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CHILD-FRIENDLY JUSTICE GUIDELINES

ORIENTATIONS ON
PROMOTING AND SUPPORTING THEIR IMPLEMENTATION

(Item VIII of the draft agenda)

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BACKGROUND

1. At its 88th Plenary meeting (16-18 December 2013), and in accordance with its Terms of reference, the CDCJ decided to consider means of how the Committee might contribute to promoting and supporting the implementation of the Guidelines (e.g. encouraging members to host meetings, training, developing practical projects to implement the guidelines and fund raising for co-operation projects). This document sets out the general orientations on how CDCJ is and will undertake this task. It is noted that the guidelines have already been translated into 22 languages, to which 7 other languages will be added shortly.¹ An informal network and a dedicated website on the promotion and implementation of the Guidelines have been set up.

a) CDCJ informal network on child-friendly justice

2. The informal network on child-friendly justice aims to support the development of activities and projects to implement the Guidelines in member States (legal advice on national legislation, awareness-raising activities, training activities for professionals, etc.). It is composed of CDCJ members and various experts in the field who wish to share ideas, experiences and expertise on ways and means of making justice systems, particularly court systems, child friendly. The network is available to support member States wishing to integrate a child-friendly perspective into their administration of justice. The network aims to expand in order to carry out its work with even greater efficiency. The enthusiasm and dynamism of the current members are likely to create all the necessary synergies to incite the integration of new members (representatives from relevant national ministries, NGO's, lawyers, judges, police officers, social workers or other practitioners working for or with children).

b) CDCJ website on the promotion and implementation of the Guidelines

3. The website dedicated to the promotion and implementation of the Guidelines is currently being set up in co-operation with the Children's Rights Division with the aim of providing information on the relevance of the guidelines and on specific issues to policy-makers, professionals working with children (lawyers, judges, police officers, social workers or other practitioners), students, organisations and associations involved with children and the civil society (especially children, youths, parents and other holders of parental responsibilities).

ORIENTATIONS ON POSSIBLE ACTIVITIES

4. The Guidelines are meant to serve as a practical tool for member States to assist them in adapting their judicial system, in law and in practice, to the specific needs of children. The following orientations will guide the activities to be undertaken.

a) Collecting data and research

5. Extension of the studies conducted by the European Commission to collect data on children's involvement in criminal, civil and administrative judicial proceedings in the EU member States,² other member States of the Council of Europe (non-EU countries) in order to complement these data and provide a comprehensive overview for all Council of Europe

¹ Armenian; Bulgarian; Croatian; Czech; Danish; Dutch; English; Estonian; Finnish; French; Greek; German; Hungarian; Italian; Latvian; Lithuanian; Maltese; Polish; Portuguese; Romanian; Russian; Slovakian; Slovenian; Spanish; Swedish; Turkish; Ukrainian.

² http://ec.europa.eu/justice/fundamental-rights/rights-child/friendly-justice/index_en.htm

members States. Such an extension of the existing EU research of the studies will have a significant importance as they would provide a statistical overview of children's involvement in judicial proceedings and guidance to member States on further gaps in laws and practice to be addressed.

b) A regional approach

6. Regional activities bringing together member States having similar judicial systems (e.g. Nordic countries, Baltic countries, Common-law countries, Eastern Europe countries, countries of the Iberian Peninsula, etc.) will provide an opportunity to share recent best initiatives and practices on an identified theme of mutual interest such as handling child evidence; multidisciplinary approach mechanisms; specialist juvenile justice institutions and the voice of the child in civil proceedings. Moreover, this regional exchange of information might provide the basis for facilitating the transposition of good practice from one legal system to another.

c) Training for justice sector professionals

7. Training will enable the various justice sector professionals to increase their awareness of the child's needs, to treat them with respect and impartiality and have appropriate tools and techniques available to support, inform, hear and protect children in a way adapted to children's needs. The European Programme for Human Rights Education for Legal Professionals (the HELP Programme) can support training through the development of e-training modules. Training modules, and particularly interdisciplinary training modules, can be developed for children's rights standards, communication techniques, interpretation of the child's word and the taking into account of the different age groups and stages of development of the child.

d) National protocols and guidelines for professionals

8. In co-operation with the relevant national institutional actors, a series of national protocols and guidelines for all professionals working in contact with children in justice systems can be developed. This might include:

i. Handling child evidence

9. National protocols for interviewing and taking evidence from children in different situations and by different types of professional (e.g. social services, police stations, courts) that take into account the different stages of a child's development, are relevant to the particular characteristics of the national legal system, and are designed to underpin the validity/reliability of the child's evidence.

