



# 2021 World Congress on Justice With Children

*“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”*

## PREPARATORY MEETING REPORT EUROPE

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# SUMMARY REPORT OF THE DISCUSSIONS

29 June 2021

13.00 – 17.00 CEST

Virtual – Go To Meeting

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The **European Preparatory Meeting** organised by Terre des hommes (Tdh), with pro bono support of Baker McKenzie, under the Global Initiative on Justice with Children, was held on 29 June 2020 in preparation for the **2021 World Congress on Justice With Children**. This event is part of a series of meetings that are taking place at the 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 40 participants, including representatives of the European Commission, the Council of Europe, members of civil society organisations, policy-makers, academics, and 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 child justice**;
- Formulate **action-oriented recommendations** for the next World Congress;
- Feed the **reflection around the 2021-2024 European Union Strategy on the Rights of the Child**;
- **Consider the impact of the Covid-19 pandemic on the justice systems and on 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 crimes**;
- Exchange on the application of the EU Directive on **victims' rights in relation to child victims**.

# Introduction

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The Director-General of Tdh, **Barbara Hintermann**, launched the meeting with an introduction of the Global Initiative on Justice with Children in November 2019, which was launched together with Penal Reform International and the International Association of Youth and Family Judges and Magistrates among others. This initiative has a twofold purpose:

- (1) the establishment of the **Justice With Children Global Milestone** through the World Congresses on Justice for Children, and
- (2) the creation of a **Global Community of Practitioners** through the **Justice With Children online platform** ([justicewithchildren.org](http://justicewithchildren.org)).

Both these initiatives aim to tackle the current challenges on child justice in order to implement more efficiently the rights of children in contact with the law.

Ms. 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](#) 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 provide input into this strategy.

**Regina Jensdottir**, Head of the Children's Rights Division and the 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** that 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

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## 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 and on 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 reconceptualize effective actions with respect to how the justice system is treating children who come into contact with it, as this is a critical factor in determining how they will be reintegrated into their families, schools, and communities. **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 monitors the use of force in 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 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 also raised the importance of **access to restorative justice for all children** in conflict with the law, in addition to 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 addressing**

**issues of monitoring, release, and reintegration.** This category of children should be incorporated as a central part of the conversation at the next Congress. Another emphasis was the need to **involve 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 to institute 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; to **address diversity issues** (e.g., language and background factors); to provide access to psychosocial support, particularly during the pandemic; and to promote **interagency cooperation** (e.g., child social services, police, and the criminal justice sector) from a prevention and reintegration perspective, with a focus on non-discrimination.

## Key takeaways of the session

- A need for training of specialized professionals (e.g., judges, prosecutors, lawyers, social service workers, etc.) in child-friendly justice (e.g., questioning techniques and support) was identified.
- It is crucial to consider alternatives to detention and think of children's reintegration post-detention.
- It was noted that communications with children in their first point of contact with the justice system (normally with the police) should be improved.
- The impact of COVID-19 in procedural safeguards, monitoring, and 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

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### 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** aims to ensure that **child victims have 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 is also involved in the review of its implementation, currently having 21 proceedings with member states to overcome difficulties. The EC also has provided 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, which requires **thinking not just about the outcome, but also about 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 from an early age** (e.g., in schools or sports centres). For child-friendly justice, it is important to **strive for the implementation of the good practices and making them common practices** (e.g., creating separate waiting areas in every court), thus changing mentalities, as well as **collecting information** (data and statistics).

Concerning cyber-crime situations, **educating children, adults, and peer groups is essential** so that they **know how to identify and react** when a child encounters risky situations. To tackle online crimes, **international collaboration is required**, as perpetrators can often be located 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. In addition, **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 with this service, 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 services for 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 exemplifying 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. This not only **reduces the number of times that a child must tell their story and offers a child-friendly response**, but it **also reduces 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**. Although 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 within the criminal justice.

