

Strasbourg, 28 August 2009
*[cdj/cdcj et comités subordonnés/1e réunion /
documents de travail/cj-s-ch (2009)3 e]*

CJ-S-CH (2009) 3

**GROUP OF SPECIALISTS ON CHILD-FRIENDLY JUSTICE
(CJ-S-CH)**

REPORT OF THE 1ST MEETING OF THE CJ-S-CH

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LIST OF DECISIONS

At its first meeting, the Group of Specialists on child-friendly justice (CJ-S-CH), in accordance with its terms of reference,

took note of:

- the provisional version of the compilation of legal texts prepared by the Secretariat which will be finalised in time for the next meeting of the Group;
- the current drafting, under the aegis of the Programme "Building a Europe for and with children", of the Council of Europe's Guidelines on the elimination of violence against children expected to be adopted in the form of a Recommendation by November 2009, and welcomed the invitation made to the Group to participate in the consultation process on these draft Guidelines at a high level conference planned for 2-3 June 2009 in Strasbourg;
- the Council of Europe's activities on children's participation, including the forthcoming setting-up of a group of experts to develop Council of Europe's guidelines on children's participation and the recent establishment of an internal Council of Europe's Task Force in which the CJ-S-CH's Secretariat is involved;

considered:

- how best to prepare the European Guidelines on child-friendly justice and agreed on a list of topics to be addressed in the Guidelines;

invited its members to:

- send their profiles to the Secretariat for publication on the website of the Group;
- provide the Secretariat with examples of research findings and examples of good practice to be published on the website and used by the scientific expert;

instructed the scientific expert to:

- prepare the preliminary draft Guidelines and explanatory memorandum, along the lines agreed at the meeting and incorporating the points made during the discussions;
- prepare, possibly in co-operation with the European Network of Ombudspersons for Children (ENOC), a discussion paper on the draft Guidelines for consultation of children and young people;

instructed the Secretariat to:

- write to member states and leading international NGOs and other stakeholders, outlining the task the Group is undertaking, informing them about the consultation process and asking for examples of good practices;
- revise Document CJ-S-CH (2009) 7 BIL enclosing "Proposals concerning the consultation process on the draft guidelines" so to take due account of the views expressed during the discussions;
- post the draft preliminary Guidelines prepared by the scientific expert on the CJ-S-CH's website after the 1st meeting of the Group so that its members can share comments on it before their next meeting;
- forward the draft Guidelines to the CDCJ, CDPC and CDDH in due time and to keep their respective Secretariats informed of the progress made by the Group in its work;

decided to:

- hold its 2nd meeting on 28-30 September 2009, a hearing with leading international NGOs and other relevant stakeholders specialised in children's rights on 7 December 2009 and its 3rd meeting on 8-10 December 2009 in Strasbourg.

INTRODUCTION

1. The Group of Specialists on the child-friendly justice (CJ-S-CH) held its first meeting in Strasbourg on 16-17 April 2009, with Mr. Seamus CARROLL as Chair and Ms Ksenija TURKOVIĆ as Vice-chair. The list of participants appears in Appendix I to this report.

I. OPENING OF THE MEETING

2. Mrs. de BOER-BUQUICCHIO, Deputy Secretary General of the Council of Europe, and Mr. Jan KLEIJSEN, Director of Standard-Setting Activities, were excused. The meeting was opened by Mr. Jörg POLAKIEWICZ, Head of the Law Reform Department, Directorate General of Human Rights and Legal Affairs (DG-HL).
3. It was recalled that the work of the Group is ranked as one of the major activities of the Committee of Ministers on children's rights and that it constitutes a core pillar of the Council of Europe's strategy on the rights of the child for 2009-2011.
4. Mr. Polakiewicz invited the Group of Specialists, as a starting-point, to take stock of the important material provided by Council of Europe experts' reports and the two high-level conferences held in Stockholm (8-10 September 2008) and Toledo (12-13 March 2009) following the 28th Council of Europe Conference of Ministers of Justice (Lanzarote, 2007) on which occasion the ministers invited the Council of Europe to draft European Guidelines on child-friendly justice (hereafter "the Guidelines"). The Group should make the best possible use of existing international and European instruments as well as of the case-law of the European Court of Human Rights.
5. He also underlined that the specialists participate in meetings of the Group in their own capacity, as independent experts, and not as representatives of their respective governments. Nonetheless, they are welcomed to liaise with their national authorities to ensure the successful adoption of the text by the Committee of Ministers and its subsequent effective implementation by the member states.
6. Mr. Carroll stressed the importance of the structure of the future guidelines as well as of their concrete and practical nature. In this view and in order to ensure their endorsement by all 47 member states, extensive reference to the case-law of the European Court of Human Rights and to examples of good practice should be encouraged and incorporated in the future text.

