HIGH-LEVEL REGIONAL CONFERENCE ON JUSTICE FOR CHILDREN
BRUSSELS, 27–28 JUNE 2013
My life is a movie, which I created with my own hands. These hands used to create love and kindness. They used to be gentle, bright and alive. But then a heavy weight was laid upon them, and they showed themselves from their darkest side. I found myself trapped between good and evil, and I chose the wrong way with narcotics and alcohol. This way, I really hurt my whole family. I don’t want to have more mud on my soul. We only have this one life. I will appreciate my family much more than before now. I will pay more attention to them and give them my love.

– Lida, Melitopol detention facility, Ukraine. In the video, she has made to share her views and experience [watch video].

I. INTRODUCTION

On 27 and 28 June 2013, over 130 high-level representatives from 21 countries and territories of Central and Eastern Europe and the Commonwealth of Independent States, including justice and interior ministers, government officials, ombudspersons, experts and civil society, as well as international and regional organizations and the European Union institutions and member states, met in Brussels at a High-Level Regional Conference on Justice for Children co-hosted by UNICEF and the European Commission. The Conference was opened by Štefan Füle, Commissioner for Enlargement and European Neighbourhood Policy; Yoka Brandt, UNICEF Deputy Executive Director; and Elisabeth Jeggle, Member of the European Parliament. The objective was to discuss progress achieved and challenges ahead to ensure justice for children across Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS).

For the first time on such a scale in the region, particular emphasis was given to equitable access to justice for all children and the integration of children’s issues in the justice sector reforms.

While children in the region are generally recognized as particularly vulnerable to violations of their rights, research presented at the Conference revealed they also face the most extraordinary obstacles in accessing justice.1 This means that justice systems are presently not available for those who need it most. Children are not systematically considered in regional and national policies and programming around access to justice and

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often left out of rule of law agendas. Child justice work is still too often carried out in parallel to broader justice sector reforms. There is increasing recognition within governments and the international community, however, that democracy, equity and rule of law cannot be fully achieved if one fifth of the population — those under 18 years of age — is not fully taken into account.

The Conference provided a unique opportunity to take stock of the substantial accomplishments in juvenile justice system reforms over the past decade, undertaken with the support of the European Union, UNICEF and others. Juvenile justice systems — i.e., the legislation, policies, procedures, services, institutions and bodies specifically applicable to children who have breached the law — were virtually inexplicable in former Soviet countries when they became independent in the early 1990s. They have since been progressively established, though to varying extents, in all countries of the region. As a result, in many countries, treatment of children in justice processes is becoming more child sensitive, and detention rates have decreased over the last five to ten years, even falling by 80 per cent in some cases. Building on these developments, the Conference also explored how to expand these achievements and lessons learned to benefit all children in justice systems — including victims and witnesses of crime and parties to civil and administrative proceedings.

The mix of participants and their willingness to learn, reflect and step up efforts demonstrated significant commitment to maintaining the momentum of reform. It also underscored that the results could not have been achieved without the joint, coordinated efforts of all involved. National political commitment at the highest level, technical competences existing in countries of the region, the involvement of non-governmental organizations for advocacy and implementation and the engagement of various international and regional organizations have all enabled to advance this agenda. The complementarity between UNICEF’s ongoing presence, voice and know-how on the ground and the European Union’s political and financial commitment and support to the issue has been decisive in advancing these processes.

*Successful justice reform initiatives are those built on national priorities, enjoying full political commitment and national ownership as well as reinforced partnerships between civil society and state decision makers.*

— Štefan Füle, Commissioner for Enlargement and European Neighbourhood Policy

A lot remains to be done. Child-friendly justice systems are not built in isolation. They lie at the intersection of two policy areas. First, justice for children concerns the perception of children in society and the attention they receive in policy-making, including law and social policy. In other words, it indicates the readiness of society to invest in children and adolescents and not only look at juvenile justice from a security angle. Second, justice for children is a critical dimension of the rule of law and good governance agenda. It can be effective only if it unfolds in the context of fair and efficient justice systems that comply with international and European standards, based on functioning institutions with adequate human and financial resources.

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2 Calculated on the basis of TransMonEE data.
The Conference provided the opportunity to identify and review these challenges and discuss strategies to overcome them. It left participants with a sense of renewed commitment to building systems providing justice for children domestically, delivering justice to the most vulnerable and excluded, sharing and learning from each other’s experiences, and for international and regional organizations to supporting these efforts. Concrete commitments and policy priorities announced by eight governments at the Conference are listed in Annex 1. They now need to be turned into action.

II. JUSTICE FOR CHILDREN – A CONCEPT CENTRAL TO EUROPEAN UNION AND UNICEF’S AGENDAS

Justice for children: multiple dimensions

*Child rights are not special rights but work for the human dignity of all people.*

– Elisabeth Jeggle, Member of the European Parliament

Efforts aimed at strengthening justice for children do not merely contribute to reinforcing the judicial system in relation to children’s issues. They hold significant value in advancing the realization of all children’s rights in society and in enhancing the rule of law and good governance for all.

**A human rights issue** – Justice for children is a human rights issue. Children in justice processes are entitled the same rights as other children – a principle with particular relevance for children in detention. In addition, children in justice systems are granted special protection as spelled out in the many international instruments applying to them (see box below). Furthermore, accessing justice is a means of restoring rights that have been disregarded or violated. As such, access to justice leads to the effective implementation of other human rights. Without accountability mechanisms and the possibility to claim for redress, international and European standards – even if widely ratified across the board – are just words.

**An equity issue** – Justice for children is an equity issue. Children of minority and lower income groups are more likely to be arrested and over-represented in juvenile justice systems and even more so in detention. Their contact with the justice system often pushes them deeper into poverty and exclusion instead of supporting their reintegration. When accessible to all, justice systems are powerful tools to protect vulnerable groups against injustice and provide them with opportunities to develop. Justice systems can undo discriminatory decisions, restore entitlements that were denied, keep families together or put an end to abuse. Lack of justice perpetuates the intergenerational cycle of poverty and exclusion.

**A rule of law issue** – Justice for children is a rule of law issue. There cannot be rule of law without justice for children. Establishing the rule of law first requires a focus on prevention so that children do not become victims of violence and do not enter in conflict with the law in the first place. This includes preventing situations where children find themselves at particular risk of breaching the law, such as family separation, substance abuse or
Juvenile justice and justice for children

Juvenile justice systems refer to the legislation, policies, procedures, services, institutions and bodies specifically applicable to children who have breached the law.

Justice for children goes beyond juvenile justice to include all children whose cases or situation are to be, or should be, examined by any type of formal or informal justice system – criminal, civil, administrative, traditional – for whatever reason.

A child protection issue – Justice for children is one dimension of effective child protection systems, defined as the coordinated set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks. Consequently, justice for children is not limited to when children are in contact with the justice system; it also involves a range of social interventions aimed at the prevention of offending and reoffending, support to probation, diversion and alternative sentencing, and the reintegration and rehabilitation of offenders, victims and witnesses of crime. It includes laws and policies but also social norms and attitudes that foster crime by and against children and influence the way children are treated within the justice system. Effective justice for children, therefore, involves coordination among numerous sectors and stakeholders – governmental and non-governmental.

We need societies that protect, not societies that punish.
– Yoka Brandt, Deputy Executive Director of UNICEF

Standards of particular relevance to justice for children

All children’s rights are indivisible and interdependent. Therefore, the realization of all rights is critical for children in contact with the law or at risk of being in contact with the law. However, international and European standards have made specific provisions of particular relevance to justice for children:

International standards

- Universal Declaration of Human Rights (Article 8), 1948
- International Covenant on Civil and Political Rights (Articles 2, 9, 14, and 26), 1976
The European Union and UNICEF: Shared priorities and an effective partnership

The partnership between the European Union and UNICEF in the area of justice for children is based on the shared values of human rights, equity, rule of law, and child protection.

All European Union Member States have ratified the Convention on the Rights of the Child. The Lisbon Treaty makes the promotion of children’s rights an explicit objective of EU internal and external affairs. The European Union Guidelines for the Promotion and Protection of the Rights of the Child adopted in 2007 contain a commitment to strengthen justice systems for children, including through prevention and reintegration services for victims and offenders. The 2008 Communication entitled ‘A special place for children in EU external action’ extends this commitment to its engagement with third countries.

