



Justice With Children

European Preparatory Meeting World Congress on Justice With Children

Strengthening Justice for Children Worldwide

SUMMARY REPORT OF THE DISCUSSIONS

June 29, 2020 - 13.00 – 17.00 CEST

Virtual – Go To Meeting

The **European Preparatory Meeting** organised by Terre des hommes (Tdh), with pro bono support of Baker McKenzie, under the Global Initiative on Justice for Children, was held on 29 June 2020 in preparation for the **2021 World Congress on Justice for Children in Mexico**. This event is part of a series of meetings that are taking place at regional and national levels to: define key challenges and advocacy priorities in justice for children; as well as to present recommendations and proposals of topics, agenda, and activities for the 2021 World Congress on Justice With Children.

The event gathered more than 90 participants, including representatives of the European Commission, the Council of Europe, members of civil society organisations, policy-makers, academics, law firms. Due to Covid-19 related restrictions, the meeting was held online via Go To Meeting.

The Meetings' main objectives were to:

- Establish thematic priorities and trends in justice for children
- Formulate action-oriented recommendations for the next World Congress
- Feed the reflection around the 2021-2024 European Union Strategy on the right of the Child
- Consider the impact of the Covid-19 pandemic on the justice systems and for children in contact with the law
- Support the Council of Europe to identify potential next steps in the implementation of the Child-Friendly Justice Guidelines
- Gather policy makers, academics and civil society representatives, with relevant work and influence in Justice for Children, to identify key areas of interest
- Exchange on the application of the EU Directive on procedural safeguards granted to children suspected or accused of crime
- Exchange on the application of the EU Directive on victims' rights in relation to child victims



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Introduction

The Director-General of Tdh, **Barbara Hintermann**, launched the meeting alluding the consolidation of the Global Initiative on Child Justice in November 2019, which was launched, among others, with Penal Reform International and the International Association on Youth and Family Judges and magistrates. This initiative had a twofold purpose: the first related to the establishment of **Justice With Children Global Milestone** through the World Congresses on Justice for Children and the second the creation of a **Global Community of Practitioners** through **The Justice With Children online platform** (justicewithchildren.org). Both these initiatives aim at tackling current challenges on child justice in order to implement more efficiently the rights of children in contact with the law.

Mrs. Hintermann highlighted the **importance of considering the impact of COVID-19 on children in contact with the justice system**. She informed the audience about the launch of the **international campaign to Accelerate the Release of children in detention in time of COVID 19**, the advances made by Tdh in the development of a Policy and Practice brief (<https://justicewithchildren.org/advocacy>) for this purpose, as well as the **number of children that have been released from detention (72 children in Mali and 119 children in Romania)** under the organisation's efforts. Given the interest noted in the **principle of non-discrimination** and **equal access to child-friendly justice for all children**, these themes have been chosen as pivotal for the next World Congress, as will be the insurance of **diversity and inclusion**, currently mainstreamed throughout Tdh's interventions.

Valeria Setti, Commission Coordinator for the Rights of the Child at the European Commission (EC) shared that by the **first quarter of 2021, the EC is expected to adopt a new strategy on the rights of the child**, which should provide a comprehensive policy framework to protect and promote the rights of all EU children internally and externally. To help develop this strategy, the Commission will be launching a consultation in the summer of 2020 inviting citizens and stakeholders to provide input and is organising an EU forum on child rights in September 2020, which should also input into this strategy. **Regina Jensdottir**, Head of the Children's Rights Division and Council of Europe (CoE) Coordinator for the Rights of the Child added that the **CoE is also preparing a strategy on the rights of the child** which is set to be **launched in 2022**. It will examine access to justice in civil, criminal, and administrative proceedings.

Theme 1: Procedural safeguards in Europe for children in conflict with the law

Children in conflict with the law in Europe – Which Priorities?

The **correct application and implementation of Directive 2016/800 by the Member States is a priority at the European Commission (EC)**, as it establishes procedural safeguards for children and children's rights. The EC acknowledges the **need to promote specialised training on access to justice for children, child-friendly questioning techniques for prosecutors, judges, and other legal professionals**. The **impact of COVID-19 in procedural safeguards**, the economy, and education (as it could increase social gaps) should be analysed. It is also relevant to **consider alternatives to detention whenever possible**, as was mentioned by the Team Leader of Procedural Rights and Confiscation, Procedural Criminal Law and Directorate-General Justice and Consumers at the European Commission (EC), **Ingrid Gertrude Breit**: *"Member States and authorities should promote non-custodial measures in the criminal justice system for children, and promote the social rehabilitation and reintegration of children"*.