During the discussion, participants pointed out a challenge that **many times children are both offenders and victims**. Though all children need to feel safe and comfortable regardless of their status, many times due to minimum age requirements, the children's access to procedural safeguards, access to lawyers, and their right to be heard differ depending on their status.

Participants also provided a good example of eliciting evidence from a child victim, as introduced at a conference at Downing College, Cambridge. There are systems where a **guardian ad litem** takes evidence from a child and stands in court on behalf of the child. If he/she is unable to answer a question during a court hearing, then the court adjourns so that the guardian could go back to the child and ask directly. This **prevents repeated interviewing of the child and eliminates the need for the child to go to court**. Participants also identified that **separate waiting areas are crucial**, as even if children may not meet the offender during a hearing, they might do so while waiting for a hearing. In addition, 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 of a judicial proceeding.
- Children's voices should be heard and carefully listened to when they come forward.
- There is a necessity to train professionals on how to detect crime and deal with it, as crime underreporting is a serious issue with child victims.
- Helping children to develop coping mechanisms 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

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### European ideas to prevent discrimination and ensure equal access to justice for 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 Liefwaard**, Vice-Dean for Education, Professor of Children's Rights at Leiden University & UNICEF Chair in Children's Rights, children often face problems in accessing such remedies usually due to socioeconomic status and lack of legal empowerment. Furthermore, **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**. This not only creates disparities in access to justice rights, but also results in children involved in multiple simultaneous proceedings having 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** (e.g., games or mobile applications). Also, **children should be provided with an independent and continuous support person**, and **individual needs assessments are 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 Moralís**, Director of the Terre des hommes Federation, shared how these children **often face additional barriers when accessing justice, and that 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 interpretation services, 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, along with institutional violence when their voices are dismissed or disregarded after reporting an incident**). 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 onslaughts from the media and far-right individuals regarding their right to participate in their own health decision and the ability to know oneself.

Participants in this session indicated the importance of **determining children's needs while also taking into account different backgrounds** and the need for the **different practices and regulations on child assessment tools to address and consider the full implementation of the Directive** across European countries (revealed by the FOCUS project). This makes **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 shape their decisions should be identified.

To address discrimination in children's access to justice, **ensuring diversity is considered when applying restorative justice, diversion, and alternative measures is key**, as there is still a great lack of diversion and alternative measures that are accessible to children with specific needs and from vulnerable groups. Also, when thinking of discrimination, **the situation of children whose parents are incarcerated are important to consider, 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, **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 and LGBTI children are required.

- Gender and cultural sensitivity awareness are key to prevent discrimination and ensure equal access to justice for children.

## Concluding remarks

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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 people in vulnerable situations. 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; and offer 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, LGBTQI+ 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:

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- ✦ Review and update the **Council of Europe child-friendly justice guidelines**
- ✦ Facilitate **interagency collaboration** at the national, regional, and EU levels 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 psychosocial 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 the minimum age
- ✦ Design **tailored trainings for professionals** from the judiciary, police, social sector, and health sector on child-friendly justice
- ✦ Provide tailored professional trainings on **gender and diversity** in the context of justice to better understand the needs of children and ensure their equal access to justice
- ✦ Ensure **gender and diversity are considered when applying restorative justice**, diversion, and alternative measures



- ✦ Design and disseminate **child-friendly information** to ensure that children are fully aware of their rights, obligations, and what is expected from them through different processes (e.g., immigration services, civil procedures, etc.), including through the proper use of technology
  - ✦ Consider and analyse the **impact of COVID-19** on procedural safeguards, monitoring, and education of children
  - ✦ Ensure **children's participation in a meaningful and empowering way** during legal procedures, in trainings for professionals and research, and at the World Congress
  - ✦ 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.
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## Contacts for further information

For any further information, please contact

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**With the support of:**

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**For more information on The World Congress on Justice With Children**

[www.justicewithchildren.org](http://www.justicewithchildren.org)

## Annex 1: World Congress Concept Note

### WORLD CONGRESS ON JUSTICE WITH CHILDREN

A one-week online event on child justice

15 to 20 November 2021

“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”

