

Strasbourg, 5 July 2010

CJ-S-CH (2010) 8 E

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

**REPORT OF THE 4TH MEETING OF THE GROUP OF
SPECIALISTS ON CHILD-FRIENDLY JUSTICE**

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INTRODUCTION

1. The Group of Specialists on Child-Friendly Justice (CJ-S-CH) held its 4th meeting in Strasbourg from 25 to 28 May 2010. It was chaired in turn by Mr Seamus Carroll, with the assistance of the Vice-Chair, Ms Ksenija Turkovic, from 25 to 27 May, Mr Bob Ashford, who took over at the end of the afternoon of 27 May, and Ruth Farrugia, on 28 May. The list of participants is set out in Appendix II to the report.

I. OPENING OF THE MEETING

2. The meeting was opened by Mr Jörg Polakiewicz, the Head of the Law Reform Department of the Directorate General of Human Rights and Legal Affairs (DG-HL). The Secretary of the CJ-S-CH, Ms Sabrina Cajoly, was unable to attend, so the secretariat was provided by the Secretary of the CJ-FA, Mr Korljan.
3. Mr Polakiewicz said that the aim of the meeting was to finalise the Guidelines, which should, in his opinion, take the form of a recommendation, in keeping with the form adopted for other similar Council of Europe texts such as the Guidelines on Integrated National Strategies for the Protection of Children from Violence, which were set out in Recommendation CM/Rec(2009)10 of the Committee of Ministers of the Council of Europe. He pointed out that, while recommendations did not have binding force, as conventions did, they were an important authority and a leading source for domestic courts and the European Court of Human Rights.
4. Mr Polakiewicz highlighted the large number of participants and the success of the Europe-wide consultation on child-friendly justice, as a result of which nearly 3 800 questionnaires had been completed by children and young people. He proposed that the children's participation should continue thanks to the preparation of a special version of the Guidelines, to which they would have access through CD-ROMs, games and the like. A large number of comments had been made on the draft text, particularly by the member states, and several Council of Europe committees (such as the CDDH and the CDPC) had made significant contributions to it.
5. In the context of the reforms currently being made at the Council of Europe, the Guidelines on child-friendly justice were one of the Secretary General's priorities.
6. Mr Carroll noted that the work timetable and the legal form of the Guidelines should be decided on during this meeting, as work should progress as quickly as possible so that the draft could be submitted to the plenary CDCJ session in October 2010 and then to the Committee of Ministers in November 2010. While a recommendation was the more preferable form for a majority of specialists, some account had to be taken of the member states' comments, so the final document would have to be as acceptable as possible to these countries. Outstanding work had been done where it came to consulting the young people and children concerned and some of the comments made by participants would undoubtedly be of great benefit to the Council of Europe and the member states.

II. ADOPTION OF THE AGENDA

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

III. CONSULTATION OF CHILDREN AND YOUNG PEOPLE ON CHILD-FRIENDLY JUSTICE

8. Ms Carla Garnelas, representing the Children's Rights Alliance for England (CRAE) described the process of drawing up the questionnaire, which had been regarded as the most suitable means of consulting as many children as possible. Preparing and disseminating it had involved a large number of partners.
9. Ms Ursula Kilkelly, the consultant responsible for analysing the replies to the questionnaire, said that this was the first time that a consultation of this type had been attempted at the Council of Europe. The results were broadly satisfactory, although the procedure was not perfect and its limitations should be clearly identified so that improvements could be made.
10. In conclusion, Ms Kilkelly drew attention to the negative view that children had of the judicial system, which they considered to be unsuited to their needs. A detailed report containing conclusions drawn from the analysis of the replies to the questionnaire and the children's and young peoples' comments was being prepared.