The Council of Europe (CoE) is keen to **reconceptualise criminal justice to ensure fewer individuals have encounters with it**. **Research is required on the causes that bring children to encounter the**



justice system, for instance, **sexually harmful behaviour from children**. There is also a need for teachers and parents to receive training on this and for designing procedures to support victims, perpetrators, and their families. It was noted that the **CoE has begun investigations on the use of force on juvenile detention centres**, as there have been extensive reports of the ill-treatment of children when being detained by police forces and a lack of access to funding, information, healthcare, education, and sports take place when detained. It is also vital to address the **vulnerability of children from certain groups that encounter the justice system**, for instance, **children from ethnic minorities**. In this regard, the **guardianship program that is being implemented by the CoE**, for children in migrations processes hopes to facilitate access to justice.

In addition, **social services and authorities should be trained (in a practical and useful way) to identify when children need support**, as many times children do not look for help. A key point for it is the **involvement of children in the training**. A concern was raised on many children's **first entry point in the justice system being the police and the poor communication there is** in many cases, hence requiring a focus on the role and mission of the police in this regard. **Stronger mechanisms at the national level are needed to prevent the use of detention**, while also **more support is required for the reintegration of children back into society post detention**, especially considering how, according to Director of Defence for Children Belgium, **Benoît van Keirsbilck** *"many children who leave the criminal justice system often return to prison when adults, which shows that the criminal justice system is failing"*.

Participants raised also the following points. The importance of **access to restorative justice for all children in conflict with the law**. The need to pay particular **attention to children detained with their parents in prisons**, who are too often an afterthought in these conversations but are equally affected by many of the issues concerned, including the **training of authorities and issues of monitoring, release, and reintegration**. This category of children should be incorporated as a central part of the conversation at the next Congress. The **involvement of children and young people with an experience of being in contact with the law in the next World Congress** (including the preparation stage), as well as **their inclusion in the training of justice professionals**. Concerning detention (based on recent experiences in Austria), there's a **need for other or additional detention monitoring means apart from on-site visits** (which stopped due to COVID-19), to consider the use of medication and/or drugs in detention, as the relevance of **addressing diversity issues** (e.g. language and background factors), access to psychosocial support, particularly during the pandemic; and **interagency cooperation** (child social services, police and the criminal justice sector) for a prevention and reintegration perspective, with a focus on non-discrimination."

Key takeaways of the session

- A need of training for specialized professionals (judges, prosecutors, lawyers, social service workers...) in child-friendly justice (questioning techniques, support...) was identified.
- It is crucial to consider alternatives to detention and think of children's reintegration post-detention
- It was noted that communication in children's first justice system encounters which tends to be with police should improve
- The impact of COVID-19 in procedural safeguards, monitoring, education of children which can impact their processes or deepen social gaps should be considered and analysed.





Theme 2: Rights of child victims under EU law

Are the voices of Child Victims in judicial proceedings efficiently heard in Europe?

The Director of Child Circle, **Rebecca O'Donnell** stated that it was **important that the voices of child victims be efficiently heard in judicial proceedings**. This includes making sure that children can tell their story so that their story can be used in court in a way that children do not have to go into court. The use of technology for instance can make it possible to not involve children in interviewing. By creating an avatar with a child's voice and a child's stories for example, professionals can be trained with a child.

Marieta Tosheva, Directorate-General Justice and Consumers at the European Commission's Perspective noted that the current **European's Commission directive on victim's rights** was mentioned as it aims to ensure that **child victims can have their rights irrespective of where a crime happened or of the circumstances of the crime**. It seeks to **empower victims** so that they can report crimes, participate in the proceedings, and receive compensation. **Crime underreporting is a serious issue** with child victims, denoting a **necessity to train professionals in how to detect crime and also how to deal with it**. The EC is not limited to the transposition of the directive but also involved in the review of its implementation, having currently 21 proceedings with member states to overcome difficulties. The EC also has provided financial and funding opportunities related to the strategy. A line of work that is being developed is the **collection of lessons learned from COVID-19**, like increased online abuse for instance.

Safe justice is fundamental for children, requiring to **think not just about the outcome, but the entire process**. According to **Levant Altan**, Executive Director of Victims Support Europe, it is necessary to **involve children at all stages** of the process, and it is **key that children understand** what a crime is and know what to expect. Another aspect that needs attention is **helping children cope with trauma** (in school, sports centres... and it can start from an early age). In child-friendly justice it is important to **strive for the implementation of the good practices and making them common practices**, thus changing mentality (e.g. separate waiting areas are not provided in every court) and **collecting information** (data and statistics).