#### ABOUT THE WORLD CONGRESSES ON JUSTICE WITH CHILDREN

World Congresses on Justice With Children provide dedicated and **interactive spaces for children and youth, policy makers and justice system stakeholders, academics, civil society and UN representatives**, and other experts and practitioners. They are designed to:

- **Promote fair and appropriate justice systems** for and with children worldwide.
- Provide space for professionals to **exchange best practices, foster scientific cooperation, formulate policy recommendations, and raise awareness of** justice for children.
- **Support the operational implementation of international instruments and standards** related to the rights of children and young people in conflict with the law.



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



Over 3 days, nearly 1,000 people from 100 different countries participated in 28 workshops and more than 10 plenary sessions. A key output was the Paris Declaration on the prevention of child involvement in violent extremism. See: <https://justicewithchildren.org/world-congress/>. Previous Congresses were held in Geneva (2015), co-organised by the Swiss Federal Ministry of Justice, and in Lima (2009), focusing on restorative justice for children.

The World Congresses are organised by the **Global Initiative on Justice With Children** to address the most current issues related to **children in contact and/or conflict with the law**. The **Global Initiative is led by** a consortium of international organisations, including **Terre des hommes, Penal Reform International, International Association of Youth and Family Judges and Magistrates** and **International Institute for the Rights of the Child (IDE)**. The Global Initiative is articulated through a double-pronged approach:

- a Justice With Children Global Milestone through the **World Congresses on Justice With Children**
- a global community of practitioners mobilised through the [Justice With Children online platform](#)

**The next World Congress** will take place online from the 15<sup>th</sup> to 20<sup>th</sup> of **November 2021** and is hosted by the federal Mexican Supreme Court of Justice, with technical support from UNICEF, the Office of the Special Representative of the Secretary-General on Violence Against Children (OSRSG-VAC), The Office of the High Commissioner for Human Rights (OHCHR); and the United Nations Office on Drugs and Crime (UNODC). The Congress receives Pro-bono support from Baker Mackenzie and is held under the auspices of the Council of Europe. Its theme is **“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”**

*“State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”*

*- Article 2, United Nations Convention on the Rights of the Child*

### Context:

Children in contact with justice systems – as victims, witnesses, or offenders – need special care and protection. These children are amongst those who are the most vulnerable to having their rights violated. They may face deprivation of liberty that harms their physical and psychological well-being; be denied the right to legal representation and fair judicial proceedings; be separated from their parents, family, or guardians; and experience stigma from the communities that prevent their reintegration and healing. In addition, they may experience **discrimination from the justice system itself.**

Many children across the globe, in diverse contexts and settings, face multiple and intersecting forms of discrimination due to a range of factors, including ethnic and/or religious origins; disability; socio-economic status; gender, gender identity, and/or sexual orientation; migrant status; or their status as survivors of human trafficking. Discrimination typically results in social exclusion and the lack of access to services and resources.

Both the Universal Declaration of Human Rights (UDHR) and United Nations Convention on the Rights of the Child (UNCRC) identify equality and non-discrimination as fundamental principles for respecting, fulfilling, and protecting the rights of children. Non-discrimination is a common principle and foundation for almost all legal instruments, in both national and international law. However, structural discrimination, inequalities, and power dynamics act to constrain or restrain equitable access to rights for all children. This is a daily reality for many children, who – not only excluded from basic services – are significantly more likely to be caught up in justice systems with

weaker procedural safeguards, undermining the principles of equality and exposing them to a vicious cycle of social exclusion.

Discrimination also profoundly impacts children's rights to have their voices heard and their opinions listened to, particularly in matters that affect them. There is very little information about **children's perspectives or voices** in justice systems, on how they see or cope with discrimination and address it, and to what extent such discrimination impacts their ability to be treated equally with dignity and respect. Interviews with children undertaken to inform the UN Global Study on Children Deprived of Liberty revealed that children are acutely aware of discriminatory practices, with many reporting that they had faced harassment, stigmatisation, low self-esteem, and exclusion, all of which have negative consequences for the child's holistic development.