IV. 4th DRAFT COUNCIL OF EUROPE GUIDELINES FOR CHILD-FRIENDLY JUSTICE

11. In the light of the comments made on the draft Guidelines for child-friendly justice by the Council of Europe member states and the many other partners involved, and the examination of these comments by the Scientific Expert, Ms Ankie Vandekerckhove, the Group of Specialists made a number of amendments to the 4th draft.
12. The participants agreed, in particular:
 - to delete Part IV of the 4th draft Guidelines, entitled "Specific issues related to child-friendly justice", focusing on specific groups of children who were particularly vulnerable (children as victims, children in conflict with the law, children and the police, children deprived of their liberty and, lastly, children involved in immigration and asylum procedures);
 - to include some of the guidelines originally contained in Part IV in other parts of the text (for example, the guideline on compensation for victims would now be placed in the section on "Child-friendly justice after judicial proceedings");
 - following the removal of Part IV, to add a section 6 on children deprived of their liberty to Part III on "Child-friendly justice before, during and after judicial proceedings";
 - to add a new paragraph C on children and the police to Part III, reflecting the replies given by the young people during the consultation and the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or

Punishment (CPT) with regard to the detention conditions of children arrested by the police;

- to place more emphasis in the guidelines on the role of families and, in particular, of parents, as the children had insisted very much on this point in their replies;
- to flesh out the guidelines on the understanding and participation of children in judicial and extra-judicial proceedings in the light of the conclusions deriving from the consultation of children and young people.

13. In this way, the participants agreed on a 5th version of the Guidelines (document CJ-S-CH (2010) 13) and decided to make their comments on the 5th draft as soon as possible so that it could be submitted to the plenary meetings of the European Committee on Crime Problems (CDPC) (7-10 June 2010) and the Steering Committee for Human Rights (CDDH) (15-18 June 2010) along with the meeting of the Bureau of the European Committee on Legal Co-operation (CDCJ) (15-17 June 2010).

APPENDIX I – AGENDA

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

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

3. Information by the Secretariat / *Information du Secrétariat*

Ms / Melle Sabrina Cajoly, Secretary of the CJ-S-CH / Secrétaire du CJ-S-CH

<ul style="list-style-type: none">▪ Conclusions of the hearing with INGOs and other stakeholders on the draft Council of Europe Guidelines on child-friendly justice / <i>Conclusions de l'audition avec les ONG internationales et autres parties prenantes sur le projet de lignes directrices du Conseil de l'Europe sur une justice adaptée aux enfants</i>	CJ-S-CH (2009) 17 BIL rev
<ul style="list-style-type: none">▪ Report of the 3rd meeting of the CJ-S-CH / <i>Rapport de la 3^è réunion du CJ-S-CH</i>	CJ-S-CH (2009)18
<ul style="list-style-type: none">▪ Meeting report of the 6th meeting of the working group of the Consultative Council of European Prosecutors (CCPE) (Strasbourg, 24 - 26 February 2010) and Draft structure of Opinion No. 5 (CCPE-GT(2010)3)) / <i>Rapport de la 6^{ème} réunion du Groupe de travail du Conseil Consultatif de procureurs européens (CCPE) (24 - 26 février 2010) et Projet de structure de l'Avis N° 5 (CCPE-GT-2010)3</i>	CCPE-GT(2010)2

4. Consultation of children and young people on child-friendly justice / *Consultation des enfants et des jeunes sur une justice adaptée*

Ms / Mme Carla Garnelas, Children's Rights Alliance For England (CRAE), Consultant / Consultante

Ms / Mme Ursula Kilkelly, consultant / consultante

<ul style="list-style-type: none">▪ Questionnaire / <i>Questionnaire</i>	CJ-S-CH (2010) 4
<ul style="list-style-type: none">▪ Report on the preparatory meeting on the consultation of children and young people on child-friendly justice (Strasbourg, 29 January 2010) / <i>Rapport de la réunion de préparation à la consultation des enfants et des jeunes sur une justice adaptée (Strasbourg, 29 janvier 2010)</i>	CJ-S-CH (2010) 5

<ul style="list-style-type: none"> ▪ Draft Report on the consultation of children and young people on justice by Dr. Ursula Kilkelly / <i>Projet de Rapport sur la consultation des enfants et des jeunes sur une justice adaptée par le Dr Ursula Kilkelly</i> 	CJ-S-CH (2010) 6
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**5. 4th draft Council of Europe Guidelines on child-friendly justice /
4e Projet de lignes directrices du Conseil de l'Europe sur une justice adaptée aux enfants**