II. ADOPTION OF THE AGENDA

7. The agenda was adopted as set out in Appendix II.

III. INFORMATION BY THE SECRETARIAT

8. Mrs. Regina JENSDOTTIR, Head of the Public and Private Law Division, recalled the terms of reference of the Group as well as the relevant reference documents made available, and gave background to the Group. The latter includes a new integrated working method involving three major Council of Europe's intergovernmental

committees dealing with civil and administrative law (European Committee on Legal Co-operation (CDCJ)), criminal law (European Committee on Crime Problems (CDPC)) and human rights (Steering Committee for Human Rights (CDDH)), as well as consultation of the European Commission for the Efficiency of Justice (CEPEJ).

IV. INTRODUCTION OF SPECIALISTS

9. The Chair welcomed the Group members and observers and introduced the Scientific Expert, Ms Ankie VANDEKERCKHOVE, then Flemish Commissioner for Children in Belgium, who is assisting the Group in its work. The composition of the CJ-S-CH appears in document CJ-S-CH (2009) 4 BIL.
10. The Secretariat invited the Group to make the best possible use of its multidisciplinary composition in pursuing a comprehensive approach of children's place and voice in justice to the greatest possible protection and promotion of children's legal rights.
11. The Group agreed that each specialist would send his or her profile to the Secretariat for publication on the website of the Group.

V. PRESENTATION OF COUNCIL OF EUROPE REPORTS ON CHILD-FRIENDLY JUSTICE

12. Mrs. Ksenija Turković, Vice-chair, Mrs. Stephanie SCHMAHL and Mrs. Ruth FARRUGIA presented their Reports respectively on "Elements for European Guidelines on Child-friendly Justice with Particular Focus on Children's Access and Place in Criminal Justice System" (CDPC (2008) 17 Addendum IV rev), "Meeting the needs of children" (CDDH(2008)009 rev) and children's access to and place in the civil justice system (CDCJ (2008) 26 rev).
13. In addition, Mr. Bragi GUDBRANDSSON, the Icelandic member, and Mrs. Marianne NY, the Swedish member, gave presentations concerning the children's houses that have been set up for child victims of abuse in their countries. Mr. Nigel CANTWELL, representing UNICEF, made a presentation focusing on the notion of children's best interests, juvenile justice and the minimum age of criminal responsibility.
14. Presentations made available by their authors following the meeting are accessible on the website of the CJ-S-CH.

VI. PRESENTATION OF THE WORK OF OTHER COUNCIL OF EUROPE BODIES

15. Mrs. Liubov SAMOKHINA, Programme Officer, presented the Council of Europe's Programme "Building a Europe for and with children".
16. The Group took note, in this framework, of the current drafting of Council of Europe's Guidelines on the elimination of violence against children, expected to be adopted in the form of a Recommendation by November 2009. It welcomed the invitation made to the Group to participate in the ongoing consultation on these draft Guidelines and to

be represented at a high level conference planned for 2 and 3 June 2009 in Strasbourg to discuss and approve these draft Guidelines.

17. The Group also took note of the Council of Europe's activities on children's participation including the forthcoming setting-up of a group of experts to develop Council of Europe's guidelines on children's participation and the recent establishment of an internal Council of Europe's task force in which the CJ-S-CH's Secretariat is involved.
18. Mrs. Montserrat ENRICH-MAS, Head of the Research Division and Library at the Registry of the European Court of Human Rights, delivered a presentation on the place of the child in the case-law of the European Court of Human Rights with reference to the Report prepared by the Registry of the Court on "Access of children to justice - specific focus on the access of children to the European Court of Human Rights as well as its case-law related to children's access to national jurisdictions".

