

# CONFERENCE REPORT

## Regional Conference on Children's Access to Justice



25 - 27 February 2020

Sarajevo, Bosnia and

Herzegovina

### Children's Access to Justice

Europe and Central Asia



Sarajevo, Bosnia and Herzegovina  
25-27 February 2020



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#JusticeForChildren

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Norwegian Ministry  
of Foreign Affairs

## FOREWORD

This report summarizes a 3-day Children's Access to Justice regional conference, attended by over 150 government, academic, civil society, young people and representatives of international organizations and the Committee on the Rights of the Child. The conference focused on the countries in Europe and Central Asia and was convened in Sarajevo by the Ministry of Justice of Bosnia and Herzegovina and was supported by UNICEF, the EU, and the Governments of Switzerland, Sweden and Norway. The conference took place at the end of February 2020 just as COVID-19 was spreading across the region. This report is now being disseminated with the pandemic clearly in view, and impacting on all aspects of daily life, including children's access to justice.

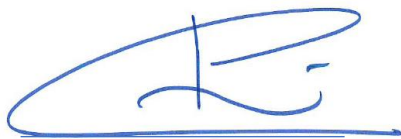
The conference pointed to the steady decline of children in pre and post-trial detention in the region. Participants concurred that this decline is largely attributable to legislative reforms that increased the minimum age of criminal responsibility, capacity building of professionals across the justice sector, and the introduction and systematic scale up of alternatives to detention including diverting children in conflict with the law away from judicial proceedings. However, there continue to be thousands of children in detention across the region with some countries still in the process of developing important reforms.

The conference also focused on child victims and witnesses, children involved in civil and administrative proceedings and children on the move. Governments across the region are seeing increases of children as victims and witnesses before the courts, with insufficient capacity to ensure their rights are protected. The conference exchanged good practices across governments on how to provide gender-sensitive and age appropriate services within the justice sector.

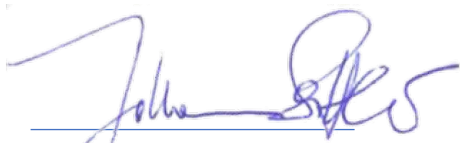
The COVID-19 crisis provides a unique opportunity for Governments to accelerate the promotion of alternatives to detention, and to strongly consider releasing children from places of detention as a way of preventing the spread of infection. The majority of children in conflict with the law in Europe and Central Asia have committed petty crimes or minor offences and too often, prejudice related to race, ethnicity, migration status or social and economic status may bring a child into conflict with the law even when no crime has been committed or result in harsh treatment by law enforcement officials. Albania and Turkey have already released some children from pre-trial and post-trial detention in response to COVID-19. Other countries should consider similar measures. The COVID-19 crisis has also highlighted the need for increased specialization across the justice system. Governments have had to adjust court procedures and decision-making processes to cope with social distancing requirements while still trying to ensure that children receive the protection and support, they need when they interact with the justice system. This includes how child-friendly interview rooms and techniques can be altered to ensure children's right to protection are fulfilled, and public health considerations are also addressed.

While COVID-19 will have lasting health, social and economic consequences, it also provides a unique opportunity to advance important reforms for children in contact with the law. The information and

experiences exchanged and promoted during the conference can help contribute and motivate for continued reforms. Our aim is clear: to ensure that children are afforded equitable access to justice, and that those justice systems are equipped to address children's rights as enshrined in the Convention of the Rights of the Child, everywhere, and always.



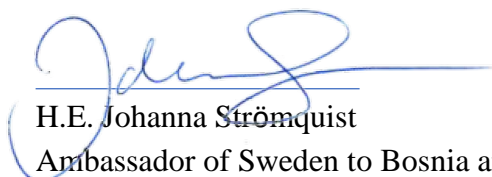
Mr. Philippe Cori  
UNICEF Deputy Regional Director for Europe and Central Asia



H.E. Johann Sattler  
Head of the Delegation of the European Union to Bosnia and Herzegovina and EU Special Representative in Bosnia and Herzegovina



H.E. Andrea Rauber Saxer  
Ambassador of Switzerland to Bosnia and Herzegovina



H.E. Johanna Strömquist  
Ambassador of Sweden to Bosnia and Herzegovina



Ms. Siri Andersen  
Chargé d'affaires, Norwegian Embassy to Bosnia and Herzegovina  
Norway Ministry of Foreign Affairs

## EXECUTIVE SUMMARY

In February 2020, the UNICEF Europe and Central Asia Regional Office (ECARO), in collaboration with the BiH UNICEF Country Office and the Ministry of Justice of BiH, hosted a three-day regional conference in Sarajevo, BiH on “Children’s Access to Justice” with over 150 participants consisting of government officials and child protection experts across the Europe and Central Asia region. Young people from different countries across the region who have had contact with the justice system, or are advocates for child rights, also participated and shared their experiences.<sup>1</sup>

The overall goal of the Conference was to take stock of what has been achieved over the past years in justice for children reforms, to share good practices with a focus on victims and witnesses of crime, children involved in civil proceedings, and children on the move. The Conference noted progress, best practices, challenges, gaps and linkages with respect to fostering greater access to justice for children as part of a larger rights agenda. The Conference highlighted partnerships, to ensure boys and girls continue to benefit from ongoing reform efforts across the region, including those children that are on the move or seeking asylum. More specifically, the Conference objectives were to:

- identify promising practices and to exchange information on justice for children reforms and access to justice practices across the region;
- identify gaps and ways of strengthening interventions and services for children in contact with the justice system especially victims and witnesses and children on the move; and
- re-commit to efforts towards strengthening child-friendly justice system that sufficiently responds to the needs of all children in contact with the justice system and measures for enhancement of equitable access to justice.

The first day provided a comprehensive introduction to some of the key issues arising in the context of children’s equitable access to justice, including significant strides in justice for children legislative reforms, the use of diversion and alternative measures, and children’s involvement in civil proceedings. There was a broad consensus that legislative reforms significantly contributed to the decline in the use of detention, and the increase in use of alternative measures, however, these reforms took time, and they require continued attention and vigilance. At the same time, reforms related to child-friendly civil and administrative proceedings are still in their infancy, and children are still not viewed as rights holders. Upholding the rights of children involved in civil proceedings entails understanding the broader context of the right to access justice and that it is not only how to treat children in the justice system, but also supporting children in claiming their rights. Children face multiple obstacles as rights holders, as girl children, as unaccompanied minor children, as victims of violence, including lack of access to information, fear of negative repercussions, and lack of legal capacity to file cases without parental consent. Children

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<sup>1</sup> The agenda, biographies and presentations of speakers at the Conference, and other resources on children’s access to justice are available here: <https://wcmprod.unicef.org/eca/child-protection/access-justice>

need the support of specially trained personnel, including, social workers, psychologists, and legal aid providers to remove barriers in seeking and obtaining equitable access to justice.

The need to collect better statistical data on children was continually highlighted, as well as the development of evidence-based policies. At the same time, children's subjective experiences need to be better integrated into the justice system—justice systems need to acknowledge and speak to children's lived experiences. More information is needed to understand children's experience of the justice system, and children should be involved in decision-making processes more, both as individuals and as a group.

With regard to the determination of a child's best interest, it was underscored that no legitimate legal system or process which has the capacity to make an order that impacts upon the child, upon the child's living arrangements, upon the child's family unit, can realistically be deemed fair where it does not hear the child. The best interests of the child must be paramount and can only be determined where we hear the child.

The second day focused on children as victims/witnesses and took stock of promising practices and remaining challenges. Many countries are developing procedures for interviewing child victims and witnesses which provide greater protections for children by integrating psychological support into the judicial proceedings and connecting the child with integrated services through cooperation with social protection professionals. It was concluded that the elements involved in ensuring adequate protection of children as victims and witnesses overlap with the experience in the region of promoting alternative measures for children, namely, an adequate legal and policy framework is required, the immediate engagement of specialized personnel (*e.g.* witness support providers and specially trained police, prosecutors and judges), cooperation across sectors, and particularly with the social welfare authorities, and sufficient financial resources, including for physical infrastructure works. As these types of resources are increasingly in place, it would be expected to see an increase in the number of child victims and witnesses, and justice systems must be prepared. One particularly positive practice identified was the Barnahus approach, which relies on a multi-disciplinary, inter-agency approach, where all of children's needs can be met through an integrated case management approach involving all stakeholders in one child-friendly premise. Experience in using the Barnahus model demonstrates positive results both for the protection of children's rights, and the availability of legally-valid testimony for use in criminal proceedings. Many countries in the region are moving towards adopting this model, and one of the most important preconditions for sustainable implementation of this model is that there is clear political will to create these structures, and that the model is fully integrated into the domestic legal and policy framework.

The equitable access to justice framework must also acknowledge the dire situation in terms of the close connections between violence against children (VAC) and intimate partner violence (IPV) in the region, and the fact that drivers of violence are often fueled by the same underlying causes. The research demonstrates clear overlaps between witnessing IPV and experiencing physical abuse as a child. Social norms regarding gender roles and a high tolerance for violence are contributing factors and must be

addressed. The justice sector has a powerful role to play in providing a coordinated response to ending violence against women, girls and boys, by ensuring that child-friendly and gender-sensitive age appropriate services are available for victims of violence, by enhancing the legislative and policy frameworks which support identification, reporting and referral of cases involving violence against children, and by improving the capacity of all professionals who support children victims of violence.

The third day focused on access to justice for children affected by migration. The importance of providing comprehensive legal aid to support children's access to the full range of their rights, from the right to accommodation, education, health care, *etc.*, while on the move, was identified as fundamental, as well as the importance of integration of legal aid with other services and use of cultural mediators who can work side-by-side with legal aid providers. Legal counselling must encompass all aspects of the child's experience, meaning the day-to-day needs of children on the move, as well as their longer-term perspectives. Experience shows that child-friendly information is needed from the outset, meaning information which is tailored to the child's age/maturity, language, gender, and culture. It was concluded that the children's access to justice agenda, in this region in particular, must include and integrate access to justice for children on the move.

Throughout the Conference, the following **key takeaways and recommendations** emerged from the discussions:

- a) Bring greater attention to the need for robust legal and policy frameworks, capacity building for professionals, and empowerment of children to ensure their access to equitable justice.
- b) Continue to strengthen and scale up diversion, mediation, restorative justice programs and alternatives to detention.
- c) Recognize children as rights holders, which closely correlates with children's ability to claim their rights, seek and access remedies, and to be supported by professionals in justice processes. Cultural barriers to children being perceived as rights holders must be tackled.
- d) Reframe the nature and objective of family law proceedings and reimagine them as creating a forum for all parties' interests and views to be heard, especially the views of children, to ensure that the best outcome for children is achieved.
- e) Strengthen and promote partnerships among social work, psychology and justice systems to support children and their families involved in all forms of formal and informal proceedings.

- f) Enhance integration of mediation in judicial proceedings and ensure that there are standards and operational procedures to ensure voices of children are heard, quality of services maintained, and best interests of the child is safeguarded.
- g) Adopt the Barnahus model and integrate this model into local and national child protection structures to ensure the most effective, child-friendly, and gender-sensitive responses to the needs of child victims and witnesses.
- h) Develop integrated national action plans to address Violence Against Children (VAC) and Intimate Partner Violence (IPV), including mechanisms for identifying, reporting, and referring cases of VAC.
- i) Strengthen comprehensive, multi-sectoral responses to ending violence against women and children, which involves coordinated, state-funded, high-quality and easily accessible provision of services for women and children. The needs of the most vulnerable groups (disabled/refugee/migrant/rural/single-headed households) require greater focus.
- j) Challenge the normalization of violence. Work towards shifting harmful social norms which drive violence against children and women by supporting integrated multi-sector programs to address these factors, including positive parental programmes.
- k) Ensure that children on the move are supported in accessing all of their rights, on an equal basis with all children under the State's jurisdiction, including access to education, health care and other rights. Integrate legal aid for children on the move into the broader access to justice agenda and ensure that legal aid addresses all of children's needs, not only their immigration status.
- l) Expand availability of legal aid for all children involved in criminal, civil, and administrative proceedings.
- m) Strengthen data collection to document and understand the lives of children. Develop policies based on sound data and evidence.