ii. Management of court proceedings that concern children

10. National protocols for the management of court proceedings that concern children in order to monitor their progress, ensure the application of appropriate fair trial standards, in particular the avoidance of undue delay, and make any necessary corrective interventions in the conduct of the proceedings.

iii. Protection of children involved in judicial and other proceedings

11. National protocols setting out systems and procedures to be followed in order to ensure that children involved in judicial and other proceedings are protected from harm (including intimidation, reprisals and secondary victimisation) and that their privacy and personal data is also protected, particularly from disclosure in the media.

iv. Panels of child justice specialists

12. National protocols for the establishment of panels of appropriately trained and approved justice sector professionals (e.g. lawyers, judges, court clerks and staff, police officers, prison officers, probation officers, bailiffs, expert witnesses).

e) Awareness-raising amongst children and civil society

13. These actions, undertaken in co-operation with the Secretariat of the Children's Rights programme and the Steering Committee for Educational Policy and Practice (CDPPE), may include (and possibly as part of a wide European-level campaign and/or national campaigns):

i. Meeting events in schools with professionals

14. Organise meeting events in schools with professionals working with children in the justice sector to inform and raise awareness of children and youths of their rights and the functioning of the justice system. Professionals, such as Police officers, judges, prosecutors, immigration officers, social service officers etc. for example could be instructed in how to explain in a child-friendly manner the national guidelines for children and youths in their contact with the police, victims of crime, detention, court process, immigration, education, etc.

ii. Posters on child-friendly justice

15. Design posters tailor made for children and youths on their rights to access to justice and their rights in proceedings, designed to attract and appeal to them, and disseminate them in places frequented by children and youths (schools, sports and cultural associations, social services, police stations, detention facilities, courts etc.).

iii. Comics on child-friendly justice situations

16. Publish comics in the languages of the member States illustrating child-friendly justice situations and explaining various legal terms that children should be aware of (in their contact with the police, as victims of crime, detention, court processes, immigration, education) and disseminate them in places frequented by children and youths.

iv. Phone applications (Apps)

17. Developing phone applications, if possible free, to teach children in a playful and friendly way their legal rights, court proceedings, legal systems, legal professionals (in particular the role of the professionals in the proceedings).

18. Developing other phone applications, if possible free, for children, youths and parents in each member States, providing relevant contact details, information offices for children's rights, legal professionals and associations working with children, welfare services, children's ombudsmen, Non-governmental Organisations (NGOs), etc.

v. *Video clips*

19. Making short video clips to be broadcasted on TV or internet on worst scenarios practices in justice procedures, showing the effects and trauma for children (for example, effects of not giving children the right information on their rights; child's feelings of isolation and/or manipulation; child witnesses or victims not giving the possibility to express their views; repeated interviews; direct confrontation with the offenders; professionals who do not understand the children and do not take into account their age; deprivation of liberty, etc.).

PARTNERS

20. Key parties will include:

- National institutions include all relevant governmental institutions, ministries and agencies, in particular the Ministry of Justice (and possible department of Youth), the Ministry of Labour and social affairs, the Ministry of Family Affairs; the Ministry of Health and the Ministry of Education.
- Other relevant international organisations active in the field of children's rights, in particular with the European Union (notably the European Commission and the Fundamental Rights Agency), United Nations agencies (such as UNICEF, UNHCR, SRSG on violence against children and the UN Committee on the Rights of the Child), the OSCE, Council of Baltic Sea States, European Network of Ombudspersons for Children.
- Local and international civil society (e.g. European Network of Ombudspersons for Children (ENOC), Child Rights International Network (CRIN), legal professional associations (e.g. judge and bar associations) and international and local NGOs active in the field of children's rights.

21. Within the Council of Europe, many bodies, committees and departments may contribute from different angles to CDCJ activities: the European Court of Human Rights (ECHR), the European Committee for the Prevention of Torture (CPT), the European Committee for Social Cohesion, Human Dignity and Equality (CDDECS), Steering Committee for Educational Policy and Practice (CDPPE), the Lanzarote Committee; the Council for Penological Co-operation (PC-CP), the Council of Europe HELP-judicial training programme, the Council of Europe Commission for the Efficiency of Justice Systems (CEPEJ).

FUNDING AND IMPLEMENTATION

22. Implementation will inevitably require additional financial and human resources. The Council of Europe should be able to support a small number of stand-alone events under its budget, as has been the case until now. However, anything to be implemented on a larger scale and/or over a longer period should take the form of projects financed by external funding, either by the way of voluntary contributions from member States interested in funding such work or by large institutional programmes such as those of the European Union and the EEA/Norway Grants. The Council of Europe will need to be able to present in a convincing manner the added value of the Organisation and of the CDCJ in the field of child-friendly justice.

