict with the law (2006-2012)-2015

5 TransMonEE 2018 (these are the only WB countries with such data)

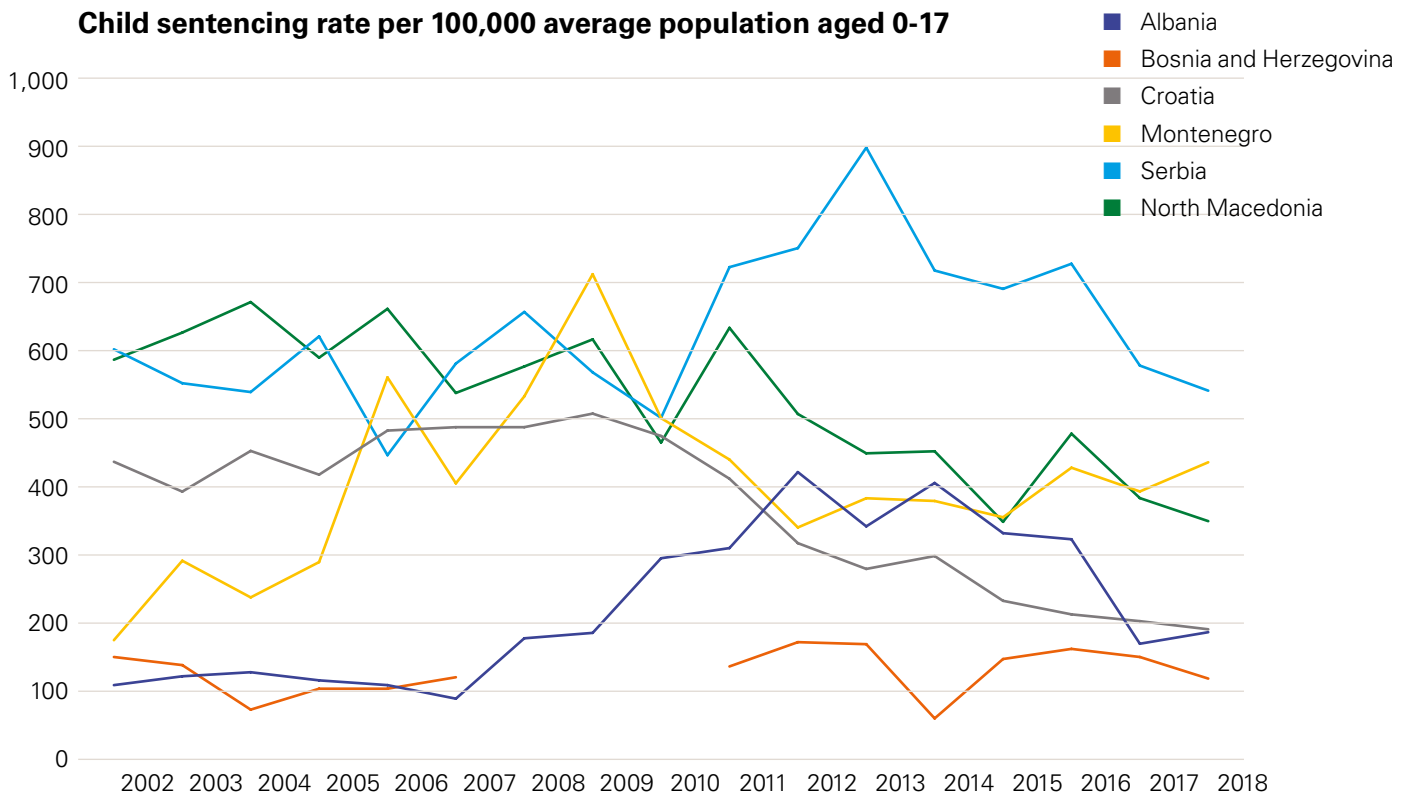
Number of children who entered pre-sentence detention during the year



Source: TransMonEE

The child sentencing rate per 100,000 average population aged 0-17 has also been steadily decreasing for most countries since 2012.