VII. DETERMINATION OF THE SCOPE AND NATURE OF THE EUROPEAN GUIDELINES ON THE BASIS OF THE TERMS OF REFERENCE OF THE GROUP

19. The Group took note of the provisional version of the compilation of legal texts prepared by the Secretariat which will be finalised in time for its next meeting.
20. The Secretariat presented proposals concerning the consultation process on the draft guidelines (CJ-S-CH (2009) 7 BIL). The list of organisations and bodies to be consulted being indicative, specialists were invited to suggest bodies to add to this list. Suggestions included Defence for Children International (DCI) and professional associations which could be added to the list.
21. The Group instructed the Secretariat to write to member states and to leading international NGOs and other stakeholders, outlining the task that the Group is undertaking, informing them about the consultation process and asking for examples of good practices.
22. The question of children's participation was discussed and in particular the possibility of indirect consultation of children (by using studies on the experiences of children confronted with the justice system), was examined.
23. The Group instructed the Secretariat to revise Document CJ-S-CH (2009) 7 BIL in order to take due account of the views expressed during the discussions and invited the scientific expert to prepare, possibly in co-operation with the European Network of Ombudspersons for Children (ENOC), a discussion paper for the consultation of children and young people on the draft Guidelines.

VIII. PRELIMINARY IDEAS FOR A DRAFT STRUCTURE OF THE EUROPEAN GUIDELINES ON CHILD-FRIENDLY JUSTICE

24. The Scientific Expert presented preliminary ideas for a draft structure of the European Guidelines on child-friendly justice which were used as a basis for

discussion among the members of the Group on how best to prepare the Guidelines.

IX. AGREEMENT ON A LIST OF TOPICS TO BE ADDRESSED IN THE GUIDELINES AND SKELETON OF THE DRAFT TEXT

25. The Group considered how to best prepare European Guidelines on child-friendly justice and agreed on a list of topics to be addressed in the Guidelines (Appendix III).
26. The Group furthermore instructed the scientific expert to prepare preliminary draft Guidelines and explanatory memorandum, along the lines agreed at the meeting and incorporating the points made during the discussions.
27. The members of the Group were invited to provide the Secretariat with examples of research findings and examples of good practice so that they could be published on the website and used by the scientific expert.
28. The preliminary draft Guidelines were to be posted on the CJ-S-CH's website after the 1st meeting of the Group so that its members could share comments on it before their next meeting.
29. The draft Guidelines should also be forwarded to the CDCJ, CDPC and CDDH in due time and their respective Secretariats should be kept constantly informed of the progress made by the Group in its work.

X. PREPARATION OF THE NEXT MEETINGS

30. The Group decided to hold its 2nd meeting on 28-30 September 2009 and its 3rd meeting on 8-10 December 2009 in Strasbourg.
31. In addition, a hearing with leading international NGOs and other relevant stakeholders specialised in children's rights will be held on 7 December 2009 in Strasbourg.
32. Document "Work plan of meetings of the CJ-S-CH for 2009" (CJ-S-CH (2009) 2 BIL) will be updated accordingly.

Appendix I – LIST OF PARTICIPANTS

Strasbourg, 16.04.09

CJ-S-CH (2009) LP 1

GROUP OF SPECIALISTS ON CHILD FRIENDLY JUSTICE GROUPE DE SPECIALISTES SUR UNE JUSTICE ADAPTÉE AUX ENFANTS (CJ-S-CH)

1st meeting / 1^{ère} réunion
Strasbourg, 16-17 April / avril 2009
Room /Salle G04 (AGORA)

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

I. CJ-S-CH MEMBERS / MEMBRES DU CJ-S-CH

Bob ASHFORD

Head of Youth Justice Strategy, Youth Justice Board for England and Wales, 11 Carteret Street, London SW1H 9DL, United Kingdom

Josiane BIGOT

Magistrat et Conseillère à la cour d'appel de Colmar, Présidente de l'Association Thémis, 36 rue Oberlin, F - 67000 Strasbourg, France

Séamus CARROLL

Chair of the CJ-S-CH

Principal Officer, Civil Law Reform Division, Department of Justice, Equality and Law Reform, Department of Justice, Equality and Law Reform, Bishop's Square, Redmond's Hill, IRL - Dublin 2, Ireland

Ruth FARRUGIA

Advocate and Senior Lecturer, Faculty of Law, University of Malta, Msida MSD2080, Malta

Claude GILLARD

Conseiller juridique, Chef du service de droit pénal spécial et des questions policières, Service Public Fédéral Justice (SPF Justice), Direction générale de la Législation et des Libertés et Droits fondamentaux, 115 bd de Waterloo, B-1000 Bruxelles, Belgique

