



World Congress on Justice with Children

Ensuring Access to justice for all children: towards non-discriminatory and inclusive child justice systems

A one-week online event on child justice from the 15th to 20th November 2021.

Regional Session for Europe – 17th November 2021

About the World Congresses on Justice with Children: www.justicewithchildren.org

Date

17th November 2021

Time

12.00pm to 17.30pm CET

Location

The meeting will take place online. Registration can be found [here](#).

Organisers and Hosts

Terre des Hommes, Global Initiative on Justice With Children, The Supreme Court of Justice of the Nation, Mexico

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Concept Note for the Regional Session for Europe

The **2021 World Congress** is organised by the **Global Initiative on Justice With Children**. The Global Initiative is led by a consortium of international organisations, including Terre des hommes, Penal Reform International, International Association of Youth, Family Judges and Magistrates (AYFJM) and International Institute for the Rights of the Child (IDE).

The World Congress 2021 will host sessions for each world region, with all sessions focused on the theme: **“Ensuring Access to justice for all children: towards non-discriminatory and inclusive child justice systems”**. The following sub-themes target specific challenges in creating non-discriminatory child justice systems.

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

1. Background and European Context

In Europe, two major organisations, the Council of Europe and the European Union, work together to ensure that child-friendly justice is strengthened for all children in contact and in conflict with the law. Both organisations have adopted legal and policy standards and instruments, reports and recommendations to support their member states on achieving child-friendly justice systems and have strategies on the rights of the child. The [2021 EU Strategy on the Rights of the Child](#) as well as [the Council of Europe Strategy for the Rights of the Child 2016-2021](#) (as well as the upcoming Strategy for 2022-2027, foreseen to be adopted in 2022) mirror each other and include as one of their thematic priorities child-friendly justice.

The **Regional Session for Europe of the World Congress on Justice with Children** will be an opportunity to reflect on these European standards and instruments and to address current issues related to children in Europe in contact and conflict with the law, irrespective of their nationality.

1.1. Impact of COVID-19

COVID-19 exacerbated inequalities facing children in Europe in accessing equal justice. Courts have been closed, cases have been delayed, hearings have taken place via telephone and life within young offender institutions has become even more restricted. Rules and restrictions increasingly determine how children should behave in public.



In their [Statement on stepping up protection of children against sexual exploitation and abuse in times of the COVID-19 pandemic](#), the **Council of Europe Lanzarote Committee's Chairperson and Vice-Chairperson** observed that confinement measure led to many children, notably children in a vulnerable situation because of a mental or physical disability or a situation of dependence, being trapped with their offenders - be it at home, in out-of-home care, in makeshift refugee camps or facilities where they are deprived of liberty - and called on all State Parties to the Lanzarote Convention to ensure that children are informed of their right to protection against sexual violence and of the services and measures in place to achieve this goal.

The **European Parliament Intergroup on Children's Rights** released a [statement](#) on the impact of COVID-19 on children on 15 May 2020 calling on the EC and Member States to take action on, inter alia:

- Putting in place specific measures to tackle increasing domestic violence against children, as well as the impact of violence that children experience in the household as witnesses.
- Ensuring that children in institutions and detained children are assisted in community-based facilities by the trained professionals and that alternative measures to detention such as hosting families are promoted.

In response to COVID-19, **Terre des Hommes** launched an international campaign titled [Accelerate the Release of Children from Detention](#), issuing a [statement](#) calling for States to release children from detention. The campaign developed a [Policy and Practice Brief](#) summarising the legal precedents regarding the legality of detaining children, as well as developed [operational guidelines](#) for security forces, legal professionals and social workforce during COVID-19.

1.2. [Challenges encountered by Children in contact with the law in Europe](#)

Children come into contact with the justice system in many different ways. This can be for family matters such as divorce or adoption, in administrative justice for nationality or immigration issues or in criminal justice as victims, witnesses or perpetrators of crimes. When faced with the justice system, children are thrown into an intimidating adult world which they cannot understand. Adapting justice to their needs is therefore necessary.