### 2021 World Congress Preparatory Meetings:

A total of 13 Preparatory meetings were held between 2019 and 2021, in person and virtually, both at the Regional level (including in North America, the Middle East and North Africa, Europe) and at the National level (including in Cambodia, China, India, Lebanon, Pakistan, Singapore, Thailand and the United States of America) to discuss and define the main topics and priorities for the 2021 World Congress. Participants demonstrated a particular interest in **the implementation of Article 2 of the UNCRC**, which focuses on the child's right to non-discrimination and equality. This will be the focus of the 2021 World Congress, which will explore the situation of children in contact with the law in the most vulnerable situations, such as children from religious and ethnic minorities, LGBTQIA+ children, girls, migrant children, children with disabilities, and all those who experience discrimination in the administration of justice.

### 2021 World Congress Main Objective:

To address this complex issue, the 2021 World Congress will focus on **exchanging practice-oriented strategies to:**

- Reduce discrimination that undermines access to – and the quality of – justice systems; and
- Ensure that all children are guaranteed equal treatment in the eyes of the law.

It will share **promising practices** from diverse contexts and settings that tackle discrimination, prevent situations that lead children and youth to commit offences, and reduce child and youth contact with the justice system. It will showcase examples of effective responses to prevent recidivism through programmes focused on restorative justice, rehabilitation, and reintegration.

The 2021 World Congress will offer a dedicated space for **policy makers and justice system stakeholders, academics, civil society and UN representatives, children and youth** and other experts and practitioners to explore these challenging issues and to enhance our knowledge of – and commitment to the creation of – fair and appropriate child justice systems globally. It will provide technical expertise to support the operational implementation of international laws and standards related to the rights of children and youth in conflict with the law.



## 2021 World Congress Agenda:

Co-organised by the federal Mexican Supreme Court of Justice, the 2021 World Congress expects thousands of experts and child delegates to participate from all across the world. Over five days, academics, policy makers, judges and magistrates, and civil society representatives will participate in and contribute to global and regional plenary sessions and action-oriented workshops consisting of panel discussions, certified trainings, and policy-oriented working group meetings.

Based on the results of the different Preparatory Meetings, the 2021 World Congress will focus mainly, but not exclusively, on the following sub-themes:

- Systemic racism and the disproportionate criminalisation of children from indigenous, ethnic, and other minority groups;
- Discrimination due to gender, sexual orientation, and gender identity: fostering a gender justice approach;
- Discrimination experienced by children and young people affected by migration, including refugees, unaccompanied foreign children, and children of foreign parents;
- Discrimination due to disability and health conditions;
- Discrimination due to substance use and abuse;
- Criminalisation of children's online behaviour;
- Age limits and status offences;
- Ensuring that the voice of the child is heard in child justice systems;
- Fulfilling children's rights in the contexts of legal pluralism;
- Building resilient child justice systems in times of crises and pandemics; and
- Tackling violence within child justice systems and ensuring child-friendly approaches for child victims, offenders, and witnesses.

Specific topics of the sessions will be defined in collaboration with the Scientific Committee and the Child and Youth Advisory Group of the World Congress. The call for abstracts was launched in the summer of 2021.

## How to Participate

For the first time, access to the Congress will be possible online, which will provide greater access to the programme for professionals who cannot travel and will facilitate greater participation of children. We hope to reach a wider audience and to allow greater participation and involvement via digital tools. A recording will also be made available.

## Partners

### Terre des hommes Foundation – Helping children worldwide



Terre des hommes Foundation (Lausanne) is the largest Swiss organisation for child relief. With delegations in over 30 countries and its expertise in the domains of health and child protection, Terre des hommes offers practical solutions and a better future for over one million children and their mothers each year. This engagement is financed by individual and

institutional support, of which more than 85% flows directly into the programs. Terre des hommes was founded in Lausanne in 1960.