**Tuesday, 25 March 2020**

## **Equitable access to justice for children**

### **Opening session: the importance of access to justice for children**

**Mr. Josip Grubesa**, Minister of Justice, BiH opened the Conference by emphasizing the significance of promoting access to justice for all children, which must involve the justice, law enforcement, and social protection sectors. He noted that BiH has done a lot to expand and improve children's access to justice, in particular, through implementation of the Laws on Protection and Treatment of Children in Contact with the Justice System. He reiterated the commitment of BiH to improve alternative measures for children and implement needed reforms so that access to justice for all children in BiH is a reality.

**Ms. Andrea Rauber Saxer**, Swiss Ambassador to BiH, began by noting the many accomplishments BiH has achieved in terms of strengthening access to justice for children. With respect to data collection involving children, she emphasized the significance of obtaining accurate statistical data. She noted that Switzerland will host the UN World Data Forum in Bern in October 2020 and the "Road to Bern" will be an important aspect of highlighting the added value of official statistics for the creation of evidence-based policy making. She encouraged participants to strengthen the use of statistics in relation to children's access to justice.

**Mr. Torgny Svenungsson**, Deputy Head of Mission, Embassy of Sweden in BiH, underscored the need to create more child-friendly justice in this region using a multi-disciplinary, inclusive approach which brings together governmental, civil society, and the media. Support services should be gender-sensitive and empowering, so that access to justice is truly equitable. Efforts to improve access to justice should be systematically included into justice reform processes, and children should be consulted in this process. He noted the significant progress that has been made in BiH, and that looking back to 2010, just ten years ago, the focus was exclusively on children in conflict with the law, and now we have expanded the access to justice agenda to include children in all types of proceedings. He noted that all governmental levels have participated in this reform process, and one of the most results is the cadre of certified professionals who are trained to provide child-friendly justice services to children. He called for strengthened data collection, and better integration between the data processed by the BiH High Judicial and Prosecutorial Council (HJPC) and the official statistical agencies. He expressed his hope that this conference will strengthen children's access to justice, in BiH, and the broader region.

**Mr. Johann Sattler**, Head of EU Delegation and EU Special Representative in BiH, opened his remarks by noting that the protection and promotion of the rights of the child is one of our shared obligations. The rule of law, including access to justice for children, is fundamental when it comes to EU accession. The EU has a number of tools to support integration, but nothing is possible without the strong participation of civil society, including children and young people. In March 2020 the EU will be launching a rule of law platform using social media to promote young people's involvement. In terms of children's access to

justice, he noted that the legal framework is solid in BiH, but full harmonization and uniform implementation is problematic, and the policy framework is outdated. He echoed the need to collect better data and strengthen the use of alternative measures. He concluded by noting that access to justice for children is a central component of children's rights and is crucial to efforts to end poverty and discrimination against children.

**Mr. Phillippe Cori**, UNICEF Deputy Regional Director for Europe and Central Asia, opened his remarks by noting that the access to justice for children reform process in the region has been deliberate and focused, and that much progress has been made. UNICEF will continue to focus on using detention as a last resort, scaling up alternatives to detention, promoting the independent monitoring of children's rights, and strengthening capacities of key personnel, including the police, prosecutors, judges, social workers, and legal aid providers. He also underlined the need to strengthen data collection. He urged that children on the move be treated as children and should not be placed in any type of detention-like setting. For child victims and witnesses, he called for greater cooperation between the social sectors and the judiciary to ensure that their rights are fully respected. With regard to the very sensitive issues of removal of parental rights, and parental custody decisions, we need to support the full expression of the child, and craft new ways of ensuring that the child's best interests are met, both as a matter of substance and in the manner that the child is heard in the proceedings. He expressed concern at the ongoing stigma against some children and urged that children with disabilities have equal access to the full range of rights. He referred to the central importance access to justice has been given in United Nations Sustainable Development Goal no. 16<sup>2</sup>, and concluded by highlighting that child-friendly justice is a core aspect of peace-building.

## Importance of access to justice for children - young persons' voices

**Mr. Ibrahim Kondeh**, a young migrant from Sierra Leone living in Italy, shared a moving story of leaving his home in Sierra Leone at age 16 with the dream of living a life of freedom and safety. He travelled through Guinea, Mali, Burkina Faso, Niger, Algeria and Libya before reaching Italy. In Libya he was forced to work at gunpoint, and he knew children who perished on this journey. He faced many challenges upon his arrival to Italy, including his immigration status, lack of information, and language barriers. He was introduced to a newly-developed platform, developed by DLA Piper<sup>3</sup> and UNICEF, to provide access to information on a mobile phone. He described, "So I knew what my rights were, and then I realized that many of my rights were violated." He concluded that although his life in Italy has not been easy, today he is in a better place, and he is happy to attend college on a scholarship. With the help of his school and DLA Piper, he finalized his immigration status so that he can reside in Italy.

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<sup>2</sup> Development Goal 16 is to: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."

<sup>3</sup> DLA Piper is a global law firm which supports children's access to justice through its *pro bono* legal work.

**Ms. Kristina Ivankovic**, a student at the Law Faculty Mostar, BiH, highlighted the importance of access to legal aid and information as a core aspect of creating child-friendly justice system. She noted that BiH has made progress in the exercise of children's rights over the past 25 years, but there are many challenges, including: 1) advocacy for and implementation of adequate policies; 2) refugee and immigrant children; 3) education system issues; 4) lack of adequate data about children; and, 5) gaps and deficiencies in the implementation of justice for children. The overarching obstacle in enhancing children's access to justice is that children are not viewed as rights holders. Thanks to the Legal Clinic project, students of eight public law schools in BiH had the opportunity to build their professional capacities, improve their specialized theoretical and practical knowledge and skills in the field of protection of rights and interests of children, and provided direct legal support to children in various legal proceedings.

### **Keynote panel: children's equitable access to justice in Europe and Central Asia - Why does it matter?**

**Mr. Claude Cahn**, Human Rights Adviser, OHCHR, invited participants to integrate multiple perspectives into this conversation about equitable access to justice. Looking at the international complaint mechanisms, he noted that children are bringing varied and interesting claims before international bodies,<sup>4</sup> such as subjecting migrant children to medical procedures to determine their age, lack of enforcement of child visitation, male circumcision without the mother's consent, a challenge to home schooling as children's isolation from society, and 16 children from different states jointly filing a claim as victims of climate change, among others. He applauded this region as having been a leader on a number of reform processes, and in particular noted four themes of significance for the children's access to justice agenda in this region and around the globe, and they include: 1) segregation of Roma children—with respect to this issue there has been progress at national and regional level largely due to work of civil society; 2) de-institutionalization of children, particularly the right of children with disabilities to live in communities; 3) the human rights of migrant children; and 4) LGBTQ children, legal gender recognition for trans children, and rights of inter-sex children, and school bullying.

**Professor Ton Liefwaard**, Leiden University, the Netherlands, underscored that the sustainable development agenda has incorporated equitable access to justice for children as a vehicle to promote the rights of children, and that children have a clear right in international law to seek effective remedies, and full implementation of this right should result in tangible outcomes for children. In addition to the fundamental right to a remedy, there are also other important aspects which must be embraced. Children should be included in decision-making, both as individuals and as a group. Both formal and informal systems and remedies, such as national human rights institutions and other more innovative solutions, such as in schools and community centers, should be developed. Our role is to challenge traditional attitudes towards children and recognize children as rights holders; this is particularly necessary to address

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<sup>4</sup> Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

violence in the home and the rights of girls. Children face specific challenges when it comes to access to justice, including the denial of standing and lack of child-sensitive justice systems. Much work remains to be done to connect justice with children's lives and how they understand their rights. In recognizing children as rights holders, it is important to look at the accountability of duty-bearers, which is primarily the state, but also private actors, businesses, and service providers. Professor Liefwaard concluded that the decline in use of detention is impressive and sets a good example for other regions, at the same time, a comprehensive understanding of children's access to justice means that we must also move beyond the data, and see how children are being treated, and how their needs are being met, in practical ways. For example, how do children experience diversion? How are children obtaining the services they need? He encouraged participants to approach children's equitable access to justice using both a comprehensive approach, and one that also values the specificity of individual children's lives.

**Mr. Greenberg** (ECARO Regional Advisor, Child Protection) noted that in 2000, 45,000 children in the region were in detention, and now, in 2020, under 5,000 are in detention, which represents an almost 90% decline. He noted that legislative reform, specifically raising the age of criminal responsibility (age 14 in many countries), made a difference, but addressing the needs of children under age 14 remains a challenge. Unfortunately, data which captures use of diversion and alternatives to detention is difficult to obtain. Looking at child victims/witnesses, it is notable that improving victim/witness support generally leads to more children coming forward as victims/witnesses, and therefore rising numbers in this area should be expected. The system needs to be ready to deal with the increased numbers. He concluded by emphasizing that progress with respect to children's access to justice is not necessarily linear, and that instead there are many parts which need to be engaged simultaneously, such as political will, legislative reforms, resources, and creation of an enabling environment. This is the reality that has to be embraced.

### **Panel: Realizing the rights of children in contact with the justice system through policy and legislative reforms**

**Ms. Iris Aliaj**, Advisor to the Minister of Justice, Albania, began by noting that Albania, in 2017, adopted the Criminal Justice for Children Code, which is a comprehensive piece of legislation intended to support the best interests of the child, and encompassing children as victims/witnesses or offenders. The Albanian National Strategy is also a vital part of Albanian's child-friendly justice system. The Albanian Ministry of Justice is monitoring and coordinating implementation of the Code and National Strategy. The Criminal Justice Children's Code supports restorative justice with main goals of resocialization, rehabilitation and prevention, and diversion is provided for in the Code based on a range of factors. Children who commit offenses are treated outside the penitentiary system, and municipal-based services are promoted. The Ministry of Justice signed 22 cooperation agreements with Municipalities to enable the development of community-based multidisciplinary centers. In 2020, these services will be expanded to 50 other municipalities. The Ministry of Justice is setting up a new modality to treat juveniles through rehabilitation programs and is seeking to close all institutions. Work is also being done to improve the infrastructure of police stations, prosecutors' offices and courts to facilitate child-friendly interviewing facilities. In

response to a question, Ms. Aliaj pointed out that changing the mentality and approach of professionals has been crucial, as even with strong legislation, persons implementing the laws need to have the right approach. In terms of violence in the family, as a new approach, social workers bring cases to courts to protect the children's rights.

**Mr. Goran Djukovic**, Juvenile Justice Judge, Montenegro, noted that Montenegro has undertaken significant legal reforms which emphasize alternative measures, the specialization of all professionals working with children in the proceedings, and a multi-disciplinary approach. One of the new aspects in the Law is a special service at prosecutors' offices so that psychologists are available around the clock. He emphasized that he always avails himself of these experts in proceedings he chairs, and this has proven to be a useful improvement in the proceedings. Psychologists coordinate their tasks and role with the social workers, and the social work service is fully integrated into the proceedings. With the support of these professionals, children feel safe, whether they are perpetrators or victims. Mr. Djukovic concluded that the focus needs to remain on use of diversionary measures and avoidance of formal procedures. In court proceedings, judges must adapt the proceedings as much as possible to the child, meaning using child-friendly language and flexibility.

**Ms. Svetlana Artikova**, Deputy Prosecutor General of the General Prosecutor's Office, noted that Uzbekistan society understands that fundamental reforms are still needed in the child justice system. The number of institutions for children has been reduced, and a reform process has been initiated which emphasizes: 1) prevention; 2) rehabilitation; and 3) reintegration. The recommendations of the Committee on the Rights of the Child have been an important source of spurring on reforms, as has an assessment on the effectiveness of the Specialized Educational Upbringing Institutions. Looking at recent progress, in 2018, there were 114 children in institutions during the last quarter of 2018, while in the same period in 2019, only 69 children. During this same period, a greater number of children were released from the specialized institutions, and support was offered to children as they were released.

**Ms. Marija Dimovska**, Advisor for Human Rights and Comparative Legal Analysis, Ministry of Justice, North Macedonia, opened her presentation by noting that North Macedonia has a Law on Children's Rights, adopted in 2009, establishing a complete system of justice for children, followed by the Law on Juvenile Justice adopted in 2013. It gives priority to preventative, protection and educational measures, and uses the best interests of the child and the right to be heard as key standards. Children are given an active part in the proceedings, and the Law is fully aligned with the standards set forth in the Convention on the Rights of the Child. Cases involving children are processed in the basic courts. Training for justice professionals is foreseen for five days a year. Court proceedings are initiated only when a child age 14 and older, commits an offence punishable by three years or more. In terms of statistics, out of 1,152 cases involving children, 83 children received measures. In 2018, only 12 children were sentenced, while in 2017, 53 children were sentenced to a rehabilitation institution, so the trend is moving in the right direction. Currently North Macedonia is working on amendments to its Juvenile Justice Act.

