

CHILD-FRIENDLY JUSTICE IN EUROPE

CFJ-EN Handbook – 2025 Edition



CFJ-EN

Child Friendly Justice
European Network



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Table of contents

Acknowledgements	1
Foreword	2
About the CFJ-EN	3
Acronyms	4
Glossary of key terms	5
1. COMPILATION OF RESOURCES ON CHILD-FRIENDLY JUSTICE	19
2. KEY LEGAL STANDARDS AND CASE LAW ON CHILD-FRIENDLY JUSTICE	49
2.1. International framework	50
2.2 European framework	53
2.2.1. European Union	53
2.2.1.1 Overview of EU instruments relating to child-friendly justice	53
2.2.1.2. Provisions of EU instruments relating to child-friendly justice classified by specific topics	56
2.2.2. Council of Europe	58
2.2.2.1. Overview of CoE instruments related to child-friendly justice	58
2.2.2.2. Provisions of CoE instruments related to child-friendly justice classified by specific topics	61
2.3. Selection of European case law relating to child-friendly justice	63
3. KEY STAKEHOLDERS AT THE EUROPEAN LEVEL WORKING ON CHILD-FRIENDLY JUSTICE	89

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Foreword

This edition of the Handbook to promote child-friendly justice (CFJ) has been prepared by the Operational Team of the CFJ-EN. It is the fourth in a series of annual handbooks on the effective adaptation of European justice systems (criminal, civil and administrative) to child-friendly justice principles.

What does this Handbook include?

The Handbook lists resources and tools developed by the CFJ-EN and its members (manuals, toolkits, position papers, training material, research reports, etc.), legislation and main case law on CFJ at regional level, as well as main events related to CFJ. It is made accessible to all, published in an online format, in English, on the website of the CFJ-EN (www.cfjnetwork.eu/publications).

Why was this Handbook developed?

This Handbook provides a mapping of the legal framework applicable to child-friendly justice and initiatives and resources, which will allow practitioners working with children to have an overview of the general context and to better orient their actions. While it does not claim to be exhaustive, as it contains a selection of resources, it is intended as a “toolbox” for professionals where they can easily find a set of legal resources, as well as recent resources that were developed mainly by the members of the CFJ-EN in the framework of regional projects and initiatives. This toolbox aims to assist them in their decision-making processes. The CFJ-EN will regularly update this document, in close collaboration with its members.

Who is the Handbook for?

The Handbook has been designed for members of the CFJ-EN, as well as for any legal practitioner, judge, public prosecutor, child protection authority, social worker, probation officer, and organisation or institution working with children and/or responsible for the protection of their rights when in contact with justice systems.

About the CFJ-EN

The Child Friendly Justice European Network (CFJ-EN) was launched in 2019 informally by the Europe sections of Defence for Children International. Thanks to the formalisation of a Framework Partnership Agreement with the European Union, the CFJ-EN has been fully operational since April 2022. The CFJ-EN has, as of September 2023, 40 members in 21 countries in Europe. Its members include civil society organisations, research institutes and individual experts.

The purpose of the CFJ-EN is to federate organisations across Europe, influence policies and legislation and disseminate information in relation to CFJ at European regional and national levels. The vision for the future is that children in Europe have access to age appropriate, inclusive and effective services and practitioners equipped to implement child-friendly justice. To implement this vision, it bases its work on the Convention on the Rights of the Child and aims to support the implementation of the Council of Europe Guidelines on child-friendly justice, the European Directives on procedural safeguards and on victim's rights, as well as other key European instruments.

The CFJ-EN aims to:



Strengthen children's agency, by promoting meaningful and inclusive participation of children and young people and making practitioners working with children understand the importance of child participation.



Promote quality of practice, by increasing capacities of legal and non-legal practitioners who work with children and sharing knowledge and expertise across Europe on child-friendly justice.



Ensure accountability, by informing European policy makers and making them aware of inspiring practices and informing national policy makers and making them aware of latest developments in child-friendly justice.



Strengthen the network, by strengthening the capacities of the Network to communicate on and promote child-friendly justice and mobilising support to members and fostering collaborations across Europe towards effective access to justice for children.

Acronyms

The following table lists the various abbreviations and acronyms used throughout the Handbook.

ACRONYM	MEANING
AADH	Alliance des Avocats pour les droits de l'Homme
CFJ	Child-Friendly Justice
CFJ-EN	Child Friendly Justice European Network
CDENF	Council of Europe Steering Committee for the Rights of the Child
CoE	Council of Europe
CILSP	Centre of Integrated Legal Services and Practices
CJEU	Court of Justice of the European Union
CRC	Convention on the Rights of the Child
DCI	Defence for Children International
EC	European Commission
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (commonly known as European Convention of Human Rights)
ECtHR	European Court of Human Rights
EFRJ	European Forum for Restorative Justice
ENF-VAE	Council of Europe Committee of Experts on the prevention of violence
EU	European Union
FRA	European Union Agency for Fundamental Rights
GC	United Nations General Comment
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HPC	Hope for Children
IJJO	International Juvenile Justice Observatory
LIL	Law Institute of the Lithuanian Centre for Social Sciences
LBI-GMR	The Ludwig Boltzmann Institute of Fundamental and Human Rights
PICUM	Platform for International Cooperation on Undocumented Migrants
SAPI	Social Activities and Practices Institute
TFEU	Fundamental Treaty of European Union
Tdh	Terre des hommes
UAC	Unaccompanied children
UN	United Nations
UNICEF	United Nations Children's Fund

Key Legal Terminology

ACCESS TO JUSTICE FOR CHILDREN

Access to justice is related to [Sustainable Development Goal 16](#), “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, and more precisely, SDG 16.3, “Promote the rule of law at the national and international levels and ensure equal access to justice for all”.

According to the [UN Human Rights Council \(UN A/HRC/25/35\)](#), access to justice for children “(4) refers to the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards, including the Convention on the Rights of the Child. It applies to civil, administrative and criminal spheres of national jurisdictions, including customary and religious justice mechanisms, international jurisdictions, as well as alternative and restorative dispute resolution mechanisms, and covers all relevant judicial proceedings, affecting children without limitation, including children alleged to have, accused of, or recognised as having infringed the penal law, victims and witnesses or children coming into contact with the justice system for other reasons, such as regarding their care, custody or protection. (5) The concept of access to justice for children requires the legal empowerment of all children. They should be enabled to access relevant information and to effective remedies to claim their rights, including through legal and other services, child rights education, counselling or advice, and support from knowledgeable adults. Moreover, access to justice for children requires taking into account children’s evolving maturity and understanding when exercising their rights¹.”