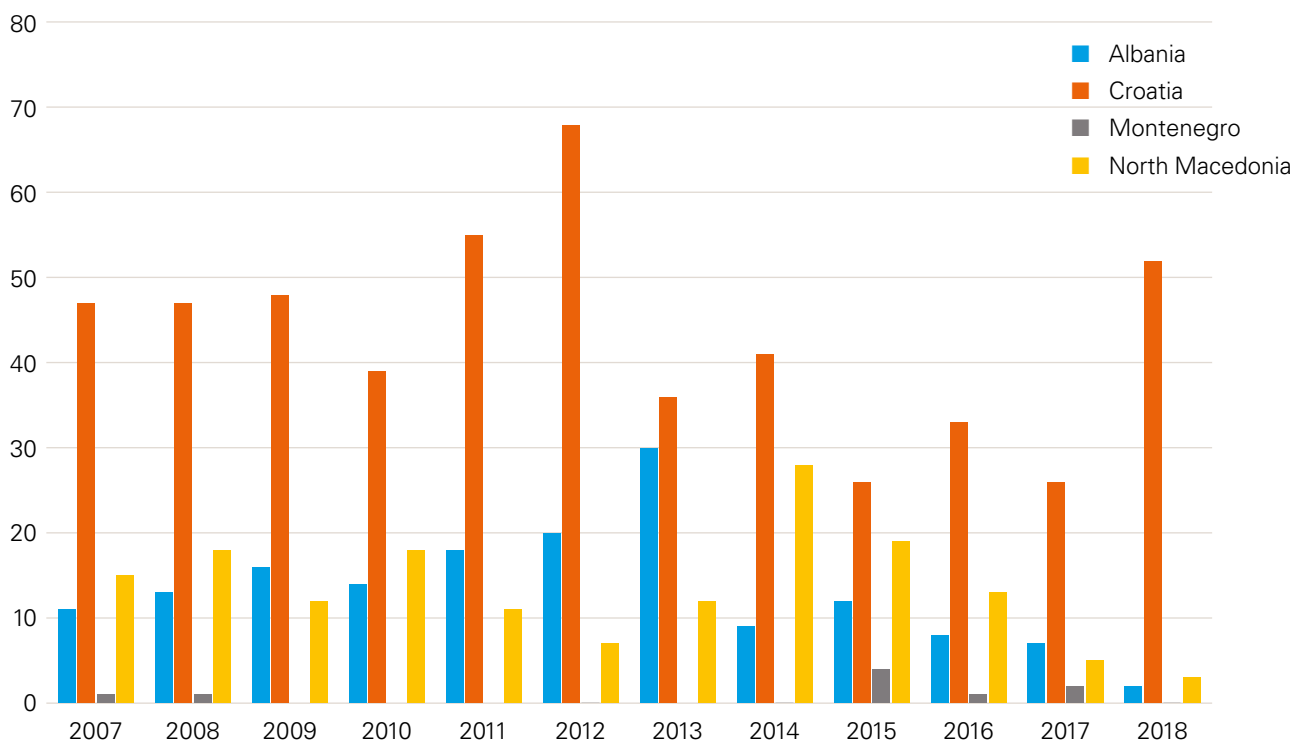
Child sentencing rate per 100,000 average population aged 0-17



Source: TransMonEE

The total number of children in closed facilities following adjudication at the end of the year is generally very low for the 3 Western Balkans countries (Albania, Montenegro and North Macedonia) and has been decreasing since 2015.

Total number of children in closed facilities following adjudication at the end of the year



Source: TransMonEE

This important shift is a result of profound changes that have been introduced in the child justice system including taking a restorative justice approach, and taking the best interest of the child as a guiding principle when making any decisions related to the child, adoption of criminal legislation/norms which provide for deprivation of liberty as a last resort, piloting and scaling up alternatives to judicial proceedings (diversion) and alternatives to detention, reintegration of children in conflict with the law support ; prevention of offending programmes, strengthening the capacity of various institutions and professionals working with children in conflict with the law; improving independent monitoring of child rights violations by strengthening the capacity of National Human Rights Institutions and increased governments' capacities to provide free legal aid for children and families.

Using its expertise in justice for children and advocacy, UNICEF has played a unique role in the sub region to push for and support the implementation of these reforms. This work, a direct contribution to improved rule of law and human rights has also been supported and often carried out in partnership with the European Union and other development partners.

3. Expanding focus towards Equitable Access to Justice

Building on the substantial progress with child justice reforms, the governments in the Western Balkans have recognized that the reforms should be expanded towards broader children's access to justice in order to ensure full protection of the rights of all children who participate in, mainstream criminal, civil and administrative justice processes. It should be noted that across countries in the sub region, some reforms

are already taking place aimed at strengthening the justice system and social welfare responses to child victims and witnesses of crime and children involved in family law and administrative proceedings. Given the fragility of the reforms, attention will continue to be paid to bridging the remaining gaps in child justice reforms including the need to consolidate the gains, ensure attitudinal change within society and amongst the professionals and strengthening governments' monitoring and accountability mechanisms.

Evidence from research⁶ shows that children's right to accessing justice is rarely realized in the Western Balkan states. The majority of children whose rights are violated never seek a remedy. The Research showed that lack of access to justice for children is rooted in a limited understanding of children as right-holders. Other key obstacles that children face in seeking justice include⁷:

- i. social and cultural practices that discourage children from seeking justice and perpetuate inequalities and exclusion
- ii. children lack knowledge of their rights, protection mechanisms and supporting institutions to go to seek redress for rights violations
- iii. justice systems that are generally not adapted to children's rights .(e.g laws that overlook their specific rights and treat them as adults, professionals who do not understand their rights and do not possess the required skills and knowledge to deal with children in contact with the law
- iv. inappropriate police and court procedures, including the infrastructure that is not adjusted to children's needs)

For some groups of children, like those exposed to poverty, children with disabilities, children belonging to minorities, these obstacles are exacerbated. They encounter greater barriers in accessing justice, including lack of free legal aid, physical barriers in accessing court buildings, language barriers, stigma and discrimination and lack of resources and information to seek remedies for violation of their rights.