Concerning cyber-crime situations, **educating children, adults, and peer groups is essential** so that they **know how to listen and react** when a child comes to them. In this regard (online crimes) also **international collaboration is required** as many times perpetrators can be outside of the victim's state. Another factor that has to be addressed is the fact that in some cases justice may not even be possible, so **developing coping mechanisms is crucial**. **Among the innovations that should be considered are facility dogs**, which can help cope with criminal proceedings, while there are around 250 facilities in the US, in the EU there are barely a dozen.

Developing trusting relationships, ensuring **respectful treatment of children**, and facilitating trust in the system is also pivotal. The **use of interactive tools** (e.g. virtual reality) for instance, could **help children understand what is going on and what to expect in unusual environments** for them such as courts. Another key point is the **need for funding**, especially regarding support service of victims (including helplines).

Olivia Lind Haldorsson, Senior Adviser and Head of Children at Risk Unit, Council of Baltic Sea States mentioned the **FOCUS and PROMISE EU-funded projects**, respectively led by Tdh and the Council of Baltic Sea States, in collaboration with other European partners. PROMISE aims at **ensuring children are heard without (re)traumatisation**. There is a need for **comprehensive intervention by specialised staff**, as traumatisation can discredit the child victim, make them avoid reporting a crime or regret having done so. An



example of a project attending this is **Barnahus**, one of PROMISE's model, where **at one house, children can come to receive an assessment of their protection needs**, their health, etc. Not only **reducing the number of times that a child must tell their story, and offering a child-friendly response but also reducing contact with the perpetrator**. Among the **lessons learned from their work with Barnahus** is the importance of procedures for interagency collaboration, multi-disciplinary information exchange, mechanisms for referrals and follow-ups, procedural rights, right to be heard and receive information, rights for assistance and representation, storage of recordings, competence, education, training, and making sure that we understand children's capabilities and roles in judicial procedures. **People's trust is key for cooperation in processes**. Despite Barnahus started as a project focused solely on attending sexual violence, it has now been expanded to focus on all forms of violence, not only criminal justice.

During the discussion, participants pointed out the following. The challenge that **many times children are both offenders and victims**. That independently from a child role's in a procedure, children need to feel safe and comfortable, yet many times due to minimum age requirements, their access to procedural safeguards, access to layers, right to be heard... differ depending on that role. A good example of eliciting evidence from a child victim was given at a conference at Downing College, Cambridge. They provided a system where **guardian ad litem** took evidence from a child and stood in court as the child. If under examination at court, he/she was unable to answer, then the court adjourned so the guardian could go back to the child and ask directly. This **prevented repeating interviewing of the child and there was no need for the child to go to court**. Also, **separate waiting areas are crucial**, as even if children may not meet the offender during a hearing, they might while waiting for a hearing. Research on the implementation of victim's directive (VOCIARE) for instance showed that **individual assessments are not very well implemented, and projects that support this are necessary**.

Key takeaways of the session

- Children's participation should take place at all stages
- Children's voices should be heard and carefully listened to when they come forward
- There is a necessity in training professionals in how to detect crime and deal with it, as crime underreporting is a serious issue with child-victims
- Helping children develop coping mechanism is essential, as is avoiding re-traumatisation, which can be achieved with projects like Barnahus

Theme 3: Right to non-discrimination in access to justice for children

European ideas to prevent discrimination and ensure equal access to justice of children in Europe

The Regional Programme Manager for Access to Justice at Tdh Europe, **Mariama Diallo**, emphasized that **the most critical elements of access to justice for children are access to effective remedies and equality in accessing justice**. According to **Ton Liefaard**, Vice-Dean for Education, Professor of Children's Rights at Leiden Universiteit & UNICEF Chair in Children's Rights, children often face problems in accessing such remedies usually due to socioeconomic status and legal empowerment. Nonetheless **ethnic minorities, girls, children with disabilities and children in conflict with the law**, that are many times 'invisible' to institutions, have even **greater challenges in accessing effective remedies**. Authorities need to realize that **children in different groups have specific needs**. Also, **children should be empowered in a child-friendly way**.