## Panel: Diversion, restorative justice and alternatives to detention practices

**Ms. Jasna Pecanac**, Federal Prosecutor, BiH, noted the significant results achieved through its legislative reform process, highlighting the specialization of all professionals, a new procedure for police warning, and the early involvement of the social protection authorities as best practices in promoting the use of diversion. The focus of proceedings involving children in conflict with the law after the reforms include: 1) specialization of professionals; 2) diversion as an imperative; 3) the principle of gradualism; 4) temporary accommodation during the proceedings; and 5) shorter duration of proceedings and release on parole. Some of the ongoing challenges include: 1) increasing number of children under 14 who are in conflict with the law; 2) additional investments needed for consistent implementation of the law; 3) harmonization of practices aimed at equitable treatment and protection of all children; and 4) enhanced services for child victims/witnesses. Overall, her conclusion was that the legal framework, combined with adequate training for professionals, and investments to ensure that sufficient infrastructure accompanied the law, has meant significant improvements in the use of alternative measures.

**Mr. Oleksandr Banchuk**, Deputy Minister of Justice, Ukraine noted that one of their key innovations is an inter-agency council for children tasked with coordinating and developing the legislative and policy framework. This agency has also conducted a needs assessment and is working with donors to coordinate and fund appropriate projects. The Ministry of Justice developed a Draft Law on Justice Friendly for Children, which will be accompanied by amendments to many other relevant laws, such as Law on Criminal Procedure, Law on Administrative Procedure, and so forth. Ukraine is also working on a draft law on compensation to victims from the criminal offenses which will establish a separate fund from the state budget, to compensate victims, including juvenile victims of criminal offenses.

**Mr. Oleksandr Baranov**, Director a.i. of the Coordination Centre for Legal Aid Provision, Ukraine explained that the free legal aid system is an independent body within the Ministry of Justice. Overall offenses involving minors account for less than 1 percent of the cases, but the numbers are still quite large, although there is a downward trend. In 2018, there were 5,237 cases involving children, while in 2019, 4,476 cases involving children. Ukraine has been intensely developing a mediation program, where, if both parties agree, the prosecutor forwards the case to the free legal aid system. With the support of UNICEF, almost 50 lawyers were trained as mediators in a pilot project. One challenge is that there was no law on mediation, so it was unclear who could serve as a mediator. There were 336 cases where the prosecutor proposed that the child participate in the pilot project. Thus far, 92 cases involved the use of mediation, and 75 agreements have been signed. Ukraine is seeking to scale up this mediation program to encompass the entire territory and ensure its sustainability.

**Mr. Gocha Lordkipandize**, Deputy Minister of Justice, Georgia noted that Georgia initiated significant reforms since 2012 to ensure that children have access to diversion and mediation, and as of 2015, prosecutors are required to consider diversion as an alternative form to criminal prosecution for juveniles and young adults under the age of 21. Some of the challenges that Georgia had to overcome include: 1)

changes in institutions are not enough, and indeed, change in institutional culture is required; 2) the residual ‘zero tolerance’ culture has left a mark, and there is a need to create a new culture to more fully integrate a social protection approach; and 3) Georgian professionals benefited from multi-disciplinary training on diversion and restorative justice approaches. As a result, a cadre of specialized professionals emerged now who are themselves convinced of the benefits of diversion. The Index on Use of Restorative Justice shows that in 2018, this figure was at 18%, while in 2019, this figure rose to 55%, showing a significant increase in the use of restorative justice measures.

## **Presentation: What it means to be a child in contact with the justice system**

**Mr. Emiljano Llangozi**, a young person from Albania who was in conflict with the law and received alternative measures on two occasions. Mr. Llangozi shared his experience and the challenges he faced during these proceedings. It started when he was taken into police custody at 9pm, without access to a lawyer, and questioned until 5 am. Then he was placed in a detention facility in a room with adults for five days. The lawyer provided by the state never showed up, so his family had to hire a lawyer. He was released from pre-trial custody, but then he had to travel long distances to appear frequently in court. He had to start working to pay for his court expenses. This process lasted eight months and significantly impacted his life. He stressed the importance of the psychologist in the proceedings, and he urged that more be done on prevention in schools. Specialized professionals, including trained and specialized police, should be available for children. He is grateful that today he has a new life, and he continually talks to children about what he went through in the hopes that they will learn from his story.

## **Panel: Access to justice for children involved in civil proceedings: Unpacking the justice system’s response to children involved/caught up in family law issues<sup>5</sup>**

**Ms. Mikiko Otani**, International human rights lawyer and member of the Committee on the Rights of the Child, opened the discussion by emphasizing the need to understand the broader context of the right to access justice and that it is not only how to treat children in the justice system, but also supporting children in claiming their rights. Children face multiple obstacles as rights holders, as girl children, as unaccompanied minor children, including lack of access to information and lack of legal capacity to file cases without parental consent. Children need the support of specially trained personnel, including, social workers and lawyers. Barriers to children’s rights can happen in many ways, including abuse, denial of access to education or health care, child marriage, *etc.* which means that remedies should also take many forms, and may include things such as release of girls from forced marriages, access to school, stopping unnecessary medical treatments, and deletion of sexually-exposed victims from websites. We should ensure that child victims have access to civil and administrative proceedings which are designed for children. For rights to have meaning, effective remedies must be available and child-friendly.

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<sup>5</sup> (i) disputes involving parents and affecting children-divorce /separations; and (ii) authorities’ interventions to protect children from harm which could lead to children being taken into care.

**Professor Louise Crowley**, Senior Lecturer in Family Law, School of Law, University College Cork, Ireland, noted many challenges in putting the child's best interests and the right to be heard at the heart of proceedings involving divorce and separation, particularly as generally children are not party to these proceedings. She raised several fundamental questions:

- Why do proceedings that impact upon children, not as a rule identify those children as party to the proceedings?
- Why is it important that the voice of the child is heard in proceedings involving two adults?
- How should we hear the child? What would a new system look like and what mechanisms could be put in place to ensure that the child has a platform and can be heard?
- What is the impact of hearing the child in seeking to resolve family law proceedings?

Family law civil proceedings may seek orders for separation, divorce, custody and access and/or maintenance – all of which immediately and directly impact the children. But where is the child in all of these proceedings? A child is clearly regarded as a mere witness to proceedings, yet they are deeply affected by the outcomes. The key question is whether children are sufficiently involved and spoken to? If a court is involved, then the best interests of the child must be the paramount consideration, but, when there is no court intervention, how does this play out, especially when matters may be resolved between parents? It is also important that we don't limit our consideration of how we hear and embed the voice of the child in court proceedings, given that most family law cases do not reach the courtroom and often are determined through mediation or through settlement between the parties, with or without lawyers. If court is so often and rightly avoided, upon whom then does the responsibility to ensure that the voice of the child is heard lie? While this movement towards private agreements may be a positive development, and children might be heard in more informal settings, it is also crucial to create modalities to ensure that the child's best interests are fully protected. Training for judges, mediators, and lawyers is needed, along with accountability for all involved in process. In 2012, Ireland passed a referendum expressing the constitutional right for children's well-being, and in giving teeth to that provision in Constitution, Ireland set out 11 factors that the court must determine in making a best interest determination, such as child having meaningful relationship with both parents.

In response to a few questions, **Professor Crowley** clarified that parental alienation is a widespread phenomenon in Ireland as well, and since 2016, measures have been taken to focus on punishing the perpetrator. Cases involving domestic violence are receiving similar treatment. Steps need to be taken against a parent who is preventing access. She also noted that it's important to create a framework which allows the child's best interests to be determined and given the proper weight. "In Ireland, we have a *guardian ad litem* system, and the guardian represents the best interests of the child, informed by the child's view, and other factors" she said.

In response to a question about obtaining the child's views, **Ms. Otani** pointed out that as per Article 12 of the Convention on the Rights of the Child, views must be given due weight in accordance with the age

and maturity of the child. The younger child can also form views and express them in different ways--it's a matter of skill for the person taking the views, *e.g.* a 5- or 6-year old could express some views, but not necessarily a 2- or 3-year-old. The right to be heard can also be misused with the right to have the child's best interest determined - it's not up to the child to make these difficult decisions - it must be the responsibility of the court. The General comment No. 12 needs to be further promoted among practitioners. In terms of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Ms. Otani observed that the Committee is still exploring how to make it more child-friendly in practice, for example, with use of mediation or friendly settlements, improving the speediness of responses to children, the best ways to hear the views of the child, and re-assessment of the one-year deadline for filing complaints. In terms of the emerging issue of the rise of cross-border international family law cases, Ms. Otani stressed the need for all jurisdictions to ratify the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children which allows custody and visitation to be recognized. She also noted the cultural impact on cross-border cases, and sometimes even best interests can be considered differently between jurisdictions. Other things must be taken into consideration such as time for child to travel, socialization needs, access to other family members, *etc.*

**Professor Ton Liefwaard**, with respect to the application of General comment No. 12 involving a complex international child custody case related how one judge sent a letter to the child explaining his decision, as it was a decision which went against the wishes of the child. The judge emphasized how seriously he took the child's views, and why he made the decision he did.<sup>6</sup> He encouraged judges to adopt similar practices.<sup>7</sup>

**Professor Gordana Flander**, a child rights expert from Croatia, noted that Article 12 of the Convention on the Rights of the Child is often misused during cases of high-conflict divorce, and many court experts don't understand General comment No. 12. It is vital to involve psychologists to navigate children's best interest in high-conflict divorces. In Croatia, a specialized representative for children, who are lawyers, is a recent innovation, but the experience shows that lawyers don't understand the difference between the child's wishes and the child's best interest. Sometimes children formally say one thing, while their best interest is something different.

**Mr. Greenberg** brought the Panel session to a conclusion noting that the investments made with respect to children in conflict with the law have resulted in change, and we must remain vigilant to ensure the sustainability of these results, and to further promote non-punitive solutions for children. We have learned that appropriate interventions must be based on cultural and attitude change, specialization, new values, and emphasize the role of social work and child psychology. The experience of children and their families

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<sup>6</sup> The text of the letter can be found here: <http://www.bailii.org/ew/cases/EWFC/HCI/2017/48.html>

<sup>7</sup> For more on child-friendly language in judicial decision making, see here: <https://leidenlawblog.nl/articles/child-friendly-judgments>

must be brought into the courtroom, and partnerships are needed among social work, psychology and our justice systems to truly support children and families.

## **Panel presentation: Children in civil proceedings - practice examples**

### *Mediated settlements in- and outside the formal justice system*

**Ms. Vanja Branica**, Professor at the Study Centre for Social Work of the Law Faculty, University of Zagreb underscored the importance of mediation as a psycho-social intervention, as it contributes to access to justice for children and improves communication within the family system. It is vital to have skilled and trained family mediators who understand the values and ethics applicable to family mediation. Through family mediation, children are not directly in contact with the justice system, but are represented through their parents, and the goal is to empower adults to put their child's best interest first. Children can also participate in family mediation if the mediator is sufficiently trained. Mediation allows children to weigh in on how they see the reorganization of the family system. In Croatia, family mediation is implemented through the social care system, and since 2015, it is the first procedural step in cases involving divorce or other child-related proceedings. In the judicial system, it is referred to as conciliation, and is performed by judges who have additional education. There is now a network of mediation centers which support mediation. Official data shows that it is increasingly being used: out of 7,593 divorce cases in 2018, 4,701 made a family plan, and 1,376 cases were sent to family mediation. Out of these, 306 mediated settlements were agreed on. Some challenges include the need to promote family mediation in cases beyond divorce, and the need to develop quality standards and modalities for quality assurance.

### *Non-judicial oversight of children placed in alternative care*

**Ms. Tatjana Katkic Stanic**, Head of Sector for the Coordination of Policies and Improvements in the Work of Centres for Social Welfare, Ministry of Demography, Family, Youth and Social Policy, Croatia noted the importance conducting high quality risk assessments, as well ongoing monitoring of a child's psycho-social needs, and the ability to provide urgent responses to protect children, when necessary. For example, early risk assessments, even by kindergarten teachers, can help identify at risk families and children. Solutions must be found outside of institutions, and this early warning is key. In Croatia, foster care is being promoted to decrease pressure on institutions, and to ensure that children are not institutionalized. Croatia has also introduced instruments of assessment in conflict or separated parenting which support judicial decision-making. Family Centers support mediation and psycho-social treatment, and other services. Use of these new tools, such as the standardized assessment instruments, best interest assessment, and new programs on developing parental competencies, are all vital towards the creation of an integrated, intersectoral approach which can meet the needs of children throughout the country.