### Penal Reform International



Penal Reform International (PRI) is an independent nongovernmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide. It promotes the rights of detainees to fair and humane treatment, and campaigns for the prevention of torture and the abolition of the death penalty and works to ensure both just and appropriate responses for children and women who come into contact with the law.

### International Association of Family and Youth Judges and Magistrates



IAYFJM is a worldwide organisation, dating to before the first World War and formally established in Belgium in 1928. It is dedicated to the study and exchange of information on issues concerning children and young people in need of care and protection and/or in conflict with the law, and their families. It aims to identify, publicise and promote best practice in these fields. The languages of the Association are French, English and Spanish.

### International Institute for the Rights of the Child



The International Institute for the Rights of the Child (IDE) was created in 1995. It is a recognized training centre in children's rights for all professionals working for and with children in Switzerland and abroad. The IDE is active in numerous awareness-raising activities to promote children's rights and to enforce the Convention on the Rights of the Child. As a scientific centre, it is solicited by numerous networks of experts and institutions working for the respect of children's rights.

With technical support from:



The Special Representative of the Secretary-General on Violence Against Children is an independent global advocate in favour of the prevention and elimination of all forms of violence against children, mobilizing action and political support to achieve progress across the world. The mandate of the SRSG is anchored in the Convention on the Rights of the Child and other international human rights instruments and framed by the UN Study.

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of



children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

UNICEF works in the world's toughest places to reach the most disadvantaged children and adolescents – and to protect the rights of every child, everywhere. Across more than more than 190 countries and territories, we do whatever it takes to help children survive, thrive and fulfil their potential, from early childhood through adolescence.

Before, during and after humanitarian emergencies, UNICEF is on the ground, bringing lifesaving help and hope to children and families. Non-political and impartial, we are never neutral when it comes to defending children's rights and safeguarding their lives and futures.

And we never give up.

unicef | for every child



The Office of the High Commissioner for Human Rights (UN Human Rights) is the **leading UN entity on human rights**. The OHCHR represents the world's commitment to the promotion and protection of the full range of human rights and freedoms set out in the [Universal Declaration of Human Rights](#).

The mission of the OHCHR is to work for the protection of all human rights for all people; to help empower people to realise their rights; and to assist those responsible for upholding such rights in ensuring that they are implemented.



The United Nations Office on Drugs and Crime (UNODC) is a global leader in the fight against illicit drugs, transnational organised crime, terrorism and corruption, and is the guardian of most of the related conventions. UNODC has the mandate to support Member States in preventing and responding to crime and violence and strengthening their justice systems, including the specific mandate to support Member States in ensuring that children are better served and protected by justice systems. Under the framework of the Global Programme to End Violence Against Children, UNODC provides technical assistance to Member States at global, regional and country

levels in the areas of crime prevention, child victims and witnesses, juvenile justice as well as children recruited and exploited by terrorist and violent extremist groups.



The Organisation for Economic Co-operation and Development (OECD) is an international organisation that works to build better policies for better lives. Its goal is to shape policies that foster prosperity, equality, opportunity and well-being for all.

Together with governments, policy makers and citizens, the OECD works on establishing evidence-based international standards and finding solutions to a range of social, economic and environmental challenges.



The Pathfinders are a group of 39 UN member states, international organizations, global partnerships, civil society and the private sector. Their work is to accelerate action to implement the SDG targets for peace, justice and inclusion (SDG16+). The Sub-group "Justice for Children, Justice for All" offers a new starting point to place children at the heart of an emerging global movement for justice.

Hosted by:



The Supreme Court of the Nation of Mexico is one of the depositary bodies of the Judicial Power of the Federation, in terms of the provisions of Article 94 of the Political Constitution of the United Mexican States and the Organic Law of the Judicial Power of the Federation.

