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**Opening address by Maud de Boer-Buquicchio,  
Deputy Secretary General of the Council of Europe  
at the 28th Conference of European Ministers of Justice**

**'Emerging issues of access to justice for vulnerable groups, in particular n and asylum seekers and children, including children as perpetrators of cri**

*Thursday 25 October 2007 at 9.30am*

Your Excellencies, Ladies and Gentlemen,

Most people will occasionally encounter situations in which they are confronted with a legal problem, and most people know what to do. They will talk to a friend, a family member or a colleague who has faced a similar situation, they will seek advice, contact the police, or hire a lawyer. Few people will have enough legal knowledge to know the answers, but they know where to find them.

But what do you do if you are ten years old and all your friends are the same age. What do you do if the cause of abuse is within a family, or if your co-workers are illegally employed immigrants, just as yourself? How many people help from the police if they face the threat of deportation? How can you find legal assistance or hire a lawyer if you do not speak the language, have no money and know little or nothing about the way things are done in the country you live in?

The focus of this 28th Conference of European Ministers of Justice is tremendously important, not only for people in vulnerable groups but for our justice systems as a whole. Equal access to justice is an essential dimension of the equality before the law and the equality before the law is, in return, one of the most fundamental principles in our societies. This principle is the normal functioning of our legal systems; it is indispensable for the normal functioning of our democracies and the genuine protection of human rights. If one or more category of persons is deprived of his or her fundamental right before the law, the whole system is at risk. It will gradually erode and may eventually collapse.

The fact is that there is no small print in the European Convention on Human Rights which would restrict its application to those who are old, skilled, integrated, legal, or affluent enough to benefit from its safeguards. I have great expectations for this conference, and I expect we shall make progress in reversing an unacceptable and unjust paradox – that those who are most vulnerable are very often less protected than those who are not.

I expect this conference will result in specific, feasible and effective measures to improve the access to information and, where appropriate, legal representation for migrants and asylum seekers.

As regards children's access to justice, I should like to mention the outcome of the recent Conference on International Children which took place in Strasbourg and concluded that children still enjoy very limited access to international justice. In many cases, it may be a direct consequence of the limited access at national level. This is clearly the case with the Court of Human Rights which requires from the applicants to exhaust domestic legal remedies. The participants agreed that there was an urgent need to promote child-friendly justice at national and international levels and produced a number of proposals on how to improve children's access to justice at international level. This is an imperative in the light of the nature of the European Convention on Human Rights' protection system.

The Conference produced recommendations on the role of ombudspersons for children, child-friendly versions of national laws of Europe treaties and improved communication on the results of Council of Europe monitoring efforts.

Yesterday Dutch police, in co-operation, amongst others with Spanish, Irish, British, French, German and US law enforcement authorities, have reportedly tracked down an organised criminal group who used voodoo to gain control over child trafficking them abroad for sexual purposes, in a racket which exploited the asylum system. I should like to start by congratulating all law enforcement authorities concerned for this important operation which demonstrates, once more, how important it is to co-operate internationally to combat trafficking of human beings, including children of course, but also how important it is to get our asylum and immigration systems right. I am particularly concerned by the recent developments concerning children who are held in asylum-seekers detention centres and who disappear to enter the trafficking market. This

because it is a system which circumvents our anti-trafficking measures by misusing asylum-seekers regulations. We tackle this problem very urgently.

In the meantime, let me announce with great satisfaction that yesterday I received the 10th ratification by Cyprus of Europe Convention on action against trafficking in human beings, which means that, as from 1 February 2008, it will enter into force and its monitoring mechanism, GRETA, will start functioning. Indeed, this is very important for conclusions of your Conference as this Convention provides for child-friendly judicial procedures in trafficking case minors and also because it makes a clear distinction between trafficking in human beings and illegal immigration: phenomena which need to be treated adequately, but differently, even if sometimes they overlap.

Moreover, we must make sure that cases filed by children are treated with the urgency they deserve. Cases concerning are frequently very complex, and it would be worth considering the possibility for the European Court of Human Rights to specially train some judges on children-related issues or to designate one or more of them as judge rapporteurs for related issues.

The Council of Europe could greatly contribute in guaranteeing children real access to justice by preparing Europe for a Child Friendly Justice. Such Guidelines would promote the better implementation of existing national and international provisions and encourage States, where necessary, to amend their legislation and practices.

I will conclude with an issue of tremendous importance, one which I personally – and I know you do as well – feel about – namely the new Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, now for signature here in Lanzarote. Europe is finally getting a new, comprehensive and – I am confident – also effective to fight the sexual exploitation of children.

The stakes are enormous. It is a horrifying fact that every day, across Europe, children are being sexually abused. It is estimated that between 10% and 20% of children in Europe are sexually assaulted during their childhood. The evolution of Internet has brought about new risks, and cyberspace is crawling with sexual predators “grooming” their potential victims. Interpol, with a database of more than 20,000 sexually abused children, recently launched an unprecedented global operation which helped identify a man responsible for abusing young boys in Vietnam and Cambodia. The whereabouts of this man have eventually been identified also thanks to a 24/7 network which is widely used by Interpol and which is also formalized in the Council of Europe Convention on cybercrime: a treaty which I encourage you all to ratify as soon as possible. While that the person has been caught and the case has attracted enormous publicity, one arrested paedophile is not enough to broaden the basis of global co-operation which led to his arrest and the new Council of Europe Convention, together with the Cybercrime Convention, which are both open to non-European countries, provide an opportunity to do so. Only a few days ago, 310 people suspected of having downloaded images of child pornography on the Internet were arrested in France, and there have been several similar massive arrests in a number of other European countries. I believe that it is high time for Europe to call for an anti-dote against this appalling and destructive crime. I am confident that this new Council of Europe Convention provides both.

Our new Convention, combined with our treaties against cybercrime and trafficking in human beings, can make a significant contribution to the protection of children – but it must first enter into force. You know that for this to happen, it must be ratified by at least three countries including, at least, three members of the Council of Europe. But to be fully effective, it must be ratified by a majority of both in Europe and elsewhere in the world. The Convention, once it enters into force, will help child victims of sexual exploitation and will prevent other children from suffering a similar fate. Needless to say, there has seldom been a more urgent or important reason for speeding things up in the governmental and parliamentary pipelines and to overcome any political obstacles often adult-made in the interest of our children. I am therefore very happy that we have just had 23 signatures of the Convention this morning which is amongst the highest figures for the day of the opening to signature of a Council of Europe treaty.

Thank you very much.