Bragi GUDBRANDSSON

General Director, Government Agency for Child Protection, Höfdaborg, Borgartún 21, IS-104 Reykjavik, Iceland

Philip JAFFÉ

Professeur, Institut universitaire Kurt Bösch, CP 4176, CH-1950 Sion 4, Suisse

Olga KHAZOVA

Associate Professor, Institute of State and Law, Znamenka Str. 10, RU - 119991 Moscow, Russian Federation

Jeanette KOK

Counsellor of Legislation, Ministry of Justice, PO Box 20301, 2500 NL - EH The Hague, The Netherlands

Arto KOSONEN

Government Agent, Director of the Unit for Human Rights Courts and Conventions, Legal Service, Ministry of Foreign Affairs, P.O. Box 411, FI - 00023 Valtioneuvosto, Finland

Holta KOTHERJA

Attorney-at-law specialised in children's rights and family law, Professor in Albanian Magistrates' School, "Delegibus Consulting" Law Firm, Bulevard Zhan D'Ark, Kulla5, Kati 10, No. 50, Tirana, Albania

Andrea MATOUSKOVA

Probation and Mediation Service of the Czech Republic, Hybernska 18, CZ - Prague 1, 110 00, Czech Republic

Marianne NY

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Lies PUNSELIE

Dr. E.C.C.

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Stefanie SCHMAHL

Lehrstuhl für deutsches und ausländisches öffentliches Recht, Völkerrecht und Europarecht, Domerschulstraße 16, D - 97070 Würzburg, Germany

Ksenija TURKOVIĆ

Vice-Chair of the CJ-S-CH

Professor of Criminal Law, University of Zagreb, Trg M. Tita 14, HR - 10 000 Zagreb, Croatia

SCIENTIFIC EXPERT / EXPERT SCIENTIFIQUE

Ankie VANDEKERCKHOVE

Flemish Children Commissioner, Leuvenseweg 86, B - 1000 Brussels, Belgium

II. PARTICIPANTS

MEMBER STATES / ÉTATS MEMBRES

attending meeting at their own expenses / *assistant à la réunion à leurs propres frais*

SPAIN / ESPAGNE:

Rafael VAÍLLO RAMOS

Conseiller technique, Calle Sanbernardo 62, 28071 Madrid

PARLIAMENTARY ASSEMBLY / ASSEMBLÉE PARLEMENTAIRE

Apologised / Excusé

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE / COMMISSION EUROPÉENNE POUR L'EFFICACITÉ DE LA JUSTICE (CEPEJ)

Apologised / Excusé

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES / CONSEIL CONSULTATIF DES JUGES EUROPÉENS (CCJE)

Apologised / Excusé

CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS / CONSEIL CONSULTATIF DE PROCUREURS EUROPÉENS (CCPE)

Harald RANGE

Generalstaatsanwalt, Generalstaatsanwaltschaft Celle, Schlossplatz 2, 29221 Celle, Germany

EUROPEAN STEERING COMMITTEE FOR YOUTH / COMITÉ DIRECTEUR EUROPÉEN POUR LA JEUNESSE (CDEJ)

André-Jacques DODIN

Head of the Division for Youth Policies and Intergovernmental Co-operation, Council of Europe / *Chef de la Division des politiques de jeunesse et de la coopération intergouvernementale, Conseil de l'Europe, B. P. 75, F – 67075 Strasbourg cedex, France*

EUROPEAN COMMITTEE FOR SOCIAL COHESION / COMITÉ EUROPÉEN POUR LA COHÉSION SOCIALE (CDCS)

Apologised / Excusé

EUROPEAN COMMISSION / COMMISSION EUROPÉENNE COUNCIL OF THE EUROPEAN UNION / CONSEIL DE L'UNION EUROPÉENNE

Apologised / Excusé

III. OTHER PARTICIPANTS

REGISTRY OF THE EUROPEAN COURT OF HUMAN RIGHT / GREFFE DE LA COUR EUROPÉENNE DES DROITS DE L'HOMME

Montserrat ENRICH-MAS

Head of the Research division and Library, Council of Europe / *Chef de la Division de la recherche et de la bibliothèque, Conseil de l'Europe*, F - 67075 Strasbourg Cedex