As regards **child victims and witnesses of crime**⁸, they have less protection of their rights in criminal court proceedings and face risks of secondary victimization and traumatization in the justice system. Key issues concerning these children include:

- i. legal systems in some countries are not yet in full compliance with international standards;
- ii. some initiatives, e.g child friendly procedures and settings for victims and witnesses are not yet at scale and or standardized;

6 UNICEF: Children's equitable Access to Justice, Central and Eastern Europe and Asia 2015 <https://www.idlo.int/publications/childrens-equitable-access-justice-central-and-eastern-europe-and-central-asia>

7 Other contributing factors include: lack of accurate data in the key sectors responsible for providing protection of children in contact with the law, Insufficient budget allocation to justice for children reforms which contributes to unsustainable reforms which are mostly donor driven, lack of coordination among different stakeholders such as those in justice, child protection, health and education systems; lack of access to legal aid

8 See Promising Practices in Justice System Responses to Child Victims and Witnesses in Europe and Central Asia

- iii. training for professionals working with victims and witnesses is inadequate;
- iv. access to information on proceedings, beyond the procedure for providing testimony, is still limited.

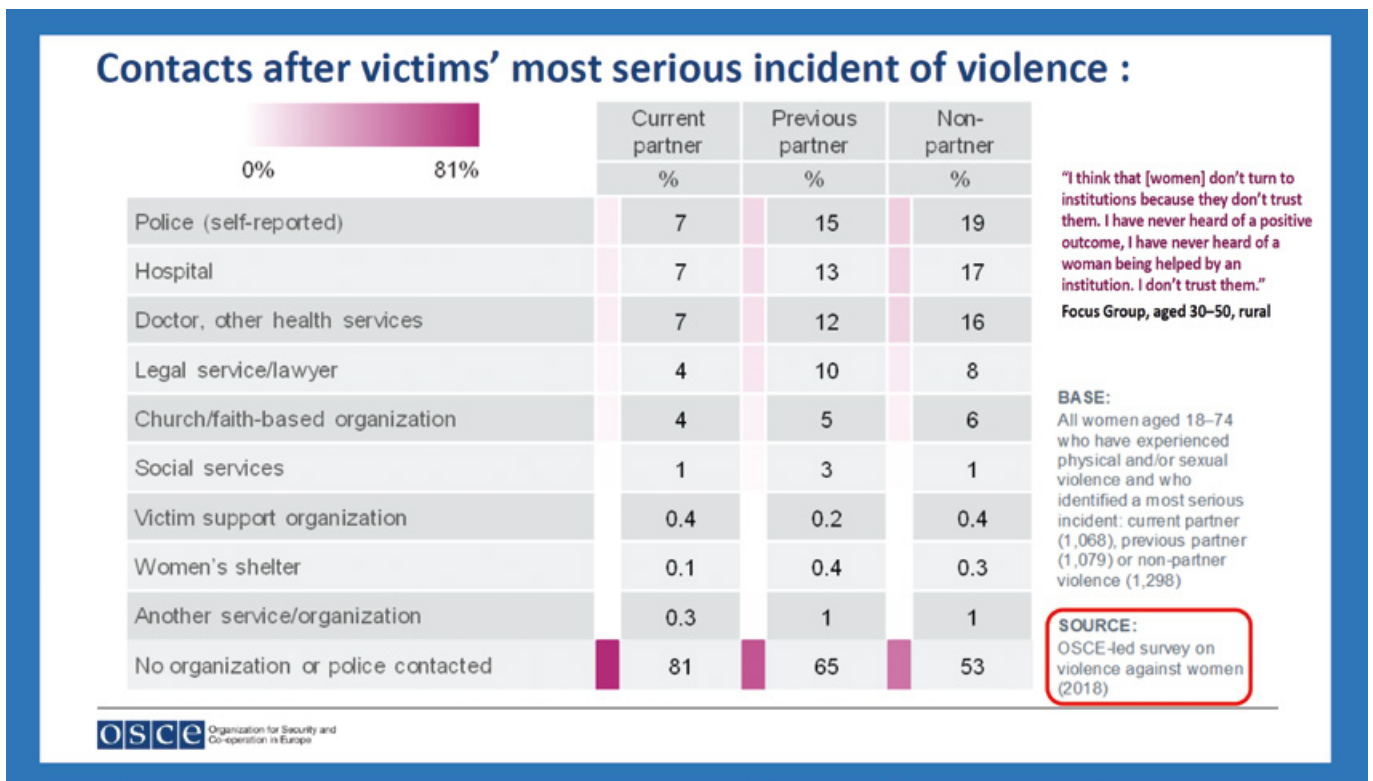
To illustrate this point, based on the experiences of women, (see chart below) the percentage of women aged 18-74 who were very well/well informed of what to do after experiencing violence is not very high ranging from 46% in Albania to 25% in Serbia and Montenegro.