The Council of Europe Committee of experts on the rights and the best interests of the child in parental separation and in care proceedings (CJ/ENF-ISE) carried out reviews of law, policy and practice on how the best interests of the child and his/her rights are protected in situations of parental separation as well as in domestic law proceedings to limit parental responsibilities or place a child in care. Within the next biennium, the CJ/ENF-ISE will prepare, as appropriate, guidelines or other policy instruments or practical tools, including child-friendly materials, to give guidance to member States and other stakeholders in the area mentioned above.

Procedural safeguards in the Europe for children in conflict with the law.

The Council of Europe has created various standards and guidelines in the field of child-friendly justice. These standards aim at improving the justice system and adapting it to the specific needs of children. This entails creating a justice system which guarantees respect for and the effective implementation of all children's rights. The most extensive set of standards on child-friendly justice are contained in the [Council of Europe Guidelines on child-friendly justice](#), adopted in 2010 after an extensive consultation with almost 3800 children throughout Europe. These guidelines set out basic rules for all 47 Council of Europe member states to follow when adapting their justice systems to the specific needs of children. They apply to all circumstances in which children are likely, on any ground and in any capacity, to be in contact with the criminal, civil or administrative justice system. The guidelines promote the principles of the best interests of the child, care and respect, participation, equal treatment and the rule of law. They also encourage the development of multidisciplinary approaches and training and require states to provide safeguards at all stages of proceedings.

The European Programme for Human Rights Education for Legal Professionals (HELP) supports the implementation of the guidelines by offering [online trainings on child friendly justice](#), family law, refugee and migrant children and [alternatives to immigration detention](#) in many European languages.

Children accused of crimes or children of parents accused of crimes face difficulty accessing child-friendly justice and the right to a fair trial as a result of the inconsistent application of procedural safeguards across Europe. A priority of the 2021 World Congress is to involve children and youth who have experienced contact or conflict with the law.

Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016, applicable to 25 Member States (Denmark and Ireland excluded), aims to establish procedural safeguards to ensure that children who are suspects or accused persons in criminal proceedings are able to follow those proceedings and to exercise their right to a fair trial. The Directive promotes the rights of the child, taking into account the Guidelines of the Council of Europe on child-friendly justice. The key safeguards guaranteed under this Directive consist, inter alia, of the right to information in the child's language, the right to be assisted by a lawyer and access to legal aid, and the use of deprivation of liberty only as a measure of last resort. The Directive entered into force on 10th June 2016, and **should have been implemented in national regulations by 11th June 2019 at the latest, with a Commission report on Member State compliance due by 11th June 2022.**

Central to the implementation of the Directive is the need to promote the following procedural safeguards:

- The primary consideration and determination of the child's best interests through individual assessments.
- Specialised training on access to justice for children.
- Child-friendly interviewing techniques.
- Non-custodial measures for children and safeguards for children in detention.
- The prevention of children re-offending.
- The fostering of child social integration.
- The presumption of childhood where the child's age is in doubt.
- Complementary safeguards for the holder of parental responsibility.
- The right of child witnesses to not self-incriminate and remain silent.

Rights of child victims under the law in Europe.

It is crucial that the voices of children are presented effectively in judicial proceedings. Children should be able to communicate their story to a court without having to be present in the court room. The underreporting of crime is a common issue with child victims, denoting a need to train professionals in how to detect child victims of crime and how to appropriately address them. Moreover, further measures are required to help child victims cope with trauma and situations where justice (e.g. the prosecution of the alleged perpetrator) is not possible. Finally, innovations such as facility dogs, separate waiting areas, online interactive tools and helplines could be adopted by Member States at a greater rate.

