

The guidelines recall, promote and reinforce many universal and European standards:

Universal standards

The guidelines give a concrete regional dimension to children's rights standards designed internationally, in particular the **United Nations Convention on the Rights of the Child (1989)** and the **United Nations Guidelines on Justice in matters involving Child Victims and Witnesses of Crime (2005)**. They strengthen these tools while offering to go further and call for their effective implementation by the member states in compliance with relevant European standards.

European standards

The guidelines are based on the **European Convention on Human Rights** and the jurisprudence of the **European Court of Human Rights**, whose judgments are binding. They also build on a wide range of **Council of Europe instruments** relating to children's rights such as the European Convention on the Exercise of Children's Rights, the revised European Social Charter, the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the European Convention on the Adoption of Children (Revised), and the European Rules for Juvenile Offenders subject to sanctions or measures. The Guidelines on child-friendly justice are also a building block of the Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence.



BUILDING A EUROPE FOR AND WITH CHILDREN



About the Council of Europe

Founded in 1949, the Council of Europe has 47 member states and seeks to develop common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals, including 150 million children in Europe.

The text of the guidelines and other relevant information can be found at:
www.coe.int/children and www.coe.int/justice

"Building a Europe for and with Children"
Council of Europe
F-67075 Strasbourg Cedex
www.coe.int/children
children@coe.int

This document was produced with the generous support of the Government of Luxembourg.

© Council of Europe – Illustration: Eric Puybaret



Council of Europe Guidelines on child-friendly justice



Michael is 10. His parents are divorcing and fighting over his custody. Michael wants to see the judge and tell him/her that he wants to live with his mother. Tina, 7, has been sexually abused, the doctor says, but she confusingly evokes an accident in the bathroom. The judge is considering a re-enactment of the crime scene but is afraid she will suffer further trauma. Emma is 16. A famous model agency offers her an exclusive five-year contract. Emma's parents disagree but Emma thinks that she should have a say in her career plans and wants to choose her own legal representative. Olga, 15, killed her stepfather who would regularly beat her and her mother up. She is in pre-trial detention, wondering what will happen next and whether she will be seen as a victim, witness or author of domestic violence. She also wonders what will happen to her after the trial since her mum rejected her. The parents of Aleksandar, aged 8, are subject to an eviction procedure. Their lawyer argues that the eviction contradicts the child's best interests, in particular his right to decent housing. Hasan, 5, is an unaccompanied migrant minor. He is being detained in a European airport.

What do all these children and young people have in common? Life has brought them all in some way in contact with justice, be it civil, criminal or administrative. They are fictive characters reflecting real situations in which professionals – lawyers, judges, police officers, social workers, psychologists, etc. – are required to respect and protect the child's rights. To do so, they will have to pay attention to children's specific needs and make sure that children's views are duly taken into consideration.

The Council of Europe Guidelines on child-friendly justice have been prepared in order to support governments and professionals in guaranteeing children's effective access to justice and adequate treatment in justice procedures.

What does "child-friendly justice" mean?

It means creating a justice system which guarantees the respect and the effective implementation of all children's rights, giving due consideration to the child's level of maturity and understanding and to the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.

What are the guidelines about?

They apply to everyone under 18 whenever they come into contact with the justice system, such as when they break the law, when their parents get divorced or when someone who has hurt them is being punished. The guidelines are designed to help governments make sure that children's rights are protected whenever decisions concerning children are made.



What do the guidelines say?

- **Information, representation and participation:** children should be informed on their rights, have free access to a lawyer, have a say and have decisions affecting them explained in a way that they can understand.
- **Protection of privacy:** a child's privacy should be protected, including from the media. In particular, no one is allowed to print a child's name, picture or personal information about him/her or his/her family in the newspaper or on the Internet. If children are being heard in court or other official settings only the concerned people should be present.
- **Safety:** children should be protected from harm and when they have been hurt, it is important to keep them safe. Everyone working with children should be checked to make sure they are not likely to harm them.
- **Multidisciplinary approach and training:** professionals working with children should work together towards the child's best interests. They should receive training on child rights, communication and needs at different ages so as to protect them from hardship of procedures, as well as to ensure the reliability and good administration of justice.
- **Safeguards before, during and after all proceedings:** when children go to court, the settings and process should be well described and explained to them. They should have the possibility to have their own lawyer and to have a say in cases that affect them. Decisions should be taken as quickly as possible and be clearly explained to children.
- **Deprivation of liberty:** a child should only be detained when there is no other option, and should never be detained on immigration grounds. If a child is detained, it should be as briefly as possible and apart from adults except if in his/her best interests. Despite the detention, they should enjoy all their other rights, especially the rights to contact family and friends, to education, training or religion and have access to sports and leisure facilities. They should be prepared for their return home.
- **Promoting and monitoring child-friendly actions:** governments should set up information structures for children (e.g. free helpline or Children's Commissioner), make sure children know how and who to complain to about their treatment, teach children, parents and professionals about children's rights, foresee protective legislation understandable for children, regularly check children's treatment in justice and take measures to improve it.



What is new in the guidelines?

- **A unique scope:** the guidelines address children's rights in all areas of law (civil, administrative, criminal), at all stages of procedures (before, during and after), and in all capacities and circumstances (be the children victims, witnesses, authors of crime, a party to proceedings or "just" affected by legal proceedings such as a seizure of property by a bailiff).
- **A collection of good practices:** successful case studies are presented to provide governments and professionals with concrete guidance for enhancing their daily practice.
- **The result of a broad consultation:** the guidelines were drafted in co-operation with a wide range of partners, including Unicef and many NGOs. Children and young people expressed their views through questionnaires and interviews. Almost 4000 replies were received and processed. The answers considerably influenced the final text.

Which principles are the guidelines based on?

- **Participation:** children have the right to be heard in decisions that affect them, and adults must take children's views seriously.
- **Best interests of the child:** when decisions are being made, children's rights must strictly be respected, and all their needs taken into account according to their age. In so doing, judges can seek the opinion of experts like psychologists or social workers.
- **Care and respect:** children must always be treated with care and respect. In particular, his/her privacy must be protected.
- **Equal treatment:** children are all different but they must all be treated equally, irrespective of their country of origin, group or religion or of the language they speak. Children with disabilities, children who are homeless or those placed in homes, Roma or foreign children need particular protection.
- **Rule of law:** children should be treated fairly in the justice system. If they are in trouble, they should have a lawyer and the court should take into account their specific situation and needs. Children have the right to complain about their treatment to an independent and impartial person or body.