

RTP CP UNPOL Module 4



How to Adapt Justice for Children to a United Nations Peace Operation

Aim



In mission settings, children have the right to access a justice system that guarantees respect for and effective implementation of their rights

United Nations civilian and uniformed personnel have a duty to understand and promote practices that uphold international standards in matters pertaining to justice for children

Learning Objectives



At the end of this module, learners will be able to:

- Comply with the role of United Nations Police (UNPOL) in a child-centred justice system
- Apply child-friendly policing practices when dealing with children associated with armed forces or armed groups and with children in conflict with the law
- Apply child-friendly policing practices when dealing with child victims and child witnesses of crime



Module Overview

How to adapt justice for children to a UN peace operation

Learning Activities 4.1 & 4.2 – Group discussion

Child-friendly policing practices to deal with children associated with armed forces or armed groups

Learning Activity 4.3 – Case studies

Child-friendly policing practices to deal with children in conflict with the law

Learning Activity 4.4 – Case studies

Child-friendly policing practices for child victims and child witnesses

Learning Activity 4.5 – Role-play scenario



Learning Activity 4.1

Instructions

- Discuss the following question (15 minutes)
 - What are the differences you expect to experience in interaction between children and the police in your new duty station compared to your experience in your home country?
- Present your findings to the plenary

Interaction between children and security forces in situations of armed conflict



Examples of possible differences

- Unaccompanied children
- More security forces in the streets
- Temporary changes in legislation or in its application
- Increased victimization
- Disruption of the justice system
- Lack of trust



Learning Activity 4.2

Instructions

Scenario: You are recently deployed as an UNPOL officer with a UN peace operation. Your new supervisor knows about the differences between your experience as a police officer in your home country and the realities of children's access to justice in a peace operation context.

- She asks you to identify five specific actions that you could undertake as part of your UNPOL mandate that could address some of these differences (10 minutes)
- Present your findings to the plenary



Actions to take as part of UNPOL mandate

- Adopt a supporting role
- Learn about the specific national legislation concerning children
- Build capacity on the international legal framework related to justice for children in emergencies
- Advise on best practices related to justice for children

Actions to take as part of UNPOL mandate (cont.)



- Train and mentor host-State police counterparts
- Support host-State police in building upon and expanding existing referral pathways and standard operating procedures
- Advise decision-makers
- Monitor and report violations of children's rights

Key messages for Learning Activities 4.1 & 4.2



- Children are seriously affected by armed conflict, and this affects the way in which children encounter the police
- UNPOL officers require understanding of the relevant norms, laws, policies and standards related to justice for children to support the host-State police
- UNPOL officers have multiple opportunities to support host-State police in adhering to child-friendly approaches and practices



Learning Activity 4.3

Instructions

- Discuss the case studies in groups and complete the following tasks (25 minutes):
 1. Identify credible sources that can provide information on the latest developments regarding the recruitment and use of children in the Mission context
 2. Identify key components of UNPOL's strategy
 3. Identify specific actions that UNPOL can take
 4. Identify who is responsible for taking these actions
- A response template is available to help you structure your answers



Reliable sources

- Favor United Nations sources
- Do not use information without adequate or credible sources
- ReliefWeb <https://reliefweb.int>

Key dos and don'ts for preventing the recruitment and use of children



- Support the integration of prevention measures
- Build ties with early warning tools
- Adopt a systemic approach
- Understand push and pull factors contributing to recruitment and use of children
- Adopt a gender-sensitive approach

Key dos and don'ts when apprehending children associated with armed forces or armed groups



- Disarmament is not a prerequisite for a child associated with armed forces or armed groups (CAAFAG) to be considered as such
- Immediate referral to specific DDR processes dedicated to children
- Apprehension and detention are measures of last resort
- The well-being of children should always be the priority
- Girls and boys experience their association with armed forces or groups differently

Dos and don'ts for the reintegration of children associated with armed forces or armed groups



- Reintegration efforts should focus on activities that will benefit the community at large
- The host-State police should support the reintegration of these children and prevent discrimination, ostracism and violence against them
- The host-State police must take into account the views of these children
- Successful reintegration has economic and social dimensions

Dos and don'ts relating to the custody of and interviewing children suspected of criminal activities



- Children suspected, accused or found guilty of criminal activities retain all their rights as children
- A child should never be punished, tortured or forced to provide information
- UNPOL officers should support the host-State police in upholding the rights of children
- Reach out to UN staff members trained in interviewing techniques and communication with children

Key dos and don'ts regarding children associated with terrorist activities



- Children's rights and public safety should be pursued simultaneously
- Recruitment and use of children by terrorist and violent extremist groups is a serious form of violence against children
- Children recruited and used by terrorist and violent extremist groups should be treated primarily as victims
- Prevention of the involvement of children in/by terrorist and violent extremist groups should be a priority
- The best interests of the child must always be the primary consideration

Key dos and don'ts regarding children associated with terrorist activities (cont.)