In this regard, in 2015 the Lanzarote Committee of the Council of Europe has recognised the Barnahus model (children's houses) as a good practice example of a child-friendly multidisciplinary response mechanism to child sexual abuse and since then has promoted the model in its Member States. Barnahus is the leading European response model for child sexual abuse. Its unique interagency approach brings together all relevant services under one roof to avoid re-victimisation of the child and provide every child with a coordinated and effective response that has a legal standing. The core purpose of Barnahus is to coordinate parallel criminal and child welfare investigations and provide support services for child victims and witnesses of violence in a child-friendly and safe environment.

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, **the "Victims' Rights Directive"** establishes minimum standards on the rights of victims of crime (including child victims) to ensure that victims receive essential protection and support. Research on the implementation of the Directive carried out by **VOCIARE** showed that individual assessments for victims were poorly implemented, and projects to support them are necessary.

Ideas to prevent discrimination and ensure equal access to justice of children in Europe.

Children face problems in accessing legal remedies due to their own or their parents' socioeconomic status, nationality, race, gender and disability, often in circumstances where their status is 'invisible' to institutions. Disparities in practices and regulation on child assessment tools across Europe must be rectified in order to fulfil the implementation of **Directive (EU) 2016/800** (regarding child-friendly procedural safeguards) as revealed by the **FOCUS project**.

Migrant children across Europe face systemic discrimination, inadequate reception conditions, shortcomings in the functioning of guardianship systems and barriers to accessing asylum procedures and basic services. Immigration detention of children, although in some European countries is prohibited in law, remains one of the most concerning structural problems. Suggested measures to combat discrimination and ensure adequate protection of children on the move include, *inter alia*, prioritising registration at birth, providing child-friendly and migrant-friendly information (as referred to in the [Council of Europe handbook for frontline professionals “How to convey child-friendly information to children in migration”](#), 2018), offering culturally sensitive interpretations, and ensuring that a wide range of human-rights compliant, accessible and effective alternatives to immigration detention are implemented in practice.

At the Council of Europe level, the **Committee of Ministers Recommendation on effective guardianship for unaccompanied and separated children in the context of migration (2019)** set clear guiding principles for putting at the forefront the protection, assistance and safety of children in migration through guardianship. Moreover, [the Action Plan on Protecting Vulnerable Persons in the Context of Migration in Europe \(2021 – 2025\)](#) adopted by the Committee of Ministers on 5 May 2021, proposes a targeted assistance package for the Council of Europe member states to enhance their capacity to identify and address vulnerabilities with a focus on children in the context of migration.

The Committee of the Parties to the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse (Lanzarote Committee) adopted in March 2017 a Special report [“Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”](#) to highlight best practices and ways for Parties to the Convention to act in the best interest of these migrant children.

Finally, the **Steering Committee for Human Rights (CDDH)** has in recent years completed a considerable work on alternatives to immigration detention and care arrangements for migrant and refugee children. These include, for example, the development of a comprehensive [Analysis on the Legal and practical aspects of effective alternatives to detention in the context of migration](#) (Analysis) and a user-friendly and visual [Practical Guide on Alternatives to Immigration Detention: Fostering Effective Results](#) (Practical Guide). The **Analysis and Practical Guide** highlight, *inter alia*, the obligation to provide appropriate care and protection to children on the move by delineating the existing Council of Europe, United Nations and European Union standards. Through a comprehensive overview of (a) existing non-custodial alternatives; (b) certain essential elements that render alternatives effective; and (c) specific steps that render alternatives effective in a particular national context, the CDDH work seeks to support member States in providing appropriate reception and care arrangements to migrant and refugee children instead of resorting to detention. Finally, the CDDH is currently finalizing a **Guide on Family Based Care for Unaccompanied and Separated Children**, aimed at clarifying key European and International human rights standards in this area and developing practical guidance with a view to strengthening the implementation of family-based care for unaccompanied and separated children across Council of Europe member States.