Ms / Mme Ankie Vandekerckhove, scientific expert / experte scientifique

<ul style="list-style-type: none"> ▪ 4nd draft of the Guidelines / 4^e projet de lignes directrices 	CJ-S-CH (2010) 3
<ul style="list-style-type: none"> ▪ 5th draft of the Guidelines / 5^e projet de lignes directrices 	CJ-S-CH (2010)...
<ul style="list-style-type: none"> ▪ Draft explanatory memorandum 	CJ-S-CH (2010)...
<ul style="list-style-type: none"> ▪ Compilation of comments received from the delegations, focal points and other stakeholders on the 4th draft Guidelines/ <i>Compilation des commentaires reçus des délégations, points de contacts et autres parties prenantes sur le 4^e projet de lignes directrices</i> 	CJ-S-CH (2010) 7 (restricted / <i>restreint</i>)

6. Preparation of the follow-up to the meeting / Préparation des suites de la réunion

7. Other business / Divers

APPENDIX II – LIST OF PARTICIPANTS

CJ-S-CH MEMBERS / MEMBRES DU CJ-S-CH		
STATE / PAYS	NAME / NOM	TITLE / TITRE ADDRESS / ADRESSE
ALBANIA ALBANIE	Holta KOTHERJA Excused	Attorney at law specialised in children's rights and family law Tirana
BELGIUM BELGIQUE	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 Bruxelles
CROATIA CROATIE	Ksenija TURKOVIĆ (Vice-Chair CJ-S-CH Vice-Président CJ-S-CH)	Professor of Criminal Law University Zagreb
CZECH REPUBLIC REPUBLIQUE TCHEQUE	Andrea MATOUSKOVA	Probation and Mediation Agency of the Czech Republic Prague
FINLAND FINLANDE	Arto KOSONEN Excused	Government Agent Director of the Unit for Human Rights Courts and Conventions, Legal Service, Ministry of Foreign Affairs Valtioneuvosto
FRANCE	Josiane BIGOT	Registrât en France Présidente de l'Association Thémis Strasbourg
GERMANY ALLEMAGNE	Stefanie SCHMAHL	Lehrstuhl für deutsches und ausländisches öffentliches Recht Würzburg
GREECE GRÈCE	Irene PANTAZI-MELISTA Excused	Vice-Prosecutor of second degree (Appeal Court) Ministry of Justice Athens
ICELAND ISLANDE	Bragi GUDBRANDSSON	General Director Government Agency for Child Protection Reykjavik
IRELAND IRLANDE	Séamus CARROLL (Chair of the CJ-S-CH)	Principal Officer Civil Law Reform Division Department of Justice Equality and Law Reform Dublin
MALTA MALTE	Ruth FARRUGIA	M.Phil., Dip.Trib.Eccle.Melit. Advocate and Senior Lecturer Faculty of Laws Msida
THE NETHERLANDS PAYS-BAS	Lies PUNSELIE	Counsellor of Legislation Ministry of Justice The Hague

RUSSIAN FEDERATION FEDERATION DE RUSSIE	Olga KHAZOVA	Associate Professor Institute of State and Law Moscow
SWEDEN SUÈDE	Marianne NY	Director of Public Prosecution Gothenburg
SWITZERLAND SUISSE	Philip JAFFÉ	Professeur Institut universitaire Kurt Bösch Sion
UNITED KINGDOM ROYAUME UNI	Bob ASHFORD	Head of Youth Justice Strategy Youth Justice Board for England and Wales London

SCIENTIFIC EXPERT / EXPERT SCIENTIFIQUE

BELGIUM BELGIQUE	Ankie VANDEKERCKHOVE	Policy Advisor at the Flemish Adoption Authority Bellem
IRELAND IRLANDE	Ursula KILKELLY	Senior Lecturer Faculty of Law Cork

**PARTNERS / PARTENARIATS
PARTICIPATION 25 MAY 2010 / PARTICIPATION LE 25 MAI**

STATE / PAYS	NAME / NOM	TITLE / TITRE ADDRESS / ADRESSE
RIGHTS OF THE CHILD	Natasa JOVIC	Head of Department for the Office of the Serbian Ombudsman Belgrade
ASSOCIATION THEMIS	Evelyne FRITSCH Excused	Jurist Strasbourg
	Gaëlle LE GUERN Excused	Jurist Strasbourg
CHILDREN'S RIGHTS ALLIANCE FOR ENGLAND (CRAE)	Carla GARNELAS	Senior Policy and Change Officer (Equality) London
INSTITUT UNIVERSITAIRE KURT BÖSCH	Isabelle FOURNIER Céline MORISOD	Institut Universitaire Kurt Bösch Sion
THE CHILDREN'S SOCIETY	Ilona PINTER	Policy Adviser London

