

# CHILD-FRIENDLY JUSTICE IN EUROPE: PARTICIPATION AND RESTORATIVE JUSTICE

## Programme



Online event  
Tuesday, 12 May 2020

Event organised  
under the aegis of  
the Georgian Presidency  
of the Committee of Ministers  
of the Council of Europe



**Presidency of Georgia**  
Council of Europe  
November 2019 – May 2020  
**Présidence de la Géorgie**  
Conseil de l'Europe  
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## CONCEPT NOTE

Creating a child-friendly justice system, rooted in the principle of the best interests of the child, is a top priority for the Government of Georgia and its national Human Rights Strategy (2014-2020). Georgia presently chairs the Committee of Ministers of the Council of Europe and, in this framework, the Council of Europe and the Georgian Presidency of the Committee of Ministers joined forces to organize an **online event “Child-Friendly Justice in Europe – Participation and Restorative Justice” on Tuesday, 12 May 2020.**

Every year, thousands of children across the Council of Europe member states are involved in judicial proceedings. Children in contact or conflict with justice systems, be they civil, administrative or criminal, either as victims, witnesses, offenders, or parties to a justice process, are often vulnerable and in need of protection. They are often confronted with a system designed for adults, which is poorly adapted to their needs. These challenges are amplified where children come into conflict with the law. Depriving children of their liberty can have detrimental effects on their educational, social and development needs, and other long-term negative consequences for them.

The *Council of Europe’s Strategy for the Rights of the Child (2016-2021)* recognizes child-friendly justice as a key focus area and identifies national implementation of the Council of Europe’s Guidelines on child-friendly justice among its core areas for action. These Guidelines underline States’ role to guarantee the respect and effective implementation of the rights of the child and the need for justice systems to be accessible, age-appropriate, efficient, diligent, adapted to and focused on the needs of the child.

Restorative justice is particularly relevant for children in conflict with law and child victims. The crime committed is usually in the center of attention of the traditional criminal justice system. This often leads to neglecting the needs of victims and offenders. As regards children offenders, the restorative justice response to crime allows the child offender (or the child victim and often members of the family or of the wider society) to participate in repairing the harm done by identifying the needs and impairments arising from that harm and whose obligation it is to mend those impairments (which may be both material as well as emotional and psychological). According to the recent ***Recommendation (2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters***, restorative justice is defined as “any process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party.”

Where children take part in restorative justice processes in any role, their age and individual development need to be taken fully into consideration, the procedure needs to be adapted to them and -apart from the mandatory presence of their parents or legal guardians during the process- they need to be guaranteed special rights. Therefore, the domestic legal safeguards applied to children in contact with the traditional criminal justice system must also apply to the restorative justice process itself. This includes the special monitoring role of the judicial authorities or criminal justice agencies over the restorative justice procedure where children are involved.

This online event has several main aims: firstly, to promote the Council of Europe's standards on child-friendly justice and restorative justice, enshrined in various strategic documents of the organization, such as the 2010 Child-friendly justice Guidelines and the above-mentioned Recommendation concerning restorative justice in criminal matters.

Secondly the event should shed light on national experiences and achievements in the implementation of these standards, thus encouraging the pan-European discussion on these matters.

Thirdly, the event will invoke the relevant case-law of the European Court of Human Rights related to children's contact with the justice system, and will offer an ideal opportunity to learn about the achievements, promising practices and remaining challenges in this area, by sharing national experiences in the implementation of child-friendly justice in all contexts and application of restorative justice where children are the main stakeholders, either as victims or as offenders.

## OPENING SESSION

**Ms Thea TSULUKIANI,**

Vice Prime Minister and Minister of Justice of Georgia

**Ms Marija PEJČINOVIĆ BURIĆ,** Secretary General of the Council of Europe

**Children in the case-law of the European Court of Human Rights**

**Mr Linos-Alexandre SICILIANOS,** President of the European Court of Human Rights

**Upholding the rights of the child in justice systems: strengthening solutions for children as victims and right bearers**

**Introductory address: Ms Maria-Andriani KOSTOPOULOU,** Chair of the Steering Committee for the Rights of the Child (CDENF), Council of Europe

**Children and justice-various proceedings, various challenges**

**General overview of the situation of children in justice systems, and a particular case of Georgia**

**Ms Renate WINTER,** Vice-Chairperson of the United Nations Committee for the Rights of the Child (UN CRC)

**Child-friendly justice-Slovenian experiences and future plans**

**Ms Dominika ŠVARC PIPAN,**

State Secretary, Ministry of Justice, Slovenia

**Addressing the needs of children in administrative and civil proceedings: 10 years of Child-friendly justice guidelines**

**Ms Kai HÄRMAND,** Deputy Secretary General, Ministry of Justice, Estonia, member of the European Committee on Legal Co-operation (CDCJ), Council of Europe

***Child-friendly approaches in the context of migration***

**M. Drahoslav ŠTEFÁNEK,** Special Representative of the Secretary General of the Council of Europe on Migration and Refugees

**Finding the right response for upholding the rights of the children in conflict with law: towards restorative justice in Europe**

**Are we there yet? Addressing the rights of children deprived of liberty in Europe**

**Mr Manfred NOWAK,** Independent Expert for the United Nations Global Study on Children Deprived of Their Liberty

## **Developing restorative Justice in Europe**

**Mr Ian D. MARDER**, Lecturer in Criminology, Department of Law, Maynooth University, Co. Kildare, Ireland, member of the European Forum of Restorative Justice

## **Restorative justice-Georgian experience and remaining challenges**

**Mr Irakli SHOTADZE**, General Prosecutor, Georgia

## **The role of Parliaments for restorative justice**

**Mr Stefan SCHENNACH**, member, Committee on Social Affairs, Health and Sustainable Development, Parliamentary Assembly of the Council of Europe

## **Concluding remarks and official closing**

**Ms Thea TSULUKIANI**, Vice Prime Minister and Minister of Justice of Georgia

## **Conclusion**

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