NON-MEMBER STATES HAVING OBSERVER STATUS WITH THE COUNCIL OF EUROPE / ÉTATS NON MEMBRES AYANT LE STATUT D'OBSERVATEUR AUPRÈS DU CONSEIL DE L'EUROPE

CANADA: **Apologised / Excusé**

HOLY SEE / SAINT-SIEGE:

Philippe TOUSSAINT

Représentant du Saint-Siège, 67 Allée de la Robertsau, 67000 Strasbourg, France

JAPAN / JAPON: **Apologised / Excusé**

MEXICO / MEXIQUE: **Apologised / Excusé**

UNITED STATES OF AMERICA / ÉTATS-UNIS D'AMÉRIQUE: **Apologised / Excusé**

INTERNATIONAL ORGANISATIONS / ORGANISATIONS INTERNATIONALES

HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW /
CONFÉRENCE DE LA HAYE DE DROIT INTERNATIONAL PRIVÉ (HCCH)

Apologised / Excusé

INTERAGENCY PANEL ON JUVENILE JUSTICE /
GROUPE INTERINSTITUTIONS SUR LA JUSTICE POUR MINEURS (IPJJ)

Benoît VAN KEIRSBILCK

Président, Défense des Enfants International, Rue du Marché aux Poulets 30, 1000 Bruxelles, Belgique

INTERNATIONAL COMMISSION ON CIVIL STATUS /
COMMISSION INTERNATIONALE DE L'ÉTAT CIVIL (ICCS)

Apologised / Excusé

UNITED NATIONS CHILDREN'S FUND / FONDS DES NATIONS UNIES POUR
L'ENFANCE (UNICEF)

Nigel CANTWELL

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Jean-Claude LEGRAND

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OFFICE OF THE HIGH COMMISSIONER OF THE UNITED NATIONS FOR HUMAN RIGHTS (OHCHR) / HAUT-COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME

Apologised / Excusé

IV. OBSERVERS

**EUROPEAN NETWORK OF OMBUDSPERSONS FOR CHILDREN /
RÉSEAU EUROPÉEN DE MEDIATEURS POUR LES ENFANTS (ENOC)**

Polina ATANASOVA

Representative of ENOC to the Council of Europe, ENOC Secretariat

V. SECRETARIAT OF THE COUNCIL OF EUROPE / SECRÉTARIAT DU CONSEIL DE L'EUROPE

Jörg POLAKIEWICZ

Head of the Law Reform Department, Directorate of Standard-Setting, Directorate General of Human Rights and Legal Affairs (DG-HL), Council of Europe / *Chef du Service des réformes législatives, Direction des activités normatives, Direction générale des droits de l'Homme et des affaires juridiques (DG-HL), Conseil de l'Europe*

Regina JENSDOTTIR

Head of the Public and Private Law Division, Secretary of the CJ-S-CH, Law Reform Department, DG-HL / *Chef de la Division du droit public et privé, Secrétaire du CJ-S-CH, Service des réformes législatives, DG-HL*

Sabrina CAJOLY

Co-secretary of the CJ-S-CH, Public and Private Law Division, Law Reform Department, DG-HL / *Co-Secrétaire du CJ-S-CH, Division du droit public et privé, Service des réformes législatives, DG-HL*

Camilla TESSENYI

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Liubov SAMOKHINA

Programme Advisor, Programme "Building a Europe for and with Children", Children and Violence / *Responsable de programme, Programme « Construire une Europe pour et avec les enfants », Enfance et violence*

Lucy ANCELIN

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Christine MOREL

Assistant, Public and Private Law Division, Law Reform Department / *Assistante, Division du droit public et privé, Service des réformes législatives*

INTERPRETATION

Amanda BEDDOWS

Martine CARALY

Katia DI STEFANO

Appendix II - AGENDA

1. Opening of the meeting / *Ouverture de la réunion*

Mr. / M. Jörg Polakiewicz, Head of the Law Reform Department / *Chef du service des réformes législatives*

2. Adoption of the Agenda / *Adoption de l'ordre du jour*

3. Information by the Secretariat / *Information par le Secrétariat*

Mrs / Mme Regina Jensdottir, Head of the Public and Private Law Unit / *Chef de l'Unité du droit public et privé*