- Promoting the child's rehabilitation and reintegration into society is the key objective
- No child recruitment process can be regarded as truly voluntary
- Children are entitled to all rights established by international law in relation to juvenile justice
- Child- and gender-sensitive approaches are essential
- Child recruitment and is a societal development issue, not only a criminal issue

Key messages for Learning Activity 4.3



- [Select key messages from the case studies covered to reinforce the key messages]
- UNPOL officers have an important role to play in supporting the host-State police in applying child-friendly approaches and practices



Learning Activity 4.4

Instructions

- Discuss the four case studies in groups (20 minutes)
- Each group will answer the different questions found in the handout
- Each group will present their case study and findings



Consent of the child

- Children have rights
- Consent of the child to a situation of abuse or violation does not change the status of the child
- Consent of the child does not change the responsibility of the adult(s) who facilitated or benefited from the crime
- The possible consent of the child is important in the rehabilitation process



Guiding UNPOL's advice

- Consideration of the best interests of the child
- Due process
- Presumption of innocence
- Access to legal representation and age-appropriate legal information
- Protection measures before, during and after judicial proceedings

Guiding UNPOL's advice (cont.)



- Non-discrimination
- Treat children with dignity and compassion
- Detention used only as a measure of last resort
- The right of children to express their point of view on matters affecting their lives
- Rehabilitation and reintegration programmes

Recidivism



- A child who has come in conflict with the law still has the status of a child
- It is not up to the police to judge whether the child is guilty or not
- Coordinating with social services when interviewing children should be standard procedure for the police
- Limited resources, support and follow-up are not the child's fault

Guiding UNPOL's advice



- Advocate/promote the rights of children who are in contact with the law
- Assess and reinforce the quality of services
- Strengthen the national police's standard operating procedures
- Promote/call for reintegration support programmes to be put in place

Guiding principles on children in conflict with the law



- A child should learn from mistakes and wrongdoing
- Child victims of crime should never be treated as child offenders
- Diversion/alternative intervention approaches should be promoted when dealing with children in conflict with the law
- Rehabilitation is most successful when measures exclude deprivation of liberty

Guiding UNPOL's advice



- Promote child- and gender-sensitive approaches
- Use monitoring and reporting mechanisms to alert the appropriate instances
- Support the host-State police in examining complex cases, including technical support
- Challenge preconceived ideas about gender, sexual violence and exploitation

Guiding UNPOL's (cont.)



- Core principles related to justice for children include:
 - Detention only as a measure of last resort
 - Presumption of innocence
 - Right to remain silent
 - Access to legal representation and to age-appropriate legal information on the justice process
 - Protection from abuse, exploitation, violence and neglect before, during and after judicial proceedings
 - Treatment with dignity and compassion

Monitoring the behaviour of the host-State police



- UNPOL personnel do not have an executive mandate and cannot intervene directly
- UNPOL personnel have monitoring and reporting obligations
- The UNPOL officer may not be the one to directly investigate a case
- UNPOL should withdraw its support if host-State police commit human rights violations



Key messages for Learning Activity 4.4

- UNPOL officers play an important role in supporting the host-State police in applying child-friendly approaches and practices

Rights of children:

- Detention only a measure of last resort
- Presumption of innocence
- Right to remain silent
- Access to legal representation
- Protection before, during and after judicial proceedings
- Treatment with dignity and compassion



Rights of child victims and child witnesses

- Treated with dignity and compassion
- Protected from discrimination
- Be informed
- Heard and allowed to express views and concerns
- Effective assistance

Source: UNODC, United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, Child-friendly version, 2006

Rights of child victims and child witnesses (cont.)



- Privacy
- Protected from hardship
- Safety
- Reparation
- Special preventive measures

Source: UNODC, United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, Child-friendly version, 2006



Learning Activity 4.5

Instructions

- Four volunteers will simulate the interaction between two UNPOL officers and two national police officers (7 minutes)
- Observers will provide comments on how the capacity-building was delivered-and advice was provided



Role-play: Situation 1

The host-State police asked for an informal meeting with UNPOL. They will soon interview two boys who were abducted by armed forces. The boys were able to escape the day after they were captured.

The request from the host-State police comes after several negative reports were published in the media about the way in which the host-State police deal with child victims of grave violations.

The UNPOL officers should try to influence the host-State police by providing specific advice to the host-State police on how international principles relating to the rights of child victims should be applied in this case.



Rights of child victims and child witnesses

- Treated with dignity and compassion
- Protected from discrimination
- Be informed
- Heard and allowed to express views and concerns
- Effective assistance

Source: UNODC, United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, Child-friendly version, 2006

Rights of child victims and child witnesses (cont.)



- Privacy
- Protected from hardship
- Safety
- Reparation
- Special preventive measures

Source: UNODC, United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, Child-friendly version, 2006



Role-play: Situation 2

The host-State police asked for an informal meeting with their UNPOL counterparts. They will soon speak with two boys who witnessed an attack on their school by an armed group. The boys were able to stay hidden until the next day without being noticed by anyone.

This request comes after several negative reports were published in the media about the way in which the host-State police deal with child witnesses of grave violations.

The UNPOL officers should try to influence the host-State police by providing concrete advice on how international principles relating to the rights of child witnesses should be applied.

Key messages for Learning Activity 4.5



Child victims and witnesses of a crime have 10 specific rights:

- To be treated with dignity and compassion
- To be protected from discrimination
- To be informed
- To be heard and allowed to express their views and concerns
- To benefit from effective assistance
- To have their privacy respected
- To be protected from hardship
- To safety
- To reparations
- To special preventive measures