It is important as well that **all groups of children be involved in the current research streams taking place on child-friendly justice** and also in **mapping the minimum age requirements throughout Europe**, to ensure that there is equal participation. According to **Astrid Podsiadlowski**, from the Rights of the Child Technical Assistance & Capacity Building of the European Union Agency for Fundamental Rights, **there are inconsistencies with minimum age requirements throughout Europe as this age can vary depending on the type of proceeding**. Thus, not only creating disparities in access to justice rights but also meaning that children involved in multiple simultaneous proceedings may have access to different rights and safeguards depending on the type of proceeding. It is essential to **raise children's awareness of their rights in ways that are effective for children** (eg. gaming or mobile applications). Also, **children should be provided with an independent and continuous support person** and **individual needs assessment is required to identify the specific needs of the child** and consider any relevant factors.

Another point that requires attention is the **need for closer connections with legislators**, as children's rights need to be considered when legislating in different matters. The **CoE is ready to support legislation that is passed on children's rights to ensure that it is compliant with relevant strategies**. Also, **children who find themselves in contact with the civil justice system** must be considered.

Access to justice is a prerequisite for other rights, and **particularly important for children in migration** given they frequently encounter the law on their journey. **Delphine Moralis**, Director of the Terre des hommes Federation, shared how these children **often face additional barriers when accessing justice, and procedures are rarely adapted to their needs**. Furthermore, children often **do not know how to seek an effective remedy due to both their status as a migrant and as a child**. **Additional measures to mitigate discrimination and assist migrant children are necessary** and can include prioritising registration at birth, providing child-friendly and migrant-friendly information, offering culturally sensitive interpretations, and providing alternatives to immigration-based detention, detainment, and deportation.

Cianán B. Russell, Senior Policy Officer at ILGA-Europe stressed how crucial it is to notice that **children in the LGBTI community are often less visible** and can often face 'double discrimination' (as **victims of hate crimes and institutional violence, when they report, get dismissed or disregarded**). But **children where both parents are LGBTI** (i.e., rainbow families) **can also suffer from discrimination**. Often, these children do not have reliable birth documentation or may not have a birth certificate at all, which can make it difficult for them to access identity rights, thereby making it challenging to access the legal system. This can lead to these children being stateless. In this regard, **ILGA Europe collaborates with organisations on statelessness for this issue**.

Intersex children as well often face issues regarding their legal recognition and consent for medical procedures, infringing their rights to be free from torture and to make their own medical decisions in a fully informed manner. In addition, **transgender children's voices are many times not heard, as they are not allowed to take part in conversations**, and face particular media and far-right individuals onslaughts regarding their right to participate in their own health decision and the ability to know oneself.

Participants in this session shared the following points. The cruciality of **determining children's needs while also taking into account different backgrounds**. The **differences in practices and regulation on child assessment tools**, which must be **addressed and considered for the full implementation of the Directive** across European countries (revealed by the FOCUS project). Hence, making **national in-depth research valuable and necessary**. Another key point is **lobbying parliamentarians**, as their decisions can have profound effects on children. Smarter ways to inform them and shaping their decisions should be worked on.



To address discrimination in children's access to justice, **ensuring diversity is considered when applying restorative justice, diversion and alternative measures are key**, as there is still a great lack of diversion and alternative measures that are accessible to children with specific needs and from vulnerable categories. Also, when thinking of discrimination, **the situation of children whose parents are incarcerated are important to take into account, as they can face discrimination by the crimes or alleged crimes of their parents**. An example of this is children of parents accused, convicted or suspected of terror offences. Regarding **access to justice for LGBTI children**, the police's questioning techniques are important, as is the treatment these children receive in detention, as well as the protection of their rights and **access to specialised support**. In addition, **gender discrimination** is another topic that should not be overlooked. Even though it has been discussed for years, **on the ground gender-sensitive approaches are still mostly non-existent in many countries**.

Key takeaways of the session:

- Sensibilisation of authorities on children coming from particular groups having specific needs is necessary
- Minimum age requirements throughout Europe should be reviewed to avoid inconsistencies and disparities
- Lobbying and connections with legislators is important to ensure children's rights are considered
- Additional measures to mitigate discrimination and assist migrant, LGBTI and intersex children are required
- Gender and cultural sensitivity awareness are key to prevent discrimination and ensure equal access to justice for children

Concluding remarks

The Advocacy and Global Learning Advisor at Tdh, **Cédric Foussard** pointed out that in 2019, preparatory meetings were underway on how to improve the criminal justice system, and how to maintain strong international standards. Today's meeting focused more on justice for all, crime prevention, the impacts of the COVID-19 pandemic, and the consequences for vulnerable people. Considering the takeaways of the event, as well as the importance of ensuring children in vulnerable situations are taken into account and no discrimination takes place when they access the justice system, Tdh and its partners will seek to put particular attention at the World Congress to increase knowledge and provide information on the needs of children in the justice system; develop working stations on specific advocacy activities; offering tailored trainings, while looking at how to involve children in external trainings.

