

## JUSTICE FOR CHILDREN AWARD

### 2<sup>nd</sup> edition (2016 – 2017)

#### Concept note

#### Who we are

**Defence for Children International (DCI)** is an independent grassroots and human rights-based non-governmental organisation that has been promoting and protecting the human rights of children at a global, regional, national and local level for over 35 years. With national sections in more than 40 countries and an International Secretariat based in Geneva, DCI is involved in a vast array of child rights issues such as children on the move, child labour, child trafficking, children in armed conflicts, child participation, violence against children and justice for children. Yet, since 2005, **justice for children** remains the overarching priority of the global DCI movement. In March 2014, DCI launched a campaign for a Global Study on Children Deprived of Liberty, and is now co-convenor of the NGO Panel for the UN Study, which will be implemented from early 2017 (see: <https://childrendeprivedofliberty.info/>)

The **World Organisation against Torture (OMCT)** is today the largest global civil society coalition working against torture in the world. At its heart is the mobilization of the SOS Torture Network of more than 200 anti-torture organisations in more than 70 countries fighting torture, as well as summary executions, enforced disappearances, arbitrary detention and other forms of cruel, inhuman or degrading treatment or punishment. Established in 1986, the OMCT is a non-governmental, non-profit, and non-partisan organisation, with offices in Geneva, Brussels, and Tunis. It established a designated programme to protect children against torture in 1993, after identifying a clear protection gap: organizations active in the defence of children's rights were not systematically focusing on torture, while organisations specializing in torture were not systematically focusing on children. Since 2009, the OMCT's child rights work focuses on the special vulnerability of children to forms of torture and other forms of cruel and inhuman treatment, specifically, to increase the protection of children in prison. OMCT is member of the NGO Panel for the Global Study on Children Deprived of Liberty.

#### About the Justice for Children Award

The objective of the Justice for Children Award competition is to encourage academic research within European Universities on the complications and challenges that pose an obstacle to the realisation of children's rights within justice systems worldwide, with a specific focus on violence against children in the justice system.

The prize for the first edition was awarded in June 2016 to the paper "[\*I was waiting for recess. Diary of a child in detention\*](#)" (in French), while a second paper on "[\*Palestinian children's rights in Israeli Military Detention\*](#)" was given an honourable mention.



This year's edition particularly focuses on the situation of girls involved in the justice system as the thematic focus is on: **violence against girls in the justice system.**

## **2<sup>nd</sup> edition of the Justice for Children Award (2016 – 2017)**

### **✓ Theme**

#### **Violence against girls in the justice system**

Violence is understood in its larger sense, including both direct and indirect forms of violence. Physical violence, including torture and other cruel, inhuman and degrading treatments or punishments, together with more subtle and corrosive forms of violence such as psychological violence and what we refer to as institutional violence, (including issues such as inadequate and unequal access to justice, inhuman and inappropriate sentencing, and lack of alternatives to judicial proceedings), are all included.

Violence against girls within the justice system can be considered from the moment a girl enters in contact with the justice system, whether as a victim seeking redress, as a witness, as an alleged and/or convicted criminal offender or for any other reason. It particularly extends to situations in which girls are deprived of their liberty.

### **✓ Background**

Every day, around the world, girls are exposed to violence and violations of their human rights as a result of their lack of status in society due to both their age and gender.<sup>1</sup> Deeply-rooted discriminatory attitudes and practices continue to fuel acts of gender-based violence against girls and to influence responses by the justice system. Justice systems often fail to provide girls, either as victims seeking justice or as alleged and/or convicted offenders, with equal and adequate access to justice, protection, reparation and redress, rather furthering violence against them<sup>2</sup>. When accessing justice, girls face significant barriers. Legislations and criminal, administrative and civil proceedings are often inadequate to safeguard the rights of girls who enter the justice system, while relevant institutions are seldom well-equipped to properly deal with their specific vulnerabilities and needs. Moreover, girls seeking redress through judicial means, as well as alleged and/or convicted offenders, can face intimidating situations, from the fear of stigmatization and retaliation, to intimidation, harassment and abuse. In some cases, girls are even deprived of liberty for so-called preventive and/or