Children and children of parents in the LGBTIQ+ community can often face ‘double discrimination’ as victims of hate crimes as well as institutional discrimination, violence and dismissal. **Intersex and transgender children** face barriers accessing legal recognition, giving consent for medical procedures and can be exposed to particular media and far-right individuals onslaughts regarding their right to participate in their own health decision and the ability to know oneself.

1.3. [European Strategies on the Rights of the Child](#)

Since the very first Council of Europe Strategy for the Rights of the Child (2009-2011), the Council of Europe, under its programme [“Building a Europe for and with children”](#) promotes children's access to justice through child-friendly services and systems throughout all its Strategies for the Rights of the Child. The upcoming Strategy (2022-2027), foreseen to be adopted in early 2022, will continue to have a strong priority on promoting child-friendly justice for all children, complemented through a transversal priority area focusing on the protection of the rights of the child in crisis and emergency situations.

In March 2021, the European Commission adopted a new European Union policy framework to protect the rights of all children: the [EU Strategy on the Rights of the Child](#). In line with the Strategy, the 2021 World Congress will target the Commission's thematic priorities of **combating violence against children, child protection** and **child-friendly justice**.

Other EU legal and policies relating to the protection of the rights of the child are also of interest, such as on the protection of children in migration, equality and inclusion, gender equality, anti-racism and pluralism, EU citizenship rights, victims' rights, the fight against child sexual abuse, social rights and inclusive education and training.

1.4. European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November)

The 18th of November 2021 marks the 7th annual [European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse](#). The event seeks to raise awareness on the scourge of sexual violence against children, in particular through the sharing of best practices and activities carried out by partners on this occasion. It also draw attention to the implementation of the Council of Europe's [Lanzarote Convention](#), enacted in 2007, which requires, in particular, criminalisation of all kinds of sexual offences against children. In spite of this, there has been a recent staggering increase in the reported cases of child sexual abuse and exploitation, with the COVID-19 crisis leading to an increase of self-generated material and physical sexual assault. The [EU Directive 2011/93/EU of 13 December 2011](#) on combating the sexual abuse and sexual exploitation of children and child pornography prevents and protects children against these crimes.

Indeed, during the lockdowns imposed to contain the spread of the Covid-19, children were closed in with their abusers and had even less chances to seek help. This is why it was decided to dedicate the theme of this year's edition of the European Day on "[Making the circle of trust truly safe for children](#)". This is also the occasion to put emphasis on the extensive work carried out by the Lanzarote Committee in its first monitoring round on the "[Protection of children against sexual abuse in the circle of trust](#)", in particular to the chapter of its [1st implementation report](#) 'Best interest of the child and child friendly criminal proceedings'. **The Regional Session for Europe will ask participants to reflect on the European agenda for child justice and protection from child sexual abuse.**

1.5. European World Congress Preparatory Meeting (June 2020)

On 29th June 2020, Terre des hommes, with the support of Baker McKenzie LLP, hosted an [online preparatory session](#) that gathered more than 40 participants in order to define key challenges and advocacy priorities within justice for children, and the proposals of topics, agenda, and activities specific to the 2021 World Congress Regional Session for Europe.

The Preparatory Meeting report can be found [here](#).

Key Takeaways from the European Preparatory Meeting:

Terre des hommes will place particular attention at the 2021 World Congress on providing information on the needs of children in the justice system, developing advocacy working stations and offering tailored trainings. Crucially, children's intersectional 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 – especially the Directives on child victims and child procedural safeguards – the European Commission should also use soft tools and invest in exchanges of practices and more effective cooperation mechanisms.

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

- The need for training for specialized professionals in child-friendly justice.
- Crucial consideration of alternatives to detention and children's reintegration post-detention.
- Bettering communication by police, especially in the child's first encounter with the justice system.
- The impact of COVID-19 on safeguards, monitoring and education, which is deepening social gaps.

Theme 2: Rights of child victims under European law.

