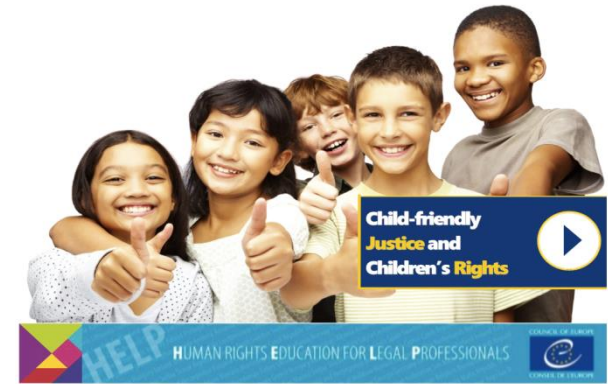




HELP



Module de formation sur la justice adaptée aux enfants (JAE)

CONSEIL DE L'EUROPE

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Contexte

- Adoption des Lignes directrices du Conseil de l'Europe sur une justice adaptée aux enfants
- Nécessité d'harmoniser les approches juridiques dans tous les pays du Conseil de l'Europe
- Intégrer les acquis de la Cour Européenne des droits de l'Homme, des recommandations du Comité de prévention de la torture et du Comité des droits sociaux
- Faire connaître et appliquer les LD JAE



A. Stratégie du CoE

Une Europe pour et avec les enfants

- Stratégie globale
- « Piliers thématiques » :
 - participation des enfants
 - justice adaptée aux enfants
 - Lutte contre la violence à l'encontre des enfants
- Focus sur les enfants les plus vulnérables



A. Stratégies précédentes

- Stratégie de **Stockholm** (2009-2011) :
 - Elaboration de **standards** et suivi
 - Développement de **politiques**
 - **Assistance technique**, sensibilisation
 - **Accès à la justice**, violence contre les enfants, participation
- Stratégie de **Monaco** (2012-2015)
 - Promotion de la **justice et de services adaptés** aux enfants
 - Elimination de la **violence contre les enfants** (violence sexuelle, physique, morale, victimes de trafic, châtiments corporels,...)
 - Droits de l'enfant dans des **situations vulnérables** (enfants handicapés, privés de liberté, en institution, migrants, Roms,...)
 - Et toujours la **participation**

Stratégie de Sofia (2016-2021):

- 5 domaines prioritaires :
 - **égalité des chances** pour tous les enfants ;
 - **participation** de tous les enfants ;
 - vie exempte de **violence** pour tous les enfants ;
 - **justice adaptée** à tous les enfants ;
 - droits de l'enfant en **matière numérique**.
- **Voir** : <http://www.coe.int/fr/web/children/children-s-rights>

Contenu des modules

1. Introduction
2. Présentation des LD JAE
3. Mesures de diversion
4. Éléments généraux
5. Intéraction avec les enfants dans le système de justice : principaux défis
6. Interdisciplinarité
7. Privation de liberté
8. Violence contre les enfants
9. Migration et asile

Approche

1. Interactive / participative
2. Animée
3. Concrète
4. Exercices
5. Vidéos
6. Exemples



Module 1 : introduction

1. Convention des droits de l'enfant (CIDE)
2. Convention Européenne des droits de l'Homme (CEDH) et l'approche de la Cour européenne des droits de l'Homme
3. Principes de la Justice adaptée aux enfants
 1. Intérêt supérieur de l'enfant
 2. Participation
 3. Dignité
 4. Etat de droit

Module 2 Présentation des LD JAE

1. La justice adaptée aux enfants

1. Avant la procédure

2. Pendant

3. Après la procédure

2. Analyse du contenu des LD

3. Situations spéciales à garder en tête

Please read carefully the following extracts from the [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#)

General elements of child-friendly justice **Child-friendly before judicial proceedings** **Children and the police**

27. Police should respect the personal rights and dignity of all children and have regard to their vulnerability, that is, take account of their age and maturity and any special needs of those who may be under a physical or mental disability or have communication difficulties.

28. Whenever a child is apprehended by the police, the child should be informed in a manner and in language that is appropriate to his or her age and level of understanding of the reason for which he or she has been taken into custody. Children should be provided with access to a lawyer and be given the opportunity to contact their parents or a person whom they trust.

29. Save in exceptional circumstances, the parent(s) should be informed of the child's presence in the police station, given details of the reason why the child has been taken into custody and be asked to come to the station.

Please click on each buttons [\[General elements of child-friendly justice\]](#), [\[Child-friendly justice before judicial proceedings\]](#) and [\[Children and the police\]](#) to learn more.

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Module 3 Mesures de diversion

1. La diversion

1. Encourager l'utilisation de mesures visant à éviter l'intervention de la justice des mineurs
2. Approche des différentes procédures
3. Principaux avantages de la justice restauratrice