- Warsaw Declaration - Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005) / *Déclaration de Varsovie – Troisième Sommet des Chefs d'Etat et de Gouvernement du Conseil de l'Europe (Varsovie, 16-17 mai 2005)* [CM \(2005\) 79 final](#)
- Plan of Action - Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005) / *Plan d'Action - Troisième Sommet des Chefs d'Etat et de Gouvernement du Conseil de l'Europe (Varsovie, 16-17 mai 2005)* [CM \(2005\) 80 final](#)
- Resolution No. 2 on child-friendly justice / *Résolution No. 2 sur une justice adaptée aux enfants* [MJU-28 \(2007\) Resol. 2](#)
- Conclusions of the seminar "Towards European guidelines on child-friendly justice: Identifying core principles and sharing examples of good practice" (Stockholm, 8 September 2008) / *Conclusions du séminaire « Vers des lignes directrices européennes pour une justice adaptée aux enfants : Identifier les principes fondamentaux et partager les bonnes pratiques » (Stockholm, 8 septembre 2008)* [CDCJ \(2008\) 38](#)
- Conclusions of the conference on « The Protection of Children in European Justice Systems (Toledo, Spain, 12-13 March 2009) / *Conclusions de la conférence sur "La Protection des Enfants dans les Systèmes Judiciaires » (Tolède, 12-13 mars 2009)* [DG-HL\(2009\)3](#)
- Terms of reference of the CJ-S-CH / *Mandat du CJ-S-CH* [CJ-S-CH \(2009\) 1 BIL](#)

4. Introduction of specialists / *Présentation des spécialistes*

- Composition of the CJ-S-CH / *Composition du CJ-S-CH* [CJ-S-CH \(2009\) 4 BIL](#)

5. Presentation of Council of Europe reports on child-friendly justice

Ms/ Mme Ksenija Turković, CJ-S-CH Vice-chair / Vice-présidente du CJ-S-CH

- Elements for European Guidelines on Child-friendly Justice with Particular Focus on Children's Access and Place in Criminal Justice System by Ksenija Turković / *Éléments pour des lignes directrices européennes pour une justice adaptée aux enfants avec un accent particulier sur l'accès et la place des enfants dans le système de justice pénale par Ksenija Turković* [CDPC \(2008\) 17 Addendum IV rev](#)

Ms / Mme Stephanie Schmahl, CJ-S-CH specialist / Spécialiste du CJ-S-CH

- "Meeting the needs of children" by Stéphanie Schmahl / *"Répondre aux besoins des enfants", par Stéphanie Schmahl* [CDDH\(2008\)009 rev](#)

Ms / Mme Ruth Farrugia, CJ-S-CH specialist / Spécialiste du CJ-S-CH

- Report on child-friendly justice with particular focus on children's access to and place in the civil justice system by Ruth Farrugia / *Rapport sur une justice adaptée aux enfants mettant particulièrement l'accent sur l'accès des enfants et leur place dans le système de justice civile par Ruth Farrugia* [CDCJ \(2008\) 26 rev](#)

6. Presentation of the work of other Council of Europe bodies/ *Présentation des travaux d'autres organes du Conseil de l'Europe*

Mrs / Mme Liubov Samokhina, Programme Officer / Responsable de programme

- Building a Europe for and with children – Strategy 2009-2011 / *Construire une Europe pour et avec les enfants – La stratégie 2009-2011*
- Joint Council on Youth (CMJ) - Council of Europe actions on participation of children and young people under the age of 18: Roadmap 2009 – 2011 [DJS/CMJ\(2009\)11 \(Eng. Only\)](#)
- Draft European Policy Guidelines on National Integrated Strategies for the Protection of Children against Violence / *Projet de lignes directrices européennes pour des stratégies intégrées de lutte contre la violence* [Confidential \(Eng. Only\)](#)

7. Determination of the scope and nature of the European guidelines on the basis of the terms of reference of the Group / *Détermination du champ d'application et de la nature des lignes directrices européennes sur la base du mandat du Groupe*

- a. **Discussion on the initial structure of the draft guidelines / Discussion sur la structure initiale du projet de lignes directrices**

Terms of reference of the CJ-S-CH / *Mandat du CJ-S-CH*

[CJ-S-CH \(2009\) 1 BIL](#)

**b. Identification of main resource materials (texts and case-law of reference) /
*Identification des principales ressources matérielles (textes et jurisprudence de référence)***