- v. availability of free legal aid remains uneven in different countries, even when laws provide for it;
- vi. while a holistic approach to dealing with child victims and witnesses would require a continuum of interventions, before and after judicial proceedings to promote prevention and recovery, justice system responses remain largely isolated and disconnected from social sector responses;
- vii. The full picture is not known due to under reporting and under registration as overall, data on children in contact with the justice system as victims and witnesses and in respect of family law proceedings is hardly collected in the judicial statistics and therefore remain scanty.

The immediate point above (vii- under reporting/registration) is also illustrated by

the chart below which although focuses on women (18-74) as well, shows that a big percentage of women (81%) do not contact the police or any organisation after a serious incident of violence by current partner, previous partner or non-partner. Child victims of crime are less likely to report.



According to TransMonEE data base, in 2018, the number of child victims of crime were 1,248 in Albania, 303 in Montenegro and 1129 in Serbia. Information is not available for North Macedonia, Kosovo and Bosnia and Herzegovina.

When it comes to **children involved in civil and administrative proceedings**, there are still many challenges⁹ in putting the child's best interests and the right to be heard at the heart of proceedings involving custody contact, divorce and separation, placement into residential care and other issues related to alternative care such as adoption, foster care, guardianship, or referral of the child to medical or psychiatric or residential substance abuse treatment etc. Some of the challenges emanate from the fact that children are not recognised as rights holders and are very often invisible in these cases. This is even more critical given that many family law cases do not reach the courtroom and often are determined through mediation or through settlement between the parties. Both civil and administrative proceedings deeply and directly

⁹ Some of the challenges are similar to those facing child victims and witnesses

affect children involved in them, thus their views and opinions must be heard and given due weight (article 12 of the CRC), and all decisions must be made by giving paramount consideration to the child's best interests (article 3 of the CRC).

The COVID-19 pandemic has disproportionately affected people from disadvantaged populations and marginalized communities and exposed the inequities they suffer. The pandemic has had unique impacts on children in contact with the justice system, in particular due to delays in proceedings, suspension of trials and closures of courts, disruption of available services and interventions in the community, legal aid and representation, psychosocial support etc. The experiences gained from the pandemic and indeed the practice and response gaps noted above, offer governments, UNICEF and partners in this subregion, a chance to re-think approaches and to build on transformative actions for wider justice reforms for children and to address the pervasive lack of access to justice so many children, in the subregion face.

3. UNICEF's comparative advantage - supporting access to justice work in the Western Balkans

UNICEF is well positioned to continue working with respective governments in the Western Balkans to strengthen the justice system beyond the issues related to children in conflict with the law and expand their agenda to address some of the issues constraining children's (especially the most vulnerable) access to equitable justice. With an established and long-term presence in these countries, UNICEF will ensure that efforts to address barriers that hinder effective access to justice for children have a lasting impact.

The convening power and long-standing 'trusted partner' status that UNICEF enjoys with justice and other ministries working on justice issues for children across the sub region places UNICEF in a unique position to be able to effectively support further reforms in this area. Beyond government authorities, UNICEF has well-established partnerships and collaboration with courts, prosecution, parliaments, academia, civil society, the private sector, human rights institutions and other rule of law and human rights actors.

At the country level, the expertise and experience of child protection and justice for children staff form the backbone of country child protection programmes and are instrumental in UNICEF's ability to build strategic and valued partnerships and support changes for children in justice systems on the ground.

This work agenda will create space for countries in the subregion to work together, share and exchange experiences of the most promising and evidence-based practices within themselves. In addition, it will facilitate learning and accessing technical expertise from some EU countries with more developed justice for children systems. It will also inform actions in other ECA sub regions that have not made much progress towards the broader access to justice agenda.

The Western Balkan countries will continue to benefit from technical support and advice from the UNICEF regional and global levels including helping to harness and share regional and global good practices and to foster high-level relationships with key justice regional and international actors, mechanisms, and bodies.

4. Key priorities and opportunities for enhancing equitable access to justice for all children in contact with the justice system

There are common threads defining the access to justice work in the Western Balkans. The key ones include the following:

Strengthening of the legal and policy framework on Access to justice (A2J)

Despite advancements on this front, there are still gaps to address to bring legislation concerning children's access to justice in line with international standards. Recommendations of the Committee on the Rights of the Child still point out need for governments in the subregion to bring their national legal frameworks to comply with the Convention.

All Western Balkans countries have signed and ratified the two Council of Europe multilateral treaties - Lanzarote and Istanbul Conventions- which articulate and put into effect the protection of children victims and witnesses of sexual and domestic violence. However, the protective measures introduced by the treaties have been embedded unequally and fragmentary into the national legal frameworks. Therefore, there is still much space in advancing domestic legislation to effectively implement the treaties, especially by sharing good practices from one country to another.

A deeper assessment of how domestic legislations have embedded the relevant conventions and the barriers to their effective implementation is needed to inform evidence-based strategic actions plans to overcome these barriers. It is also crucial that the legal systems reflect the need for a better integration of child protection and justice systems, to ensure that adequate coordination and integration of services is provided for already in the legislation.