Over the past year, the European Union has been supporting juvenile justice system reform within the rule of law agenda in many countries outside of the European Union as part of the European Union enlargement process and the EU external action through political dialogue and financial support. It has encouraged the strengthening of child protection and supported assistance for child victims, including through support to civil society organizations. The European Commission provided financial support for justice for children through various geographical and thematic programmes. The European Instrument for Democracy and Human Rights (EIDHR) supported justice for children reform in CEE/CIS, in particular in the eight countries covered by the ongoing partnership with UNICEF (see box below).
UNICEF is the lead United Nations agency on juvenile justice worldwide and very often the main supporter for reforms and results at country level. UNICEF takes an increasingly broad approach – justice for children – to ensure that justice systems serve and protect all children, whether they are offenders, victims or witnesses. Its activities on justice for children are based on its mandate to advance the realization of children’s rights, with a focus on the most marginalized and excluded. Its approach is informed by the Guidance Note of the United Nations Secretary-General: UN Approach to Justice for Children (2008). UNICEF has developed an extensive knowledge at the country level and is able to convene and work with key stakeholders, due to its long-standing and consistent presence on the ground.

The partnership between the European Union and UNICEF in the area of justice for children builds on the shared values, respective strengths and complementary approaches in order to maximize the impact and outcomes at the country and regional levels.
III. POLICY INSIGHT DEBATE I: CHILDREN’S ACCESS TO JUSTICE FOR GREATER EQUITY

Societies that pay attention to children’s access to justice show greater social progress, are more peaceful, and enjoy more stability in the long term.

– Stephen Golub, Adjunct Law Professor, University of California at Berkeley School of Law

Every day, tens of thousands of children across Europe and Central Asia have their rights violated – including their right to health, their right to quality education, their right to be heard and their right to be free from abuse, violence and exploitation. Many are victims of crimes, sometimes perpetrated by those closest to them. Yet only a fraction of the children who are denied their rights or entitlements have access to a fair, timely and effective remedy. In addition, numerous families are separated from their children through judicial decisions or denied their right to social security and other benefits by administrative authorities. Very few are able to challenge these decisions in court.

Without accountability mechanisms and the possibility to claim for redress, international and European standards – even if widely ratified – are just words. As stated by the Committee on the Rights of the Child, “for rights to have meaning, effective remedies must be available to redress violations.”5 Children’s access to justice is a function of their ability to demand justice – children’s legal empowerment – and the capacity of the justice system to operate in a child-sensitive manner.

Equality before the law and justice represents a pillar of democratic societies based on the rule of law. It builds social cohesion and a feeling of belonging for all in society. Accessing justice, however, is a challenge for all children and especially for the most vulnerable among them. Children are confronted with the same barriers as other citizens but face additional legal and social obstacles due to their particular status as children. Justice systems are rarely adapted to children seeking redress for violations of their rights or participating in civil and administrative proceedings. Lack of access to justice is a defining attribute of poverty and exclusion, and certain groups of children and adolescents – including girls, children from minorities and children with disabilities – are more affected than others.

Numerous barriers to access, which are common to most countries across the region, were highlighted throughout the discussions. They can be summarized as follows:

- **Legal barriers.** In many countries, the legal framework fails to recognize children’s legal capacity to undertake proceedings on their own initiative and requires the authorization of parents or caregivers. Lack of birth registration and citizenship may also constitute legal obstacles to accessing the justice system. Children’s age may imply different guarantees, like in Bosnia and Herzegovina where diverse provisions apply to younger juveniles (aged 14 to 16) and older juveniles (aged 16 to 18) with limited protection for the latter.

- **Persistence of social norms and negative perceptions.** Lodging complaints without parental agreement (or guardian’s agreement) may not be socially acceptable in many countries and, therefore, prevent children’s access to justice. Furthermore, the well-entrenched social acceptance of violence against children means that, in many cases, neither children nor their carers recognize abuse as such.

- **Discrimination and exclusion.** Children from minorities suffer from both social exclusion and discriminatory attitudes within the justice system. Parents’ gender biases affect the ability of girls to seek redress. Other groups of children, such as migrants and children with disabilities, meet specific difficulties in accessing justice. Economic hardship and poverty also affect children’s access to justice. Communities in remote areas also face obstacles to reaching justice institutions. For this reason, courts in Kazakhstan have considered organizing sessions in remote areas and holding hearings online.

- **Justice systems not adapted to children’s rights and needs.** A child-sensitive justice system is critical to ensuring children’s access. It involves the recognition by the justice system of the child as a primary client. This implies specially trained staff as well as gender balance across professions within the justice sector. It also means that proceedings should not be excessively lengthy and should be child friendly, for example, by preventing child victims and witnesses from being confronted with the perpetrator. Specialization is an issue that has attracted significant attention throughout the Conference.

- **Costs.** Accessing the justice system can be costly. Court fees and the cost of a lawyer may deter children and their families from accessing justice. Provision should be made, therefore, to ensure free proceedings for children and poorer families. Legal aid is a major issue in many countries, with systems progressively developing but still far from being universal and child sensitive. To address this issue, *pro bono* law firms, such as the DLA Piper Global Law Firm, have established legal clinics in homeless shelters, set up helplines providing legal advice to children unable to enrol in school, and send lawyers to detention centres to offer legal services. The ultimate responsibility for the legal aid systems lies with the state. Free legal aid for the most vulnerable constituted one aim of Bosnia and Herzegovina’s Justice Sector Reform Strategy for 2008–2012, for example. The Law on Free Legal Aid adopted in 2011 in Montenegro provides for legal aid services to the most vulnerable groups, including children without parental care.
• **Lack of legal awareness, empowerment and trust.** Lack of information is a major obstacle to equitable access to justice for children. Children and families are typically unaware of avenues for accessing justice. The way this information is provided matters: it needs to reach children and build trust. A consultation organized by the International Development Law Organization (IDLO) with 4,000 children found that children want to receive information from people they trust and through media they use, in particular the internet. IDLO, therefore, organizes legal awareness campaigns designed by and for children, using websites such as YouTube and mobile phones.

On a more forward-looking, positive note, the Conference also emphasized that, when accessible to all, justice systems are powerful tools to protect vulnerable groups against injustice and provide them with opportunities to develop. Justice systems can challenge discriminatory decisions, restore entitlements that were denied, keep families together or put an end to abuse. The keynote presentation by UNICEF’s Regional Director highlighted specific examples of how justice systems can contribute to achieving greater equity:

- **Challenging discriminatory laws, policies and practices.** Justice systems can help marginalized groups of the population to claim equal rights and access to public services. The Child Rights International Network (CRIN) presented its case law database to record strategic litigation – defined as the use of individual cases to highlight broader systemic issues and change law. A unique example for strategic litigation that was presented at the Conference concerned the discrimination of Roma children in the education system in the Czech Republic (see box below).

- **Providing redress for abuse.** Access to justice enables to put an end to abuse and other violations and prevent harm from happening by ensuring that perpetrators know there will be no impunity. In the Slovak Republic (2003), the Constitutional Court ruled that a mother of three children suffering extensive abuse was entitled to protection measures and financial compensation.

- **Challenging decisions to separate a child from his or her family.** In the Czech Republic, the Constitutional Court (2010) ruled that taking a child away from his or her mother before the mother had the opportunity to prove whether or not she was able to care for the child was inappropriate.

- **Restoring benefits and entitlements.** Accessing justice enables children and families to challenge administrative decisions and claim social benefits they are entitled to receive. In Ukraine, for instance, a study carried out by Oxford Policy Management and UNICEF in 2011 showed that 23 per cent of cases against departments of social welfare in 2010 related to non-payment of birth grants, and state social assistance for care of children under three led to some decisions in favour of the claimants.
Governments in the region – with the support of the European Union, UNICEF and others – are increasingly adjusting their procedures to the rights of all children who come in contact with the justice system – victims, witnesses or parties to civil and administrative proceedings (e.g., custody, protection or inheritance) – in line with the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005) and with the Council of Europe Guidelines on Child-Friendly Justice (2010):

- Court settings and police stations are being adapted and made less intimidating;
- Police officers, judges and magistrates are being trained to communicate with children in a sensitive manner;
- Protective measures are being put in place (such as avoiding the direct contact between the child and the alleged perpetrator).

Across the region, legal, paralegal and social support to children going through justice processes is being increasingly provided, for example, through child rights centres or legal clinics where children and their families can:

- obtain information on the avenues for redress;
- receive legal and social advice;
be referred to appropriate services (e.g., a lawyer, doctor or psychologist);
in some cases, receive direct legal assistance to initiate a judicial process.