It is the highest Constitutional Court of the country and heads the Judicial Power of the Federation. One of its responsibilities is to defend the order established by the Political Constitution of the United Mexican States; to maintain the balance between the different branches and spheres of government, through the judicial resolutions it issues; in addition to resolving, in a definitive manner, matters of importance to society.



Under the Auspices of:



With pro-bono support from:

**Baker  
McKenzie.**

The Council of Europe is the continent's leading human rights organisation. It works with its 47 member states to strengthen human rights, democracy and the rule of law throughout the continent and beyond.

It has successfully developed a rights protection system, the best-known mechanism of which is the European Court of Human Rights. The Court was established under the European Convention on Human Rights which has been ratified by all the member states of the Council of Europe.

Baker McKenzie is an international law firm present in 47 countries. Its pro-bono department aims to deliver first-class legal services to the underserved and disadvantaged by fostering an environment that encourages and promotes service and promotes and sponsors activities that provide opportunities for all Firm personnel, independently, and in partnership with clients, in order to contribute to the well-being of the communities in which they practice and live.

Contact:

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Internet: [www.justicewithchildren.com](http://www.justicewithchildren.com)

Twitter: @with\_initiative

## Annex 2: Europe Preparatory Meeting Concept Note and Agenda

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### 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 with Children at the regional and national levels, and to identify the most relevant topics for the **2021 World Congress on Justice With Children**.

Two Regional Preparatory Meetings have already been organized, in Merida-Mexico for North America and in Buenos Aires-Argentina for Latin-America. Due to the COVID-19 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,
- Studying and exchanging on the application of the EU Directive on procedural safeguards granted to children suspected or accused of crime,
- Studying and exchanging 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,
- Feeding 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 the COVID-19 pandemic on the justice systems**, and what it means for children in contact with the law, and
- Supporting 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, and advocacy priorities in justice for children. Recommendations and proposals of topics, the agenda, and activities for the 2021 World Congress on Justice With Children will be formulated by participants of the European Preparatory meeting.

Themes to be addressed include:

**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

## AGENDA – 29 June 2020

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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

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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

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14.30 – 14.40: Short Break

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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

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15.30 – 15.40: *Short Break*

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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 Moralís**, Secretary General, Terre des hommes International Federation

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

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16.45 – 17.00 – **Conclusions – Next steps**

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

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**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.



## Annex 3: List of Participants

Organisation	Name	Title / Function
<b>Organisers</b>		
<b>Terre des hommes Foundation</b>	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
<b>European and International Governmental Institutions</b>		
<b>Council of Europe, Children's Rights Department</b>	Regina Jensdottir	Head of the Children's Rights Division
	Mirka Honko	Senior Project Officer
	Aroa Fandiño Serrano	Legal assistant
<b>European Commission – DG Justice</b>	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
<b>Fundamental Rights Agency of the European Union</b>	Astrid Podzialowki	Head of Rights of the Child Unit
	Francesca Mariano-	Rights of the Child Unit
	Narni	
<b>Intergroup on Children's Rights</b>	Saskia Bricmont	MEP, Co-chair of the Intergroup on Children's Rights
<b>UNICEF – Regional Office in Brussels</b>	Natalia Alonso	Advocacy Director
<b>European Networks</b>		
<b>European Forum on Restorative Justice</b>	Emanuela Biffi	Projects and events officer
<b>Terre des hommes Federation</b>	Delphine Moralis	General Secretary
<b>ILGA Europe</b>	Cianan Russell	Senior Policy Officer
<b>Victims Support Europe</b>	Levent Altan	Director

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

## Annex 4: List of Interesting Resources and Publications exchanged at the European Preparatory Meeting Chatlog

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- ✦ 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](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](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](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](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](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/lets-goby-talking-2020-2022>
- ✦ Protecting Intersex People in Europe: A toolkit for law and policy makers  
<https://oii-europe.org/protecting-intersex-people-in-europe-a-toolkit-for-law-and-policy-makers/>

## Annex 5: Policy and Practice Brief: Accelerate Release of Children from Detention; Protect Children from Covid-19

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