



BUREAU  
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DES DROITS DES ENFANTS

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BUREAU  
FOR CHILDREN'S RIGHTS

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LOS DERECHOS DEL NIÑO

The IBCR promotes justice systems that respect the fundamental rights of child victims and witnesses of crime, while recognising the rights of the accused.

## Child Victims and Witnesses of Crime Programme

A Long-Term Commitment: Giving a Voice to Child Victims and Witnesses of Crime

The International Bureau for Children's Rights (IBCR) has been involved in the **protection of child victims and witnesses of crime for almost 15 years**. Its work is being performed in response to an expressed need for assistance by governments and professionals in the field of child protection as well as by children themselves. In the late 1990s, the IBCR began its research on existing international norms and standards of child protection. These include, for example, the *Convention on the Rights of the Child* (CRC), which aims to ensure the effective recognition of children's rights, and the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. The IBCR also focuses its research on best practices in the protection of child victims and witnesses of crime that respect the diversity of legal systems and legal traditions.

As articulated by the United Nations Committee on the Rights of the Child, that which is of utmost importance is “[...] dismantling the legal, political, economic, social and cultural barriers that currently impede children's opportunity to be heard and their access to participation in all matters affecting them. It requires a preparedness to challenge assumptions about children's capacities, and to encourage the development of environments in which children can build and demonstrate capacities.” (General Comment No. 12 (2009), §135).

## PROPOSING INTERNATIONAL NORMS ON THE ISSUE

In 2003, the Bureau was granted the special consultative status with the United Nations Economic and Social Council (ECOSOC). In this context, the Bureau has contributed significantly to the development of the *Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime* that were adopted by the ECOSOC in 2005.

In partnership with the United Nations Children's Funds (UNICEF) and the United Nations Office on Drugs and Crime (UNODC), the IBCR developed several tools to implement the Guidelines. These tools included a model law, a child-friendly version of the Guidelines (available in several languages), training modules for professionals working with child victims or witnesses of crimes and a *Handbook for Professionals and Policymakers on Justice in Matters Involving Child Victims and Witnesses of Crime*.

## IMPLEMENTING THE UN GUIDELINES ON JUSTICE IN MATTERS INVOLVING CHILD VICTIMS AND WITNESSES OF CRIME

### In 2011

With the financial support of the Canada's Department of Justice, the IBCR published: *La protection des enfants victimes et témoins d'actes criminels au Québec. Étude sur la mise en œuvre des Lignes directrices en matière de justice pour les enfants victimes et témoins d'actes criminels*<sup>1</sup>. This study identifies the progress that has been made thus far on child protection in the justice system in Quebec. Included is a discussion of the legal provisions that formally recognise the specific rights of children in the justice system.



1. *The Protection of Child Victims and Witnesses of Crime in Quebec. Report on the Implementation of the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime* (only accessible in French).

## THE RIGHTS OF CHILD VICTIMS AND WITNESSES OF CRIME DEFINED IN THE GUIDELINES:

1. The right to be treated with dignity and compassion;
2. The right to be protected from discrimination;
3. The right to be informed;
4. The right to be heard and to express views and concern;
5. The right to effective assistance;
6. The right to privacy;
7. The right to be protected from hardship during justice process;
8. The right to safety;
9. The right to reparation;
10. The right to special preventative measures.

## The Guidelines provide a practical framework to achieve the following objectives:

- a) To assist 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 on the Rights of the Child;
- b) To assist governments, international organisations, public agencies, nongovernmental and community-based organisations and other interested parties in designing and implementing legislation, policy, programmes 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 in the juvenile justice process at the national, regional and international levels;
- d) To assist and support those caring for children in dealing sensitively with child victims and witnesses of crime.

**The IBCR consulted representatives from several institutions tasked with protecting children and their rights**, including the Quebec Youth Centres Association; the Quebec Association Plaidoyer-Victimes; the Centre d'aide et de lutte contre les agressions à caractère sexuel; the Montreal Crime Victims Assistance Centre (CAVAC); the Centre d'expertise Marie-Vincent; the Policy Centre for Victim Issues of the Department of Justice Canada; the Quebec Public Prosecutions; Quebec Native Women Inc.; the Royal Canadian Mounted Police; La Traversée; the Federal Ombudsman for Victims of Crime; Public Safety Canada; the City of Montreal Police Department; the Public Prosecution Service of Canada and the Sûreté du Québec.

In contrast, the literature review and interviews with experts in this study reveal that, despite the undeniable progress that has been made over time, the justice system in Quebec continues to focus on adults and is consequently ill-suited to respond to children's needs and uphold children's rights. Particularly telling is the fact that child victims and witnesses of crime in Quebec have never been given the opportunity to give an account of their experience in the criminal justice system, from the beginning of the process (the moment that the crime is detected) until the end of the legal proceedings. In an effort to promote and protect children's rights, specifically Article 12 of the *Convention on the Rights of the Child* (the right to be heard and to participate), the IBCR designed a project that centres on documenting the experiences and opinions of child victims and witnesses of crime in the Quebec criminal justice system.