Legal aid is an essential component in guaranteeing children’s access to justice and right to defence. Although private law firms may contribute to defending children in court, the main responsibility lies with the State. The Conference emphasized that legal aid includes not only access to a lawyer but also the right to quality defence – it needs to be accessible and adapted to children, and lawyers must have adequate skills and commitment. In most countries, however, legal aid systems are underdeveloped and rarely include special provisions for cases involving children.

As a result, civil society organizations play an important role. In Azerbaijan, the Reliable Future Youth Organization runs legal clinics, which represent children in conflict with the law in court and provide legal advice to children and families. They seek to solve problems through mediation rather than litigation and have been supporting 2,000 people since they were established in 2007. In Kyrgyzstan, the NGO Legal Centre, with support from UNICEF, carries out a pilot legal aid scheme for children in conflict with the law, in two districts of Bishkek. Lawyers and social workers provide free legal and social support to minors from the time of their arrest to the judicial decision. In the former Yugoslav Republic of Macedonia, free legal aid is guaranteed by law. The lawyers must be specialized to provide legal aid. For this purpose, the Macedonian Bar Associations provide the courts with a list of lawyers trained to defend children in conflict with the law.

Ukraine: A legal aid system for children in contact with the law

In 2011, Ukraine adopted a law reforming its legal aid system, which entered into force in 2013. According to the new legislation, orphaned children, children whose parents have been stripped of their parental rights and children that may become or have become victims of family violence have the right to free legal aid. Twenty-seven centres for the provision of legal aid were created in all regions. There are also call centres with lawyers available 24 hours a day.

To ensure the quality of legal aid, attorneys must have a minimum of 10 years’ experience. Furthermore, financial incentives have been established to attract lawyers, with a significant increase in the level of remuneration, whether lawyers work full-time for the system or on a part-time basis.

Challenges include: lack of financing, the need to create additional centres for legal aid, and the need to expand access to legal aid, especially for children suspected of serious crime.

To sum up, justice systems need to be adapted to children’s needs and rights in order to make them accessible for all children, including the most marginalized. Children and families need to receive adequate information and support to claim redress, and social norms that lead to abuse and stigmatization of those who complain have to be addressed. Children must be a key consideration in access to justice policies and programming.
IV. POLICY INSIGHT DEBATE II:
JUVENILE JUSTICE REFORM – ACHIEVEMENTS,
LESSONS LEARNED AND PRIORITY ISSUES REMAINING
ON THE JUVENILE JUSTICE REFORM AGENDA

We must consider children’s future, not their past.
– Robert Badinter, former French Justice Minister

In the CEE/CIS region, conflict with the law is often the result of exclusion, and repressive responses by the justice system are regularly used where the actual solution would be of a social nature. Stigmatization, isolation and de-socialization resulting from long periods of detention greatly jeopardize children’s chances of reintegration into society. Children of minority and lower income groups are more likely to be arrested and over-represented in juvenile justice systems and even more so in detention. Their contact with the justice system often pushes them deeper into poverty and exclusion instead of supporting their reintegration.

Countries in the region have come a long way since their independence in the early 1990s when juvenile justice systems were virtually inexistent and children were mainly treated as adults. All governments in the CEE/CIS region are now engaged in reforming their juvenile justice systems, seeking to bring their national legal and policy frameworks and practice in line with international and European standards. Increasingly, governments have recognized the need for a comprehensive approach to reform and for greater transparency. As mentioned, in many countries, reform efforts have given rise to a more child-sensitive treatment in justice processes and to a decrease in detention rates over the last five to ten years. Although there has been significant progress and a common framework is emerging across the region, remaining gaps call for continued efforts in the area of juvenile justice.

A key ingredient for a sustainable juvenile justice reform is the political commitment of the state itself that would translate in an effective implementation of the recent legal framework as well as in state budgeting for reform.
– Kristian Schmidt, Director, Directorate-General for Development and Cooperation

For further details on juvenile justice in CEE/CIS:

The Conference reflected on the progress achieved so far and the remaining work ahead. In the debate, participants responded to the following questions: What are some of the key results achieved in the reform process? What were the most efficient reforms for both children and the rule of law? What are the priority issues remaining on the juvenile justice reform agenda? How to ensure that all children benefit without discrimination?
1. Reforming juvenile justice systems

Debates at the Conference suggested that, while States in the region have achieved significant law reform over the past few years, the implementation of new legislation, including comprehensive implementation policies and coordinating mechanisms, allocation of adequate resources and the collection and management of reliable data, requires further attention.

**Turkey: Justice for children reform**

Over the past 12 years, a wave of reforms has enabled to enhance justice for children in Turkey with the support of the European Union and UNICEF.

Legislative changes have brought Turkey closer to international standards in relation to juvenile justice by developing alternative measures to deprivation of liberty, including expanding the possibility for probation, providing for judicial control as an alternative to pretrial detention, postponing the initiation of a case and the declaration of the sentence, and reducing time spent in detention. Key achievements of legal and institutional reforms include:

- New interinstitutional child protection and coordination systems were set up.
- Specialized judicial bodies were established.
- Child-specific rules and trial procedures were developed.
- Special rules to prevent secondary victimization of children victims of crime were developed.
- All children were granted the right to benefit from legal aid.
- Special provisions were made for children within the Ombudsman system.
- Protective and supportive services were strengthened.

Steps taken to improve the detention conditions of children have included the renovation of premises, the training of the personnel working in detention centres, the provision of education for children in detention and more meaningful rehabilitation activities. As a result, the number of children in detention has decreased; children in detention are less likely to harm themselves; their academic performances have increased; communication with their parents is felt to have improved.

**Law reform**

Adoption of new legislation reflecting international standards, including as a result of the European Union/UNICEF partnership, is the most palpable evolution in this area, as attested by the numerous examples provided by speakers from all countries. Criminal codes and codes of criminal procedure in the region are mostly compliant with international standards. They have often been revised recently or are in the process of being amended.

A number of governments have adopted new legislation with a view to offering increased protection to children in contact with the law. Albania adopted a law on mediation, which concerns all children in contact with the justice system, even if it still requires better implementation. In Armenia, new legal and court procedures have been adopted. Kyrgyzstan revised its juvenile justice legislation in 2012, which highlights the
detention as a last resort principle and the provision of social support to children in contact with the law. In Montenegro, the adoption of the ‘Act on Treatment of Juveniles in Criminal Proceedings’ increased protection for all children in contact with the criminal justice system. In the former Yugoslav Republic of Macedonia, a 2011 analysis carried out with support from UNICEF informed the revision of the Juvenile Justice Law aimed at better protection of child victims and witnesses of crime.

Yet many gaps still need to be addressed. The report on juvenile justice in the CEE/CIS region has found that challenges remain in critical areas, including police custody still being allowed for up to 72 hours (instead of 24 hours as per international standards), persistence of the possibility for solitary confinement, the use of maximum length of detention on remand and limited discretion for diversion measures and sentencing. Furthermore, secondary norms such as regulations for the implementation of legislation are often lacking, and compliance with legal safeguards is often weak.

Only after repairing things you understand how hard it is to fix what has been broken. But there are also things that cannot be repaired.

– Suren Meliksetyan, Armenia. In the video, he has made to share his views and experience with the justice system [watch video].

National implementation strategies and coordination mechanisms

Presenters from several countries reported on coordinating mechanisms that were set up to implement strategies and policies for advancing justice for children. As part of its broad national development strategy to 2020, Azerbaijan is planning to develop a child rights protection strategy, which will include justice for children. In Kyrgyzstan, the government has set up a juvenile justice coordination mechanism with all relevant stakeholders, including local authorities. Tajikistan established in 2003 a high-level committee for child rights, which developed a National Plan of Action for Juvenile Justice System Reform (2010–2015) and created a Juvenile Justice Unit to coordinate the implementation of the Plan. In 2008, the former Yugoslav Republic of Macedonia established a State Council for Prevention of Juvenile Delinquency, which developed a National Strategy for Prevention of Juvenile Delinquency (2010–2020).