- Child victims should participate in every stage.
- Professionals should be trained in how to detect and respond to crimes against children, as crime underreporting is a common issue with child-victims.
- Helping children develop coping mechanisms and the avoidance of re-traumatisation is essential.

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

- Authorities should be trained on how to approach children of particular minority groups - gender and cultural sensitivity awareness are necessary to prevent discrimination and ensure equal access to justice for children.
- Minimum age requirements in national law should be reviewed to avoid disparities in safeguarding.

Key Recommendations from the European Preparatory Meeting:

1. Design **child-friendly trainings for professionals** from the judiciary, police, social sector, health sector.
2. Provide tailored professional trainings on the impact of gender and diversity in the pursuit of justice.
3. Ensure gender and diversity is considered when applying **restorative justice, diversion and alternative measures**.
4. Raise awareness on the fundamental needs of children in terms of mental health and psycho-social support.
5. Facilitate collaboration ensure child-friendly **responses to child victims to avoid re-traumatisation**.
6. **Support programs and mechanisms** not only for victims and perpetrators, but also their families.
7. Promote individual needs assessments for children in contact with the law and review its implementation.
8. Address **age inconsistencies** throughout the European Union and make a final decision about a minimum age.
9. Design and use **child-friendly information and technology** to ensure children are aware of their rights.
10. The **impact of COVID-19 on procedural safeguards, monitoring, education of children** should be analysed.
11. Ensure **child participation** in the World Congress, during legal procedures and in professional's training and research.
12. Review and update the [Council of Europe child-friendly justice guidelines](#).

1.6. UN Global Study on Children Deprived of Liberty

The UN Global Study published in 2019 is the first scientific attempt to comprehend the magnitude of the global situation of children deprived of liberty, its justifications and causes, as well as conditions of detention and their harmful impact on the children's development. **It identifies best practices in non-custodial solutions** in relation to accompanied or unaccompanied child detention in the context of armed conflict, migration or national security grounds.

2. Objectives of the World Congress

The **World Congresses on Justice With Children** represent dedicated spaces of interaction and participation for policy makers, academics and civil society representatives, which seeks 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 on the [UN Global Study on Children Deprived of Liberty](#).

Terre des hommes has organised World Congresses on child justice in [2009](#), [2015](#) and [2018](#). The 2021 Congress is organised together with a consortium of NGOs that form the Global Initiative on Justice with Children following a double pronged approach through:

- 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](#).

Objectives include:

- Making children's rights effective worldwide.
- Promoting access to justice and child participation in child protection systems and formal or informal justice systems.
- Assessing the use of deprivation of liberty and promoting non-custodial measures.
- Exchanging practice-oriented strategies to reduce and prevent juvenile crime and recidivism.

2.1. Specific Objectives of the Regional Session for Europe

The Regional Session for Europe will focus on challenges facing equal access to justice for all children in Europe, regardless of their nationality. In particular, participants and organisers will:

1. Share **inspiring examples and promising practices** in child justice across Europe.
2. Engage in a dynamic space for dialogue between practitioners, researchers and policy-makers with the goal of proposing **concrete solutions to reduce discrimination against children**.
3. **Critically examine the implementation of relevant CoE standards and instruments**, particularly the Council of Europe Child-Friendly Justice Guidelines **and relevant EU Directives and legislation**; particularly the EU Directive on procedural safeguards for children suspected or accused of crime and the EU Directive on victims' rights.
4. Assess the aims and progress of the [2021-2024 European Union Strategy on the Rights of the Child](#).
5. Support the Council of Europe in the implementation of the [Child Friendly Justice Guidelines](#).
6. Adapt and evaluate recommendations from civil society organisations.
7. Identify gaps and failures in equal access to justice for children and youth.

2.2. Participation of Children and Youth

Children have a right to be heard, meaning that adults have an obligation to create space for children to share and take into account their views in matters concerning them. The Congress will feature **child-led workshops with child or youth speakers** who can share their experiences and assist participants in reflecting on the reality of measures impacting children.