- Compilation of existing European and international standards relevant to children's rights / *Compilation de normes européennes et internationales pertinentes en matière de droits des enfants* CJ-S-CH (2009) 6
- Report prepared by the Registry of the European Court of Human Rights on "Access of children to justice - specific focus on the access of children to the European Court of Human Rights as well as its case-law related to children's access to national jurisdictions" / *Rapport préparé par le Greffe de la Cour Européenne des Droits de l'Homme sur l'«Accès des enfants à la justice - Cas spécifique de la Cour Européenne des Droits de l'Homme ainsi que sa jurisprudence relative à l'accès des enfants aux juridictions nationales »* MJU-28(2007) INF 01
- *Rapport préparé par le Greffe de la Cour Européenne des Droits de l'Homme sur « Le Rôle des mineurs dans la procédure devant la Cour et devant les juridictions nationales »* CJ-S-CH (2009) 8 (French only)

c. Consultation process on the draft text (identification of resource persons and organisations) / *Procédure de consultation sur le projet de texte (identification des personnes et des organisations ressources)*

- Proposals concerning the consultation process on the draft guidelines / *Propositions concernant la procédure de consultation sur le projet de lignes directrices* CJ-S-CH (2009) 7 BIL [restricted / accès restreint]

8. Preliminary ideas for a draft structure of the European guidelines on child-friendly justice / *Idées préliminaires pour le projet de lignes directrices européennes sur une justice adaptée aux enfants*

Ms / Mme Ankie Vandekerckhove, CJ-S-CH scientific expert / *experte scientifique du CJ-S-CH*

9. Agreement on a list of topics to be addressed in the guidelines and skeleton of the draft text / *Accord sur une liste de sujets devant être traités dans les lignes directrices et sur la trame du projet de texte*

10. Preparation of the next meetings / *Préparation des prochaines réunions*

- Work plan of meetings of the CJ-S-CH for 2009 / *Planning des réunions du CJ-S-CH pour 2009* CJ-S-CH (2009) 2 BIL

11. Other business / *Divers*

Appendix III – LIST OF TOPICS TO BE ADDRESSED IN THE DRAFT GUIDELINES ON CHILD-FRIENDLY JUSTICE

I. Preamble

- **Reference to core existing standards**
 - 5 maximum
 - Proposals: European Convention on Human Rights and case-law of the European Court of Human Rights, United Nations Convention on the Rights of the Child, ECOSOC guidelines on justice in matters involving child victims and witnesses of crime;
- **Objectives**
 - Avoid secondary victimisation of children by the justice system;
 - Provide professionals with practical guidance to ensure the effective implementation of children's rights in justice;
 - Turn existing core principles into reality: "rights are nothing without the capacity to claim for their effective and full respect"¹
- **Definitions**
 - Child: "children and young people"²
 - "Whichever capacity": victim, witness, offender, in conflict with the law, at risk, party to proceedings (to be completed)
 - "in all circumstances" ("involved" / "affected")
 - "child-friendly"
- **Scope**
 - before, during, after proceedings³
 - judicial and extrajudicial proceedings

II. Principles⁴

1. Best interests of the child
2. Protection from discrimination
3. Participation / consultation
4. Dignity
5. Access to justice
6. Evolving capacities

III. Thematic issues

¹ This raises the debated question of direct, autonomous access to justice for children.

² Proposed wording to include older children and prevent them from a childish treatment.

³ This questions how far « upstream » and how far « downstream »

⁴ The proposed overarching principles are based on the UN Convention on the Rights of the Child

- Right to be informed
- Right to be represented
- Right to be heard and express views and concern
- Access to court / Right to a fair trial (including speedy procedure)
- Layout of the court (child-friendly environment)
- Effective assistance to children
- Protection of privacy
- Protection from hardship during justice process
- (Admissibility of) Evidence / testimony of children
- Right to safety / Special preventive measures
- Reparation, recovery, social integration
- Simplification of procedure
- Use of informal and community justice procedure (restorative justice, (family) mediation etc)
- Assessment
- Early intervention
- Restorative justice
- Multidisciplinary approach
- Abuse, neglect, juvenile justice
- Monitoring⁵ / evaluation
- Specific groups: street children, migrants, asylum seekers, etc

IV. Good practices

- heading -> identify the core principle behind it; not necessarily exportable

⁵ This item questions the possibility and desirability to foresee a monitoring mechanism in the guidelines but also the possibility to use existing monitoring mechanisms, such as the UN Committee on the Rights of the Child, to monitor implementation of the guidelines.