A number of shortcomings emerge, however. Penal Reform International pointed to a ‘success syndrome’ – a slowing down of the reform process that might affect the sustainability of efforts over the long run. As a result, many action plans for juvenile justice have expired with no concrete plans for the future. Secondly, systemic approaches that take into account the multiple dimensions of juvenile justice, building on the linkages between law reform, institutional architecture, training of staff and the availability of social services among others, remain weak and need to be reinforced. Last but not least, children are rarely considered in broader rule of law and access to justice strategies. This is an area where the European Union and UNICEF would benefit from working together in order to ensure that children are given full consideration in, and benefit from, justice sector reforms and strategies.

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I know that I deserve punishment but four years of imprisonment [for stealing two phones], this is too much.

– Aleksey, Kharkov detention facility, Ukraine. In the video, he has made to share his views and experience [watch video].

**Data collection and management**

Participants underscored that there is a serious lack of collection, disaggregation and analysis of data on justice for children across the region. Data on critical indicators such as reoffending by juveniles or offending by young children under the minimum age of criminal responsibility are absent. Data are often not disaggregated and rarely published regularly. The inexistence of centralized systems means that data collected by various ministries and departments often remain fragmented. The scarcity of data limits the design and implementation of evidence-based policies and makes it difficult to measure the efficiency of interventions, especially for the most vulnerable.

Limited efforts towards the strengthening of data collection were reported during the Conference. In Serbia, improved quality of data received from prosecution and courts showed the limited use of diversionary measures and, hence, allowed the Ministry of Justice to adjust its strategy and priorities. In the former Yugoslav Republic of Macedonia and Kosovo (UNSCR 1244*) juvenile justice indicators have been developed and are used for policy-making.

In his opening statement, Commissioner Füle emphasized that reliable data are critical to support modern policy-making. The European Commission (DG Justice) has undertaken an extensive study on procedural rules and relevant safeguards applicable to children’s involvement in civil, criminal and administrative judicial proceedings in European Union Member States. One challenge highlighted by the European Commission Coordinator for the Rights of the Child is the scarcity of reliable data – especially in light of multiple existing indicators. Initial findings are expected to be released in late 2013.

**Allocation of resources**

A major shortfall repeatedly mentioned is the lack of resources allocated to justice for children. Lack of funding affects all dimensions of the juvenile justice system, which results in poor infrastructure, heavy caseloads and low salaries for staff. Scarcity of resources also affects investments in the social sector that has such a key role to play in justice for children (see below). In Kazakhstan, for example, psychologists and social workers are not on juvenile courts’ payroll, limiting the scope of their involvement. Corruption undermines efforts to develop effective juvenile justice systems. The United Nations Development Programme (UNDP) has been advocating for and supporting cost analysis of judicial reform, as a way to ensure that reforms adopted can be implemented.

Child-sensitive court settings and police

The establishment of authorities and institutions specifically applicable to children is one of the requirements of the Convention on the Rights of the Child (Article 40.3). These authorities and institutions should be enabled to treat each child in a way consistent with his or her rights and needs. The degrees of specialization – e.g., whether a separate court is needed or specialized professionals in a regular court are sufficient – will vary according to the country context.

Kazakhstan: Establishment of children’s courts

A 2007 Presidential Decree and 2008 law provided for the establishment of children’s courts in Almaty and Astana. Since 2012, such courts have been established in all oblasts of the country. Specialized courts have jurisdiction over civil and administrative procedures involving children and criminal procedures of juvenile offenders. Upcoming challenges include the need to build the capacities of these specialized courts, train judges, lawyers, prosecutors and other law enforcement officials and strengthen the linkages between children’s courts and the social sector.

Bosnia and Herzegovina: Child-friendly rooms in police stations

In Bosnia and Herzegovina, child-friendly rooms have been in place in 22 police stations since 2011. The rooms include adequate amenities and recording equipment to ensure that the child will not have to repeat several times his or her statement. They also involve police officers specially trained to carry out interviews with children. Consequently, the child feels safe and protected, leading to better quality, reliable interviews that can be efficiently used in the judicial process.

While most countries in the region are building the capacity of specialized judges, prosecutors and other professionals, some are establishing separate courts or separate children’s sections in regular courts. Albania has created a special section for children’s cases in magistrate courts. In Montenegro, all courts and prosecutors’ offices have a specialized juvenile judge and juvenile prosecutor to deal with juvenile cases. In Tajikistan, legislation adopted in 2010 established a family affairs board within the Supreme Court, and specific judges started to be assigned within the district courts of general jurisdiction to consider family affairs cases. Since 2012, these judges have been assigned to adjudicate all cases related to children in selected courts.

The European Union Agency for Fundamental Rights is undertaking an extensive research initiative on child-friendly justice with a focus on child participation in judicial proceedings. The research, still underway, aims to assess the implementation of the Council of Europe Guidelines on Child-Friendly Justice in 10 European Union Member States.
**Capacity-building**

Participants stressed that significant efforts are needed to strengthen capacity-building to ensure justice for children. It constitutes an important component of a child-sensitive system and can help fill the gaps where specialized judges are lacking as was done in Armenia. Capacity-building is also needed to change the attitude of those dealing with children in contact with the law. It needs to target a broad range of stakeholders, including legal professionals but also the police and social workers. One challenge is the sustainability of efforts. Training in the region has too often been *ad hoc* and rather superficial. This is changing, however, and justice for children is increasingly integrated within regular curricula in police academies, schools of magistrates and other relevant institutions. In Kyrgyzstan, a training course was developed and integrated into the curricula of all relevant national training institutes (judges, prosecutors, attorneys, the police and social workers). In Tajikistan, for instance, a new master’s degree course on juvenile justice was created at the university.

2. Justice and social work:

   **A critical link for prevention and reintegration**

Numerous speakers emphasized social work as a critical, cost-effective and accompanying dimension of justice for children. Social support is essential for successful prevention strategies as well as when resorting to diversion, probation and alternatives to deprivation of liberty. It is also crucial for children in detention (which needs to be used as a last resort) and their rehabilitation and reintegration, including by ensuring ongoing contact with their families. Social support in juvenile justice, however, is still largely missing across the region.

**Prevention**

Prevention strategies are a core aspect of juvenile justice – they need to be linked with social interventions, including support to children and families. As highlighted during discussions, prevention very much relies on the support children receive in their families and communities. Yet comprehensive national prevention programmes are inexistent in the region. Police registration and placement in special schools continue to dominate ‘prevention’ practices – a legacy from Soviet times that fosters stigmatization and exclusion rather than social support for children and their families. Community and school-based programmes have limited capacity and coverage. There are exceptions, however. In Montenegro, prevention of conflict with the law has been included into the capacity-building of professionals working in local centres for social welfare.

Tertiary prevention – or prevention of reoffending – also lags behind. Children in conflict with the law, whether in detention or benefiting from alternatives, rarely receive support for their reintegration in the community. As a result, once they leave the juvenile justice system, most of these children go back to the very circumstances that led them to offending. In the former Yugoslav Republic of Macedonia, a mentoring programme piloted in the Skopje Centre for Social Work (the Centre with the highest number of cases in the country) resulted
in zero recidivism among the children who were supported by the programme within a one-year period. In Ukraine, the introduction of 12,000 additional social workers, combined with the adoption of a new Code of Criminal Procedure and the creation of special units dealing with juveniles, is thought to have played a role in the 10 per cent decrease of reoffending rates.

**Georgia: Diversion and Mediation Programme for Juveniles**

Georgia adopted a special Juvenile Crime Prevention Strategy by Presidential Decree in May 2012. The strategy emphasizes the role of responsible institutions and the civil society in the process.

The Centre for Crime Prevention and Innovative Programmes of the Ministry of Justice implements programmes targeted at youth in general and, more specifically, juveniles at high risk of offending. The objectives of the Centre are crime prevention, support to offender rehabilitation and reintegration, facilitation of referral system, and management of the Diversion and Mediation Programme for Juveniles. Projects include a mentoring ‘Big Brothers Big Sisters’ programme, mediation, and various leadership programmes among others. The Centre closely cooperates with the Ministry of Corrections and Legal Assistance for the rehabilitation and resocialization of detainees, the Georgian Association of Social Workers, Tbilisi State University, and the Anti-Drug Centre of the Patriarchate of Georgia.

The Centre coordinates a grants programme to support NGOs’ role as service providers. Small grants are issued for various projects, such as prevention of trafficking in human beings, rehabilitation of ex-prisoners and drug abuse prevention. These grants are particularly important to support NGOs working for the Diversion and Mediation Programme for Juveniles.