Valeria Setti concluded that intersectionality is a key element to ensure that all dimensions of the rights of children are taken into consideration. Children's rights need to be embedded in all relevant strategies, including on Roma integration, LGBTIQ+ equality, anti-poverty and migrant integration. While one of the biggest challenges is ensuring a full implementation of EU legislation, the European Commission can also use soft tools and invest in exchanges of practices and more effective cooperation mechanisms.





Key recommendations from the European Preparatory Meeting:

- ✦ Review and update the **Council of Europe child-friendly justice guidelines**
- ✦ Facilitate **interagency collaboration** at national, regional and EU level to ensure child-friendly responses to child victims to avoid re-traumatisation
- ✦ Raise awareness on the fundamental needs of children in contact with the law in terms of **mental health and psycho-social support**, in order for them to feel safe, connected, worthy, respected and hopeful
- ✦ Address **age inconsistencies** throughout the European Union and make a final decision about a minimum age
- ✦ Design **tailored trainings for professionals** from the judiciary, police, social sector, health sector on child-friendly justice
- ✦ Provide tailored professional trainings on **gender and diversity** in the action of justice to better understand the needs of children and ensure their equal access to justice
- ✦ Ensure **gender and diversity is considered when applying restorative justice**, diversion and alternative measures
- ✦ Design and use **child-friendly information** to ensure children are fully aware of their rights, obligations and what is expected from them through different processes (immigration services, civil procedures...). Technology can be used for this means.
- ✦ The **impact of COVID-19** on procedural safeguards, monitoring, education of children (which can impact their processes or deepen social gaps) should be considered and analysed.
- ✦ Ensure **children's participation in a meaningful and empowering way**, in the World Congress, but also during legal procedures, in professional's training and research
- ✦ Promote **individual needs assessments** for children in contact with the law and review their implementation
- ✦ **Support programs and mechanisms** not only for victims and perpetrators but also their families

Contacts for further information

For any further information, please contact

- Mariama Diallo, Regional Programme Manager, Access to Justice, Terre des hommes Europe, Mariama.diallo@tdh.ch,
- Cédric Foussard, Global Advocacy and Learning Advisor, Terre des hommes Lausanne, Cédric.foussard@tdh.ch,

With the support of:

**Baker
McKenzie.**



For more information on The World Congress on Justice With Children

www.justicewithchildren.org



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ANNEXE 1: CONCEPT NOTE AND PROGRAM OF THE EVENT

ABOUT THE WORLD CONGRESSES ON JUSTICE WITH CHILDREN

www.justicewithchildren.org

World Congresses on Justice With Children represent dedicated **spaces of interaction and participation for policy makers, academics and civil society representatives**, which seek to:

- **Promote a fair and appropriate justice** for and with children worldwide,
- Encourage meetings between professionals to **exchange on best practices**, to **foster scientific cooperation**, to **formulate policy recommendations** and **raise awareness** on child justice.
- **Support the operational implementation of international instruments and standards** related to the rights of children and young people in conflict with the law and follow up with the UN Global Study on Children deprived of Liberty¹.



The last World Congress took place at the **UNESCO** headquarters, in Paris-France (May 2018), with the thematic focus **“Strengthening Justice Systems for children: Challenges, including disengagement from violent extremism”**.



Over 3 days, nearly 1000 people of 100 different countries participated in 28 workshops and more than 10 plenary sessions. This Congress results in the Paris Declaration on Prevention of child involvement in violent extremism. Previous edition: Geneva - 2015 co-organized by the Swiss Federal Ministry of justice and Lima - 2009 focusing on juvenile restorative justice.

The next World Congress will take place in **Mexico City** in **Fall 2021**. It is co-organised by the Federal Mexican Supreme Court of Justice. Provisional title is **“Access to justice for all Children: towards non-discriminatory and inclusive child justice systems”**.