### *Protection of children's rights in civil proceedings in the Republic of Belarus*

**Ms. Vera Krugova**, Supreme Court Judge, Belarus noted that a child's right to freedom of expression is an important aspect in proceedings involving children, and that civil proceedings provide a legal venue to protect children's daily rights, such as for their development, health, education, and access to their families. In Belarus they have formed specialized institutions to support children and adopted a National Plan to improve the position of children. The Belarus Supreme Court exercises an important monitoring function in cases involving children. Children over the age of 14 can file complaints without parental consent and generally, their rights are more protected, also with respect to adoption they have more say.

### *Protection of children and determination of their best interest in the civil law proceedings*

**Ms. Ivana Becic**, Civil Law Judge, Basic Court Podgorica, Montenegro began by noting that if family laws were adequately implemented, this would contribute to the prevention of violence and hardship for children. In Montenegro, the Family Law was amended in 2016 to introduce a 'support person' which is a specialized person who helps ensure the protection of the best interests of the child. These support persons can be psychologists, social pedagogues, or child experts with a minimum of five years of experience, appointed by the Ministry of Justice. They have the right to copy the case file, attend hearings, and are required to interact with child, to build a relationship, to explain to the child what is happening, and obtain the child's views. After age 14, the child must approve the support person. These cases can be extremely complex, which is why building a relationship with the child is so crucial.

**Wednesday, 26 February 2020**

## **Justice Systems Response to Victims and Witnesses**

### **Presentation: Being a child victim/ witness in the justice system - from an adolescent's perspective**

**Ms. Sevinj Ismayilova**, a young person from Azerbaijan who was referred to an alternative care institution after experiencing difficulties within her family circle, shared that she is now 22 years old and lives in Baku. At the time of her parents' separation, she went with her mother to live with her uncle, and this started a series of difficulties. She became depressed, and after various challenges, including running away from home and stopping school, she discovered a diversion center supported by UNICEF, where she found psychological and social support to help her through this period, and now she is studying at the University and she works for a social service center. One of her goals is to support the creation of more such centers.

**Ms. Lana Jovanović and Mr. Luka Pavićević**, Golden Advisors from the Ombudsman's Office of Montenegro, stated: "We are the voices of all children in our country. We work on promotion of access to justice for children in Montenegro." Access to justice for children concerns all of us, and it's important that children know who, when and why to contact the appropriate person. We made a brochure to do that, entitled "My name is a child". We designed and wrote it in a child-friendly way, with the purpose of children knowing why, when, and who to contact. We have promoted this brochure, and generally, children's access to information, all over Montenegro.

### **Presentation: Justice systems adapted to the needs and rights of victims and witnesses - why this is fundamental and what it takes**

**Ms. Renate Winter**, member of the Committee on the Rights of the Child, queried if justice systems are really adapted to children, and rather offered up a number of ways in which access to justice for children continues to be problematic. In very rare situations does a child have direct access to legal proceedings. Child victims and witnesses are usually lumped into the same category, without recognizing their distinct needs. Too often justice systems lack dignity and compassion for children, and instead take a paternalistic approach. There are many forms of hidden discrimination as well, such as making a difference between children who are 8-years old and those who are 10-years old. Judge Winter noted that it takes time to talk to a child, as required by General comment No. 12, and specialized procedures must be developed. She also noted that restorative justice approaches will be helpful for children, as well as mediation, enabling legal frameworks, trained professionals, and availability of public information. She said that these approaches can create win-win solutions, which we need more of. Many aspects of access to justice for children are still to be developed.

## Panel: review on victims and witnesses in ECAR-- country experiences

**Ms. Melisa Vardo**, Expert Advisor and Psychologist, Zenica-Doboj Cantonal Prosecutor's Office, BiH noted that the revised legislative framework improved the status of children as victims and witnesses. According to the law, children can only be interviewed two times, which generally is done once in the pre-investigation phase and once before the court. When a criminal offence is reported to the police involving a child, whether as perpetrator or victim/witness, the expert advisor/psychologist is immediately engaged in the process, which involves having a psychologist on-call around the clock. In terms of questioning the child, the support person is the only person physically sitting with the child, and modifies the questions for the child, as needed. In terms of the cases where children were supported, 65% of cases were for child witnesses, and 35% for child victims. Some of the continuing challenges include the need to establish uniform work quality standards and need to extend specialized support to all children. Overall, Ms. Vardo expressed her firm belief that the victimization of children has been reduced as a result of legislative changes which introduced psychological support to children.

**Ms. Arpine Sargsyan**, Head of Anti-Corruption and Penitentiary Policy Development, Department of the Ministry of Justice, Armenia explained that a child protection assessment, done in 2015 in Armenia, proved valuable to define a needed reform agenda. Armenia is emphasizing the use of restorative justice, and a Council of Justice was established in 2015 as a multi-sectoral, multi-stakeholder platform to develop laws, policies, *etc.* This Council has conducted numerous studies and published various research and training materials. A Children's Council allows children's voices to be heard. Armenia is currently developing criminal procedure amendments, a new procedure to interview children, as well as planning to introduce psychologists in all proceedings involving children. Armenia is moving towards using the Barnahus approach. One ongoing challenge is collecting administrative data on children in the justice system.

**Ms. Gökçe Bahar Öztürk**, Judge, Director General for Penal Affairs, Department of Victim Rights, Turkey explained that in 2005, the criminal procedure related to child victims/witnesses changed, such that children may testify only one time, it must be audio-video recorded, and a psychologist must be present. In 2013, Turkey began a Justice for Children project to develop specialized child interview rooms and court rooms. In 2014, the first room was established in Ankara courthouse, which is actually three rooms - a waiting room, an interview room, and an observation room. Now Turkey has 61 courtrooms equipped with these judicial interview rooms. Serving the needs of refugee children continues to be one of the greatest challenges.

**Ms. Silvi Stici**, Ministry of Justice, Chief of Staff, Moldova pointed out that Moldova has been deeply affected by a high migration rate. In terms of progress, since 2007, child victims can benefit from legal aid, and from 2014, there is a multi-sectoral mechanism to identify and evaluate child victims of violence and neglect. Children can testify in closed hearings without the offender being present, in separate child-friendly rooms, and there are 50 child-friendly rooms along the lines of the Barnahus approach. Annually,

around 500 children receive these services, including 100 hearings for child victims and witnesses. Remaining challenges include coordination among relevant actors, insufficient financial resources, and high staff turnover.

### **Presentation: Why it is important to guarantee children their access to justice?**

**Ms. Dinara Saduakassova**, UNICEF Goodwill Ambassador from Kazakhstan explained some of the many things she has been doing to support access to justice for children in Kazakhstan. She noted some improvements in access to justice for children, such as that pre-trial detention has been reduced from 72 to 24 hours, and the establishment of 19 juvenile courts with child-friendly rooms for children testifying. She still expressed concern that children's access to justice is insufficient, and is not uniform, in any case.

**Ms. Kristina Ivankovic**, a law student and participant in a legal clinic organized by UNICEF BiH provided concrete suggestions as to how to improve legal aid in BiH. Specifically, she called for: 1) strengthening multi-sectoral cooperation for children who receive legal aid; 2) the need to harmonize the legal framework in the area of access to justice across BiH; and, 3) to provide further training for legal aid providers. She concluded that the model of legal aid clinics where law students can gain experience, under the supervision of highly-skilled attorneys, while also assisting children, has proven to be useful to both offer concrete services to children, and generate greater interest among budding lawyers in this area of the law.

### **Panel: Access to legal aid - synthesis and presentation of country experiences involved in the operationalization of legal aid guidelines**

Panel members representing Albania, Armenia, Georgia, Croatia, Kyrgyzstan, Turkey, and Bulgaria discussed the legal aid regimes in their country, and progress and challenges in the provision of legal aid to children. Common themes among country systems was that primary legal aid (advice) is often provided by a network of NGOs and legal aid clinics, while secondary legal aid (court representation) is usually provided by specially trained lawyers from the Bar Associations. Generally speaking, the Ministries of Justice organize capacity building for such lawyers and maintain a list of these lawyers. It was identified as important for legal aid laws to exempt children from court and enforcement fees, and to ensure that children can receive legal aid without the consent of their parents and in a simplified application procedure, independent of their economic status. Legal aid for civil and administrative procedures is also crucial, as is ensuring that children and their families are aware of the free legal aid services. The operationalization of the child-friendly legal aid guidelines in these countries demonstrates how small interventions can lead to important impact changes. In less than one year since the guidelines were issued, they have been translated into Russian and several other national languages, partnerships have been created with Bar associations in the respective countries, training has been conducted on the guidelines, and development and integrating the guidelines into the training curricula for lawyers is underway.

## **Presentation: The Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence**

**Ms. Olivia Lind Haldorsson**, Senior Adviser and Head of the Children at Risk Unit at the Council of the Baltic Sea States Secretariat, presented the Barnahus model by using the image of a house with four large rooms, representing services offered in the Barnahus approach: mental health, protection, criminal investigation, and physical health. The Barnahus model allows all victims and witnesses to feel safe and comfortable as a result of inter-agency case management, where a multi-disciplinary perspective places the child's needs in the center. "We offer services which prevent re-traumatization and ensures that children's testimony is actually used in court". She concluded by noting that many countries have integrated the Barnahus method in their official procedures, and all countries are welcome to join the Barnahus network, where we collaborate, share resources and learn from one another.

**Ms. Valentina Boz**, Project Coordinator "HELP in the Western Balkans", Council of Europe, (CoE) re-affirmed that the Barnahus model creates a child-friendly space, an integrated team, and a case-management system which revolves around the child's needs. Three conditions are needed: 1) formally embed the model in national and/or local structures; 2) create a sound framework for formation and cooperation, based on relevant domestic procedure and formal agreements; and 3) provide adequate funding. In terms of expanding to new countries, there is a need to tailor the model to the country, to make changes in a step-by-step approach, and to ensure that the local authorities are driving the process, *e.g.* that there is political will and a strong sense of ownership. Currently, Slovenia, Georgia and Ukraine are receiving technical assistance from the CoE based on their clear request and demonstrated commitment.

## **Panel: Services for victims and witnesses--strengthening justice and social welfare links**

**Professor Gordana Flander**, Director of the Child and Youth Center in Zagreb, Croatia began by emphasizing the importance of all professionals working with child to develop a common understanding of the child unique needs. She reiterated that child-friendly justice is: accessible, age-appropriate, speedy, diligent, adapted and focused on needs of child, respecting right to due process, respecting right to participate in and understand proceedings, respecting right to private and family life, and respecting right to integrity and dignity. It is the bridge that connects children's needs (safety, predictability, support, individual, approach) with the judiciary. She further pointed out that child-friendly justice begins early on and contains more than justice system. She described the Zagreb Child and Youth Protection Center where the Barnahus model is implemented. She provided several moving examples and a short film demonstrating appropriate and effective questioning of a child.

On strengthening justice and social welfare links, and by way of conclusion, she shared a very pertinent quote by Judge Ernest Ryder at the 7<sup>th</sup> European Forum for Child Protection: “The judge does not have to be an expert in every field but has to be aware of who the experts are and where to find them.”

## **Break-out sessions: programming experiences and provision of services for child victims and witnesses**

### *Investing in comprehensive and inter-connected VAW-VAC services and advocacy*

**Dr. Sheeba Harma** (Regional Gender Advisor, ECARO UNICEF) pointed out that there is high interconnectedness between Violence against Women (VAW) and Violence against Children (VAC). The rates of violence against women, mostly intimate partner violence (IPV) and violence against children are high in Eastern Europe and Central Asia. Both forms of violence can be passed from one generation to the next. Children who experience childhood trauma are more likely to become involved in abusive relationships, and to use harsh parenting/violent discipline against their own children.

In the plenary session, Dr. Harma shared that challenges identified during the discussion include gaps across the region for multi-disciplinary response services for women and girls, uneven implementation of the Convention on the Rights of the Child, and lack of sufficient specialized services for the most vulnerable and marginalized groups. The group also discussed drivers of violence, including harmful social norms and stereotypes as a cause and consequence of violence, and that addressing these issues head-on is needed. Also needed are positive parenting, age-appropriate, child-sensitive services for victims and witnesses, and greater capacity of professionals to address needs of girls and boys in these proceedings.