The Conference concluded that prevention work needs to be stepped up in the region through a balanced, comprehensive, interdisciplinary approach to prevention. Social work has a key role to play in this respect. At the primary level, social services should be accessible on a self-referral basis to respond appropriately to any individual or family experiencing difficulties. At the secondary level, social workers should help to identify proactively families where children are at risk. Wherever possible, they need to support families in addressing the root causes of ‘presenting problems’ such as intrafamilial violence, neglect and delinquency. Separating the child from his or her family should be the last resort. Linkages with broader social protection should be further articulated and strengthened.

**Diversion and alternatives to deprivation of liberty**

The principle of detention as a last resort is increasingly recognized in legislation in the region, with several codes limiting detention to most serious offences. A concrete outcome has been a significant decrease of juvenile prison populations – by 64 per cent in Kazakhstan (2007–2011), 80 per cent in Kyrgyzstan (2005–2012) and 65 per cent in Ukraine (2005–2012).

Diversion schemes have been established across the region. They are often underutilized, however. In Albania, 56 per cent of the children going through trial have been referred to alternative measures, including probation, in 2011. In Kosovo (UNSCR 1244), 780 juveniles benefited from alternative measures and sentences in 2012, up from 307 in 2007, thanks to prosecutors and judges’ better understanding of the importance of diversion and alternatives to detention. In Kyrgyzstan, for example, 60 per cent of criminal cases are suspended during
criminal proceedings and many might have been diverted before reaching courts. In Montenegro, there has been an increase in the use of diversion, following a new law adopted in 2012 and the introduction of alternative measures, including educational orders and mediation. While very few cases were diverted in 2010, cases went up to 100 in 2011 and to 110 in 2012.

Reconciliation before trial and educational measures are also increasingly used in the region. The importance of mediation between the victim and the offender is more and more recognized but still not widely used. The range of alternatives to detention – from diversion to mediation and probation services – needs to be further expanded in order to respond to all possible individual needs. This involves strengthening links with the social sector.

**Pretrial detention**

Pretrial detention is a major concern across the region as juveniles charged with an offence are being held for long periods without trial. Conditions in most pretrial detention centres are worse than those in juvenile prisons. Detainees have very limited access to social, recreational or educational programmes. Detention is sometimes used to coerce guilty pleas and abandonment of complaints of ill-treatment.

In several countries, the use of pretrial detention has decreased significantly over short periods of time. It went down by 76 per cent in Kyrgyzstan (2006–2013), 77 per cent in Ukraine (2005–mid 2013) and up to 80 per cent in Kazakhstan (2007–2011). However, in many countries, pretrial detention continues to be overused. In Albania, for instance, in 2012, 65 per cent of the juveniles completed the entire court sentence in pretrial detention.

**Detention conditions**

Detention conditions are a concern, especially pretrial detention, as children in closed facilities are particularly vulnerable to violations of their rights. Significantly, a study on torture and ill-treatment in the eight countries of Eastern Europe and Central Asia, undertaken as part of the EIDHR/UNICEF partnership, shed light on the extent of the phenomenon (see box below). Beyond these issues, detention for juveniles has been affected by a number of shortcomings.

### Albania: Improvement of detention conditions

Albania has progressively expanded a model for juvenile detention that seeks to strengthen rehabilitation and prevent recidivism. A model institution was established in Kavaja, with financial support from the European Union and technical assistance by UNICEF and NGO partners. Integrated services, such as education, vocational training, individual support, mediation, and legal and psychosocial assistance, are awarded to juveniles to increase their chances to reintegrate society and avoid reoffending. Penitentiary institutions have appointed teachers to ensure educational activities. The model still needs to be expanded to other pretrial detention centres for juveniles in the country. Despite this positive initiative, pretrial detention remains a significant concern in Albania. Alternatives to detention and the provision of community-based support should be considered as the primary approach to dealing with children in conflict with the law and a more cost-effective way of rehabilitating offenders and preventing reoffending.
Separation from adults is not always granted, especially for girls. In some instances, children may be kept in a separate section of the penitentiary institution but do not benefit from specialized services adapted to their needs. Although laws increasingly prohibit solitary confinement for children, such as the law adopted in June 2013 in the Republic of Moldova, it still exists in some places. Children may also be found in penitentiary institutions because they are being detained together with their mothers.

In Kazakhstan, centres for children in conflict with the law and street children were transformed into community-based family support services in 2010, with management responsibility transferred to the Ministry of Education. Improvements were made in the infrastructure and individualized programmes and psychosocial assistance developed.

V. POLICY INSIGHT DEBATE III: INDEPENDENT OVERSIGHT AND MONITORING

Throughout the CEE/CIS region, children in conflict with the law are among the most vulnerable citizens. They routinely suffer violations of their rights – usually out of sight of the general public, living behind closed doors, away from their families and support network – and with very little opportunities to complain formally and receive support. Reports from many countries in the region show that arrested and detained children are often subjected to violence – including torture, beatings, rape and humiliation. The Human Rights Commissioner from Tajikistan presented consolidated findings of research on torture and ill-treatment in juvenile justice carried out by Ombudsman offices and NGOs in eight countries of the region under the EIDHR/UNICEF partnership. He highlighted that 12 per cent to 69 per cent of children interviewed in this context reported ill-treatment or torture. Only very few do formally complain, and most abuse goes unreported and unpunished (see box below).

Effective independent oversight and monitoring should ensure that children in contact with the law have access to remedies in case their rights are violated. It should further enable a review of the functioning of the system and guarantee its accountability. Various actors and mechanisms should be involved in independent oversight and monitoring of the juvenile justice system, including ombudspersons, parliaments and civil society.

Discussions at the Conference focused on the following questions: What do we know about torture and ill-treatment in the region? What can be done to put an end to such practices? How to best reinforce oversight and bring impunity to an end?

Several countries in the region have established an ombudsman institution, and several ombudspersons or representatives of ombudsman offices were present at the Conference. Traditionally, the ombudsperson’s role is to monitor independently the action of the government vis-à-vis its citizens and address cases of maladministration. In the area of juvenile justice, the ombudsperson’s mandate includes the monitoring of detention conditions and the good functioning of justice institutions in line with the rule of law. In some cases,
there is a specialized office or department with a mandate to protect children’s rights, like in Montenegro, Republic of Moldova, Serbia and the former Yugoslav Republic of Macedonia where there are specialized deputy ombudspersons. In Ukraine, the office of the Parliamentary Commissioner for Human Rights (Ombudsman) underwent significant reforms, which led to the establishment of a National Preventive Mechanism (NPM) and a separate department for the observance of child rights, non-discrimination and gender equality. That department visited 311 institutions and 21 preliminary detention centres and police stations in 2012. In addition, a Presidential Child Rights Commissioner position was established in 2011, who conducted over 100 monitoring visits to the regions. As a result, the President amended various decrees and adopted instructions to strengthen juvenile justice.

National preventive mechanisms – as per the Optional Protocol to the Convention against Torture – have been set up in several countries. They progressively seek to include monitoring of the situation of children in contact with the law. In Kyrgyzstan, for example, the National Centre for the Prevention of Torture is currently developing its capacity to take a child-sensitive approach.

Parliaments have an important oversight function that can be used to strengthen the justice system and its attention to children – while preserving the independence of the judiciary. Parliaments adopt laws setting the organization and operation of the judiciary and allocate budgets. In some cases, they also contribute to the appointment of judges. Parliaments can carry out inquiries into the functioning of the justice system, conduct public hearings and oversee the actions of the executive branch, in particular ministries concerned by justice for children such as the Ministry of Justice, the Ministry of Interior, the Ministry of Social Affairs and the Ministry of Education among others. They also set up independent monitoring mechanisms (parliamentary ombudsman), like the Parliamentary Advocate in the Republic of Moldova, the Committee on Human Rights and Freedoms of the Parliament of Montenegro or the Parliamentary Commissioner for Human Rights (Ombudsman) in Ukraine.

In some countries, civil society contributes to monitoring the situation of children in contact with the law – their level of independence varies. In Armenia, the national preventive mechanism against torture has been established within the Human Rights Defender’s office.¹ The mechanism gathers professionals from different

¹ The Human Rights Defender of Armenia has status A with the International Coordinating Committee of National Human Rights Institutions in charge of accrediting independent institutions, indicating compliance with international standards.
backgrounds and eight civil society organizations, but these organizations require authorization in advance for any planned visit. In Serbia, civil society organizations have the opportunity to visit the detention facilities and provide recommendations. For example, the Helsinki Committee for Human Rights has been providing independent monitoring reports every three years over the last decade.