MEMBER STATES / ÉTATS MEMBRES

ITALY ITALIE	Isabella MASTROPASQUA	Directrice Bureau d'études et recherches Centre d'étude européen Nisida Rome
LUXEMBOURG	Françoise KUTH	Attaché de Gouvernement Ministère de la Justice Luxembourg
POLAND POLOGNE	Rogalska - Piechota Agata	Expert, Office of the Plenipotentiary for the Proceedings before the International Organs of the Protection of Human Rights Ministry of Foreign Affairs Warsaw
NORWAY NORVÈGE	Lise LEHRMANN	Adviser Legislation Department Ministry of Justice and the Police Oslo
RUSSIAN FEDERATION / FEDERATION DE LA RUSSIE	Konstantin KOSORUKOV	Deputy for Legal Affairs to the Permanent Representative of the Russian Federation at the Council of Europe Strasbourg

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

HOLY SEE SAINT-SIÈGE	Philippe TOUSSAINT	Représentant du Saint-Siège Strasbourg
JAPAN JAPON	Excused	
MEXICO MEXIQUE	Maria-Fernanda GONZALEZ	Attachée Mission of Mexico at the Council of Europe Strasbourg
UNITED STATES OF AMERICA ÉTATS-UNIS D'AMÉRIQUE	Excused	
CANADA	Excused	

PARTICIPANTS

PARLIAMENTARY ASSEMBLY ASSEMBLÉE PARLEMENTAIRE	Excused	
CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS CONSEIL CONSULTATIF DE PROCUREURS EUROPÉENS (CCPE)	Harald RANGE	Generalstaatsanwalt Celle
EUROPEAN STEERING COMMITTEE FOR YOUTH COMITE DIRECTEUR EUROPÉEN POUR LA JEUNESSE (CDEJ)	Excused	
EUROPEAN COMMITTEE FOR SOCIAL COHESION COMITE EUROPÉEN POUR LA COHESION SOCIALE (CDCS)	Annachiara CERRI	Co-Secretary CDCS Secretariat of the European Committee for Social Cohesion (CDCS) Council of Europe Strasbourg
EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE COMMISSION EUROPÉENNE POUR L'EFFICACITÉ DE LA JUSTICE (CEPEJ)	Excused	

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES CONSEIL CONSULTATIF DES JUGES EUROPÉENS (CCJE)	Excused	
UN REFUGEE AGENCY L'AGENCE DES NATIONS UNIES POUR LES RÉFUGIÉS (UNHCR)	Carine RUSTOM	Legal Assistant Representation to the European Institutions Strasbourg

OTHER PARTICIPANTS / AUTRES PARTICIPANTS		
EUROPEAN COMMISSION - COUNCIL OF THE EUROPEAN UNION COMMISSION EUROPÉENNE - CONSEIL DE L'UNION EUROPÉENNE	Excused	
HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW CONFÉRENCE DE LA HAYE DE DROIT INTERNATIONAL PRIVÉ (HCCH)	Excused	
INTERAGENCY PANEL ON JUVENILE JUSTICE GROUPE INTERINSTITUTIONS SUR LA JUSTICE POUR MINEURS (IPJJ)	Benoît VAN KEIRSBILCK	President Defense for Children International Bruxelles
INTERNATIONAL COMMISSION ON CIVIL STATUS (ICCS) COMMISSION INTERNATIONALE DE L'ÉTAT CIVIL (CIEC)	Excused	
UNITED NATIONS CHILDREN'S FUND FONDS DES NATIONS UNIES POUR L'ENFANCE (UNICEF)	Séverine JACOMY VITE	Child Protection Specialist Geneva
OFFICE OF THE HIGH COMMISSIONER OF THE UN FOR HUMAN RIGHTS (OHCHR) HAUT-COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME (HCDH)	Excused	