Those World Congresses are developed through **The Global Initiative on Justice with Children** which is a joint program developed by a group of international organizations, composed by **Terre des hommes**, **Penal Reform International** and the **International Association of Youth and Family Judges and Magistrates**, to address the most current issues related to **children in contact and conflict with the law**. The Global Initiative has a double-pronged approach:

- a Justice With Children Global Milestone through **World Congresses on Justice for Children**
- a Global Community of Practitioners through The **Justice With Children** online platform

¹ <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/6>



Justice With Children

AGENDA WORLD CONGRESS PREPARATORY MEETING

Europe Virtual / Brussels

29 June 2020

Context:

In 2019 and 2020, several Preparatory meetings have been planned to promote the Global Initiative on Justice for Children at regional and national level, and to identify the most relevant topics for the **2021 World Congress on Justice for Children in Mexico**.

Already two Regional Preparatory Meetings have been organized, in Merida-Mexico for North America, and in Buenos Aires-Argentina for Latin-America. Due to the Covid19 pandemic several other meetings are currently being arranged virtually in Costa Rica for Central America, with the support of the UN Latin American Institute on Crimes and Drugs, and in Kenya for Sub-Saharan Africa.

The Preparatory Meeting for Europe aims at:

- Gathering policy makers, academics and civil society representatives, with relevant work and influence in Justice for Children, to identify key areas of interest,
- To study and exchange on the application of the EU Directive on procedural safeguards granted to children suspected or accused of crime,
- To study and exchange on the application of the EU Directive on victims' rights in relation to child victims,
- **Fostering thematic priorities** and defining trends related to Justice for Children,
- Formulating **action-oriented recommendations** for the next World Congress in 2021,
- Feed the reflection around the 2021-2024 **European Union Strategy on the right of the Child** and in particular parts related to child justice,
- Looking at the **impact of Covid-19 pandemic on the justice systems**, and what it means for children in contact with the law
- Support the Council of Europe to identify potential next steps in the implementation of the **Child Friendly Justice Guidelines**.

This virtual meeting will constitute a unique opportunity to define key challenges, trends as well as advocacy priorities in justice for children. Recommendations and proposals of topics, agenda and activities for the 2021 World Congress on Justice With Children will be formulated by participants of the European Preparatory meeting.

Among the themes which will be addressed:

Theme 1: Procedural safeguards in Europe for children in conflict with the

law Theme 2: Rights of child victims under EU law

Theme 3: Right to non-discrimination in access to justice for children



13.00 – 13.30 – Welcoming Participants

13.30 – 13.40: Introduction

Cédric Foussard, Advocacy and Global Learning Advisor, Terre des hommes Foundation

Barbara Hintermann, Director General, Terre des hommes Foundation

Valeria Setti, Commission coordinator for the rights of the child, Directorate-General for Justice and Consumers and Commission, European Commission

Regina Jensdottir, Head of the Children's Rights Division, Council of Europe

13.40 – 14.30: Children in conflict with the law in Europe – Which Priorities?

Moderator : Barry Goldson, *Charles Booth Chair of Social Science, Department of Sociology, Social Policy and Criminology, The University of Liverpool*

Panellists:

Ingrid Gertrude Breit, Team Leader – Procedural Rights and Confiscation, Procedural Criminal Law, Directorate General Justice and Consumers, European Commission

Regina Jensdottir, Head of the Children's Rights Division, Council of Europe

Benoît van Keirsbilck, Director, Defence for Children Belgium

14.30 – 14.40: Short Break

14.40 – 15.30: Are the voices of Child Victims in judicial proceedings efficiently heard in Europe?

Moderator : Rebecca O'Donnell, *Director, Child Circle*

Panellists:

Levant Altan, Executive Director, Victims Support Europe

Olivia Lind Haldorsson, Senior Adviser and Head of Children at Risk Unit, Council of Baltic Sea States

Katarzyna Janicka-Pawlowska, Team Leader, Directorate-General Justice and Consumers, European Commission

15.30 – 15.40: Short Break

15.40 – 16.45: European Ideas to prevent discrimination and ensure equal access to justice of children in Europe

Moderator : Mariama Diallo, *Regional Programme Manager for Europe, Access to Justice, Terre des hommes Foundation*



Panellists:

Ton Liefwaard, Vice-Dean for Education, Professor of Children's Rights & UNICEF Chair in Children's Rights, Leiden University, Leiden Law School, The Netherlands

Astrid Podsiadlowski, Project Manager - Rights of the Child Technical Assistance & Capacity Building European Union Agency for Fundamental Rights

Saskia Bricmont, co-chair of the European Parliament Intergroup on the Rights of the Child, Member of the European Parliament

Delphine Moralis, Secretary General, Terre des Hommes International Federation

Cianán B. Russell, Senior Policy Officer, ILGA-Europe

16.45 – 17.00 – Conclusions – Next steps

Cédric Foussard, Advocacy and Global Learning Advisor, Terre des hommes Foundation

Date & Time

Monday 29 June 2020 / 13.00 – 17.00 CEST

Location

The meeting will take place online via Go To Meeting. Please join my meeting from your computer, tablet or smartphone.



