Children in street situations who have been victims or are survivors of human rights violations have the right to effective legal and other remedies, including legal representation. This includes access to individual complaints mechanisms, by children themselves and/or represented by adults, and to judicial and non-judicial redress mechanisms at the local and national levels, including independent human rights institutions. When domestic remedies are exhausted, access to applicable international human rights mechanisms should be available, including the procedure set up by the Optional Protocol to the Convention on a communications procedure. Reparation measures can include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition of rights violations.¹

DRAFT STRATEGIES FOR IMPLEMENTATION

Include in this section bullet points on laws and policies that states can and should implement to reflect the recommendations of the UN Comment as well as laws and policies that might need to be repealed due to conflict with the UN Comment. For example, bullet points might begin with language as follows: “States should assure that their laws...” and/or “States must abolish any provisions that...”

- States must ensure independent, qualified, adequate, appropriate, and effective legal representation for street youth in civil and criminal proceedings.
- States must review and revise laws, regulations, practices, or policies that may act as a barrier to the access of street-connected children and youth to its legal systems.
- States must provide critical supports and services to help street-connected children and youth without court involvement.
- States must provide opportunities for street-connected children and youth to avoid and/or to limit court involvement.
- States must abolish any provisions that limit access to counsel and must ensure that procedural safeguards are in place before street-connected children and youth can waive counsel.
- States must abolish any provisions that limit the ability of street-connected children and youth to enforce their legal rights.
- States must ensure that individual complaints mechanisms and judicial and non-judicial redress mechanisms at the local and national levels are accessible, equitable, impartial, exhaustive, and prompt.
- States must ensure justice systems must acknowledge and incorporate in the administration of justice street-connected children’s and youth’s developmental capabilities and culpability.

SAMPLE STATUTORY AND POLICY LANGUAGE

Sample statutory and policy language can be included here to give states examples of potential laws to assist in implementing the UN Comment. Examples can be included here of good laws or policies that have already been adopted by a state.

Topics to consider for inclusion in this section are as follows. The final decision on what to include here is yours:

- Use of strict legal evidentiary standards
- Access to legal counsel and waivers
  - States should enact laws that do not allow street-connected children and youth to waive counsel unless the waiver is executed (1) in the presence of and after consultation with a lawyer (2) on

¹ www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx.
the record in open court and in writing (3) in a language regularly spoken by the child and (4) after the court fully inquires into the youth’s comprehension and capacity.  

- **Justice:** What should justice systems that interact with children and youth in street-situations look like? What due process should be in place? How does a state ensure that children and youth have access to justice?
  - “If a dispute arises over eligibility, or school selection or enrollment in a school,” the youth “shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.” Source: United States, 42 U.S.C. § 11432 (g) (3)(E).
  - Implement a justice system framework that promotes shared leadership and responsibility by encouraging street-connected children and youth engagement in court, agency, and other meetings affecting their case, safety, well-being, treatment services and/or placement.  
  - Utilize alternative dispute resolution strategies to resolve conflicts involving street-connected children and youth outside of the court system.

- **Research:** Might there be a benefit to research within your particular topic? If so, what research might be helpful?
  - States should ensure that courts and other decision makers or justice systems who impact the lives of street-connected children and youth take into account general information about their development and maturity, but also look at the specific circumstances of each young person’s past and present life circumstances.
  - States should use available scientific knowledge to evaluate and inform decisions about competence, culpability, disposition and defenses.

- **Services:** What services should street-connected children and youth have access to within this particular substantive area? What should these services look like?
  - Ensure that courts and other decision makers who impact the lives of adolescents take into account general information about youth development and maturity, but also look at the specific circumstances of each young person’s past and present life circumstances.

- **Stakeholder collaboration:** What stakeholders should be engaged and involved to ensure that the rights of street-connected children and youth are protected? In what ways do state and local governments need to work together to implement these rights?
  - Justice systems must collaborate and coordinate with other relevant formal and informal systems of care to better serve street-connected children and youth.
  - States should create coordinated approaches between government agencies and programs that serve street-connected children and youth that will help states coordinate, blend or braid funding streams to create a seamless, comprehensive and, to the greatest extent possible, non-judicial continuum of care for street-connected children and youth.
  - States should encourage and work with government and philanthropic organizations to fund promising or proven approaches that use scientific knowledge to craft and implement responses to the needs of street-connected children and youth in justice systems, as well as support the evaluation and reform of state and local laws on these issues.

- **Systems:** What systems should be in place to ensure that the rights of street-connected children and youth are protected? What should states consider when designing any new system?

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○ Cultural competency and trauma-informed strategies - eliminate racial and ethnic disparities by being culturally aware and ensuring impartial and equal access to culturally-competent prevention and intervention services and treatment for street-connected children and youth in contact with the justice systems.
○ States should promote coordinated, blended or braided public funding streams that create a seamless, comprehensive community-based continuum of care for street-connected children and youth.

● Training: Should any training be implemented for stakeholders to ensure the protection of rights? What should that training look like or what topics should be covered?
○ States should strengthen relevant agencies to provide research, training and technical assistance to state and local authorities to better assist justice system reform efforts.

● Youth voice: How should street-connected children and youth be collaborators in the drafting and implementation of any new laws or policies? What are examples of ways that they can and should be involved?
○ States should apply a child and youth-centric approach to justice systems by prioritizing street-connected child and youth safety, well-being and permanency for the child or youth.