**Multicountry study on torture and ill-treatment of children**

Extensive research was carried out in the eight countries participating in the European Union/UNICEF partnership on torture and ill-treatment of children by the Ombudsman offices and NGOs. It aimed to assess their prevalence, the contexts in which they occur, the perpetrators and their motives, and the effectiveness of mechanisms for prevention, accountability and support to the victims.

The study found that torture and ill-treatment were widespread. Interviews with children uncovered that 12 per cent to 69 per cent reported ill-treatment or torture, the most common form being beatings combined with verbal and psychological abuse. Most ill-treatment occurs during apprehension or interrogation by police or investigators. The main motive is to obtain confession or information. However, violations typically remain unreported. Victims and their parents are often reluctant to complain because they do not trust the justice system, fear consequences, are not aware of their rights and available remedies, and are unable to pay legal fees.

Although safeguards against torture and ill-treatment exist in the law, they are usually ineffective. There are delays in access to a lawyer due to the gap between actual apprehension and recognition of custody. Staff responsible for medical screening is not always independent and is often poorly trained and motivated. Courts are reluctant to find confessions inadmissible without strong evidence of abuse. Appointed defence attorneys are often poorly motivated and lack training on communication with juveniles and signs of ill-treatment. Moreover, safeguards often do not apply to children under 14 years of age, i.e., the minimum age of criminal responsibility. Structural weaknesses of independent monitoring mechanisms contribute to a culture of impunity.

A common observation made during the Conference was that this is an area that requires further strengthening. Independent monitoring of the juvenile justice system is usually weak in CEE/CIS and impunity often prevails, depriving children in contact with the law from adequate remedies when their rights are violated. The limited number of complaints, when considered in light of extensive reports of abuse, ill-treatment and, in some instances, torture, demonstrates that concrete efforts need to be made to strengthen ombudsman offices and other independent monitoring mechanisms, including civil society. The development of national mechanisms to prevent and address torture provides the opportunity to give visibility to the issue at the national level. The independence and child friendliness of these mechanisms, however, requires ongoing attention.

It was pointed out that a key challenge lies with the broader difficulties in society to monitor children’s rights and ensure remedy and redress for violations – in particular for children in closed facilities. In this area, promoting children’s rights within the rule of law agenda would be particularly beneficial and calls for close collaboration among relevant actors, including the European Union, the Council of Europe and UNICEF.
VI. CHILDREN’S VOICES

An important feature of the Conference was the broadcasting of ‘OneMinutesJR’ videos. Young people in contact with the justice system crafted these videos during workshops organized with UNICEF and European Union support in their respective countries. Through the videos, they convey in their own creative words and images their views and emotions on their experiences. Aramais, from Armenia, described the pressure that he felt when falsely accused of rape. Eynar, from Kyrgyzstan, spoke about the violence experienced during interrogation by the police. Aleksey, from Ukraine, described how he received a four-year sentence for stealing two phones.

Adolescents also talked about their hopes and faith in the future. Suren, from Armenia, explained that he learned through community work how difficult it is to repair what has been broken. Lida, from Ukraine, shared how she realized how important her family was after she fell into drugs and alcohol. Tanya, from Ukraine, is full of hope for the future and eager to find employment to show that she is a responsible, creative citizen.

The videos have enabled to ground debates in children’s lived experiences, communicated through their own voices. A making of film was also shown [watch making of film].

VII. CONCLUSIONS AND WAY AHEAD

My name is Tanya. I am a very energetic young girl with a lot of hobbies. I like to draw and do arts, but a big part of my time I spend on my favourite pastime – baking bread… It is my favourite thing to do… And it’s also great to see how my hands create these delicious rolls and all kinds of different breads. I am a hard-working and responsible person. I like my work and through it I can express my creativity. If you are interested in employing me, I am available from 2014.

– Tanya, Melitopol detention facility, Ukraine. In the video, she has made to share her views and experience [watch video].

For the 130 key stakeholders present, the Conference was an opportunity to hear encouraging reports about progress made, learn from innovative practices, share challenges, and renew commitment to change. The Conference featured candid discussions, openness and transparency about the difficulty of the task, and eagerness to keep learning from each other and strengthening justice for children. Critically, through their videos, children in conflict with the law told participants about their world and realities and about how violent the juvenile justice system can be. They also shared their hopes and faith in the future as the best testimony to the resources they can offer when given the chance and adequate support. The Conference provided opportunities to:

Demonstrate progress and results – Important reforms have taken place with support from the European Union, UNICEF and others. In many countries, laws and policies have been brought closer to international
and European standards. Alternatives to detention – such as community service, mediation and vocational training – have been developed. The institutional capacity of police academies, schools of magistrates and other national training institutes has been strengthened. Violence against children behind bars is increasingly disclosed in public.

**Reaffirm policy priorities and commitment for further reforms** – The Conference provided a venue for governments’ representatives and experts to openly share the challenges they are facing and to strongly reaffirm their commitment to intensify reforms. Many governments committed to further adapting their justice systems to the rights of child victims and witnesses of crime, thereby initiating a gradual shift beyond juvenile justice.

**Include children’s access to justice on reform agendas** – For the first time on such a scale in the region, the Conference discussed children’s access to justice. Discussion focused on the use of civil and administrative justice proceedings for children and their families to obtain redress in cases of denial of social benefits, family separation or violations of rights to education or health, as well as the role of justice systems in breaking cycles of poverty and exclusion. These concepts will now need to be further refined and advanced, by using research on existing experiences and promoting a common understanding at the regional level and its implementation at country level.

**Enhance partnerships among key justice reform actors** – Building on a common understanding of progress made, partnerships were formed at both country and regional levels to address the unfinished juvenile justice reforms, broaden the scope of work to all children in criminal, civil and administrative processes, and provide equitable access to justice.

On the last day of the Conference, governments\(^9\) firmly committed to pursuing juvenile justice system reforms, tackling the remaining challenges, and intensifying reforms to adapt their justice systems to the rights of all children and expand the scope of their work to broader justice for children – i.e., child victims and witnesses of crime, children parties to civil and administrative proceedings and, by extension, all children who may seek redress for violations of their rights and entitlements.

Specific focus areas include (see Annex 1 for further details):

- **Specialization of the justice system, towards more child-sensitive justice.** This area comprises further law reform, strengthening of the architecture of the justice system including for the protection of child victims and witnesses, ensuring the availability of legal aid, and enhancing institutional capacities, in particular through the training of law enforcement officials.

\(^9\) The eight governments taking part in the EIDHR/UNICEF partnership announced their three policy priorities in plenary. The other governments present will discuss concrete priorities at country level, together with the relevant European Union delegation and UNICEF country office.
• **Further development of diversion and alternatives to deprivation of liberty**, by extending diversion to more serious crimes, expanding the range of options for alternative measures and sanctions, and stepping up social support for probation and rehabilitation, in particular through community-based initiatives.

• **Increased prevention**, by strengthening social measures and providing a better support to children and families, including by building on service provision by NGOs.

• **Independent monitoring** of the implementation of legislation and the situation of children in closed institutions.

• **Data and knowledge for evidence-based policy-making**, by improving data collection, management and analysis.

Strong and genuine commitments need to be translated into concrete implementation on the ground, from legal and policy frameworks to social measures and services. This requires constant reinforcing of institutional capacities, through adequate allocation of resources and consistent investments in developing the capacity of professionals. The objective is to ensure that the justice system respects and promotes the rights of all children, not only when they come in contact with the law but also even before they do.

The European Commission and UNICEF have committed to supporting governments in the region as they continue and intensify their reforms to advance respect for children’s rights and ensure that children are adequately served by national justice systems. Their complementary strengths – such as political leverage in the CEE/CIS region, strong partnerships with governments and non-governmental actors, respect for national ownership, and extensive technical knowledge – are critical assets in this regard. The Conference demonstrated the relevance and future potential of the cooperation between the European Commission, UNICEF and others to enhance justice for children in a comprehensive way throughout the region. The European Commission and UNICEF have reaffirmed their willingness to work together to address some of the key priorities: children’s access to justice, the development of child-friendly justice systems and the promotion of children within the rule of law and good governance agenda.
ANNEX 1 – POLICY PRIORITIES AND COMMITMENTS BY COUNTRY

Armenia

• Legislative reform. Adopt the draft Code of Criminal Procedure submitted to the Parliament, which foresees separate procedures for children in conflict with the law; revise the Criminal Code, including the reinforcement of alternatives to detention.