ANNEXE 2: LIST OF PARTICIPANTS

Organisation	Name	Title / Function
Organisers		
Terre des hommes Foundation	Barbara Hintermann	Director General
	Mariama Diallo	Regional Access to Justice Programme Manager Europe
	Cédric Foussard	Global Learning and Advocacy Advisor
	Orinda Gjoni	FOCUS Regional Project Coordinator
	Marcos de Barros	i-RESTORE Regional Project Coordinator
	Yann Colliou	Head of Justice Programme
	Ivana Goretta	Director of Communication and Fundraising
	Marta Gil Gonzalez	MENA Regional Programme Manager Access to Justice
European and International Governmental Institutions		
Council of Europe, Children's Rights Department	Regina Jensdottir	Head of the Children's Rights Division
	Mirka Honko	Senior Project Officer
	Aroa Fandiño Serrano	Legal assistant
European Commission – DG Justice	Valeria Setti	Commission Coordinator for the Rights of the Child
	Ingrid Gertrude Breit	Team Leader - Procedural Rights and Confiscation
	Marta Tarragona	Assistant Policy Officer - Rights of the child
	Marieta Tosheva	Legislative Officer
Fundamental Rights Agency of the European Union	Astrid Podzialowki	Head of Rights of the Child Unit
	Francesca Mariano-Narni	Rights of the Child Unit
Intergroup on Children's Rights	Saskia Bricmont	MEP, Co-chair of the Intergroup on Children's Rights
UNICEF – Regional Office in Brussels	Natalia Alonso	Advocacy Director
European Networks		
European Forum on Restorative Justice	Emanuela Biffi	Projects and events officer
Terre des hommes Federation	Delphine Moralis	General Secretary
ILGA Europe	Cianan Russell	Senior Policy Officer
Victims Support Europe	Levent Altan	Director
International Association of Youth and Family Judges and Magistrates	Avril Calder	Former President
	Douglas Duran	Director





ILANUD	Ignacio Mayoral	Head of Children at Risk Unit
Council of Baltic Sea States	Olivia Lind Haldorsson	Senior Adviser and Head of Children at Risk Unit
ICJ	Karolina Babicka	Legal Adviser Europe Programme
Non-Governmental Organizations		
Defence for Children – Belgium	Benoît van Keirsbilck	Director
Defence for Children - ECPAT Netherlands	Maartje Berger	Juvenile Justice Senior Officer
Restorative Justice Netherlands	Annemieke Wolthuis,	Researcher, Mediator, Trainer
Quno	Lucy Halton	Programme Assistant (Human Rights & Refugees)
Child Rights Connect	Olivia Solari Yrigoyen	Legal Officer
PeerPower	Anne-Marie Douglas	Director
Penal Reform International	Olivia Rope	Director of Policy and International Advocacy
Young in Prison	Raoul Nolen	Director
SAPI Bulgaria	Petya Dimitrova	Director of Programmes
Ludwig Boltzmann Institute	Helmut Sax	Head of Team Children's Rights/Women's Rights/Anti-Trafficking
International Law Firms		
Baker Mackenzie	Angela Vigil	Pro Bono Manager
	Ben Thatcher	Pro Bono Lawyer
	Laura Pattison	Associate and Solicitor-Advocate
	Ariane Ernst	Associate, Dr. iur., Attorney at law
Universities		
Leiden Universiteit	Ton Liefwaard	Professor, Vice Dean for Education
Liverpool University	Barry Goldson	Professor, Department of Sociology, Social Policy and Criminology
University of Porto	Maria João Leote	Professor
University of Strathclyde	Jennifer Davidson	Professor
Independent Experts		
	Roberta Cecchetti	International Expert on Children's Rights
	Silvia Randazzo	International Child Justice Expert
	Marine Braun	Independent Children's Rights Consultant