## RESEARCH ON THE LEGAL TRAJECTORY OF CHILD VICTIMS AND WITNESSES OF CRIME IN QUEBEC

### In 2012

With funding from the Crime Victims Assistance Office of the Quebec's Department of Justice, and in partnership with Professor Mireille Cyr (Department of Psychology of the University of Montreal) and the Quebec Association Plaidoyer-Victimes, the IBCR launched an exploratory research project. More specifically, research strives to identify recurring problems faced by child victims and witnesses of crime in Quebec, including children's reluctance to report crimes, their experience of

confusion about what is happening to them and why, their fear of confronting the accused and/or of not being believed and the anxiety caused by long procedural delays, among others.

### As of 2013

Central to promoting and protecting children's right to express their views and concern and to participate in the criminal justice process (CRC, Art. 12) is listening to what children themselves have to say on the matter. To afford children this critical opportunity, the IBCR has begun launching a series of interviews with young people (aged 14+) who have gone through the judicial process, specifically as victims or witnesses of crime involving either an adult or juvenile offender. With the support of the Quebec's Department of Justice and the Crime Victims Assistance Office, this initiative thus far involves a series of interviews in four cities in Quebec: Montreal, Gatineau, Quebec city and Rimouski.

**The child has the right “to express those views freely”. “Freely” means that the child can express her or his views without pressure and can choose whether or not she or he wants to exercise her or his right to be heard. “Freely” also means that the child must not be manipulated or subjected to undue influence or pressure. “Freely” is further intrinsically related to the child’s “own” perspective: the child has the right to express her or his own views and not the views of others.**

*United Nations Committee on the Rights of the Child, General Comment No. 12 (2009), § 22.*

## RESEARCH GOALS

This research aims to bring to the fore the strengths and weaknesses of the criminal justice system in Quebec from the perspective of the young people who have gone through it. A portrait of their respective judicial trajectories will allow for a greater understanding of their position and treatment in the said system and is hoped to encourage policy-makers to review support and intervention approaches as well as legislative measures. Moreover, such portraits will help raise awareness about child protection issues among professionals and stakeholders involved in the Quebec justice system so that they can, accordingly, adopt and adapt practices in an effort to truly respect children's rights.

This project is being conducted in collaboration with Mireille Cyr, Ph.D, Psychology Professor at the University of Montreal and co-chair of the *Chaire interuniversitaire Marie-Vincent sur les agressions sexuelles envers les enfants* – the Marie-Vincent Interuniversity Chair on the Sexual Abuse of Children. She has guided, oriented and overseen the design of the research protocol in support of the project, which was validated by the Ethical research committee of the Faculty of Arts and Sciences of the University of Montreal.

**The direction and content of the research conducted by the IBCR has been facilitated by the work of an Advisory Committee, composed of experts from different disciplines working in the protection of child victims and witnesses of crime. This Committee includes:**

Marie-Hélène Blanc, Director General of the Quebec Association Plaidoyer-Victimes; the Honourable Justice Claude C. Boulanger, Assistant Chief of Justice – Youth Division; Jenny Charest, Director General of Montreal CAVAC; Anne-Andrée Charette, Assistant Chief Attorney of Public Prosecutions; Lieutenant-Detective Christine Christie, Commercial Sexual Exploitation of Children Unit of the Montreal Police Department (SPVM); Mireille Cyr, Ph.D., Professor, Department of Psychology of the University of Montreal; Marie-Josée Dion, Director General of CAVAC of Capitale-Nationale and Chaudières-Appalaches; Francine Dionne, Director General of CAVAC of Bas-Saint-Laurent; Michelle Dionne, Youth Protection Director and Provincial Director; Kathleen Dufour, Director General of CAVAC of Outaouais; Jean-Yves Frappier, MD, FRCPC, MSc., Chief of the Departments of Adolescent Medicine and Social Paediatrics of the Montreal CHU Sainte-Justine; Arlène Gaudreault, President of the Quebec association Plaidoyer-Victimes; Lucie Joyal, Director of the Marie-Vincent Foundation and the Centre d'expertise Marie-Vincent; Yanick Laramée, Assistant Chief Attorney, Public Prosecutions; Sergeant Jean-Yves McCann, Specialist in Crimes Against Personal Integrity, Sûreté du Québec (SQ); Sergeant-detective Dominic Monchamp, Supervisor of Investigations, Montreal Police Department (SPVM); Lieutenant-Detective Jean Poirier, Sexual Assault and Domestic Violence Unit, Quebec Police Department (SPVQ); Anne-Marie Otis, Chief Attorney, Public Prosecutions; Joëlle Roy, defence lawyer and president of the Quebec Association of Defence Lawyers.

**The Convention on the Rights of the Child states that every person below the age of eighteen years if a full-fledged human being entitled to fundamental rights.**

The Convention was adopted by the United Nations General Assembly on 20 November 1989 and entered into force on 2 September 1990. The Convention has been ratified by more than 190 States including Canada, with the support of its provinces. All State parties have committed themselves to respecting and securing children's rights as detailed in the Convention. The Government of Québec declared itself bound to the Convention by a decree dated 9 December 1991.

**The four core principles of the Convention comprise:**

- Non-discrimination (Art. 2);
- The best interests of the child (Art. 3);
- The right to life, survival and development (Art. 6); and
- The right to participation (Art. 12).

**The International Bureau for Children's Rights: in action since 1994**

The International Bureau for Children's Rights is an international non-governmental organization whose headquarters are located in Montreal and whose mandate is to promote the Convention on the Rights of the Child.

For more information, contact the International Bureau for Children's Rights:

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