• Institutional capacity-building. Build the capacity of all relevant professionals; further develop existing community centres; establish a probation service in which special attention will be given to children.

• Evidence-based policy development. Improve research and data collection and management in line with the United Nations Office on Drugs and Crime (UNODC) minimum data standards; share across all relevant sectors in order to ensure evidence-based policy-making.

Azerbaijan

• Prevention of conflict with the law. Strengthen policies and measures to prevent conflict with the law and better support children and families in this respect.

• Further development of the juvenile justice system. Take further steps in the development of the juvenile justice system, including the adoption of the juvenile justice law and the introduction of specialized interrogation procedures and justice for children training in the Justice Academy.

• Protection of child victims and witnesses. Ensure protection of victims and witnesses through the establishment of a special Support Fund, which could be financed from the collection of fines paid by adult offenders.

Georgia

• Prevention of conflict with the law. Elaborate a detailed action plan in accordance with the recently developed Juvenile Crime Prevention Strategy; develop a unified referral mechanism for children needing support and services; enable service provision through the Ministry of Justice grants programme to NGO service providers; continue various prevention programmes implemented by the Ministry of Justice Prevention and Innovative Programmes Centre.

• Diversion and mediation programmes. Expand the Diversion and Mediation Programme for Juveniles throughout the country; eventually extend the programme to some grave crimes and apply it at the police and court levels. The range of alternative sanctions should be further developed in line with international and European standards and used appropriately to fully consider the specifics of each case.

The eight governments taking part in the EIDHR/UNICEF partnership announced their three policy priorities in plenary. The other governments present will discuss concrete priorities at country level, together with the relevant European Union delegation and UNICEF country office.
• **Specialized juvenile justice code.** Develop a separate juvenile justice code in order to fully realize the commitment to create a child-friendly system in compliance with international and European standards.

• **Specialization of prosecutors and capacity-building of judges.** Initiate specialization of prosecutors and capacity-building of judges to improve the quality of their work with children.

**Kazakhstan**

• **Specialization of courts and procedures.** Further develop specialized courts and introduce child-friendly procedures in court, including social and psychological services.

• **Diversion and alternatives to detention.** Further develop the institutions of pretrial settlement of disputes and the introduction of alternative methods for solving the criminal, civil and administrative cases, including improvement of conciliation and mediation involving minors.

• **Specialization of the police.** Develop a specialized juvenile police that includes district inspectors and specialized investigators.

• **Independent monitoring.** Further develop a sustainable system of independent monitoring of closed institutions for children, including the finalization of the special monitoring tools developed by the Ombudsman’s office in partnership with UNICEF and Penal Reform International.

**Kyrgyzstan**

• **Social support to children in conflict with the law.** Increase the number and capacity of community-based social workers to support children in conflict with the law; develop social work standards, including in terms of case management; consider the establishment of new services as needed.

• **Capacity-building and specialization of professionals.** Build the capacity and support the specialization of investigators, prosecutors, judges, lawyers and penitentiary officers; design and implement strict selection criteria.

• **Data collection and management.** Strengthen data collection and management mechanisms; improve statistical reporting, especially within the Ministry of Interior.

• **Protection of child victims and witnesses.** Strengthen the protection of child victims and witnesses of crime in criminal proceedings, through revising the law pertaining to victims’ protection and to children involved in criminal proceedings (including the Code of Criminal Procedure); develop standards and guidelines for child-friendly procedures in criminal justice; build the capacity of the government to improve intersectoral coordination as well as the capacity of justice and social professionals on child-sensitive criminal procedures.

• **Legislative reform and monitoring.** Further bring the laws in line with international standards, including the liberalization of criminal policies and simplified procedures; monitor the implementation of newly adopted practices; conduct public hearings regarding the implementation of legislative acts such as the Law on Probation, the Law on State Guaranteed Legal Aid, the Criminal Code and the Code of Criminal Procedure, and other relevant documents.
Republic of Moldova

• **Further development of the juvenile justice system.** Strengthen diversion from judicial proceedings; develop an effective juvenile probation mechanism for children in conflict with the law; strengthen linkages between the justice sector and social work; create a panel of judges and prosecutors specialized in cases involving children; increase the quality of free legal aid to children in contact with the law; improve the data collection and management system in justice for children; build the capacity of national child rights ombuds institutions to prevent and monitor ill-treatment and torture against children in detention.

Tajikistan

• **Legislative reform.** Further develop juvenile justice legislation.
• **Capacity-building of professionals.** Strengthen capacity-building of judges, prosecutors, police and other professionals dealing with children.
• **Alternatives to detention and support to reintegration.** Create rehabilitation and reintegration programmes in the community through scaling up the Juvenile Justice Alternatives Project.

Ukraine

• **Prevention of conflict with the law.** Improve policies and measures to prevent conflict with the law and support children and families in this respect.
• **Free legal aid.** Ensure that all children have access to free legal aid and receive proper defence and representation of their interests in court.
• **Specialization of procedures.** Implement effective child-friendly processes for children who are party to criminal proceedings, including the development of restorative justice approaches.
• **Support for reintegration.** Create an effective system of rehabilitation of juvenile offenders aiming at their resocialization and reintegration into society.
ANNEX 2 – LIST OF PARTICIPANTS

Albania

1. Mr. Xhezair Zaganjori – Chief Justice, High Court of Justice
2. Ms. Anila Nepravishta – Commissioner, Ombudsman’s Office
3. Ms. Vera Gavrilova – UNICEF Deputy Representative

Armenia

4. Mr. Aram Orbelyan – Deputy Minister, Ministry of Justice
5. Mr. Hayk Abgaryan – Head of External Relations, Human Rights Defender’s Office

Azerbaijan

7. Mr. Faig Gurbanov – Head of Division on Human Rights and Public Relations, Ministry of Justice
8. Mr. Elkhan Aliyev – Deputy Head of Chief Public Security Division, Ministry of Internal Affairs
9. Mr. Rashid Rumzada – Head of Unit on Human Rights Education, Office of the Commissioner for Human Rights (Ombudsman)
10. Ms. Kamala Ashumova – Executive Director, Reliable Future NGO
11. Ms. Nargiz Taghizada – Second Secretary, Embassy of the Republic of Azerbaijan to the Kingdom of Belgium and Grand Duchy of Luxembourg
12. Mr. Mark Hereward – UNICEF Representative
13. Mr. Munir Mammadzade – Child Protection Manager, UNICEF

Belarus

14. Ms. Larisa Melguy – Head of the Department on Organization and Analytical Assistance of Judicial Bodies Activities, Ministry of Justice
15. Ms. Irina Velichko – Advisor of the Department of Global Political and Humanitarian Cooperation of the Main Department of Multilateral Diplomacy, Ministry of Foreign Affairs
16. Ms. Svetlana Gorbacheva – Deputy Head of the Department of the Court Practice Analysis, Supreme Court
17. Mr. Yuri Oksamitniy – UNICEF Representative

Belgium

18. Mr. Benoît Van Keirsbilck – President, Defence for Children International

Bosnia and Herzegovina

20. Ms. Florence Bauer – UNICEF Representative
Bulgaria

21. Ms. Yanita Manolova – Deputy Executive Director of the Agency for Social Assistance
23. Ms. Elena Atanassova – Child Rights Specialist, UNICEF

Croatia

24. Ms. Mila Jelavic – Ombudsperson for Children
25. Ms. Gordana Filipovic – Ombudsperson Adviser, Office of the Ombudsman for Children
26. Ms. Martina Tomic Latinac – Programme Officer, UNICEF