ALTERNATIVES TO DETENTION

Measures that may be imposed on children who are being formally processed through the criminal justice system, at both pre-trial and sentencing stages, that do not involve deprivation of liberty².

BEST INTERESTS OF THE CHILD

The UN Committee on the Rights of the Child underlines that the child’s best interests is a threefold concept:

A substantive right: The right of the child to have his or her best interests assessed and taken as a primary consideration when different interests are being considered in order to reach a decision on the issue at stake, and the guarantee that this right will be implemented whenever a decision is to be made concerning

¹ [UN Human Rights Council \(UN A/HRC/25/35\)](#)

² [Diversion not Detention.pdf; UNICEF Toolkit on Diversion and Alternatives to Detention](#)

a child, a group of identified or unidentified children or children in general. Article 3, paragraph 1, creates an intrinsic obligation for States, is directly applicable (self-executing) and can be invoked before a court.

A fundamental, interpretative legal principle: If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen. The rights enshrined in the Convention and its Optional Protocols provide the framework for interpretation.

A rule of procedure: Whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned. Assessing and determining the best interests of the child require procedural guarantees. Furthermore, the justification of a decision must show that the right has been explicitly taken into account. In this regard, States parties shall explain how the right has been respected in the decision, that is, what has been considered to be in the child's best interests; what criteria it is based on; and how the child's interests have been weighed against other considerations, be they broad issues of policy or individual cases³.

CHILD

A child, according to the [UN Convention on the Rights of the Child](#), is every person below the age of 18⁴.

CHILD ABUSE

Child abuse can be defined as "all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power⁵."

Child abuse is divided into four categories:

Physical abuse is when a child has been hurt or injured, and it is not an accident. While physical abuse does not always leave visible marks or injuries, it can include hitting, shaking, choking, smothering, throwing, burning, biting, poisoning, or using physical restraints.

Sexual abuse is when an adult, teenager or child uses their power or authority to involve another child in sexual activity. Sexual abuse can be physical, verbal or emotional, including kissing, holding or fondling a child in a sexual way, exposing

³ [UN Committee on the Rights of the Child's General Comment No.14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration](#), para 6

⁴ [UN Convention on the Rights of the Child](#)

⁵ https://iris.who.int/bitstream/handle/10665/43499/9241594365_eng.pdf?sequence=1; <https://aifs.gov.au/resources/policy-and-practice-papers/what-child-abuse-and-neglect>; <https://papyrus-project.org/what-is-abuse/>, The World Health Organisation, 2006, p. 9

genitals to a child, talking in an age-inappropriate sexual manner, making obscene phone calls, text messages or remarks, persistently intruding on a child's privacy, penetrating a child's vagina or anus by penis, finger or other object, having sex with a child under 16 years of age, showing pornographic films, magazines or photographs to a child, having a child pose or behave in a sexual way, forcing a child or young person to watch a sexual act, forcing a child or young person to have sex with another child, oral sex, rape, incest, or child prostitution.

Emotional abuse is when a child is treated in a way that negatively impacts their social, emotional or intellectual development. Emotional abuse can be caused by rejection, name calling, teasing or bullying, yelling, criticism, isolation or caging a child for extended periods, or by exposure to domestic and family violence.

Neglect is when a child's basic needs (food, housing and clean living conditions, health care, adequate clothing, personal hygiene, and adequate supervision) are not met, affecting their health and development⁶.

CHILD-FRIENDLY JUSTICE

According to the Council of Europe, "child-friendly justice' refers to justice systems which guarantee the respect and the effective implementation of all children's rights at the highest attainable level, bearing in mind the principles listed below and giving due consideration to the child's level of maturity and understanding and 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."⁷

CHILD JUSTICE SYSTEM

Child justice system is a system with specialised laws, procedures, and policies designed to protect the rights, interests, and needs of children, in criminal, civil, and administrative proceedings.

CHILD PARTICIPATION

Article 12 of the Convention on the Rights of the Child (the Convention) is a unique provision in a human rights treaty; it addresses the legal and social status of children, who, on the one hand lack the full autonomy of adults but, on the other, are subjects of rights. Paragraph 1 assures, to every child capable of forming their own views, the right to express those views freely in all matters affecting the child,

⁶ https://iris.who.int/bitstream/handle/10665/43499/9241594365_eng.pdf?sequence=1; <https://aifs.gov.au/resources/policy-and-practice-papers/what-child-abuse-and-neglect>; <https://papyrus-project.org/what-is-abuse/>, The World Health Organisation, 2006, p. 9

⁷ *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, Council of Europe, 2010

the views of the child being given due weight in accordance with age and maturity. Paragraph 2 states, in particular, that the child shall be afforded the right to be heard in any judicial or administrative proceedings affecting them⁸.

“Participation” is about individuals and groups of individuals having the right, the means, the space, the opportunity and, where necessary, the support to freely express their views, to be heard and to contribute to decision-making on matters affecting them, their views being given due weight in accordance with their age and maturity⁹.

CHILD RIGHTS APPROACH

A child rights approach is one that:

- furthers the realisation of child rights as laid down in the CRC and other international human rights instruments;
- uses child rights standards and principles from the CRC and other international human rights instruments to guide behaviour, actions, policies and programmes (in particular non-discrimination; the best interests of the child; the right to life, survival and development; the right to be heard and taken seriously; and the child’s right to be guided in the exercise of his/her rights by caregivers, parents and community members, in line with the child’s evolving capacities);
- builds the capacity of children as rights-holders to claim their rights and the capacity of duty-bearers to fulfil their obligations to children¹⁰.

CHILD TRAFFICKING

Child trafficking means the recruitment and/or transfer, harbouring or receipt of children for the purposes of exploitation. Children’s rights are at the heart of all we do at UNICEF. Trafficking violates those rights and denies children the ability to reach their full potential.