23. Member States that launch new initiatives or reform measures for which they have the necessary funding, may wish to draw on the Council of Europe/CDCJ expertise, for example in respect of new strategies or legislation. Such advisory work, depending on the scope, could probably be covered from the Council of Europe budget.

ONGOING ACTIVITIES

The appended tables indicate activities undertaken within the framework of the CDCJ Terms of reference as well as activities undertaken by other bodies of the Council of Europe and the European Union.

CDCJ - ACTIVITY PROGRESS SHEET

ACTIVITY	Country	STATUS	COMMENTS
COMPLETED			
ONGOING			
Gathering, taking and protecting child evidence (11 countries)	Baltic Sea Region	1 st meeting, Tallinn (Estonia) end February 2015	Identification and transposition of good practice through comparative analysis, exchange of information and billed technical support.
FORESEEN			
Dealing and strengthening the voice of the child in civil proceedings	Under discussion	Course 2015	

**ACTIVITY PROGRESS SHEET UNDERTAKEN
BY OTHER BODIES OF THE COUNCIL OF EUROPE AND THE EUROPEAN UNION**

ACTIVITY	ENTITY RESPONSIBLE	COUNTRY / REGION	STATUS	STATUS / COMMENTS
<i>OTHER COUNCIL OF EUROPE BODIES</i>				
Development of a child friendly version of the Guidelines on Child-friendly justice	Children's Right Division	All CoE member States	End 2014	
Co-operation project focusing on children's rights, the fight against sexual violence and promoting Child-friendly justice.	Children's Right Division	Ukraine	Ongoing	
Punctual analysis of the case law concerning children and update of the Theseus database	European Court of Human Rights (ECHR)		Ongoing	
Developing online training courses for judges on Child-friendly justice	HELP-judicial training programme	Bosnia and Herzegovina	Ongoing	The second pilot course on Child-friendly justice for Bosnian judges was launched in May 2014
Inclusion of a module on Children Rights and Child-friendly justice in courses on Family Law and Human Rights	HELP-judicial training programme	All CoE member States	Ongoing	Pilot courses for legal professionals were launched in Austria, Italy and the Russian Federation in 2014.
Exchange good practice by organising study visits for its members	Lanzarote Committee	State Parties to the Lanzarote Convention	Ongoing	Visit to the Icelandic Children's House (Barnahus) on 31 May-1 June 2012.
Addressing recommendations to Member states on the conditions of juveniles in detention following the publication of the report " Children's rights and the CPT "	European Committee for the Prevention of Torture (CPT)	All Coe member States	Ongoing	The latest report of the CPT on Turkey has already elaborated such recommendations.
Collection of the Council of Europe Annual Penal Statistics SPACE I (on prisons) and SPACE II (on alternatives to custody and on community sanctions and measures).	Council for Penological Co-operation (PC-CP)	All CoE member States	Ongoing	Detailed data are collected regarding the age of criminal responsibility, the age at which a child may be detained, the numbers of juveniles (including foreign nationals) sentenced to detention or to sanctions, the types of crimes, the types of institutions in which they are held, etc.

Study on the issue of violence in detention institutions for juveniles and collect of good practices aimed at combating this phenomenon	Council for Penological Co-operation (PC-CP)	All CoE member States	End 2014	
Inclusion of additional children's rights questions in the European judicial system biannual evaluation report	Council of Europe Commission for the Efficiency of Justice Systems (CEPEJ)	All CoE member States	Published on 9 October 2014	"European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice"
EUROPEAN UNION				
Collecting data on children's involvement in judicial proceedings in EU member States	European Commission	EU member States	Ongoing	- Overview report and national reports on children's involvement in criminal proceedings were published in June 2014 - Reports on children's involvement in civil and administrative proceeding should be published by end 2014
Study research on participation and the treatment of children in criminal (as victims or witnesses) and civil justice judicial proceedings (10 EU MS)	Fundamental Rights Agency of the European Union	Bulgaria, Croatia, Estonia, Finland, France, Germany, Poland, Romania, Spain, and the United Kingdom	Ongoing	- Results on professional interviews should be available in November 2014 - Results on children interviews should be available in spring 2015
Translation of the Guidelines on Child-Friendly Justice in 20 European Union Language	European Commission	EU member States	Ongoing	These are currently being adapted into both pdf and print versions and will progressively be available for download or to order.
Implementation of the Child-friendly justice – project funded by the European Union.	European Commission	EU member States	Ongoing	All calls for proposals are available at: http://ec.europa.eu/justice/grants1/open-calls/index_en.htm Ongoing calls for proposals relating to Child-friendly justice: - Transnational projects on children's rights in judicial proceedings (deadline 11 December 2014) - Transnational projects to build capacity for professionals in the area of rights of the child (deadline 15 January 2015)