UNICEF is well recognised by the countries in the subregion as the strongest partner in this area and therefore in position to support governments accordingly.

Child friendly justice

Building on the ongoing work, efforts will be continued to further strengthen the implementation of child friendly justice procedures which includes among others, specialization of professionals who work with children in contact with the law ,availability of services to support children, operationalisation of best interest principle in proceedings and active and meaningful involvement in the justice processes. There is also need to build on existing initiatives around child-friendly services, processes and spaces through the 'child-friendly interview rooms', that most countries are developing/ expanding. Attention should be paid to the institutionalisation of the principles and

fundamentals of child-friendly justice- notably justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child¹⁰. Special focus will be put on promotion of high-quality legal aid that is available to children free of charge in any judicial or administrative proceedings, available at all stages of the process. It will also be important to continue with interventions focused on children accused of offences by strengthening diversion, restorative justice, and other alternatives to detention measures

Addressing constraining social norms

Work with, media, civil society, communities and families, professionals, and other stakeholders to shift social norms and help break the silence around practices that harm children and deny them access to justice. Intensify advocacy aimed at recognition of children as full rights-holders. This will include addressing gender norms that lead girls to be disproportionately affected by crimes and to boy's susceptibility to committing crimes. Discriminatory, cultural, and social attitudes which prevent children from being recognised as rights-holders and which stem from negative assumptions about their intellectual and physical capacities need to be tackled. This is particularly dire for children with disabilities

Legal empowerment

The concept of access to justice for children requires the legal empowerment of all children. They should be enabled to access relevant information and to effective remedies to claim their rights, including through legal and other services, child rights education, counselling or advice, and support from knowledgeable adults.¹¹

UNICEF will thus continue to work with respective government institutions, communities, and children themselves to empower them (children) as rights holders and to seek response and remedies for injustice through improving children's legal protection and legal awareness. As part of this response, UNICEF will continue to support measures to increase availability and access to free legal aid for all children involved with the justice system irrespective of the reason, advocate and promote children's right to be heard and to express an opinion during proceedings, increase children's knowledge of their rights and where they can seek support and assistance when needed, outreach targeting children, families and communities especially the most vulnerable¹² and continue to support capacity strengthening of National human rights institutions and Children's Ombudspersons to monitor, respond and report on child rights and strengthening of child-friendly reporting mechanisms for rights violations.

Strengthen availability of data on all children in contact with the justice system

Continue to invest in evidence generation and in particular support government

¹⁰ UN, 'Access to justice for children-Report of the United Nations High Commissioner for Human Rights', (2013), A/HRC/25/35

¹¹ Ibid

¹² Some experiences can be drawn from the work in Albania and Montenegro under the A2J project 2019-2021

counterparts to strengthen collection, and use of reliable, disaggregated data, (age/ gender/ disability) on all children involved with the justice system with particular attention to data on victims and witnesses and children in civil proceedings which is currently scarce. Effectiveness of diversion and alternative to detention practices and measures should be well documented to be able to demonstrate what works and used to further inform advocacy and design of appropriate programmatic interventions.

Capacity building.

The Western Balkan countries will continue to promote and support capacity building activities for justice sector professionals and other actors to equip them with knowledge and skills to protect and support children across criminal, civil, and administrative law domains. Ultimately, the system should make sure that only professionals who have had specialized training deal with children's cases. A unified child-centred and trauma informed approach and training¹³ should be introduced and include police officers, judges, prosecutors, child protection workers, to address cases of children in the justice processes in a multi-disciplinary fashion. Effective handling of cases involving child victims of crime require officials who are aware of the particular vulnerabilities of child victims and who are well trained on children rights and protection needs during criminal proceedings¹⁴. Building capacities of professionals on inter-sectorial collaboration should also be a central element of the training programmes, enabling where possible joint training opportunities for professionals from the different disciplines. Elements involved in ensuring adequate protection of children involved in civil proceedings and as victims and witnesses overlap with the experience in the sub region of reforming child justice systems including availability of specialized personnel (e.g. witness support providers and specially trained police, prosecutors and judges), coordination across sectors, and particularly with the social welfare authorities. This experience will inform the focus on all children in contact with the justice system.

Alongside the support for specific capacity building activities, UNICEF will advocate with respective governments and institutions for a more strategic and sustainable approach to capacity building. This will require institutionalizing the trainings into pre-service and in-service trainings for various professionals. This is the only way systemic change in capacity building can be achieved.

Promotion of inter-institutional collaboration in handling cases of children in conflict or contact with the law

Significant investments have been made and continue to be made to equip justice institutions with child-friendly rooms and to build their capacities in child friendly interviewing and providing psycho-social support to children in contact with the law. UNICEF will continue to support governments to expand availability of the child friendly premises and to develop standards for their operations.