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<sup>1</sup> Other factors such as ethnicity or disability only reinforce girls' vulnerability and can create intersecting forms of discrimination

<sup>2</sup> Office of the Special Representative of the Secretary-General on Violence against Children, [Safeguarding the rights of girls in the criminal justice system: Preventing violence, stigmatisation and deprivation of liberty](#), New York, 2015

protective measures<sup>3</sup>. In some countries girls that are victims of sexual violence are seen and charged as perpetrators of crimes, which lead to silencing and lack of accountability for those crimes.

In spite of a lack of global disaggregated data on girls deprived of liberty worldwide<sup>4</sup>, recent reports show that an increasing number of girls are deprived of their liberty, often arbitrarily, and unnecessarily, and in contradiction with article 37 b) of the [UN Convention on the Rights of the Child](#), which obliges States parties to use deprivation of children's liberty only as a measure of last resort, and only for the shortest appropriate period of time. While they still represent a small proportion of the overall population of detainees, girls deprived of their liberty are one of the most vulnerable groups. Many countries fail to make special arrangements or provide separate facilities to them, in contradiction with the principle of non-discrimination and [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \('the Bangkok Rules'\)](#). In detention, girls are often subjected to the worst conditions of confinement in unsuited environments where incidences of violence, including torture and other cruel, inhuman and degrading treatments, are particularly high. As noted by the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, custodial violence against girls "very often includes rape and other forms of sexual violence such as threats of rape, virginity testing, being stripped naked, invasive body searches, insults and humiliations of sexual nature"<sup>5</sup>.

Overall, direct and indirect forms of violence that occur within the justice system put the protection of the rights and dignity of girls at high risk, while measures that should be taken in their best interests are often absent. Girls continue to face a double challenge when they come in contact with justice systems; the reasons for this are rooted in discriminatory attitudes and perceptions which are still extremely common worldwide. Removing barriers to access justice, putting measures in place to avoid stigmatization and (re-)victimisation of girls, as well as ensuring the implementation of restorative justice approaches and other key principles of the "[Bangkok Rules](#)" are key priorities that currently remain a work in progress.

### ✓ Scope

Papers submitted by applicants should directly relate to the theme "**violence against girls in the justice system**".

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<sup>3</sup> Moreover, in some cases, girl victims of violence are not even considered as such and are instead criminalized for the violations they denounce. For example, in some countries, victims of rape are charged under extramarital sex laws rather than receiving support and protection.

<sup>4</sup> DCI and OMCT are members of the core group of the NGO Panel for the upcoming UN Global Study on Children Deprived of Liberty, which will be implemented in 2017. More info: [www.childrendeprivedofliberty.info](http://www.childrendeprivedofliberty.info)

<sup>5</sup> A/HRC/7/3, Report of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, 2008. See also, A/HRC/28/68, 2015.

Papers should therefore directly address the involvement of girls in the justice system, whether they are victims seeking redress, victims treated as criminals, or alleged and/or convicted offenders, and focus on one or more forms of direct and/or indirect violence, including:

- ✓ Barriers to accessing to justice and seeking redress;
- ✓ Physical, sexual, psychological and emotional violence, including torture and other cruel, inhuman and degrading treatment or punishment ;
- ✓ Stigmatisation and (re-)victimisation of girls;
- ✓ Harassment, intimidation and retaliation;
- ✓ Inhuman and degrading detention conditions, including non-separation from other detainees;
- ✓ Illegal, arbitrary and/or unnecessary deprivation of liberty and inappropriate sentencing;
- ✓ Lack of alternatives within judicial proceedings, including restorative justice approaches.

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## Eligibility and conditions

See Rules and Regulations

## Questions

Please send an email to: [award@defenceforchildren.org](mailto:award@defenceforchildren.org) or call at +41 22 734 05 58