This form of abuse usually benefits the trafficker in some way, through either financial, social or political gain. Child trafficking is accompanied by abuse and maltreatment. The children involved endure many horrors and the impact on their lives, even after rescue, is permanent and devastating. Child trafficking may occur with the intention of: forced labour, sexual exploitation or child marriage.¹¹

CHILD VICTIM AND WITNESS

Children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders¹².

⁸ [UN Committee on the Rights of the Child’s General Comment No.12 \(2009\) on the right of the child to be heard](#), para 1

⁹ [CM/Rec\(2012\)2 - Recommendation of the Committee of Ministers to member States on the participation of children and young people under the age of 18](#) CoE (Adopted by the Committee of Ministers on 28 March 2012 at the 1138th meeting of the Ministers’ Deputies)

¹⁰ [Child Rights Education Toolkit: Rooting Child Rights in Early Childhood Education](#), UNICEF, Primary and Secondary Schools (Geneva, 2014), p. 21

¹¹ [Child Trafficking](#), UNICEF, 2025

¹² [Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime](#), UN Economic and Social Council Resolution 2005/20 (2005), Annex IV, para 9

CHILDREN IN CONTACT WITH THE JUSTICE SYSTEM

A person below the age of 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence, as a victim and/or witness of a criminal offence, or as a witness or party in a civil or administrative proceeding.

COMPLAINT MECHANISM

A complaint mechanism is a means through which children who believe their rights have been violated, as individuals or collectively as a group, can seek redress and make the violation stop. This is integral to the right to a remedy in case of a rights violation¹³.

DEPRIVATION OF LIBERTY

Any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority¹⁴.

DIVERSION

Measures for referring children away from the judicial system, at any time prior to or during the relevant proceedings¹⁵.

Diversion means channelling children in conflict with the law away from judicial proceedings through the development and implementation of procedures or programmes that enable many - possibly most - to avoid the potential negative effects of formal judicial proceedings, provided that human rights and legal safeguards are fully respected¹⁶.

MINIMUM AGE OF CRIMINAL RESPONSIBILITY (MACR)

The minimum age below which the law determines that children do not have the capacity to infringe the criminal law¹⁷.

PRE-TRIAL DETENTION

Detention from the moment of the arrest to the stage of the disposition or sentence, including detention throughout the trial¹⁸.

RESTORATIVE JUSTICE

Any process in which the victim, the offender and/or any other individual or community member affected by a crime actively participates together in the

¹³ [National Human Rights Institutions \(NHRIs\) Series: Child-Friendly Complaint Mechanisms](#), UNICEF (2018), p. 7

¹⁴ [United Nations Rules for the Protection of Juveniles Deprived of their Liberty \(Havana Rules\)](#), art. 11 (b)

¹⁵ [UN Committee on the Rights of the Child's General Comment No.24 \(2019\) on children's rights in the child justice system](#), para 8

¹⁶ [UNICEF Toolkit on Diversion and Alternatives to Detention](#)

¹⁷ [UN Committee on the Rights of the Child's General Comment No.24 \(2019\) on children's rights in the child justice system](#), para 8

¹⁸ [UN Committee on the Rights of the Child's General Comment No.24 \(2019\) on children's rights in the child justice system](#), para 8

resolution of matters arising from the crime, often with the help of a fair and impartial third party¹⁹.

RIGHT TO ACTIVE REMEDY

The right to a remedy is a fundamental human right and an essential dimension of access to justice for children. Acknowledging and ensuring that children have direct access to a remedy is also recognition that children are full citizens and actors in their own lives. The right to a remedy is particularly important for children and young people who are marginalised and more at risk of having their rights violated (e.g. child victims of violence, children in care or in closed institutions, children who belong to a minority, children on the move and children in contact with the law, among others)²⁰.

RIGHT TO BE HEARD

Children have the right to be listened to and taken seriously, they are entitled to give their opinion on all matters affecting them and due regard and consideration should be given to their views.

Children's right to be heard is one of the four guiding principles of the CRC along with the right to non-discrimination, the right to survival and development and the best interests of the child²¹.

STATUS OFFENCE

A systemic approach to prevention also includes closing pathways into the child justice system through the decriminalisation of minor offences such as school absence, running away, begging or trespassing, which often are the result of poverty, homelessness or family violence. Child victims of sexual exploitation and adolescents who engage with one another in consensual sexual acts are also sometimes criminalised²².

VIOLENCE AGAINST CHILDREN

Violence against children includes all forms of violence against people under 18 years old, whether perpetrated by parents or other caregivers, peers, romantic partners, or strangers.

Most violence against children involves at least one of six main types of interpersonal violence that tend to occur at different stages in a child's development.

¹⁹ UN Committee on the Rights of the Child's General Comment No.24 (2019) on children's rights in the child justice system, para 8

²⁰ National Human Rights Institutions (NHRIs) Series: Child-Friendly Complaint Mechanisms, UNICEF, 2018, p. 7

²¹ UN Convention on the Rights of the Child, para 12(2), see also: Child Rights International Network, [Right to be Heard](#)

²² UN Committee on the Rights of the Child's General Comment No.24 (2019) on children's rights in the child justice system, para 12

Maltreatment (including violent punishment) involves physical, sexual and psychological/emotional violence; and neglect of infants, children and adolescents by parents, caregivers and other authority figures, most often in the home but also in settings such as schools and orphanages.

Bullying (including cyber-bullying) is unwanted aggressive behaviour by another child or group of children who are neither siblings nor in a romantic relationship with the victim. It involves repeated physical, psychological or social harm, and often takes place in schools and other settings where children gather, and online.

Youth violence is concentrated among children and young adults aged 10–29 years, occurs most often in community settings between acquaintances and strangers, includes bullying and physical assault with or without weapons (such as guns and knives), and may involve gang violence.

Intimate partner violence (or domestic violence) involves physical, sexual and emotional violence by an intimate partner or ex-partner. Although males can also be victims, intimate partner violence disproportionately affects females. It commonly occurs against girls within child marriages and early/forced marriages. Among romantically involved but unmarried adolescents it is sometimes called “dating violence”.

Sexual violence includes non-consensual completed or attempted sexual contact and acts of a sexual nature not involving contact (such as voyeurism or sexual harassment); acts of sexual trafficking committed against someone who is unable to consent or refuse; and online exploitation.