### *Country experiences in development and provision of integrated services for child victims and witnesses and their families*

**Professor Gordana Flander**, who facilitated this session noted in her feedback that that the positive experience in development of child-friendly services for child victims was highlighted with Bulgaria’s “blue rooms”, which have multiple purposes. In Serbia, the experience of setting up child victim/witness services was also shared, which included establishing four child protection units, and educating professionals conducting child-friendly interviews, with mobile technical equipment. Unfortunately, the child-friendly units in Serbia were not fully integrated into the national system, so they ceased to exist, while it seems that Bulgaria’s child-friendly rooms have taken hold. As well in Croatia, Professor Flander noted that her institution started as an NGO, which was clearly not sustainable, and has since been integrated into the Ministry of Health. The use of cost/benefit analysis should be done more frequently to see how economic benefits arise through the use of multi-disciplinary services. The panel concluded by noting that political will is the most important aspect of any reform process.

### *The decision-making process and structures in relation to the determination of custody and access applications and the extent to which the views and the needs of the child are considered*

**Professor Crowley** summarised the discussion by noting that there was a lively and interesting discussion on all aspects of custody proceedings, with types of mediation discussed at length as well as ways to include children's voices. One important development has been the recent establishment of the Committee of Experts on Rights and Best Interests of the Child in Parental Separation and in Care Proceedings, which is overseen by the Committee on the Rights of the Child and European Committee on Legal Cooperation. This Committee is set to address: 1) the long-lasting consequences of proceedings; 2) the need for children to be included in these processes; 3) lack of information for children; and 4) timeliness of measures. The Committee aims to review laws, policies and practices, and prepare practical tools for states to ensure that child's best interest in family law proceedings is ensured.

Professor Crowley shared that the discussion focused on challenges to include children more in the process, how to inform children about what is happening in their family, the need to avoid ineffective and delayed processes, and how to conduct mediation in a way which involves children. It was agreed that it is a positive development that mediation in family law proceedings is on the rise, and it needs to be accompanied by safeguards to ensure that children's voices are fully heard. The competency and training of mediators to work with children in these sensitive family law proceedings were also discussed.

**Mr. Aaron Greenberg** provided final remarks on supporting victims/witnesses by reflecting on how long it takes to make cultural changes, how much time and effort has been invested in changing the juvenile justice framework, and similarly for work with child victims/witnesses and in the custody and civil law frameworks, it would be reasonable to expect similar efforts to be required. For both civil and criminal proceedings, solid legal frameworks are needed, and at the same time, it is vital to think outside the box, particularly with respect to how to facilitate ongoing capacity building for all types of professionals. The question of adequate representation of children in civil and criminal proceedings continues to present a challenge which must be tackled. Finally, the voice of the young people participating in the conference, and the inspirational work of the Golden Advisors from Montenegro serves as a powerful reminder of the importance of strengthening access to information for, and with, children and young people.

**Thursday, 27 February 2020**

### **Access to justice for children affected by migration**

**Ms. Arina Turgunbekova**, UNICEF Volunteer from Kyrgyzstan and advocate for children's rights in the justice system, opened the morning's session by describing how children in Kyrgyzstan are affected by migration. There are almost a million registered migrants and about 12% of the child population have one parent abroad, and about 100,000 children have both parents abroad. In this context, one major concern is that there is lack of sufficient social protection support for children and families, and there is also a lack of well-regulated and functioning kinship care system.

**Ms. Zeka Ibraimova** from North Macedonia described her life in foster homes and a small group home, the very painful separation from her siblings, and her frustrating journey to keep her siblings safe. She found that social workers didn't respect her choices, her decisions, nor did they adequately inform her of what was happening and why. She wants to be a social worker, but a caring and affectionate one. She closed by noting that children are not responsible for what happened to them in the past, and they should not be regarded as wounded.

## **Presentation on access to justice for children in situation of international migration**

**Mr. Laurent Chapuis**, UNICEF ECARO Regional Advisor for Migration, shared information on the immense scope of the challenge related to children on the move. From 2014 to 2019, one million children in Europe claimed asylum. Right now, there are some 45,000 migrant children in Greece and the Balkans. A recent UNICEF study on legal aid to migrants and asylum-seeking children found that migration is at top of the political agenda, with new laws and legislation popping up in this area frequently. Common challenges were identified, such as: 1) stability of national legal framework; 2) sustainability; 3) lack of specialized lawyers; 4) overly restrictive conditions to access to legal aid; and 5) lack of documentation from country of origin.

Some of the issues which appeared across the region include disparities in implementation of the law, children are detained or hosted in reception facilities which don't meet minimum standards, girls are not getting specialized support, child-friendly procedures are not in place, and if children are uncertain about their legal status, they are reluctant to seek help, and finally, migrant children face stigmatization, and they run the risk of being treated more severely than other children.

It is vital to strengthen linkages between access to justice and children on the move, and the definition of legal aid for migrant children must be expanded to include more than only asylum procedures. Children on the move need support with issues beyond their legal/migration status, they also need support in gaining access to education, to health care, and many other rights. Integrated approaches are needed, where legal aid is bundled with other services, including mental health services. Upon arrival, it's crucial to foster access to legal aid, cultural mediators, guardians, and reaching hard-to-reach children. The way forward in terms of the provision of more comprehensive, child-sensitive and child-friendly legal aid includes: 1) better coordination around legal aid among stakeholders; 2) creation of conditions for children to receive legal aid and trauma healing; 3) integration of gender approaches; and 4) cross-border cooperation and transnational administrative legal aid work.

## **Presentation: Regional experiences providing legal aid to children in the context of international migration**

**Ms. Stephanie Woldenberg**, Senior Protection Officer, UNHCR BiH, underscored that access to legal aid is a vital part of services that for unaccompanied children on the move. Experience shows that child-

friendly information is needed from the outset, meaning information which is tailored to the child's age/maturity, language, gender, and culture. She also highlighted the importance of cultural mediators, working side-by-side with legal aid providers, to fully assess and discuss children's needs and their rights. Legal counselling needs to consider the day-to-day needs of children, as well as their longer-term perspectives. She noted, "We want to increase legal pathways so that vulnerable children might obtain preferential treatment to solutions which might offer long-term solutions." Priorities for legal support to asylum-seeking and migrant children include: 1) assistance in being recognized as a child; 2) support with their legal status in a country; 3) child-friendly info on and access to asylum procedure and international protection; and, 4) the need to expand opportunities for third country solutions—resettlement and complementary pathways (and promotion of legal safe alternatives to onward movement).

### **Panel session: Access to justice for children in situation of international migration**

**Mr. Emir Prcanovic**, Executive Director, Association Vasa Prava, BiH provided an overview of children asylum seekers and migrants in BiH, for example, in 2019, there were almost 30,000 arrivals, and 23% are families and 11% are unaccompanied children. Vasa Prava has a team of mobile lawyers who closely cooperate with the Centers for Social Welfare when working with unaccompanied children. The first task is to ensure that the child is properly registered. Vasa Prava lawyers advocate for early appointment of a guardian as the appointed guardian can then appoint the legal representative, *i.e.* a lawyer from Vasa Prava. Emphasis is also placed on establishing if the child has appropriate accommodation and whether there is a need to access psychosocial support urgently. The child's best interest, and consent of the child, must be a central part of the registration process and decisions about next steps.

**Ms. Maria Eleni Sypsa**, Lawyer, Solidarity Now, NGO from Greece, began by noting that there are currently, 5,389 unaccompanied children or separated migrants, mainly boys. Solidarity Now, with support of UNICEF, operates as a child protection network in 15 accommodation sites providing multidisciplinary support, legal aid, psycho-social support and education in these 'child and family support hubs.' She described several of the more challenging situations they have faced. Some things that are working well include a network of organizations helping children on the move, open channels of communication between NGOs and the Ombudsmen, the use of the Best Interest Form, and the pilot of small apartments with up to 4 children. She ended by encouraging all participants, but especially civil society, to foster solutions which are sustainable, multi-disciplinary, and part of the official state response, and not create parallel systems.

**Ms. Ayşegül Yalçın Eriş**, Deputy General Coordinator, ASAM - Association for Solidarity with Asylum Seekers and Migrants, NGO from Turkey noted that Turkey accommodates the highest number of Syrian refugees in the world, with 3.7 million Syrian refugees and 4.2 million refugees in total. One in every twenty people in the country is a refugee. 1.7 million Syrian refugees are 18 or below, and 500,000 Syrian babies were born since 2011. She described how her organization works, which includes a multi-disciplinary response, and offers legal advice. Protective and supportive measures include provision of

education, health, care, counselling and shelter services. As legal aid is state-run in Turkey, they referred 11,000 legal aid cases to the bar associations in 2019. If they determine that a child is unaccompanied, they also provide translation to the bar association, so they work together on the case. She gave example of an unaccompanied child from Iran seeking asylum where court issued a care and emergency decision on his behalf. She said the system is slowly working more in favor of children.

**Mr. Ibrahim Kondeh** asserted that during the migration process there are really no distinctions between children and non-children. While living in a camp in Italy, his main challenges were access to education and access to information, especially in a language he can understand (before he knew Italian). The DLA Piper mobile phone platform was very useful as he was able to get all the information he needed.

**Mr. Chapuis** concluded that the provision of legal aid to children on the move must be part of broader discussions on access to justice for children, and that resources developed to strengthen the access to justice for children agenda also address the legal aid needs of children on the move. It's necessary to make these services cost-effective, work at scale, mobilize national capacities, such as bar associations, and secure funding from national budgets. Moving forward, we must ensure that legal aid to children on the move addresses all aspects of the child's rights and life situation while on the move, including reception conditions, health care, education, etc.

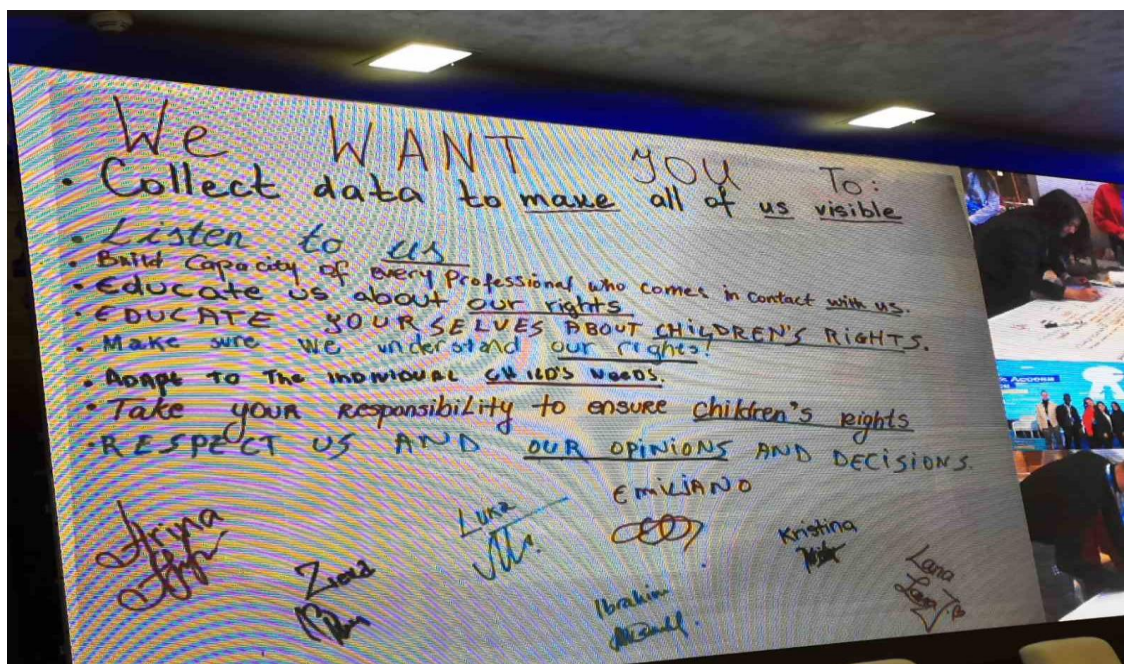
## Presentation of pledge

**Mr. Greenberg** introduced the pledge by underlining that the pledge is a reaffirmation of the principles of the Convention on the Rights of the Child and that this pledge can be considered a tool for each government to reaffirm their commitment to children's access to justice reforms. Some delegations shared that they will publish their pledge, while others may circulate among the relevant ministries and departments. Mr. Greenberg commended the Government of BiH for hosting the Conference. It is hoped that this Conference serves not only as an important information exchange, but also reenergizes national commitments and initiatives towards equitable access to justice for all children.