Finland

27. Ms. Laura Reiniälä – Ambassador at Large, Unit for Eastern Europe and Central Asia, Ministry of Foreign Affairs

Georgia

28. Ms. Tea Tsulukiani – Minister, Ministry of Justice
29. Mr. Sozar Subari – Minister, Ministry of Corrections and Legal Assistance
30. Mr. Aleksandre Baramidze, Deputy Minister, Ministry of Justice
31. Ms. Sopio Japaridze – Deputy Minister, Ministry of Corrections and Legal Assistance
32. Mr. Paata Beltadze – Deputy Public Defender (Ombudsman)
33. Ms. Tamar Taliashvili – Head of Administration, Ministry of Internal Affairs
34. Mr. Irakli Kordova – Head of Department, Ministry of Corrections and Legal Assistance
35. Ms. Mariam Skhiladze – Head of Press and Public Relations, Ministry of Justice
36. Mr. Tengiz Ebralidze – Cameraman, PR Department, Ministry of Justice
37. Dr. Stephen Stork – Head of Section, EU Delegation
38. Ms. Tamar Khulordava – Project Manager, Justice and Rule of Law, EU Delegation
39. Mr. Sascha Graumann – UNICEF Representative
40. Ms. Teona Aslanishvili – Project Officer Juvenile Justice, UNICEF

Kazakhstan

41. Ms. Galiya Ak-Kuova – Judge of the Supervision Collegium of the Supreme Court (Civil and Administrative Law)
42. Mr. Vyacheslav Kalyuzhnyi – Head of the National Human Rights Centre
43. Ms. Saule Saparaliyeva – Head of Department, Analytical Work, Ministry of Internal Affairs
44. Mr. Jun Kukita – UNICEF Representative
Kyrgyzstan

45. Ms. Gulbara Kalieva – Deputy Head of the Supreme Court
46. Ms. Toktokan Borombaeva – Deputy Ombudsman
47. Ms. Galina Skripkina – Member of Parliament
48. Ms. Gulnara Sheishekeeva – Director, Public Fund Legal Centre
49. Mr. Raoul Villedieu de Torcy – UNICEF Deputy Representative
50. Ms. Elena Zaichenko – Child Protection Officer, UNICEF

Montenegro

51. Mr. Goran Kusevija – Deputy Minister, Ministry of Labour and Social Welfare
52. Ms. Nevenka Stankovic – Deputy Ombudsperson for Child Rights
53. Mr. Nikola Saranovic – First Secretary, Mission of Montenegro to the EU, Brussels
54. Mr. Benjamin Perks – UNICEF Representative

Republic of Moldova

56. Mr. Dorin Recean – Minister, Ministry of Interior
57. Ms. Liliana Palihovici – Vice-President of Parliament
58. Ms. Olga Rujanski – Counsellor to the Vice-President of the Parliament
59. Mr. Claude Cahn – Human Rights Adviser, United Nations Office of the Resident Coordinator
60. Ms. Stella Cortecea – Justice for Children Officer, UNICEF

Serbia

61. Mr. Danilo Nicolic – State Secretary, Ministry of Justice
62. Mr. Kosta Mitrovic – Human Rights Advisor, Ministry of Justice
63. Ms. Vesna Rakonjac – Member of Parliament, Member of the Committee on the Rights of the Child
64. Ms. Katlin Brasic – Child Protection Specialist, UNICEF

Tajikistan

65. Mr. Rustam Mengliev – Minister, Ministry of Justice
66. Mr. Zarif Alizoda – Ombudsman
67. Mr. Kobilov Bakhtiyor – Senior Specialist of the Department of Child Rights and Juvenile Justice, Ministry of Justice
68. Mr. Umed Boboev – Legal Advisor to the President
69. Mr. Nurullo Akilov – Member of the Committee on Science, Education, Culture and Youth Policy
70. Ms. Laylee Moshiri – UNICEF Representative
The former Yugoslav Republic of Macedonia

71. Mr. Ibrahim Ibrahimi – Deputy Minister, Ministry of Labour and Social Policy
72. Mr. Sheldon Yett – UNICEF Representative

Turkey

73. Mr. Bilal Çalışkan – Deputy Undersecretary, Ministry of Justice
74. Ms. Serpil Çakın – Ombudsperson in charge of Women and Child Rights
75. Mr. Vehbi Kadri Kamer – Head of Training Department, Directorate General Prisons and Detention Centres
76. Mr. Abdulkadir Kaya – Director General for Child Services, Ministry of Family and Social Policy
77. Ms. Berna Suer – Expert, Ombudsperson’s Office
78. Mr. Göktan Koçyıldırım – Child Protection Officer, UNICEF

Turkmenistan

79. Mr. Serdar Durdyyev – Deputy Minister, Ministry of Interior
80. Mr. Begmyrat Muhamedov – Deputy Minister, Ministry of Justice
81. Mr. Shohrat Orazov – Social Policy Officer, UNICEF

Ukraine

82. Ms. Inna Yemelianova – First Deputy Minister, Ministry of Justice
83. Mr. Yuriy Pavlenko – Presidential Commissioner for Child Rights
84. Mr. Iurii Bielousov – Representative of the Commissioner for the National Preventive Mechanism, Commissioner for Human Rights
85. Ms. Iryna Kucherina – First Deputy Head of Main Department for the Protection of Children’s Rights and Freedoms, General Prosecutor’s Office
87. Ms. Larysa Usenko – Deputy Editor in Chief, Newspaper ‘Uryadoviy Courier’ (‘Government’s Messenger’)
88. Ms. Olga Lemish (Vesnianka) – Freelance Journalist, Online newspaper ‘Ukrainska Pravda’ (‘Ukrainian Truth’)
89. Ms. Yukie Mokuo – UNICEF Representative
90. Ms. Ruslana Sirman – Child Protection Officer, UNICEF

United Kingdom

91. Ms. Avril Calder – Magistrate, International Association of Youth and Family Judges and Magistrates
92. Ms. Veronica Yates – Director, Child Rights International Network
93. Ms. Larisa Abrickaja – Eurasia Regional Co-ordinator, Child Rights International Network

Uzbekistan
94. Ms. Safinas Ahaeva – Justice for Children Officer, UNICEF

Experts and international organizations
95. Mr. Robert Badinter – Former French Minister of Justice, Paris
96. Ms. Renate Winter – UN Committee on the Rights of the Child, Vienna
97. Ms. Emily Logan – Child Ombudsman of Ireland, Dublin
98. Mr. Stephen Golub – University of California at Berkeley School of Law, Berkeley
100. Ms. Carolyn Hamilton – Coram Children’s Legal Centre, Colchester
103. Ms. Gordana Berjan – Head of Children’s Rights Policies Unit, Council of Europe, Strasbourg
104. Ms. Saule Mektepbayeva – Regional Director for Central Asia, Penal Reform International, Astana
108. Mr. Bajram Rexhepi – Juvenile Justice expert, Pristina
109. Mr. Sami Kurteshi, – Human Rights expert, Pristina
110. Ms. Suzana Novoberdaliu – Human Rights expert, Pristina
111. Mr. Syle Sefaj – Expert, Pristina

European Commission
112. Mr. Stefan Füle – Commissioner for Enlargement and European Neighbourhood Policy
113. Mr. Kristian Schmidt – Director Human and Society Development, Directorate-General for Development and Cooperation, European Commission
114. Mr. Jean-Louis Ville – Head of Unit, Governance, Democracy, Gender, Human Rights, Directorate-General for Development and Cooperation, European Commission
115. Ms. Marina Marchetti – Governance, Democracy, Gender, Human Rights, Directorate-General for Development and Cooperation, European Commission
116. Ms. Margaret Tuite – Child Rights Coordinator, Directorate-General for Justice, European Commission
117. Ms. Georgia Dimitropoulou – Seconded National Expert, EU Agency for Fundamental Rights
European Parliament

118. Ms. Elisabeth Jeggle – Member of the European Parliament
119. Mr. Johannes Weber – Assistant to Ms. Jeggle

UNICEF National Committees

120. Ms. Bénédicte Jeannerod – UNICEF France
121. Mr. François Duchamp – Chargé de mission Enfance en France, UNICEF France
122. Ms. Nele Lefevere – Child Rights Officer, UNICEF Belgium

UNICEF – Headquarters, Regional Office for Central and Eastern Europe and the Commonwealth of Independent States and Brussels Office

123. Ms. Yoka Brandt – Deputy Executive Director, NYHQ
124. Ms. Marie-Pierre Poirier – Regional Director
125. Mr. Philippe Cori – Director, Relations with the EU Institutions, Brussels Office
126. Mr. Jean-Claude Legrand – Senior Regional Adviser Child Protection, Regional Office
127. Ms. Lila Pieters – Senior Adviser, Brussels Office
128. Ms. Michaela Bauer – Partnerships Manager, Regional Office
129. Ms. Anne Grandjean – Child Protection Specialist, Regional Office
130. Ms. Lely Djuhari – Communications Officer, Regional Office