OBSERVERS / OBSERVATEURS

EUROPEAN NETWORK OF OMBUDSPERSONS FOR CHILDREN RESEAU EUROPEEN DE DEFENSEURS POUR LES ENFANTS (ENOC)	Polina ATANASOVA Hugues FELTESSE	Representative of ENOC to the Council of Europe Délégué Général Strasbourg
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SECRETARIAT OF THE COUNCIL OF EUROPE / SECRETARIAT DU CONSEIL DE L'EUROPE

Jörg POLAKIEWICZ	Head of Department Law Reform Department Directorate General of Human Rights and Legal Affairs	Chef de Service Services des réformes législatives Direction générale des droits de l'Homme et des affaires juridiques	
Edo KORLJAN	Administrator Secretary of the CJ-FA Public and Private Law Division Directorate General of Human Rights and Legal Affairs	Administrateur Secrétaire du CJ-FA Division du droit public et privé Direction Générale des Droits de l'Homme et des Affaires Juridiques	
Sabrina CAJOLY (excused)	Secretary of the CJ-S-CH, Public and Private Law Division Directorate General of Human Rights and Legal Affairs	Secrétaire du CJ-S-CH Division du droit public et privé Direction générale des droits de l'Homme et des affaires juridiques	
Lucy ANCELIN	Administrative Assistant Public and Private Law Division Law Reform Department Directorate General of Human Rights and Legal Affairs	Assistante Administrative Division du droit public et privé Service des réformes législatives Direction générale des droits de l'Homme et des affaires juridiques	
Joan STAFFORD	Assistant Public and Private Law Division Law Reform Department Directorate General of Human Rights and Legal Affairs	Assistante Division du droit public et privé Service des réformes législatives Direction générale des droits de l'Homme et des affaires juridiques	
Adelaide TROUSSELARD	Trainee Public and Private Law Division Law Reform Department Directorate General of Human Rights and Legal Affairs	Stagiaire Division du droit public et privé Service des réformes législatives Direction générale des droits de l'Homme et des affaires juridiques	
OFFICE OF THE COMMISSIONER FOR HUMAN RIGHTS BUREAU DU COMMISSAIRE AUX DROITS DE L'HOMME	Julien ATTUIL-KAYSER	Advisor Conseiller	Country and theme work Travail par pays et par thème
REGISTRY OF THE EUROPEAN COURT OF HUMAN RIGHTS GREFFE DE LA COUR EUROPÉENNE DES DROITS DE L'HOMME	Montserrat ENRICH-MAS	Head of Division Chef de Division	Research Division & Library Division de la recherche & Bibliothèque

<p>SOCIAL COHESION JOINT PROGRAMMES PROGRAMMES JOINTS DE LA COHESION SOCIALE</p>	<p>Regina JENSDOTTIR</p> <p>Liubov SAMOKHINA</p> <p>Maarit KUIKKA</p>	<p>Programme Manager and Head of Co-operation Unit Directrice du programme / chef de l'unité de coordination</p> <p>Programme Advisor Enfance et violence / Children and violence</p> <p>Programme Advisor Droits de l'enfant / Children's rights</p>	<p>Transversal Programme "Building a Europe for and with Children"</p> <p>Programme Transversal "Construire une Europe pour et avec les enfants"</p>
<p>ECONOMIC CRIME DIVISION DIVISION DU CRIME ECONOMIQUE</p>	<p>Maria ORESHKINA</p>	<p>Project Manager</p>	<p>Money Laundering and Terrorist Financing Unit</p> <p>Unité contre le blanchiment des capitaux et le financement du terrorisme</p>
<p>MIGRATION, SOCIAL COHESION AND EQUAL OPPORTUNITIES DEPARTMENT DEPARTEMENT DES MIGRATIONS, DE LA COHESION SOCIALE ET DE L'EGALITE</p>	<p>Maren LABRECHT-FEIGL</p>		<p>Social Health and Family Affairs Committee</p> <p>Commission des questions sociales, de la santé et de la famille</p>

INTERPRETERS / INTERPRÈTES

Mme Jennifer GRIFFITH
Mme Nadine KIEFFER
Mme Katia DI STEFANO