## Closing remarks by young persons

The young people who participated in the Conference each offered some final remarks. They called for turning words into concrete action. They called for making laws accessible to all children and young people, in a language they can understand. They called for children's participation in the political process and ways to engage with decision-makers. They called for more complete data on children's involvement in the justice sector. They called for more education in school about justice processes. They called for more prevention, for working with children who are at risk, developing the capacity of justice stakeholders, and for the creation of rehabilitation centers. In closing, the young persons shared their written overview of requests to the participants, as follows:

- Collect data so that we are all visible.
- Listen to us.
- Build capacity of every professional who comes in contact with us.
- Educate us about our rights.
- Educate yourselves about children's rights.
- Adapt to the individual child's needs.
- Take responsibility to ensure children's rights.
- Respect us and our opinions and decisions.



### UNICEF Representative in Bosnia and Herzegovina

**Dr. Rownak Khan**, UNICEF BiH, in her closing remarks, observed that participating in this Conference were delegates from 20 countries and 30 nationalities, and there were rich and comprehensive discussions. She welcomed the requests from the children and reminded participants to honor these requests. She echoed the need to establish better data and systems in place and ways to measure progress. She also reflected on how children's participation must be meaningful, and that 'we can no longer engage in tokenism'. She encouraged participants to explore how children can participate in local, district and national planning on justice matters. She welcomed the example of the Golden Advisors in Montenegro where children are serving as the eyes and ears of their own community and for their peers. Access to justice is an integral part of sustainable development goals, and achievements made in the past two decades in terms of juvenile justice can now serve to expedite other justice reforms for children, so that all children involved in proceedings are served and protected, and all children have equitable access to justice.

**Bosnia and Herzegovina, Deputy Minister of Justice**

**Mr. Nezir Pizic**, the BiH Assistant Minister of Justice noted that BiH fully supports the pledge and that BiH will continue to support reforms so that all children have access to equal rights, and especially in the upcoming period, BiH will work to ensure the rights of migrant and asylum-seeking children, building on the best practices shared during this conference.

# ANNEX 1

## AGENDA

### Regional Conference on Children's Access to Justice: 25 - 27 February 2020 Sarajevo - Bosnia and Herzegovina

Day One (1) Tuesday, 25/02/2020	
08.30 – 09.30	Welcome and Press Statements
09.30 – 10.10	<p><b>Opening session - Location: Parliamentary Assembly of Bosnia and Herzegovina</b>  <b>Opening remarks on the importance of access to justice for children</b></p> <ul style="list-style-type: none"> <li>i. H.E. Josip Grubeša, Minister, BiH Ministry of Justice</li> <li>ii. H.E. Andrea Rauber Saxer, Swiss Ambassador to BiH</li> <li>iii. Torgny Svenungsson, Deputy Head of Mission, Swedish Embassy in BiH</li> <li>iv. H.E. Johann Sattler, Head of EU Delegation to BiH and EU Special Representative in BiH</li> <li>v. Mr. Philippe Cori, UNICEF Deputy Regional Director for Europe and Central Asia</li> </ul>
10.10 – 10.25	<p><b>Opening remarks on the importance of access to justice for children – young persons' voices</b></p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>▪ <u>Mr. Ibrahim Kondeh</u>, young migrant from Sierra Leone living in Italy</li> <li>▪ <u>Ms. Kristina Ivankovic</u>, young law student who has taken part in a legal clinic organized by UNICEF BiH</li> </ul>
10.25 – 11.05	<p><b>Keynote panel presentation and discussion: Children's Equitable Access to Justice in Europe and Central Asia - Why does it matter?</b></p> <ul style="list-style-type: none"> <li>▪ Introduction and moderation by <u>Mr. Aaron Greenberg</u> (UNICEF ECARO Regional Child Protection Advisor)</li> </ul> <p>Speakers:</p> <ul style="list-style-type: none"> <li>▪ <u>Mr. Claude Cahn</u>, Human Rights Adviser, OHCHR</li> <li>▪ <u>Prof. Ton Liefwaard</u>, Leiden University, Netherlands</li> </ul> <ul style="list-style-type: none"> <li>• Followed by a moderated discussion with the keynote speakers and the conference participants</li> </ul>
11.05 – 11.35	Coffee break
11.35 – 13.15	<p><b>Panel session/discussion: Progress and lessons learned regarding responses to children in contact with the justice system.</b> In this session country experiences will be shared covering a number of issues as follows:</p> <p><b>Moderator for Panel 1:</b> Mario Tokic, UNICEF BiH</p> <p><b>Moderator for Panel 2:</b> Elvir Music, UNICEF BiH</p> <ol style="list-style-type: none"> <li>1. <b>Realizing the rights of children in contact with the justice system through policy and legislative reforms</b> <ul style="list-style-type: none"> <li>▪ Albania: <u>Ms. Iris Aliaj</u>, Advisor to the Minister of Justice</li> <li>▪ Montenegro: <u>Mr. Goran Djukovic</u>, Juvenile Justice Judge of the Basic Court in Podgorica</li> <li>▪ Uzbekistan: <u>Ms. Svetlana Artikova</u>, Deputy Prosecutor General of the General Prosecutor's Office</li> <li>▪ North Macedonia: <u>Ms. Marija Dimovska</u>, Advisor for Human Rights and Comparative Legal Analysis, Ministry of Justice</li> </ul> </li> <li>2. <b>Diversion, restorative justice and alternatives to detention practices</b></li> </ol>

	<ul style="list-style-type: none"> <li>▪ Bosnia and Herzegovina: <u>Ms. Jasna Pecanac</u>, Federal Prosecutor, FBIH Federal Prosecutors' Office</li> <li>▪ Ukraine: <u>Mr. Oleksandr Baranov</u>, Director a.i. of the Coordination Centre for Legal Aid Provision, and <u>Mr. Oleksandr Banchuk</u>, Deputy Minister of Justice</li> <li>▪ Georgia: <u>Mr. Gocha Lordkipanidze</u>, Deputy Minister of Justice</li> </ul>
13.15 – 15.00	Lunch <sup>1</sup> - <i>Change of venue from the BiH Parliamentary Assembly to the Hotel Novotel Sarajevo Bristol</i>
15.00 – 15.15	<p><b>Presentation: What it means to be a child in contact with the justice system</b></p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>▪ <u>Ms. Zeka Ibrahimova</u>, young person from North Macedonia who was institutionalized</li> <li>▪ <u>Mr. Emiljano Llangozi</u>, young person from Albania who got in conflict with the law and who was sentenced to alternative measures twice</li> </ul>
15.15 – 16.00	<p><b>Panel presentation: Access to justice for children involved in civil proceedings: Unpacking the justice system's response to children involved/ caught up in family law issues<sup>2</sup></b> (Custody / maintenance proceedings / care decisions / mediated settlements outside the justice system, non-judicial oversight of alternative care)</p> <p>Moderator: Prof. Ton Liefwaard</p> <p>Panel discussion introduced by two presentations to be held by:</p> <ol style="list-style-type: none"> <li>1. <u>Ms. Mikiko Otani</u>, International human rights lawyer and CRC member, on <b>Upholding the rights of children involved in judicial civil proceedings</b> and</li> <li>2. <u>Dr. Louise Crowley</u>, Senior lecturer in family law, School of Law, University College Cork, Ireland on <b>Determining the child's best interests in family separation, custody and maintenance proceedings</b></li> </ol> <p>➤ followed by an open, facilitated panel discussion</p>
16.00 – 16.20	Coffee Break
16.20 – 17.15	<p><b>Panel presentation: Children in civil proceedings - Country practice examples focusing on any of these responses</b></p> <p>Moderator: Mikiko Otani</p> <p>Panel discussion introduced by four presentations to be held by:</p> <ol style="list-style-type: none"> <li>1. Croatia on <b>Mediated settlements in- and outside the formal justice system</b> (alternative dispute resolution) <ul style="list-style-type: none"> <li>▪ <u>Ms. Vanja Branica</u>, Professor at the Study Centre for Social Work of the Law Faculty, University of Zagreb on</li> </ul> </li> <li>2. Croatia on <b>Non-judicial oversight of children placed in alternative care</b> <ul style="list-style-type: none"> <li>▪ <u>Ms. Tatjana Katkic Stanic</u>, Head of Sector for the Coordination of Policies and Improvements in the Work of Centres for Social Welfare, Ministry of Demography, Family, Youth and Social Policy</li> </ul> </li> <li>3. Belarus on <b>Protection of children's rights in civil proceedings in the Republic of Belarus</b> <ul style="list-style-type: none"> <li>▪ <u>Ms. Vera Kruhava</u>, Judge of the Supreme Court</li> </ul> </li> <li>4. Montenegro on <b>Protection of children and determination of their best interest in the civil law proceedings</b> <ul style="list-style-type: none"> <li>▪ <u>Ms. Ivana Becić</u>, Civil Law Judge of the Basic Court in Podgorica</li> </ul> </li> </ol> <p>➤ followed by an open, facilitated panel discussion</p>
17.15 – 17.20	<b>Conclusion – Day 1</b> <u>Mr. Aaron Greenberg</u> , UNICEF ECARO Regional Child Protection Advisor
<b>18.30 Welcome Reception At Hotel Novotel Bristol</b>	

<b>Day Two (2)</b> Wednesday, 26/02/2020 <b>JUSTICE SYSTEMS RESPONSE TO VICTIMS AND WITNESSES</b>	
<b>08.30 – 09.00</b>	Registration of participants
<b>09.00 – 09.15</b>	<p><b>Presentation: Being a child victim/ witness in the justice system - from an adolescent’s perspective</b></p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>▪ <u>Ms. Sevinj Islamova</u>, young person from Azerbaijan who was referred to an alternative care institution after experiencing difficulties within her family circle</li> <li>▪ <u>Ms. Lana Jovanović and Mr. Luka Pavićević</u>, “Golden Advisors” from the Ombudsman’s Office Montenegro</li> </ul>
<b>09.15 – 09.45</b> <b>Moderator:</b> Vijaya Ratnam Raman, UNICEF HQ	<p><b>Presentation: Justice systems adapted to the needs and rights of victims and witnesses - why this is fundamental and what it takes</b></p> <p>Speaker: <u>Ms. Renate Winter</u>, Member of the Committee on the Rights of the Child</p>
<b>09.45 – 10.55</b> <b>Moderator:</b> Vijaya Ratnam Raman, UNICEF HQ	<p><b>Panel presentation / discussion: Review on victims and witnesses in ECAR: Some country experiences</b></p> <ul style="list-style-type: none"> <li>▪ Bosnia and Herzegovina: <u>Ms. Melisa Vardo</u>, Expert Advisor, Zenica-Doboj Cantonal Prosecutor’s Office</li> <li>▪ Armenia: <u>Ms. Arpine Sargsyan</u>, Head of the Anti-Corruption and Penitentiary Policy Development Department of the Ministry of Justice</li> <li>▪ Turkey: <u>Ms. Gökçe Bahar Öztürk</u>, Judge, Director General for Penal Affairs, Department of Victim Rights</li> <li>▪ Moldova: <u>Ms. Silvia Sticj</u>, Chief of Staff, Ministry of Justice</li> </ul>
<b>10.55 – 11.25</b>	<b>Coffee Break</b>
<b>11.25 – 11.40</b>	<p><b>Presentation: Why it is important to guarantee children their access to justice?</b></p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>▪ <u>Ms. Dinara Saduakassova</u>, young UNICEF Goodwill Ambassador from Kazakhstan</li> <li>▪ <u>Ms. Kristina Ivankovic</u>, young law student who has taken part in a legal clinic organized by UNICEF Bosnia and Herzegovina</li> </ul>
<b>11.40 – 12.25</b> <b>Moderator:</b> Phenny Kakama, UNICEF ECARO	<p><b>Panel session/ discussion: Progress and lessons learned regarding responses to children in contact with the justice system</b></p> <p><b>Access to Legal Aid - Synthesis and presentation of country experiences involved in the operationalization of legal aid guidelines</b></p> <ul style="list-style-type: none"> <li>▪ Albania: <u>Ms. Iris Aliaj</u>, Advisor to the Minister of Justice</li> <li>▪ Armenia: <u>Ms. Victoria Ohanyan</u>, Programme Officer, Access to Justice, UNICEF Armenia</li> <li>▪ Croatia: <u>Ms. Vedrana Simundza Nikolic</u>, Assistant Minister, Directorate of Criminal Law, Ministry of Justice</li> <li>▪ Kyrgyzstan: <u>Ms. Sanabar Aidarova</u>, Head of the Legal Department of the Center for Coordination of State-Guaranteed Legal Aid under the Ministry of Justice</li> <li>▪ Bulgaria: <u>Ms. Kremena Chobanova</u>, Child Protection Officer, UNICEF Bulgaria</li> <li>▪ Turkey: <u>Ms. Hatice Kaynak</u>, Chair of UTBA Child Rights Commission</li> <li>▪ Georgia: <u>Ms. Teona Kuchava</u>, Child Protection Officer, UNICEF Georgia</li> </ul>
<b>12.25 – 12.35</b>	