13 "Trauma-informed care is a strengths-based framework that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both providers and survivors, and that creates opportunities for survivors to rebuild a sense of control and empowerment." (Hopper, Bassuk, & Olivet, 2010)

14 This also includes specialized training on preparing and conducting structured interviews with children

In addition to the child friendly rooms, the western Balkans are at different stages of developing /adopting the 'Barnahus' model which represents an integrated, evidence-based, multiagency, specialized and child-friendly service models for the protection of child victims of sexual abuse and exploitation and other forms of violence. This model brings together all relevant justice, legal, medical and social professionals (i.e. the judge, the prosecutor, the police, social workers and medical professionals such as psychologists and forensic doctors) to obtain from the child victim of sexual abuse the necessary information for investigation and court proceedings, while ensuring that the child received the necessary assistance and support, including medical and therapeutic assistance. While many forms of the 'Barnahus' model have taken life throughout Europe and wider, the distinguishing element remains the fact that model puts the child at the center ensuring that the best interest of the child prevails and aiming to prevent any possible secondary victimization or any detrimental consequences to the child through the forensic process and caring primarily to ensure protection to the child.

UNICEF should support the further operationalisation of this approach in a sustainable way as applicable in different countries. Experience in using the Barnahus model demonstrates positive results for both the protection of children's rights, and the availability of legally valid testimony and forensic evidence for use in criminal proceedings. Complementary to this approach is continued strive to strengthen national policies and availability of services for victims and witnesses and development of the capacity of existing institutions and agencies to offer appropriate information, referrals and services that are child-friendly, gender-sensitive, age and disability appropriate.

UNICEF's work on access to justice in the Western Balkans will complement the initiative in the same sub region on **Advancing Child Online Protection in Europe and the Neighbourhood**¹⁵ particularly in respect of victims and witnesses support services, and strengthening reporting, investigation, and prosecution.

In all interventions, special attention should be paid to children with disabilities, ethnic minority children, and migrant and refugee children. In addition, child participation -which is a corner stone of the CRC and a fundamental prerequisite in children's access to justice should be actively promoted in all undertakings. There are already some positive experiences regarding child participation and involving the said vulnerable groups in some countries in the WB which can be harnessed and amplified¹⁶.

¹⁵ See: Advancing Child Online Protection in Europe and the Neighbourhood Strategic Directions White Paper (May 2021)

¹⁶ E.g. The work of the golden advisors net work in Montenegro. The Golden Advisers are a network of more than 24 children selected from different regions of Montenegro and from different backgrounds. They work as children's rights advocates of the Ombudsperson's Office. They promote children's rights in their own communities. They organize activities in their own schools, and also reach out to other children.

5. Children's equitable access to justice and the new EU Strategy on the Rights of the Child (2021-2024)¹⁷

The EU strategy on the rights of the child is an opportunity that can be used to underpin further developments of the access to justice work in the Western Balkans. Conversely the access to justice work can also inform the operationalisation of this strategy in these countries aspiring to join the EU. The strategy proposes a series of targeted actions across six thematic areas, several of which are directly relevant to children's access to justice agenda and priorities for action in the Western Balkans.

The strongest links with this strategy is **thematic area 4** on child friendly justice which covers interventions that address the broad issues of access to justice, victims and witnesses and children involved in civil proceedings. Under this thematic area, there are a number of actions including i) training of justice professionals on the rights of the child and child friendly justice, ii) strengthening the implementation of the 2010 Guidelines on Child-friendly Justice with the Council of Europe and iii) providing targeted financial support for trans-national and innovative projects to protect children in migration under the new Asylum, Migration and Integration Fund (AMIF) and iv) support to member States in the development of effective and viable alternatives to the detention of children in migration procedures.

Note that some of the access to justice work areas outlined above interlink with other thematic areas of the EU strategy notably thematic area 1 on child participation in political and democratic life -which commits to create space for children to become active participants in the rule of law agenda and thematic area 3 on combating violence against children and ensuring child protection.

¹⁷ EU Child Rights Strategy

ANNEX: Justice for children/Access to justice priorities for UNICEF in cooperation with national governments (2021-2025)¹⁸

In close consultation with the governments, UNICEF offices in the Western Balkans countries have identified as programmatic priority, interventions addressing children's access to justice and measures that focus on child victims and witnesses and children involved in civil proceedings.

Here are some examples of what countries stipulate in their strategies:

1. Albania:

An output in the cooperation agreement with the government for the period 2022-26 is that by 2026, public oversight institutions have improved capacity to monitor and ensure accountability for child rights and gender rights violations, to provide remedies, as well as to promote child rights and gender equality awareness and demand for remedies for violations thereof. Specific interventions inter alia include:

Support to the Ministry of Justice and relevant authorities at the central and local level to conduct communication for behaviour change with the population in 3 jurisdictions, e.g. with parents/caregivers and children to emphasize the concept of children as rights holders and working with adolescents to challenge patriarchal values that push them towards criminality, with local communities to be open to reintegrating children in contact with the law and to see the benefits of the rehabilitative approach of the Criminal Justice for Children Code.

