



**European Law Students' Association (ELSA) International – ELSA DAY –
ELSA for children**

Promoting child-friendly justice

20 March 2013, Brussels

1



EU Agenda for the rights of the child

Adopted in February 2011, it focuses on a number of concrete priorities where the EU can bring real added value such as **child-friendly justice** and the protection of **children in vulnerable situations**



EU Agenda: child-friendly justice

Strands of activity:

- data collection
- legislative measures
- non-legislative measures
- Mainstreaming



The EU Agenda: data collection to support evidence-based policymaking

Study started 1.9.2012 to collect data in EU27+Croatia on children's involvement in criminal, civil and administrative justice proceedings. Outputs will be a contextual overview for each Member State, indicators and statistics.

Draft database on juvenile justice and criminal justice due mid April 2013; overall results and databases for civil and administrative law due 2014.



EU Agenda: data collection – state of play – criminal justice

Draft contextual overviews (30-60 pages each) have been sent to all Member States for their comments.

An EU summary overview will follow.

Unique insight into legal and policy provisions for children's involvement in criminal justice.



EU Agenda: data collection – state of play – criminal justice

A master list of **290** structural, process and outcome indicators has been drawn up and is now being populated with data.

Outcome indicators, on the effects on children, are harder to populate and many are 'aspirational' in nature.



EU Agenda – criminal justice data collection – FRA work

Complementary to COM study, The Fundamental Rights Agency of the EU is conducting primary research among 500 judicial and other practitioners of the impact of legislation and policy on **child victims and witnesses in BG, EE, FI, FR, DE, PL, RO, ES, UK and HR**



EU Agenda – criminal justice data collection – FRA work, cont'd

In 2013 and in 2014, the FRA will interview children about their experiences with the justice system in the same 10 countries.



Cooperation with stakeholders

- Use of Council of Europe Guidelines as one of the cornerstones and translation of them by EU
- Involvement of CoE, UNICEF TransmonEE, UNODC, FRA, child rights experts, Member State representatives in steering group for the data collection study (meetings every two months)
- Bilateral and round table consultations of Member State authorities



The EU Agenda: child-friendly justice – criminal law – legislation

Three proposals of note/use of Guidelines:

4.10.2012 victims' rights directive with a strong focus on children (Directive 2012/29/EU)

Directive on access to a lawyer (now in negotiation), including a provision that police must contact parent/guardian as soon as a child is apprehended. Mandatory defence discussed.

Future proposal on procedural safeguards for child suspects (2013)



EU funding 2013 – future call for proposals

Fundamental rights and citizenship programme

Training for practitioners/professionals dealing with children in residential care or **detention**: on the rights of the child and on how to communicate with the children in an age- and context-appropriate manner.



EU funding 2013 – future call for proposals

Fundamental rights and citizenship programme

Development and delivery of training modules on child-friendly justice (in accordance with CoE Guidelines) for legal and other (e.g. social and health workers, police) professionals and practitioners who interact with children in the context of judicial proceedings (civil, criminal or administrative law). *...cont'd/*



EU funding 2013 – future call for proposals

Fundamental rights and citizenship programme

Modules should be developed in order to be made available and be easily adaptable for use in all EU Member States. Modules must be piloted and adapted where necessary as a result of piloting and as part of the project. Specific focus should be on:



EU funding 2013 – future call for proposals

Cont'd:

- Implementation of Article 12 of the UN Convention on the rights of the child (UNCRC) (The right to be heard), and
- Communicating with children and applying essential elements of child psychology in the context of judicial proceedings



EU funding 2013 – future call for proposals

Fundamental rights and citizenship programme

Structural improvements to the provision of general information to children on their rights, namely by piloting good practice or the further rollout of good practice in the provision of general legal/rights-related advice for children, such as



EU funding 2013 – future call for proposals

Fundamental rights and citizenship programme

...by way of legal advice clinics for children or mobile legal advice units, whose work is firmly grounded in the rights contained in the EU Charter of Fundamental Rights and the UN Convention on the rights of the child.



Expert group on rights of the child

New informal expert group (Member State authorities) on rights of the child set up by Commission, will meet once per quarter.

First meeting 11 April 2013



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Link to Victims' rights directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

Children's rights on Europa: http://ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm

Children's involvement in justice terms of reference:

http://ec.europa.eu/justice/newsroom/contracts/2012_131975_en.htm

DG Justice calls for proposals (grants):

http://ec.europa.eu/justice/newsroom/grants/index_en.htm