	<p><b>Regional overview - victims and witnesses response: key conclusions and recommendations</b> by <u>Mr. Aaron Greenberg</u>, UNICEF ECARO Regional Child Protection Advisor</p>
12.35 – 13.10	<p><b>Presentation and Q&amp;A-round: The Barnahus Quality Standards<sup>3</sup>: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence:</b> Applying the standards in the different political, legal, judicial, socio-economic and cultural contexts of ECA region: <u>Ms. Olivia Lind Haldorsson</u>, Senior Adviser and Head of the Children at Risk Unit at the Council of the Baltic Sea States Secretariat (<a href="#">CBSS</a>)</p> <ul style="list-style-type: none"> <li>▪ <u>Ms. Valentina Boz</u>, Project Coordinator “HELP in the Western Balkans”, Council of Europe on <b>Ensuring access to justice for child victims of sexual abuse: The response of the Council of Europe</b></li> </ul> <p>➤ Followed by a moderated Q&amp;A round</p>
13.10 – 14.30	Lunch
14.30 – 14.55	<p><b>Plenary session: Services for victims and witnesses (strengthening Justice and Social welfare links)</b> Speaker: <u>Prof. Gordana Flander</u>, Director of the Child and Youth Center in Zagreb, Croatia</p>
14.55 – 16.00	<p><b>Introduction of the parallel sessions:</b> <u>Mr. Aaron Greenberg</u>, UNICEF ECARO Regional Child Protection Advisor</p> <p><b>Moderation / Facilitation:</b></p> <ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> session: Sheeba Harma</li> <li>▪ 2<sup>nd</sup> session: Prof. Gordana Flander</li> <li>▪ 3<sup>rd</sup> session: Dr. Louise Crowley</li> </ul> <p><b>Break out/ parallel work sessions</b> These sessions will focus on <b>programming experiences and provision of services for child victims and witnesses</b>. Participants will discuss and identify recommendations on consolidating the gains and addressing the challenges.</p> <ol style="list-style-type: none"> <li>a. <b>Investing in comprehensive and inter-connected VAW-VAC services and advocacy</b> Moderator/facilitator: <u>Ms. Sheeba Harma</u>, UNICEF ECARO Regional Gender Advisor – <i>Introduction of the topic and facilitation of the workshop</i>, supported by: <ul style="list-style-type: none"> <li>▪ <u>Ms. Olivia Lind Haldorsson</u>, Senior Adviser and Head of the Children at Risk Unit at the Council of the Baltic Sea States Secretariat (<a href="#">CBSS</a>)</li> <li>▪ North-Macedonia: <u>Mr. Goce Kocevski</u>, Project Coordinator of the NGO Macedonian Young Lawyers Association, and <u>Ms. Ljupka Simovska</u>, Associate for Human Rights and Comparative Legal Analysis, Ministry of Justice</li> </ul> </li> <li>b. <b>Country experiences in development and provision of integrated services for child victims and witnesses and their families</b> Moderator/facilitator: <u>Prof. Gordana Flander</u>, Director of the Child and Youth Center in Zagreb, Croatia, supported by: <ul style="list-style-type: none"> <li>▪ Bulgaria: <b>Child Advocacy Centres - How far and where to?</b> – <u>Ms. Dani Koleva</u>, Child Protection Specialist, UNICEF Bulgaria</li> <li>▪ Serbia: <b>Recent developments in the field of access to justice and improvement of the rights of children as victims and witnesses of crime in Serbia</b> – <u>Mr. Vladimir Vukicevic</u> and <u>Ms. Darja Koturovic</u>, Ministry of Justice, and <u>Ms. Ines Cerovic</u>, Child Protection Officer, UNICEF Serbia</li> </ul> </li> <li>c. <b>The decision-making process and structures that operate in different jurisdictions in relation to the determination of custody and access applications and the extent to which the views and the needs of the child are considered</b> Moderator/facilitator: <u>Dr. Louise Crowley</u>, Senior lecturer in family law, School of Law, University College Cork, Ireland – <i>Introduction of the topic and facilitation of the workshop</i>, supported by: <ul style="list-style-type: none"> <li>▪ <u>Prof. Ton Liefaard</u>, Leiden University, Netherlands</li> <li>▪ <u>Ms. Valentina Boz</u>, Project Coordinator “HELP in the Western Balkans”, Council of Europe</li> </ul> </li> </ol>

16.00 – 16.30	Coffee Break
16.30 – 16.50	<b>Feedback from the parallel sessions (recommendations)</b> <ul style="list-style-type: none"> <li>▪ <u>Dr. Sheeba Harma</u>, UNICEF ECARO Regional Gender Advisor</li> <li>▪ <u>Prof. Gordana Flander</u>, Director of the Child and Youth Center in Zagreb, Croatia</li> <li>▪ <u>Dr. Louise Crowley</u>, Senior lecturer in family law, School of Law, University College Cork, Ireland</li> </ul>
16.50 – 16.55	<b>Conclusion – Day 2</b> <u>Mr. Aaron Greenberg</u> , UNICEF ECARO Regional Child Protection Advisor

<b>Day Three (3)</b> Thursday, 27/02/2020 <b>ACCESS TO JUSTICE FOR CHILDREN AFFECTED BY MIGRATION</b>	
08.30 – 09.00	Registration of participants
09.00 – 09.15	<b>Presentations:</b> <ul style="list-style-type: none"> <li>▪ <u>Mr. Ibrahim Kondeh</u>, young migrant from Sierra Leone residing in Italy who has received legal aid through U-Report, thanks to the pro-bono support of DLA Piper</li> <li>▪ <u>Ms. Arina Turgunbekova</u>, UNICEF Volunteer from Kyrgyzstan and advocate for children’s rights in the justice system</li> </ul>
09.15 – 09.25	<b>Presentation on Access to justice for children in situation of international migration</b> Introductory Speaker: <u>Mr. Laurent Chapuis</u> , UNICEF ECARO Regional Advisor for Migration
09.25 – 09.35	<b>Presentation on Global/regional experiences providing legal aid to children in the context of international migration</b> <ul style="list-style-type: none"> <li>▪ Speaker/presenter: <u>Ms. Stephanie Woldenberg</u>, Senior Protection Officer, UNHCR Bosnia and Herzegovina</li> </ul>
09.35– 10.50	<b>Panel session/discussion: Access to justice for children in situation of international migration – opportunities and challenges</b> <b>Moderator:</b> Antonia Luedeke, UNICEF BiH Moderator: <u>Ms. Antonia Luedeke</u> , Child Protection Specialist, UNICEF Bosnia and Herzegovina <ul style="list-style-type: none"> <li>▪ <u>Ms. Stephanie Woldenberg</u>, Senior Protection Officer, UNHCR Bosnia and Herzegovina</li> <li>▪ <u>Mr. Emir Prcanović</u>, Executive Director, Association Vasa Prava Bosnia and Herzegovina</li> <li>▪ <u>Ms. Maria Eleni Sypsa</u>, Lawyer, Solidarity Now, NGO from Greece</li> <li>▪ <u>Ms. Ayşegül Yalçın Eriş</u>, Deputy General Coordinator, ASAM - Association for Solidarity with Asylum Seekers and Migrants, NGO from Turkey</li> <li>▪ <u>Mr. Ibrahim Kondeh</u>, young migrant from Sierra Leone residing in Italy who received legal aid through U-Report, thanks to the pro-bono support of DLA Piper</li> </ul>
10.50 – 11.20	Coffee Break
11.20 – 11.40	<b>Presentation of pledge</b> <u>Mr. Aaron Greenberg</u> , UNICEF ECARO Regional Child Protection Advisor
11.40 – 12.50	<b>Reaffirmation of Justice for Children / Access to Justice engagements</b> by participating country delegations
12.50 – 13.00	Closing remarks by the young persons

13.00 – 13.20	<b>Closing remarks</b> i. Ms. Rownak Khan, UNICEF Representative in Bosnia and Herzegovina ii. Mr. Nezir Pivic, Deputy Minister, BiH Ministry of Justice
13.20 – 14.30	Lunch
<b>The end</b>	

## ANNEX 2

### PRESS

UNICEF PRESS RELEASE, 25 FEBRUARY 2020

<https://www.unicef.org/bih/en/press-releases/number-children-detention-facilities-reduced-90-cent-eastern-and-central-europe-and>

# Number of children in detention facilities reduced by 90 per cent in Eastern and Central Europe and Central Asia – UNICEF

*Regional conference brings together experts from 21 countries to further protect every child's right to access justice*

25 February 2020



UNICEF/Balic

**SARAJEVO, Bosnia and Herzegovina, 25 February, 2020** – Over the last twenty years, the number of children placed in detention facilities in Eastern and Central Europe and Central Asia annually has gone down from 45,000 to 5,000 marking a 90 per cent reduction, said UNICEF today, ahead of the *Children's Access to Justice in Europe and Central Asia Regional Conference*.

The main reasons for the reduction include governments' increasing the minimum age of criminal responsibility to be aligned with international standards, expanding options for non-custodial sentencing, and implementing programmes which provide structured second chances and community-based support.

UNICEF Deputy Regional Director for Europe and Central Asia, Philippe Cori, speaking ahead of the *Children's Access to Justice in Europe and Central Asia Regional Conference* being held in Sarajevo, said that it was important to acknowledge and learn from the significant progress that has been made in countries across the Region to decrease the number of children in detention. “But we must continue working to ensure this progress includes refugee and migrant children,” he said, “by ending the practice of detaining children based on their migration status and ensuring the protection of every child in the Region, no matter where he or she is from.”

The *Children's Access to Justice Conference*, 25-27 February, brings together 180 government officials and child protection experts from 21 countries. The aim is to reflect on the progress made, lessons learned and best practices, with a specific focus on protecting child victims and witnesses of crime and equitable access to justice for the most vulnerable, including children with disabilities, refugee and migrant children and those living in poverty.

Young people will participate in the Conference by sharing their personal experiences with justice systems and what they think decision makers can do to better protect children's rights. At the end of the Conference, participants will be expected to commit to concrete actions to enable equitable access to justice by all children.

Bosnia and Herzegovina's Minister of Justice, Dr. Josip Grubesa, said that the country is pleased to host this important event. “Child protection systems have been strengthened, by adopting legislation that protects children during criminal proceedings. Bosnia and Herzegovina has also taken important steps to ensure justice reforms are child focused and include specialized protection for child victims and witnesses,” he said.

The children's access to justice programme relies on a long-term partnership between the European Union and UNICEF, with sustained support from the Governments of Sweden, Switzerland and Norway.

Mr. Torgny Svenungsson, Counselor and Director of Department for Development at the Embassy of Sweden, reaffirmed the support toward a comprehensive Child Protection programme in Bosnia and Herzegovina. “The groundwork of the programme aims at improving children's access to justice in Bosnia and Herzegovina. Many important results have been achieved, including introduction of new alternative measures for children in conflict with the law such as police warnings. Institutional coordination and cooperation have also been increased,” he said.

Switzerland's Ambassador to Bosnia and Herzegovina, H.E. Andrea Rauber Saxer, said, “It is notable that children in contact with the law are now better served and protected by justice systems. However, important work remains to be done in order to make the system fully sustainable, notably by allocating

adequate resources. Hence, I would call upon Bosnia and Herzegovina authorities at all levels to keep up the momentum reached and to take full ownership over justice for children system.”

Head of the EU Delegation and EU Special Representative in Bosnia and Herzegovina Ambassador Johann Sattler stressed that protection and promotion of the rights of the child is one of our shared obligations. "As recommended in the EC Opinion, Bosnia and Herzegovina needs to urgently develop and adopt a new Bosnia and Herzegovina Action Plan on child protection including measures on children without parental care, children with disabilities and juvenile justice across the country. A child's dignity and child development should be our core guide in ensuring the effective and fair response when their rights have been violated", Ambassador Sattler concluded.