Technical advice/assistance to the Ministry of Justice, Parliament of Albania, High Councils of Prosecution and Judiciary to continue **improving the evidence-based policy and legal/normative framework** addressing children's equitable access to justice and legal remedies, particularly in relation to the Criminal Code, the Criminal Procedure Code, the Family Code, the Civil Procedure Code, the Justice strategic document(s) that address child-friendly justice (beyond 2021) as well as the guidelines on the best interests of the child.

In partnership with other development players, provide technical advice/assistance to Ministry of Justice and other justice system operators to further strengthen the systems for generating accurate administrative data on justice for children processes, including by continuing the support to the full development and deployment of the Integrated Data System on Children in Criminal law processes

In partnership with other development partners, provides technical assistance to the capacity building of the Magistrates School, Police Academy, the Bar Association

¹⁸ 2022-2026-Montenegro and Albania

and the State Agency for the Rights and Protection of Children to offer training to the respective professionals (police officers, judges, prosecutors, judicial police, attorneys and child protection workers, approx. 500 professionals) involved in legal processes affecting children

UNICEF invests in further strengthening and evaluating the emerging practice/model of child-friendly justice system/practices, supporting government to build children's and families' trust in the justice and administrative institutions and increase awareness among children and parents in 3 jurisdictions of available justice mechanisms

- The programme will continue to support the national human rights institutions (NHRIs) to strengthen their role as independent monitoring bodies, as advocates for child rights and as important mechanisms for providing children's access to remedies for violations of their rights.
- UNICEF will also support the NHRIs to give an equal voice to particularly the most vulnerable and marginalized boys and girls, to increase their participation and involvement in the work of the NHRIs
- UNICEF will support civil society to strategically litigate for child rights and gender equality with NHRIs (but not limited to these), as well as to raise children's and families' awareness of child rights and the redress available for violations.

2. Bosnia and Herzegovina:

Bosnia and Herzegovina will continue to pay attention to children in conflict with the law, to ensure that the major achievements from child justice reform remain sustainable and are used regularly, such as using detention as the last resort. The increased focus will be on child victims and witnesses and children in civil proceedings. The objective of the future work on protecting child victims and witnesses will be strengthening the legal framework for the effective implementation of Lanzarote and Istanbul Conventions. Furthermore, the capacities of the institutions will be supported to be able to provide child friendly services to every child, regardless of their age and place of residence. The protection of children in civil proceedings will focus on judiciary practices related to advancement of the family law legislation(s) and strengthened implementation particularly in divorce and family separation cases. Proceedings will be enhanced to ensure participation of children in parallel with improving the knowledge of professionals (centres for social welfare, judges, mediators) in conducting best interests' determinations especially with high conflict divorces. Advocacy efforts will focus on the importance of adequate implementation and enforcement of court decisions particularly to ensure equal and fair custody and visitation rights based on the best interests of the child, payment of child support, and placement into suitable alternative care.

Provision of free legal aid will be further strengthened through enhanced accessibility (aligning the criteria for eligibility and accessibility to free legal aid; on-line free legal aid services), quality (capacity building programmes, replication of best practices) and geographical availability.

UNICEF will scale up initiatives for the legal empowerment of children and engage families in supporting children's access to justice in order for children to be seen as rights-holders rather than objects of parental control. At the same time, UNICEF will support government stakeholders in making the reporting mechanisms more child-friendly, to address underreporting of child rights violations, which came out as finding of recent studies and surveys. The quality of child friendly services for victims and witnesses will be monitored and further strengthened through specialised educational programmes for support providers and judiciary professionals. Furthermore, UNICEF will explore joint programmatic opportunities to merge interventions and simultaneously address multiple child protection issues, such as alternative care, CSEA and VAC.

3. Kosovo (UNSCR1244):

In the area of justice for children, the programme will address remaining challenges related to protecting children under the age of criminal responsibility and provision of specialized services, such as counselling and alternatives to detention. Measures will be undertaken for effective education and rehabilitation for child offenders, including child victims and witnesses.

Furthermore, the aim will be that all children in conflict and contact with law receive specialized services by trained professionals in justice for children and they enjoy the benefits and opportunities of the new innovative services introduced into the Juvenile Justice Code and child delinquency is prevented and children under the age of criminal responsibility are protected. Follow up of the previous decade of the support to the reforms in the area of Justice for Children will aim at the following results:

- The existing legal and policy framework is translated into actions to deliver protection and improved services for all children in justice process, including children under the age of criminal responsibility.
- Early identification, warning and response mechanism strengthened and functional for boys and girls at risk
- Diversion and education measures are enforced as alternatives to detention by justice professionals and as primary solution of judicial practice.
- Enhanced cross-sectoral coordination between Correctional Service of Kosovo, Probation Service of Kosovo, and Centres for Social Work to ensure education and reintegration of children accused of offences into family and community

4. Montenegro:

Montenegro will maintain and expand the momentum of past achievements and experiences where tangible results have been achieved in the child justice system reform. Despite the great progress achieved, the Government of Montenegro has recognized that the reform focus should be expanded towards broader children's access to justice issues in order to ensure full protection of the rights of all children who participate in, mainstream criminal and civil justice processes. The focus will be to

strengthen the justice and child protection system to apply child-friendly procedures in overall justice system (criminal, civil proceedings) and empowerment of the most vulnerable children and families to effectively access justice and meaningfully participate in the judicial proceedings. On the other hand, National human rights institutions will be strengthened to provide for meaningful child participation and adequate redress for child rights violations.