ANNEXE 3: LIST OF INTERESTING RESOURCES AND PUBLICATIONS EXCHANGED AT THE EUROPEAN PREPARATORY MEETING CHATLOG

- ✦ **Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA**
 - <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>
- ✦ **Justice for Children, Justice for all initiative (with COVID considerations)**
 - <https://www.justice.sdg16.plus/justiceforchildren>
- ✦ **Handbook: Reintegration and Rights from a participatory perspective - innovative practice examples in EU countries.**
 - http://www.childrensrightsbehindbars.eu/images/Guide/Practical_Guide.pdf
- ✦ **Second European Union Minorities and Discrimination Survey, Muslims – Selected findings**
 - https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-minorities-survey-muslims-selected-findings_en.pdf
- ✦ **Covid-19 and the Rights of Children of Parents who are Incarcerated**
 - <https://quno.org/resource/2020/5/covid-19-and-rights-children-parents-who-are-incarcerated>
- ✦ **Children of Incarcerated Parents - International Standards and Guidelines**
 - <https://quno.org/resource/2020/3/children-incarcerated-parents-international-standards-and-guidelines>
- ✦ **Practical Guide: Implementing Restorative Justice with Child Victims**
 - https://limo.libis.be/primo-explore/fulldisplay?docid=LIRIAS2323540&context=L&vid=Lirias&search_scope=Lirias&tab=default_tab&lang=en_US&fromSitemap=1
- ✦ **Leveraging technology to enhance access to justice for children in Africa**
 - <https://leidenlawblog.nl/articles/leveraging-technology-to-enhance-access-to-justice-for-children-in-africa>
- ✦ **Victims of crime implementation analysis of rights in Europe**
 - https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf
- ✦ **PRACTICE (Procedural Rights for All Children in justICE)**
 - https://www.icj.org/wp-content/uploads/2020/01/PRACTICE_website-text.pdf
- ✦ **La justice adaptée aux enfants : un projet de formation basé sur l'expérience des jeunes**
 - <https://www.dei-belgique.be/index.php/projets/en-cours/youthlab.html>
- ✦ **Protecting and defending the rights of victims of anti-LGBT hate crimes: innovative paths through restorative justice**
 - <https://www.euforumrj.org/en/letsqobytalking-2020-2022>
- ✦ **Protecting Intersex People in Europe: A toolkit for law and policy makers**
 - <https://oieurope.org/protecting-intersex-people-in-europe-a-toolkit-for-law-and-policy-makers/>



ANNEXE 4: POLICY AND PRACTICE BRIEF: ACCELERATE RELEASE OF CHILDREN FROM DETENTION; PROTECT CHILDREN FROM COVID-19

During the COVID-19 pandemic, Terre des hommes has called on States to release all children from immigration detention and accelerate the release of children deprived of liberty in criminal justice or protection facilities. Urgent attention should be given to the implementation of non-custodial measures to ensure children's safe reintegration into families and communities.

To see the statement produced by Terre des hommes:

<https://www.tdh.ch/en/statements/release-children-detention-covid-19>

In addition, a joint product of Terre des Hommes and pro bono volunteers from the law firm of Baker McKenzie, was a Policy and Practice Brief that summarizes the global legal precedents to be considered when evaluating the legality of children in detention under circumstances such as the COVID-19 crisis. In this brief, we summarized international legal instruments and regional mechanisms that are relevant to evaluating the circumstances of children in these settings and present a set of policy recommendations, illustrated by practical examples of rapid response actions to realize children fundamental human rights. To assist the professionals handling the cases of children in conflict with the law during the COVID-19 crisis, we partnered with various organisations to compile three sets of clear, short and practical operational guidelines for professionals.

To read the Policy and Practice Brief:

<https://justicewithchildren.org/wp-content/uploads/2020/06/Policy-Practice-Covid-19.pdf>

To assist the professionals handling the cases of children in conflict with the law during the COVID-19 crisis, a group of organizations and experts have partnered to compile three sets of clear, short and practical operational guidelines. Those operational guidelines for professionals are divided into three chapters addressing the following three broad categories of professionals who interact with children in conflict with the law: Social Workforce, Security Forces and Legal Professionals.

✦ **Social Workforce – operational guidelines**

https://justicewithchildren.org/wp-content/uploads/2020/06/Operational_Guidelines_for_Social_Workforce_Covid19_Global-Initiative-on-Justice-with-Children.pdf

✦ **Operational Guidelines for Security Forces – operational guidelines**

https://justicewithchildren.org/wp-content/uploads/2020/06/Operational_Guidelines_for_Security_Forces_Covid19_Global-Initiative-on-Justice-with-Children.pdf

✦ **Legal professionals – operational guidelines**

https://justicewithchildren.org/wp-content/uploads/2020/06/Operational_Guidelines_for_Legal_Professionals_Covid19_Global-Initiative-on-Justice-with-Children.pdf