Emotional or psychological violence includes restricting a child’s movements, denigration, ridicule, threats and intimidation, discrimination, rejection and other non-physical forms of hostile treatment²³.

YOUTH/ YOUNG PERSON

As stated by the UN, “There is no universally agreed international definition of the youth age group. For statistical purposes, however, the United Nations—without prejudice to any other definitions made by Member States—defines ‘youth’ as those persons between the ages of 15 and 24 years²⁴.

²³ [Violence against children](#), World Health Organisation, 2022

²⁴ <https://www.un.org/en/global-issues/youth>, UNICEF, 2025

Binding and Non-Binding Instruments of the European Union

Binding legal instruments

DIRECTIVE

The directive is a harmonisation instrument, a unilateral act that is binding on the EU Member States, which sets an objective to be achieved but leaves States free to choose how to do so, according to Article 288 TFEU. Thus, the directive calls for a national normative production at the level of the Member States to allow its implementation. In practice, the EU Member States adopt laws or circulars to implement the directive.

The EC proposes a directive to the Parliament and the Council of the European Union, which in turn dispose of and adopt this unilateral act. Furthermore, it is the Court of Justice of the European Union which ensures that the Member States comply with the directives, in particular their effective transposition. Transposition into national law must take place by the deadline set when the directive is adopted (generally within two years). When a country does not transpose a directive, the Commission may initiate infringement proceedings.

REGULATION

The regulation is automatically and uniformly applied to all EU countries' legislation. Contrary to the directive, it is not necessary to transpose it into national law, under Article 288 TFEU. Two types of regulations exist: a. regulations adopted by the Council of the EU (Council of Ministers) alone or with the European Parliament on a proposal from the EC; and b. regulations adopted by the Commission, under its own authority or pursuant to decisions of the Council of the EU.

DECISION

A decision is a legally binding act in its entirety. Unless explicitly stated otherwise, a decision is binding for the EU as a whole. Decisions can address specific legal entities, in which case a decision is binding only to them. In its current form the decision was introduced with the Lisbon Treaty that came into force in December 2009. It replaces various legal instruments introduced by earlier Treaties.

TREATY

Treaties are legally binding agreements between countries on any given subject. Treaties are subject to international law.

ACT

An act is an written instrument to verify a legislative act. In the European Union acts are sometimes used as the foundation for treaties that might enter into the legislative process at a later date.

PROTOCOL

A protocol is annexed to a treaty and stipulates detailed measures or actions on a specific part of that treaty. When signatory parties enter into a treaty they are also bound by any protocols governed by the treaty.

DELEGATED ACT

To modify non-essential parts of EU legislative acts (decisions, directives, regulations) the Commission can use delegated acts. It may be useful to define detailed measures. The Commission adopts the act. It will enter into force provided that the Parliament and Council have no objections.

IMPLEMENTING ACT

The European Commission uses implementing acts (decisions, directives, regulations), which are legally binding acts, to set conditions that ensure that EU laws are applied uniformly by Member States.

Non-binding instruments

RECOMMENDATION

The recommendation allows EU institutions to make their views known and to suggest a line of action in each field.

OPINION

EU institutions can use the opinion to make a statement, to explain a point of view without imposing any legal obligation.

GUIDELINE

Guidelines are non-binding acts that set out a framework for future acts in a policy area. These frameworks tend to be broad in scope and stated in general terms, and the 'future acts' often taking the form of legally binding instruments. The EU issues guidelines in a limited number of policy areas.

COMMUNICATION

The communication used by the European Commission is a soft law act. It has an indicative value for interpreting primary and secondary legislation of the European

Union. The political dimension aims to record changes in the position of the authorities on a specific issue.

DECLARATION

By means of a declaration the institutions of the European Union relate their point of view on a specific topic. A declaration is not used to initiate legislative processes, nor is it used to publicise concrete programmes. The EU rarely uses declarations.

EUROPEAN PARLIAMENT RESOLUTION ON THE SITUATION OF FUNDAMENTAL RIGHTS IN THE EU

Following up on the work of the Committee on Civil Liberties, Justice and Home Affairs, Members of Parliament regularly discuss and adopt resolutions in the European Parliament's plenary sessions on the situation of fundamental rights in the EU and on specific issues concerning the protection of these rights in the Member States.

GREEN PAPER

By means of a green paper the European Commission attempts to initiate a debate about possible future policies in a given area. Eventually, a green paper may serve as a basis for later legislative proposals.

WHITE PAPER

By means of a white paper the European Commission initiates debate on new policies it intends to put forward at a later stage. White papers tend to be detailed documents and usually serve as a basis for one or more legislative proposals.

REPORT

Reports are issued by the European Commission to report and assess current policies. A report may provide a basis for policy development.

WORKING PAPER

Working papers or working documents by the European Commission cover a wide range of issues, but are always geared towards providing information on certain policies, programmes and legislative proposals or in support of current policies. Working papers issue neither policies nor actions.

Key Institutions at Regional Level

European Union

COUNCIL OF THE EUROPEAN UNION

The Council of the European Union is made up of one minister from each Member State of the EU. It is the executive body of the EU. It can amend, adopt or reject a measure modified by the European Parliament, by a qualified majority. Moreover, each State has a particular weight in the vote according to its population.

COURT OF JUSTICE OF THE EUROPEAN UNION

The European Union has had legal personality since the entry into force of the Treaty of Lisbon on 1 December 2009 and it is the regional judicial institution. It is composed of two courts: the Court of Justice and the General Court. The main task of the CJEU is to ensure that EU law is applied and interpreted uniformly in every country. Administrations and national courts have the obligation to recognise the primacy of EU legislation over national law and to apply it in every sphere of competence in order to protect the rights conferred on citizens by that law. This is called “direct applicability”.

EUROPEAN COMMISSION

The European Commission is composed of one commissioner from each of the 27 Member States (including the chairperson) appointed for five years. Its main function is to initiate legislative initiatives, as a holder of the right of initiative, influenced by the other European institutions such as the European Council and the European Parliament. In this way, it contributes to the direction of the Union's actions, which are set out in the State of the Union address by the chair. It proposes measures in all areas of EU competence. Finally, it is the guardian of the legality of acts and treaties because it can sanction a Member State that does not respect them.