2. Garanties et conditions

3. Assistance juridique

Differences between judicial and non-judicial proceedings



Traditional way of juvenile justice

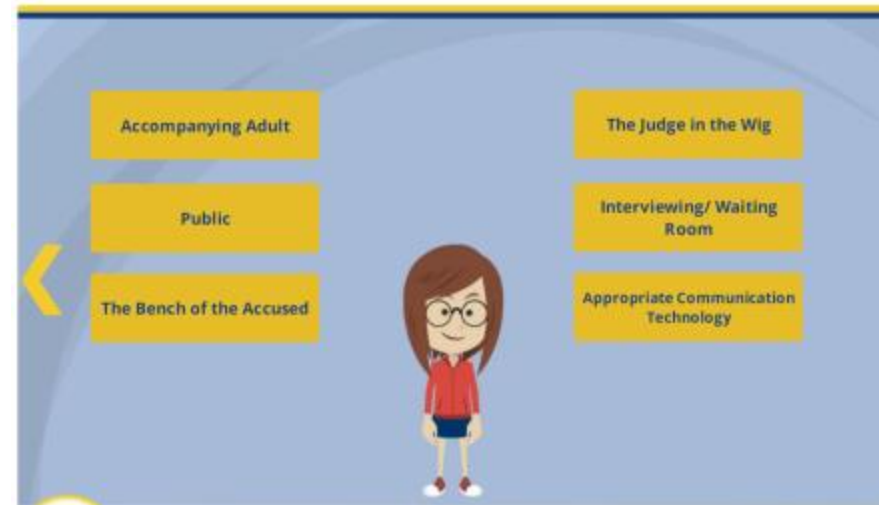


Diversion and restorative justice



Module 4 Eléments généraux

1. Principes généraux de la justice adaptée aux enfants
 1. Respect de la vie privée
 2. Droit à l'information
 3. Droit à l'assistance juridique
2. Garanties et protection
 1. Présence d'un adulte
 2. Huis clos
 3. Organisation du tribunal
 4. Communication avec l'enfant
3. Check listes pour les professionnels



Module 5 : principaux défis

1. Intéraction avec les enfants dans le système de justice : principaux défis

- Age
- Genre
- Statut
- Vulnérabilité
- Participation

Gender

Are girls and boys in the criminal justice system different? Is there a need for gender specific approach? To address these interview with Dr Gilly Sharpe of University of Sheffield who has spent the last 15 years researching girls in the criminal justice system.




Girls and young women break the law less often and less seriously than boys. Consequently they are minority within the criminal justice system and girls typically account for around one fifth of the young people subjected to youth justice interventions. While girls' pathways into crime and justice system are somewhat different to those of boys, there are many similarities.

Understanding of girls' law breaking is essentially different to that of boys and often leads to assumptions that girls offend due to individual or family

Vulnerabilities

FAQs

- Is it necessary to assess children's needs before coming to court?
- Is it necessary to assess children's needs fore sentencing or disposal?
- Are learning disabilities and learning difficulties the same?
- How high are the rates of mental health problems in children coming before the courts?
- Do judges need to understand the traumas that can affect child development?



Module 6 Interdisciplinarité

1. Vers l'interdisciplinarité
2. Transdisciplinarité
3. Principales raisons de l'interdisciplinarité

Objectives



By the end of the module, you will be able to:

- 1 > Recognise the need to move from disciplinary to interdisciplinarity.
- 2 > Cultivate individual and collective skills for collaboration.
- 3 > Make a self-analysis and identify what needs to be changed.

Please click on  to proceed.

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Team work and collaboration



It is really challenging to help a victim in an urgent situation. As social workers, we try to make sure that all the services are carried out by professionals, such as medical doctors and mental health professionals. The aim of our work is to ensure that the network around the victim is protective and supportive.



As a judge, I have to rely on multiple sources of information in order to have a solid file and specialised advice. Therefore, respecting the other professionals involved in a good practice.



The police appreciates the excellent collaboration that might be established with child protection services. Also, we appreciate the possibility of receiving training to better understand how children function both from a cognitive and emotional perspective. This support us in performing at our best with regard to specialised interview techniques.



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Module 7 Privation de liberté

- Cadre international
- Définitions
- Principales dispositions
- Décision par une autorité
- Quitter selon sa volonté
- Où et pourquoi
- Conditions of détention
- Principaux droits pendant la détention
- Mécanismes de contrôle et de plainte

International Framework of deprivation of liberty of children

Where


Why

Criminal Justice Child welfare Administrative detention Migration

Unaccompanied or separated children, asylum-seeking children, migrant children can be deprived of their liberty alone or together with members of their family because they enter another country or have to leave a specific country.

These children on the move can be held in:

- Reception or deportation centres;
- Retention centres;
- Return flights;
- Any form of administrative detention.

 A child should NOT be detained for the sole reason of his/her administrative status: immigration detention is NEVER in the best interests of the child.

Please click on each item and then click on > to proceed. Page 4 of 10

Module 8 Violence contre les enfants

- Violence contre les enfants
- Introduction
- Contexte légal
 - ❖ La CIDE
 - ❖ Protocole de Palerme
 - ❖ Jurisprudence de la CEDH
 - ❖ Convention de Lanzarote
- Définition et typologies des violences contre les enfants

Legal Framework



The slide features a blue background with a yellow header and footer. On the left, there are four yellow buttons with black text: 'UN Convention on the Rights of the Child', 'Palermo Protocol', 'ECtHR case law', and 'Lanzarote Convention'. A large yellow arrow points to the left. On the right, there is a white text box with blue text and a small blue information icon. The footer contains the text 'Please click on each buttons to learn more.' and 'Page 4 of 13'. A small speaker icon is located in the bottom left corner of the slide area.

UN Convention on the Rights of the Child

Palermo Protocol

ECtHR case law

Lanzarote Convention

Freedom from violence is most definitely a fundamental right of children and it is recognised as such in the 1989 UN Convention on the Rights of the Child and rests upon Article 19.

The [UN Committee on the Rights of the Child \(CRC\), General comment No. 13 \(2011\): The right of the child to freedom from all forms of violence](#) provides clear interpretations and supplements Article 19 CRC. 

Please click on each buttons to learn more.

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Module 9 enfants migrants

- Droits spécifiques des migrants
 - ❖ Convention relative aux droits de l'enfant
 - ❖ Convention européenne des droits de l'Homme
 - ❖ Traité de l'UE et Charte des droits fondamentaux
- Mineurs non accompagnés
- Réunification familiale –solution durable
- Contrôle de la detention
- Procédures administratives
 - Accès sur le territoire
 - Identification & designation d'un tuteur
 - Evaluation de l'âge