The Congress is assisted by the contributions of the [Child and Youth Advisory Group](#). For information on involving children in your session, please contact Kristen Hope at kristen.hope@tdh.ch.

3. Agenda and Practical Information

3.1. Expected Participants

The Regional Session for Europe will bring together representatives of European and international governmental institutions, European networks, non-governmental organizations, international law firms, universities and academics and Europe-funded project partners to promote collaborative efforts in child justice.

3.2. Agenda for the Regional Session for Europe

Regional Plenary Session

- The morning session will take place from **12:00pm to 13:30pm, CET**.
- Each keynote speech listed below will be followed by an expert panel discussion.

Start	Topic of Discussion
12:00	Welcoming Remarks: towards non-discriminatory and inclusive child justice systems
12:15	Learnings from the Covid-19 Pandemic and the digitalisation of justice for children
12:40	Relationships between police and LGBTQ youth: why this is a human rights issue needing urgent attention
13:05	Sharing experience: the proliferation of Barnahus in Europe
13:30	End of Plenary Session

Afternoon Workshops, Training Sessions and Working Groups

The afternoon workshops will take place from 14.00pm until 19.30pm CET, Brussels/Budapest time. **Each session will take 90 minutes.** There will be 17 workshops taking place.

- Round 1: 14:00pm to 15:30pm CET
- Round 2: 16:00pm to 17:30pm CET
- Round 3: 18:00pm to 19:30pm CET

Panel discussions will be diverse, interactive and inclusive discussions between 4-5 speaker panels and the audience. Expert panellists may present publications, research findings and new avenues for action related to the Congress themes. The panel debates should be diverse, inclusive and encourage live chat and active participation.

Certified trainings will be action-orientated sessions that will seek to share tools, promising practices, ideas and projects within child justice, as well as aim to build the skills and capacity of the audience.

Working groups will be hands-on group exercises where participants will tackle child rights challenges, develop concrete calls for action, outcomes and joint initiatives; produce collaborative reports related to the Congress themes.

Workshops, Trainings & Panel Discussions

Timings in CET

<p>Round 1 14:00 – 15:30pm</p>	<ul style="list-style-type: none"> • Panel discussion: Improving data collection on children in conflict with the law • Training: i-RESTORE Protecting child victims through restorative justice • Panel discussion: Ending Childhood Statelessness: ensuring the right to a nationality for children in migration in Europe • Panel discussion: Making child-friendly legal aid a reality - learnings and outputs from the LA Child project • Training: Participation: putting the 'us' into justice • Panel discussion: Multidisciplinary individual assessments for children: a gateway to inclusive, child-centred justice
<p>Round 2 16:00 – 17:30pm</p>	<ul style="list-style-type: none"> • Panel discussion: Challenges to provision of care for children and parents in conflict with the law; recommendations for improved protection and support • Working group: Access to Justice for LGBTQI+ Youth • Panel discussion: Book release – Restorative Justice in a children's rights perspective • Panel discussion & roundtable: Los jóvenes como agentes de cambio en temas de Violencias Basadas en Genero y sexualidad • Panel discussion: Building a culture of participation in justice and recovery for child victims and witnesses of violence • Training: Response to Institutional Violence through a Child Rights Helpdesk Opera from the Council of Europe
<p>Round 3 18:00 – 19:30pm</p>	<ul style="list-style-type: none"> • Panel discussion: Child participation in family and protection matters: a panorama of 36 countries • Panel discussion: Child-Led Workshop • Panel discussion: Brain Injury in Children in contact with the law • Training: The Council of Europe HELP free online courses on children's rights • Working group: Access to Justice: Legal Review

3.3. For further information, please contact:

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The 2021 World Congress has been organised in collaboration with:



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Terre des hommes

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With technical support from UNICEF, UNODC, UNHCR and UN SRSG/VAC.



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