EUROPEAN COUNCIL

The European Council is composed of the heads of state of all European countries, the President of the European Council and the President of the European Commission. The main competence is on the general political direction and priorities of EU. Furthermore, it can ask the EU Commission to make a proposal to address it and pass it on to the Council of the European Union to examine it.

EUROPEAN PARLIAMENT

The European Parliament is elected by direct universal suffrage every five years. It is composed of 705 members from all Member States. It represents European

citizens. Its main role is to amend and vote on Commission proposals, jointly with the Council of the European Union, as well as the EU budget. In addition, it has a right of initiative, under Article 225 TFEU, which allows it to ask the Commission to propose legislation.

THE COMMITTEE OF THE REGIONS

The Committee draws its powers from Article 13.4 TEU and Articles 300 and 305 to 307 TFEU. It is a political assembly composed of 329 holders of a regional or local electoral mandate serving the cause of European integration. The Committee of the Regions ensures the implementation of EU policies and actions at local level, such as the European Commission's strategies and it makes them more effective.

THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

The FRA collects and analyses law and data on fundamental rights to help policymakers understand how they can do more for their citizens and make the rights of the child, one of the agency's areas of expertise, more effective.

Council of Europe

COUNCIL OF EUROPE

The Council of Europe is an international organisation founded in 1949, following the entry into force of the Treaty of London with 46 Member States and 6 States with Observer status. Its objective is to protect democracy and human rights, and to promote European unity by fostering cooperation on legal, cultural, and social issues. The year following its creation, the most important treaty to protect the rights and liberties of the citizens, the European Convention on Human Rights (ECHR), was adopted.

EUROPEAN COURT OF HUMAN RIGHTS

The European Court of Human Rights was established in 1959. Its main mission is to ensure observance of the ECHR. In particular, the ECtHR hears applications alleging that a contracting state has breached one or more of the human rights provisions concerning civil and political rights set out in the ECHR and its protocols. An application can be lodged by an individual, a group of individuals or one or more of the other contracting states, and, besides judgments, the Court can also issue advisory opinions. Its judgments are binding on the states concerned. It is composed of 47 judges, one from each Member State.

***“Let’s all change the justice system.
Let’s all be Young Justice Transformers.
Let’s all believe in what
we have said today.”***

Theodor, Strasbourg
Child Justice Caravan 2024

01

COMPILATION OF RESOURCES ON CHILD-FRIENDLY JUSTICE



The compilation below aims to provide the reader with useful tools and resources, in a unique and accessible format.

You will find below publications produced by our members or to which they contributed to, as well as other key resources from other organisations or institutions. This compilation contains the following:



Websites



Research documents



Online Training, Tools, and Courses



Manuals, Guidelines, and Handbooks



Advocacy & Policy Documents



Toolkits



Other instruments



Books, Volumes

Websites

TITLE	THEMATIC AREAS	KEYWORDS	LEAD / AUTHOR(S)
Child Friendly Justice – European Network (CFJ-EN)	Access to Justice; Child Participation & Empowerment; Procedural Safeguards; violence against children; Climate Justice	Mutual learning – research – advocacy - awareness raising - training on child-friendly justice	DCI Belgium
Children's rights behind bars (2014-2018)	Deprivation of Liberty; Children's Rights; Violence against Children; Access to Justice	Monitoring detention – children deprived of liberty – preventive and child right based approach	DCI Belgium
FOCUS: working together for children in criminal proceedings (2020-2021)	Children accused, suspected & convicted; Procedural Safeguards; Child Victims & Witness	Individual assessments – child victims – Children Suspects and/or Accused	Tdh Europe
i-Restore (2019-2021)		Restorative justice - child justice – European reviews – Albania – Romania – Greece – child victims	EFRJ, Tdh Europe
LA Child (2020-2021) My lawyer, my rights (MLMR) (2016-2018)	Children Accused, Suspected & Convicted; Legal Assistance & Legal Aid	Legal assistance - Children Suspects and/or Accused	DCI Belgium

Research documents

TITLE	THEMATIC AREAS	KEYWORDS	LEAD / AUTHOR(S)
ABSCHLUSSBERICHT DES PILOTPROJEKTS "Kinderrechtsbasierte Kriterien für das familiengerichtliche Verfahren" Eine Studie der Katholischen Hochschule Nordrhein-Westfalen, Abteilung Münster, im Auftrag de (2022)	<i>Family & Civil Matters</i>	Access to Justice, Quality Standards, Judicial Proceedings, Family Proceedings, Procedural Rights	Prof.'in Dr.'in jur. Anja Kannegiesser, Prof.'in Dr.'in phil. Grit Höppner
<u>Access to Justice for Children with Mental Disabilities: Data collection and dissemination report - synthesis of findings (2015)</u>	<i>Access to Justice</i>	Access to Justice, Children with Disabilities, Data Collection	Validity Foundation (ex- MDAC)
<u>Barriers Children with Mental Disabilities Face in Accessing Justice in Various Countries (2015)</u>	<i>Access to Justice</i>	Child Participation, Access to Justice, Children with Disabilities	Validity Foundation (ex- MDAC)
<u>Challenges in the Future of Restorative Youth Justice in Ireland: Minimising Intervention, Maximising Participation (2022)</u>	<i>Restorative Justice</i>	Child-Friendly Justice, Justice Proceedings, Child Participation, Interagency Collaboration, Restorative Justice	Ian D. Marder, Louise Forde
<u>Child Migrants and Child-Friendly Administrative Justice Procedures (2020)</u>	<i>Restorative Justice</i>	Children in Migration, Administrative Justice	DCI Belgium, Greece, Spain, France, Czechia, The Netherlands, World Service
<u>Children in Contact with the Law in Europe: Trends and Opportunities (2021)</u>	<i>Child Participation & Empowerment</i>	Children Suspects and/or Accused, European Law, Criminal Proceedings, Child-Friendly Justice, Access to Justice, Children's Rights	DLA Piper, TdH Europe