The programme has prioritized three areas of work. i) strengthening and further specialization of the capacities of child protection and justice systems to effectively apply child friendly procedures, including support in establishment of child friendly infrastructure to support and reach the most vulnerable children and families in contact with the law; ii) empowering children and families to claim their rights, use support services and benefits and iii) Strengthen the free legal aid for children and accelerate efforts on data collection as a prerequisite for development of evidence-based policies concerning children in justice processes.

5. North Macedonia:

North Macedonia will through a comprehensive multisectoral reform, address the gaps in the justice for children system as regards legislation, monitoring and capacity, as well as offering services tailored to the needs of children at risk. It will undertake further improvements in the legal framework as well as harmonization with relevant EU directives and international standards. In addition, an expenditure analysis will be conducted to assess the efficiency, effectiveness, and equity of government budget in the area of justice for children.

It will support development of capacity and services to improve the treatment and protection of children in the justice system to address the insufficient level of specialization and training of professionals and lack of services. The capacity development action will target professionals in the child protection system, including judges, prosecutors, lawyers, police officers, Centre for Social Work staff and staff working in correction facilities, as well as professionals working in the national training institutions, i.e. the Academy for Training of Judges and Prosecutors, the Police Training Centre, the Institute for Social Activities, the Macedonian Bar Association, and the Chambers of Mediators. North Macedonia will also support development of procedures and practices in the justice system and related support services, to make sure they adhere to national and international standards for treatment and protection of children. It will also tackle the emphasized need for better understanding of the nature and the effects of trauma on children among professionals working in sectors that compose the justice for children system

It will also provide technical assistance to the statistical bodies, monitoring and coordination mechanisms to strengthen availability of data, and to define strategy to better support children's rights in the justice system

In order to ensure child participation, North Macedonia will also provide avenues and mechanisms for adolescents to design and develop ideas for equitable access to justice.

Lastly to build support for reforms being introduced it is essential to raise awareness and to build a system that will ensure that children are enabled to realize their rights in the justice system. To achieve this, a knowledge, attitudes, and practices (KAP) survey will be implemented. Data generated through the survey will be a key ingredient in producing and implementing a multimedia communication campaign in the country. The multimedia campaign will include communication on the rights of children in the justice system and access to justice/legal aid rights, targeting key stakeholders and professionals.

6. Serbia:

In Serbia, the programme will build on strategic partnerships and results achieved in the previous period of justice for children reforms, addressing the remaining gaps and challenges in promotion of effective and equitable children's access to justice. The focus is on creation of a child-friendly justice system which works in the best interests of the child, where children are protected and participate meaningfully in the processes and decisions involving them.

Despite some positive trends with regards to children in conflict with the law, diversion measures are still only applied in a very small number of cases. Increasingly long court proceedings, not systematically applied measures for protection of child victims and witnesses from secondary victimization and growing number of children under the age of criminal responsibility with behavioral problems in conflict with the law together with lack of adequate preventive interventions and programmes, are of particular concern. The principle of the best interest of the child has not yet been adequately integrated into decisions made in the civil and administrative proceedings.

Even though the recently adopted Law on Free Legal Aid (2018) enables improved access to justice for the most disadvantaged children, children still face a number of barriers in their access to legal aid. They are rarely recognised as beneficiaries even when a child is victim, and even less when a child acts in civil or administrative proceedings. Also, children are not informed about the possibility to benefit from free legal aid as legal aid providers have not made their services available to children and their families in a child-friendly manner. Further, free legal aid providers have not received a specialised training on children's rights. In practice children, if at all, often have access to legal counsel and legal aid only through their parents or guardians.

The main *opportunities* are linked to the adopted Strategy for Protection of Victims of Crime (in 2020) which should provide a clear framework for mainstreaming the protection of child victims and the Social Welfare Strategy (in 2020) which foresees increases in local-level budgets for social services. The establishment of a national level data-management system for children in civil court proceedings (implementation started in 2020) is expected to create a solid basis for continuous monitoring and capacity development.

Given its exclusive experience and expertise, as well as results achieved in the previous period, UNICEF is strategically positioned in the area of justice for children to continue

with its advocacy and systems-strengthening efforts. This is also important as these issues are closely interlinked with the wider violence prevention and protection agenda, social service workforce strengthening and further shifting towards family and community-based service provision – all together contributing to the attainment of overall justice for children.



**UNICEF Europe and Central Asia
Regional Office**

Palais des Nations CH-1211
Geneva 10 Switzerland

Telephone: +41 22 909 5111

ecaro@unicef.org

www.unicef.org/eca

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