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**EDITORS NOTES:** Specialists in the field of child protection and justice for children will be available to make statements during all three days of the conference, with prior announcement and appointment so as not to interfere with the conference program.

More on: <https://www.unicef.org/eca/child-protection/access-justice>

## Media Contacts

### **Nineta Popovic**

Communication for Development Officer

UNICEF Bosnia and Herzegovina

Tel: +387 33 293 600

Email:

[npopovic@unicef.org](mailto:npopovic@unicef.org)

## About UNICEF

UNICEF promotes the rights and wellbeing of every child, in everything we do. Together with our partners, we work in 190 countries and territories to translate that commitment into practical action, focusing special effort on reaching the most vulnerable and excluded children, to the benefit of all children, everywhere.

For more information about UNICEF and its work for children, visit [www.unicef.org](http://www.unicef.org).

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\*Delegation of the European Union in Bosnia and Herzegovina and Special Representative to Bosnia and Herzegovina, republished UNICEF’s press release on their site, also on 26 February 2020,

<http://europa.ba/?p=67854>

## Annex 2

### Participants

#### ALBANIA

1. Emiljano Llangozi / Youth Representative
2. Emira Shkurti / UNICEF
3. Iris Aliaj / Ministry of Justice
4. Marisda Grami / Ministry of Justice

#### ARMENIA

5. Arpine Sargsyan / Ministry of Justice, Drafting Anti-Corruption and Penitentiary Policies
6. Hovhannes Hambaryan / Department of Investigation of Crimes on Human Trafficking, against Sexual Immunity of Juveniles and Illegal Turnover of Drugs
7. Siranush Antonyan / “Yerevan Zatik Child Support Center” SNCO of Ministry of Labour and Social Affairs
8. Tigran Grigoryan / Ministry of Justice, Department of International Legal Cooperation
9. Viktorya Ohanyan / UNICEF

#### AZERBAIJAN

10. Aynur Sabitova / Ministry of Justice
11. KamalaAshumova / Future Social Initiatives Public Union
12. Sevinj Islamova / Reliable Future SiPU
13. Vugar Aghayev / Ministry of Justice
14. Vugar Salmanov / UNICEF

#### BELARUS

15. Alena Halauniova / Ministry of Education
16. Dzmitry Shylin / UNICEF
17. Sergey Azemsha / Investigative Committee
18. Vadim Ipatov / National Centre of Legislation and Legal Research
19. Vera Kruhava / Supreme Court

#### BELGIUM

20. Claude Cahn / OHCHR

#### BOSNIA AND HERZEGOVINA

21. Alen Knezević / NGO Romalen
22. Almir Tabaković / FBiH Judicial and Prosecutorial Training Center
23. Amir Sutrović / FBiH Ministry of Interior

24. Alwin Nijholt / UNICEF
25. H.E. Andrea Rauber Saxer / Swiss Embassy
26. Antonia Luedeke / UNICEF
27. Berina Smajić / Court of Bosnia and Herzegovina
28. Bradley Foerster / UNRC
29. Branka Jandrić-Vuković / Center for Social Work
30. Damir Koldžo / Law Office Gavrankapetanović-Koldžo
31. Dejan Djurovic / Brcko District Justice Commission
32. Denis Husić / Tuzla Canton Educational Centre
33. Djenana Golos / FBiH Ministry of Education
34. Dragica Radović / RS Ombudsperson for children
35. Dzejlan Sehovic / High Judicial and Prosecutorial Council
36. Ehlimana Međić / High Judicial and Prosecutorial Council
37. Elizabeta Lukacević / Human Rights Office Tuzla
38. Elma Prčić Bilić / Delegation of the European Union to Bosnia and Herzegovina
39. Elmedin Muratbegović / Criminal Policy Research Centre
40. Elvir Musić / UNICEF
41. Emir Adilović / Center for Social Work
42. Emir Prčanović / Vaša Prava
43. Emira Dizdarević / FBiH Ministry of Labour and Social Policy
44. Hajro Pošković / High Judicial and Prosecutorial Council
45. Haris Lokvancic / Swiss Embassy
46. Ina Hasanbegovic / Embassy of Sweden
47. Indira Cuk / Una-Sana Canton Prosecutor's Office
48. Irina Kulenovic / UNICEF
49. Jadranka Popadić / BiH Prosecutor's Office
50. Janja Milinković / HNC Ministry of Health, Labor and Social Welfare
51. Jasna Pecanac / FBiH Prosecutor's Office
52. H.E. Johann Sattler / European Delegation to Bosnia and Herzegovina
53. H.E. Josip Grubesa / Ministry of Justice
54. Josip Živković / KPZ Orašje
55. Kristina Ivankovic / Faculty of Law, University of Sarajevo
56. Lejla Dedović-Milić / Institute for Education of Male Children and Youth Sarajevo
57. Lejla Hadžić / Ministry of Justice
58. Ljubinko Mitrović / Institution of Ombudsman for Human Rights
59. Maja Tursunović / Crime Policy Research Center
60. Maja Zimonja / Penitentiary Banja Luka
61. Margherita Vismare / IOM BiH
62. Marija Pavlović / District Public Prosecutor's Office, East Sarajevo
63. Marija Pudarić / Swiss Embassy
64. Mario Tokic / UNICEF

65. Meagan Hrlle / Rapporteur
66. Melisa Vardo / Zenica-Doboj Cantonal Prosecutor's Office
67. Mila Čolić / RS Judicial and Prosecutorial Training Center
68. Miralem Duranovic / FBiH Ministry of Justice
69. Mirela Rikovic Koldzo / Ministry of Justice
70. Mladen Stojanović / RS Ministry of Interior
71. Monika Mijic / High Judicial and Prosecutorial Council
72. Mujo Faculić / NVO Romalen
73. Nada Grahovac / RS Ombudsperson for Children
74. Nedim Bukvić / Embassy of Sweden
75. Rebeka Kotlo / Human Rights Centre Mostar
76. Rownak Khan / UNICEF
77. Šejla Drpljanin / Prosecutor's Office of Brčko District BiH
78. Selma Kazić / UNICEF
79. Stephanie Woldenberg / UNHCR
80. Torgny Svenungsson / Embassy of Sweden
81. Vanja Čekić / RS Ministry of Interior
82. Vedad Gurda / Faculty of Law, University of Tuzla
83. Velija Nuhanović / Sarajevo Cantonal Office for Free Legal Aid

#### **BULGARIA**

84. Daniela Koleva / UNICEF
85. Eleonora Lilova / State Agency for Child Protection
86. Kremena Chobanova / UNICEF
87. Lyubomir Talev / Council for Legislation
88. Milena Dyankova / State Agency for Child Protection

#### **CROATIA**

89. Valentina Boz / Council of Europe
90. Gordana Buljan Flander / Child and Youth Protection Centre
91. Helenca Pirnat Dragicevic / Ombudsperson's Office
92. Josipa Crnoja Bartolić / Ministry of Demography, Family, Youth and Social Policy
93. Martina Tomić Latinac / UNICEF
94. Tatjana Katkic Stanic / Directorate for Social Policy, Ministry of Demography, Family, Youth and Social Policy
95. Vanja Branica / Study Centre for Social Work, Faculty of Law, University of Zagreb
96. Vedrana Simundza Nikolic / Ministry of Justice

#### **GEORGIA**

97. Gocha Lordkipanidze / Ministry of Justice
98. Milena Harizanova / UNICEF

99. Teona Kuchava / UNICEF

#### **GREECE**

100. Antigoni Angelaki / UNICEF Partnership Office in Greece

101. Areti Skafida / Athens Appeals Court

102. Maria Eleni Sypsa / Solidarity Now

#### **IRELAND**

103. Crowley Louise / University College Cork School of Law

#### **ITALY / SIERRA LEONE**

104. Ibrahim Kondeh / Youth Representative UNICEF U-Report

#### **JAPAN**

105. Mikiko Otani / UN Committee on the Rights of the Child

#### **KAZAKHSTAN**

106. Dinara Saduakassova / UNICEF Kazakhstan Goodwill Ambassador

107. Meiramgul Alybekova / UNICEF

108. Vadim Yetsenko / Ministry of Internal Affairs

109. Zaure Keikibassova / Supreme Court

#### **KYRGYZSTAN**

110. Arina Turgunbekova / UNICEF

111. Elena Zaichenko / UNICEF

112. Kadyrbek Matisakov / Osh City Court

113. Sanabar Aidarova / Ministry of Justice

#### **MOLDOVA**

114. Silvia Stici / Ministry of Justice

115. Traian Turcanu / UNICEF

#### **MONTENEGRO**

116. Duska Šljivancanin / Office of the Ombudsperson

117. Goran Đuković / Basic Court of Podgorica

118. Ivana Becic / Basic Court of Podgorica

119. Lana Jovanovic / Office of the Ombudsperson

120. Luka Pavicevic / Office of the Ombudsperson

121. Nada Đurovic Martinovic / UNICEF

#### **NETHERLANDS**

122. Ton Liefwaard / Leiden Law School, Leiden University

**NORTH MACEDONIA**

- 123. Aleksandra Ivanovska / UNICEF
- 124. Goce Kocevski / Macedonian Young Lawyers' Association
- 125. Ljupka Simovska Donev / Ministry of Justice
- 126. Marija Mitanovska Dimovska / Ministry of Justice
- 127. Zeka Ibrahimova / Youth Representative

**SERBIA**

- 128. Darja Koturovic / Ministry of Justice
- 129. Dragan Vulevic / Ministry of Labour, Employment, Veterans and Social Affairs
- 130. Ines Cerovic / UNICEF
- 131. Vera Sofrenovic / Higher Court of Justice
- 132. Vladimir Vukicevic / Ministry of Justice

**SWEDEN**

- 133. Olivia Lind Haldorsson / Council of the Baltic States

**SWITZERLAND**

- 134. Renate Winter / UN Committee on the Rights of the Child
- 135. Aaron Greenberg / UNICEF Europe and Central Asia Regional Office
- 136. Philippe Cori / UNICEF Europe and Central Asia Regional Office
- 137. Elizabeth Platts / UNICEF Europe and Central Asia Regional Office
- 138. Phenny Kakama / UNICEF Europe and Central Asia Regional Office

**TAJIKISTAN**

- 139. Navruz Shoev / Ministry of Justice of the Republic of Tajikistan
- 140. Aminjon Umarzoda / Ministry of Justice of the Republic of Tajikistan
- 141. Umeda Asadova / UNICEF

**TURKEY**

- 142. Ali Ersoy Kontacı / Union of Turkish Bar Associations
- 143. Aysegul Yalcin Eris / Association for Solidarity with Asylum Seekers and Migrants
- 144. Fahri Gökçen Taner / Ankara University
- 145. Gökçe Bahar Öztürk / Ministry of Justice
- 146. Göktan Koçyıldırım / UNICEF
- 147. Hatice Kaynak / Lawyer
- 148. Yakup Moğul / Ministry of Justice

**TURKMENISTAN**

- 149. Durdy Amanov / Ministry of Justice

- 150. Keovilay Khamhoung / UNICEF
- 151. Magtymguly Mojamyradov / Office of the Ombudsperson
- 152. Maksat Jotdyev / Ministry of Internal Affairs
- 153. Serdar Orazmyradov / Ministry of Justice
- 154. Sulgun Muhammedova / Institute of State, Law and Democracy

#### **UKRAINE**

- 155. Anna Zamkova / Office of the Prosecutor General
- 156. Larysa Zub / Ministry of Internal Affairs of Ukraine/National Police
- 157. Naira Avetisyan / UNICEF
- 158. Oleksandr Banchuk / Ministry of Justice
- 159. Oleksandr Baranov / Coordination Centre for Legal Aid Provision

#### **USA**

- 160. Kristel Juriloo / UNICEF NY HQ
- 161. Vijaya Ratnam Raman / UNICEF NY HQ

#### **UZBEKISTAN**

- 162. Bakhtiyor Berdialiev / Ministry of Internal Affairs of Uzbekistan
- 163. Furkatjon Lutfulloev / UNICEF
- 164. Ikram Muslimov / Supreme Court of the Republic of Uzbekistan
- 165. Rustam Gafurov / Academy of General Prosecutor's Office
- 166. Safinas Akhaeva / UNICEF
- 167. Sukhrob Kholikov / Ministry of Public Education
- 168. Svetlana Artikova / Prosecutor General's Office