<u>Children in Conflict with the Law</u> <u>Review of Diversion in the Juvenile</u> <u>Justice Systems of Belgium, Bulgaria,</u> <u>Croatia, Hungary and Romania (2018)</u>	<i>Children Accused,</i> <i>Suspected &</i> <i>Convicted</i>	Children Suspects and/or Accused, Diversion	DCI Belgium, Tdh Europe, Brave Phone, PDJS, IJJO, PILnet, Pressley Ridge
<u>Children's Rights to Effectively</u> <u>Participate in Justice Proceedings in</u> <u>a Language They Fully Understand</u> <u>– The East Asia and Pacific Region</u> <u>(2023)</u>	<i>Access to Justice</i>	Legal Aid, Child-Friendly Justice, Child Participation, Right to be Heard, Access to Justice, Best Interests of the Child, Non- Discrimination, Children's Rights, Vulnerable Children, Child-Friendly Language	UNICEF, King & Wood Mallesons
<u>Core Competencies for Personnel</u> <u>Working with Children Deprived of</u> <u>Liberty (2021)</u>	<i>Deprivation of liberty</i>	COVID-19, Deprivation of Liberty, Capacity Building	Organisation Internationale de la Francophonie
<u>Ending Violence against Children in</u> <u>Detention in the EU: Improved Data</u> <u>Collection in the European Union to</u> <u>Achieve SDG16+ Justice for Children</u> <u>Research Document</u>	<i>Deprivation of liberty</i>	Deprivation of Liberty	
<u>European Research Report on the</u> <u>Application of Restorative Justice in</u> <u>Cases Involving Child Victims (2020)</u>	<i>Restorative Justice</i>	Child Victims, Restorative Justice	Tdh Europe, EFRJ
<u>Equitable Access to Justice for</u> <u>Children in the Western Balkans - A</u> <u>Sub-Regional Agenda (2018)</u>	<i>Access to Justice</i>	Access to Justice, Child Participation, Best Interests of the Child, Children's Rights	UNICEF
<u>Full Research Report Running Away:</u> <u>Drivers, Awareness, and Responses</u> <u>(2021)</u>	<i>Violence against</i> <i>Children</i>	Data Collection, Violence Against Children, Runaway	Missing Children Europe

Global Status Report on Preventing Violence Against Children 2020	<i>Violence against Children</i>	International Principles, Data Collection, Violence Against Children	World Health Organisation (WHO)
Implementing the Council of Europe Guidelines on Child-Friendly Justice in Procedures Related to Migration (2020)	<i>Children in Migration</i>	Children in Migration, Administrative Proceedings, Child-Friendly Justice, Migration-Related Proceedings, Justice Proceedings	DCI Belgium, Greece, Italy
International Classification of Violence against Children (2024)	<i>Violence against Children</i>	Data Collection, Child Victims, Violence Against Children	UNICEF
International Family Mediation in the Best Interests of the Child: Methodology and Orientations for Mediation in International Child Abduction (2022)	<i>Family & Civil Matters</i>	Mediation, Best Interests of the Child	Missing Children Europe, DCI Italy
Legal Aid for Children in Conflict with the Law in International and European Instruments (2020)	<i>Children Accused, Suspected & Convicted</i>	Legal Aid, Children Suspects and/or Accused, European Law, Criminal Proceedings, Children in Conflict with the Law	
Legal Aid for Children in Criminal Proceedings: Report on Current European National Frameworks (2020)	<i>Children Accused, Suspected & Convicted</i>	Legal Aid, Children Suspects and/or Accused, European Law, Criminal Proceedings	LIL, DCI Belgium, DLA Piper, CILSP

Mapping Child Participation in Barnahus in Europe: Survey Results 2021	<i>Child Participation & Empowerment</i>	Child victims, Barnahus, Child Participation, Right to be Heard, Interagency Collaboration	Child Circle, HPC, Stifelsen Allmanna Barnhuset, TUSLA, Empowering Children Foundation, SAPI, Finnish Institute for Health and Welfare, Republika Slovenija Ministerstvo za Pravosodje, AVBIT LABS, BONIGI, Tdh Europe, Barnahus Network: Council of the Baltic States
Monitoring State Compliance with the UN Convention on the Rights of the Child (2022)	<i>Access to Justice</i>	Child-Friendly Justice, Justice Proceedings, Child Participation, Right to be Heard, Children in Contact with the Law, Access to Justice	Ziba Vaghri, Jean Zermatten & Roberta Ruggiero, Gerison Lansdown
National Reports on Legal Aid for Children in Conflict with the Law (2020)	<i>Legal Assistance & Legal Aid</i>	Legal Aid, Children Suspects and/or Accused	LIL, DCI Belgium, DLA Piper, CILSP
Report Summary on Access to Justice for Children with Mental Disabilities (2015)	<i>Access to Justice</i>	Access to Justice, Children with Disabilities, Data Collection	Validity Foundation (ex-MDAC)
Research Report on the Application of Restorative Justice in Cases Involving Child Victims in Albania (2020)	<i>Restorative Justice</i>	Child Victims, Restorative Justice	Tdh Europe, EFRJ
Research Report on the Application of Restorative Justice in Cases Involving Child Victims in Greece (2020)	<i>Restorative Justice</i>	Child Victims, Restorative Justice	Tdh Europe, EFRJ

Research Report on the Application of Restorative Justice in Cases Involving Child Victims in Romania (2020)	Restorative Justice	Child Victims, Restorative Justice	TdH Europe, EFRJ
Restorative Justice, Youth Violence, and Policing: A Review of the Evidence (2022)	Restorative Justice	Criminal Proceedings, Child Victims, Access to Justice, Restorative Justice, Policing	Jonathan Hobson
Technical Note: COVID-19 and Children Deprived of Their Liberty (2021)	Deprivation of Liberty	Children in Contact with the Law, COVID-19, Access to Justice, Deprivation of Liberty	UNICEF
The Impact of COVID-19 on Children's Access to Justice (2021)	Access to Justice	Children in Contact with the Law, COVID-19, Access to Justice, Deprivation of Liberty	UNICEF
Towards Integrated Child Protection Systems – Challenges promising practices and ways forward Research Document (2025)	Child Protection	Child-Friendly Justice, Child Victims, Access to Justice, Child Protection, Best Interests of the Child, Alternative Care	FRA
Underpinning Victims' Rights – Support Services, Reporting and Protection Also available in: French, German	Child Victims & Witnesses	European Law, Child Victims, Violence Against Children, Council of Europe	FRA
Belgium – Country Profile 2022 on children in need Also available for: Bulgaria, Croatia, Cyprus, Czechia, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Malta, Netherlands, Northern Ireland, Portugal, Romania, Slovakia, Slovenia, Spain	Children's Rights	Children's Rights Data Collection, Child Poverty, Children in Need, European Union	Eurochild

