

Bonjour

Bom dia,

Good afternoon

I am pleased to have been invited by the African Child Policy Forum to this symposium.

This presentation is on the United Nations Guidelines on Justice for Child Victims and Witnesses of Crime. I am therefore quite pleased to get to present after numerous sound and most interesting presentations, including the one Professor Sloth-Nielsen just completed.

The International Bureau for Children's Rights is an international NGO based in Montreal, Canada, that provides expertise to contribute to the protection and promotion of children's rights in conformity with the Convention on the Rights of the Child.

We are currently operational in three sectors, the first one being on child trafficking in the North American context, the second one, the programme I manage, is on country profiles, analysing the experience of countries in a given region in implementing the CRC, and third the programme on child victims and witnesses of crimes.

I am not closely involved in the activities of this programme, but I will try to do my best to give justice to the work of my colleagues working in this programme.

So, the point of being here in front of such a fine audience to discuss the situation of child victims and witnesses of crimes is to provide you with a general overview of a sets of Guidelines that should help State in reviewing and harmonising their legislation and practices in relation to this very particular group of children.

To give you a brief overview, as we all know, it has long existed resistance from some quarters to bring victims' rights in criminal proceedings onto the international agenda. One reason has been the different approaches taken in different legal traditions of the world and thus in domestic legal systems. The resistance has been softened over the years, however, and not the least in the field of international human rights significant progress has been made. Of course, the 1985 United Nations Declaration on Basic Principles of Justice for Victims of Crime represented a break-through in this regard in the international arena.

We can also name other international instruments such as the CRC, its OP on the sale of children, child prostitution and child pornography, the Protocol to Prevent, Suppress and Punish Trafficking in Person ,especially women and children, just to name a few, that touch upon the situation of child victims and witness of crimes.

That said, at the turn of the century, there was no compilation of norms, standards and procedures on how to deal with these children in respecting their general and specific rights.

So this how the Bureau undertook a series of consultation at the international level, as well as a detailed study of international and regional instruments touching upon this subject.

Developed Guidelines.

Resolution by ECOSOC to call for the attention of the SG on the matter, set up expert group, series of deliberations.

July 2005, the Guidelines are adopted by ECOSOC,

- *Adopts* the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;
- *Invites* Member States to draw on the Guidelines in the development of legislation, procedures, policies and practices;
- *Calls upon* Member States that have developed legislation, procedures, policies or practices for child victims and witnesses to make information available to other States and to assist them;
- *Calls upon* the UNODC to provide technical assistance as well as advisory services in the use of the Guidelines;
- *Requests* the Secretary-General to ensure the widest possible dissemination of the Guidelines;
- *Recommends* that Member States bring the Guidelines to the attention of relevant governmental and non-governmental organizations and institutions.

The adoption by ECOSOC of the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime filled an important gap in international standards in the area.

The Guidelines are soft law and they offer a practical framework of good practices to achieve the following objectives:

- (a) to assist in the review of national and domestic laws, procedures and practices so that these ensure full respect for the rights of child victims and witnesses of crime and contribute to the implementation of the Convention of the Rights of the Child;

- (b) to assist in the design and implementation of legislation, policy, programs and practices that address key issues related to child victims and witnesses of crime;
- (c) to guide professionals and, where appropriate, volunteers working with child victims and witnesses of crime in their day-to-day practice; and
- (d) to assist and support those caring for children in dealing sensitively with child victims and witnesses of crime.

The Guidelines are developed around the best Interests Principle as well as ten specific rights to child victims and witnesses of crimes, that is:

- o The right to be treated with dignity and compassion;
- o The right to be protected from discrimination;
- o The right to be informed;
- o The right to be heard and to express views and concerns
- o The right to effective assistance
- o The right to privacy
- o The right to be protected from hardship during the justice process
- o The right to safety
- o The right to reparation
- o The right to special preventive measures

Compendium

First sets of legislation that specify fundamental principles such as:

- the use of child-friendly interview rooms,
- modified court environment where children give testimony
- the acceptability of pre-recorded video testimony, of giving evidence through an intermediary
- the principle of non-disclosure and the insurance that information related to the child's involvement in the justice process is adequately protected.
- Duty to follow-up reported cases.

There are already encouraging signs that the use and application of the Child victims and Witnesses Guidelines is greater.

For example, the UN Committee on the Rights of the Child is now systematically referring to the Guidelines in its concluding observations and recommendations to State Parties and recommending that they improve child-sensitive court procedures in accordance with the Guidelines.

The recommendations contained in the recent report from the UN Secretary General's Study on Violence Against Children also make specific reference to the Guidelines.

Children must also be made aware of the Guidelines. They must know their rights and how to protect themselves, while we as adults must make every effort to facilitate their participation in the justice process. IBCR is proud to have partnered with UNODC, UNICEF and the Innocenti Research Centre in the production of a child-friendly version of the Child Victims Guidelines, which we hope will help empower children to play an active role in having their rights respected.

Now, the Bureau continues its tripartite partnership with UNODC and UNICEF in assisting Member States in adapting their legislation and procedures to enhance the capacity of their respective criminal justice systems to respond to child victims and witnesses of crime in accordance with international standards contained in particular in the Convention on the Rights of the Child and in the Child Victims Guidelines.

More particularly, the Bureau is involved in the development of a set of tools for Member States and the provision of training on the implementation of the Guidelines, starting with a Handbook on Child Victims and Witnesses of Crime for policy makers and professionals.

This draft Handbook is currently under preparation and will be reviewed by an Expert Group Meeting, to be held here in Vienna on 24 & 25 May 2007.

- It reflects the variety of legal systems and traditions and maintains a balance between developing countries and developed countries;
- 85 countries are currently mentioned in the draft, and more are to follow as a result of the upcoming experts group meeting:
 - Algeria, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Czech Republic, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Germany, Honduras, Iceland, India, Indonesia, Iran, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Libya, Macedonia, Malaysia, Mauritania, Mauritius, Mexico, Morocco, Myanmar, Nepal, The Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Russia, Rwanda, Salvador, South Africa,

Spain, Sri Lanka, Sweden, Switzerland, Sierra Leone, Syria, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Venezuela, Yemen, and Zambia, Zimbabwe.

- It also provides examples of domestic acceptance, such as through national laws and court decisions, of the principles found in the Guidelines;