Fundamental Rights Report (2023)	<i>Children's Rights</i>	European Law, Child-Friendly Justice, International Principles, European Union, Children's Rights	FRA
Wherever We Go, Someone Does Us Harm (2022)	<i>Violence Against Children</i>	Children in Migration, Child Victims, Non-Discrimination Data Collection, Child Poverty, Children in Need, European Union	Center for Interdisciplinary Studies & Save the Children
The Legislative Frameworks for Victims of Gender-Based Violence (including children) in the 27 Member States (2022)	<i>Violence Against Children</i>	European Law, Criminal Proceedings, Violence Against Children, Gender-Based Violence	European Parliament
Advancing Children's Rights in Detention a Model for International Reform (2022)	<i>Deprivation of Liberty</i>	Children in Contact with the Law, Access to Justice, Deprivation of Liberty, Restorative Justice, International Principles, Procedural Safeguards, Alternative Care	Ursulla Kilkelly, Pat Bergin

Online Training, Tools and Courses

TITLE	THEMATIC AREAS	KEYWORDS	LEAD / AUTHOR(S)
Access to Justice for Children with Mental Disabilities: Training Materials (2022)	Access to Justice, Inclusiveness & Non-Discrimination	Access to Justice, Children with Disabilities	Validity Foundation (ex-MDAC)
Access to Justice for Migrant Children in the EU	Children in Migration	Children in Migration, Access to Justice, Right to Family Life	International Commission of Jurists
ARISACHild - Enhanced Capacity Training for Professionals Working with Convicted Children Online. Training, Tools, and Courses (2025)	Children Accused, Suspected & Convicted		
A Training Manual for Care Professionals Working With Children in Alternative Care	Child Protection	International Principles, Alternative Care, Child Protection	SOS Children's Villages
Child Rights Mainstreaming in EU Development Cooperation (2022)	Children's Rights	Children's Rights, International Cooperation	European Union
Children's Human Rights - An Interdisciplinary Introduction (2022)	Child Participation and Empowerment, Children's Rights	Right to be Heard, Children's Rights, Child Participation, Right to Legal Aid	University of Geneva
Child Protection for Teachers (2022)	Child Protection, Children's Rights	Violence Against Children, Child Neglect, Child Abuse, Adverse Childhood Experience	Queensland University of Technology
Children's Rights in Theory and Practice (2022)	Child Participation and Empowerment, Child Protection	Children in Migration, Child Victims, Violence Against Children, Child Exploitation, Child Neglect, Child Trafficking, Child Abuse	Harvard University

Courses and Support Related to the Protection of Child Victims (2022)	<i>Child Victims and Witness</i>	Child Victims, Barnahus, Child Participation, Children with Disabilities, Procedural Safeguards, Violence & Abuse, Child Exploitation, Child Neglect, Medical Examination, Forensic Interviews	Child Circle, HPC, TUSLA, Empowering Children Foundation, SAPI, Finnish Institute for Health and Welfare, BONIGI, TdH Europe, Barnahus Network: Council of the Baltic Sea States, Stiftelsen, Allmanna Barnhuset, Republika Slovenija, Ministrstvo za Pravosodje, AvBIT, LABSN
E-learning on Protecting Child Victims Through Restorative Justice (2021)	<i>Restorative Justice</i>	Child Victims, Restorative Justice	TdH Europe, EFRJ
Ending Child Detention	<i>Deprivation of Liberty</i>	Children in Migration, Deprivation of Liberty, Alternatives, Immigration Detention	International Detention Coalition
HELP Online Courses and Programmes	<i>Children's Rights</i>	Children in Migration, Child-Friendly Justice, Access to Justice, Violence Against Children, Children's Rights, Child Exploitation, Domestic Violence	Council of Europe
IDEA Child Rights (2022)	<i>Children's Rights, Access to justice</i>	Children in Contact with the Law, Capacity Building	University College Cork
Improving Legal Practice with Children and Young People (2022)	<i>Access to Justice, Child Participation and Empowerment</i>	Child-Friendly Justice, Justice Proceedings, Right to be Heard, Child Participation	University of Liverpool

Individual assessment - A Gateway to a Child-Centred Justice	Child Suspects and/or Accused, Child Victims, Interagency Collaboration, Individual Assessments	Child Circle, SAPI, Tdh Europe, DCI Netherlands, Child Rights Centre
MOOC on Children Deprived of Liberty: Learning from the UN Global Study	Children Suspects and/or Accused, Children in Migration, Child-Friendly Justice, Deprivation of Liberty	Global Campus of Human Rights
Our Data is Your Ally (2022)	Access to Justice, Children with Disabilities, Data Collection, LGBTI+ Children, Minorities, Roma Children	FRA
Protecting Children in Humanitarian Settings (2022)	Violence Against Children, Child Protection, Armed Conflict, Humanitarian Law, Adverse Childhood Experience, Resilience	Columbia University
Resilience in Children Exposed to Trauma, Disaster and War (2022)	Violence Against Children, Armed Conflict, Resilience	University of Minnesota
Strengthening the Capacity of Professionals in the EU to Fulfil the Rights of Vulnerable Children (2022)	Child Participation, Capacity Building, Vulnerable Children, Child-Friendly Communication	Coram International
Training of Lawyers Representing Children in Criminal, Administrative, and Civil Justice	Child-Friendly Justice, Children in Contact with the Law, Capacity Building, Administrative Justice, Criminal Justice, Civil Justice, Legal Assistance	European Lawyers-Foundation
Various Child Hub Courses on Child Protection (2022)	Restorative Justice, Violence Against Children, Procedural Safeguards, Alternative Care, Protection, Humanitarian Crisis, Alternatives to Detention, Alternative Care	Child Hub, Tdh Europe



Manuals, Guidelines and Handbooks

TITLE	THEMATIC AREAS	KEYWORDS	LEAD / AUTHOR(S)
Advancing Child Rights-Consistent Strategic Litigation Practice Executive Summary	Strategic Litigation	Legal Aid, European Law, Child-Friendly Justice, Justice Proceedings, Right to be Heard, Children's Rights, Strategic Litigation	Aoife Nolan, Ann Skelton, Karabo Ozah
A Guide for Child Support Workers to Better their Professional Practice & E-module co-created with children (2021)	Child Participation and Empowerment	Child Participation, Capacity Building	International Institute for Child Rights and Development, Films for All
Barnahus Quality Standards. Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence (2017)	Child Victims and Witnesses	Child Victims, Barnahus, Interagency Collaboration, Medical Examination, Forensic Interviews, Child Abuse, MDIA, Quality Standards	Child Circle, HPC, Stiftelsen Allmanna Barnhuset, TUSLA, Empowering Children Foundation, SAPI, Finnish Institute for Health and Welfare, Republika Slovenija Ministrstvo za Pravosodje, AvBIT LABS, BONIGI, Tdh Europe, Barnahus Network: Council of the Baltic Sea States
Child-friendly court guidelines for personal status courts in Lebanon (2020)	Access to Justice	Capacity Building, Judicial Proceedings	Tdh Europe
Child-Friendly Justice Terminology Guideline (2022)	Access to Justice	Child-Friendly Justice, Children in Contact with the Law, Access to Justice	Child Justice Network

Child Friendly Justice in Europe (2022 edition) Also available in Spanish	Access to Justice	European Law, Child-Friendly Justice, Capacity Building, International Principles	CFJ-EN
Child Friendly Justice in Europe (2023 edition) Also available in French	Access to Justice	European Law, Child-Friendly Justice, Capacity Building, International Principles	Child Friendly Justice European Network
Child-Friendly Justice: Perspectives and Experiences of Children and Professionals (2022)	Child Participation and Empowerment	Child-Friendly Justice, Child Participation, Children's Rights	FRA
Children's right to participation and the juvenile justice system: Theory & Practices for implementation (2016)	Child Participation and Empowerment	Justice Proceedings, Child Participation, Right to be Heard	Spain, Belgium, Pulse Foundation Bulgaria, University of Tartu Estonia, ARSIS Greece, DCI Italy
Climate change & Child-friendly justice (CFJ-EN Handbook – 2024 Special Edition) Manuals, Guidelines, and Handbooks (2024)	Climate Justice	Child-Friendly Justice, Climate Justice, Climate Change	Child Friendly Justice European Network
Deine Meinung zählt – Alles zur Kindesanhörung in zivilrechtlichen Verfahren (Your Opinion Matters – Everything about Child Hearings in Civil Law Proceedings) (2023)	Child Participation & Empowerment	Legal Aid, Child-Friendly Justice, Child Victims, Child Participation, Violence Against Children, Child Protection, Legal Assistance	Marie Meierhofer Institut für das Kind, UNICEF Schweiz und Liechtenstein (Marie Meierhofer Institute for the Child, UNICEF Switzerland and Liechtenstein)
FOCUS Standards - Individual Assessment - A Gateway to a Child-Centered Justice (2021)	Children Accused, Suspected or Convicted	Children Suspects and/ or Accused, Criminal Proceedings, Child Victims, Individual Assessments	Child Circle, SAPI, Tdh Europe, DCI Netherlands, Child Rights Centre
Give Me a Chance, but a Real One: How to Improve the Reintegration of Children in Conflict with the Law	Reintegration	Children in Contact with the Law, Reintegration & Rehabilitation	Tdh Europe

Flowchart: Child Rights in Return Policies and Practices (2022)	<i>Children in Migration</i>	Children in Migration, Best Interests of the Child, Children's Rights, Return Proceedings	PICUM
Guardianship for Unaccompanied Children - A Manual for Trainers of Guardians (2023)	<i>Children's Rights</i>	Capacity Building, Best Interests of the Child, Unaccompanied Children, Guardianship	FRA
Guide for Children and Young People to the Council of Europe Strategy for the Rights of the Child (2022-2027)	<i>Access to Justice</i>	Child-Friendly Justice, Child Participation, Access to Justice, Council of Europe, Children's Rights	Council of Europe
Guide for Parliamentarians: Visiting places where children are deprived of their liberty as a result of immigration procedures	<i>Deprivation of Liberty</i>	Deprivation of Liberty, Administrative Detention of Children, Alternatives to Administrative Detention, Monitoring Detention	DCI Belgium, France, Italy, Netherlands, Helsinki Foundation for Human Rights (Poland), LBI-GMR, Institute of Social Studies of the University of Tartu (Estonia), Irish Penal Reform Trust (Ireland), Ombudsman's Office of the Republic (Latvia), National Association of Educative and Social Communities (Luxembourg), Research Centre CICOP West University in Timisoara (Romania), Proyecto Solidario (Spain)
Guardianship Systems for Unaccompanied Children in the European Union: Developments Since 2014 (2022)	<i>Children in Migration</i>	Children in Migration, European Union, Guardianship	FRA

Guardianship for Unaccompanied Children - A Manual for Trainers of Guardians (2023)	Children in Migration	Capacity Building, Best Interests of the Child, Unaccompanied Children, Guardianship	FRA
Guía para Profesionales Sobre Niños y Niñas Refugiados No Acompañados y Separados (2022)	Children in Migration	Capacity Building, Unaccompanied Children, Refugee Children	UN Refugee Agency & University of Comillas
Guide for Children and Young People to the Council of Europe Strategy for the Rights of the Child: 2022-2027 (2022)	Child Participation & Empowerment	Child-Friendly Justice, Child Participation, Access to Justice, Council of Europe, Children's Rights	Council of Europe
Guidelines for Child-Friendly Legal Aid for Children in Conflict with the Law: Recommendations and Inspiring Practices Aimed at Legal Aid Providers and Policymakers (2021)	Legal Assistance & Legal Aid	Legal Aid, Children Suspects and/or Accused, Criminal Proceedings, Child-Friendly Justice	LIL, DCI Belgium, CILSP
Guidelines on Children in Contact with the Justice System	Children Accused, Suspected or Convicted	Child-Friendly Justice, Justice Proceedings, Children in Contact with the Law	IAYEJM
Guidelines to Enhance Child Participation and Work with Youth on Child Advisory Boards (2019)	Child Participation & Empowerment	Right to be Heard, Children in Contact with the Law, Participation	DCI Belgium, Tdh Europe, Brave Phone, PDJS, IJJO, PILnet, Pressley Ridge

<u>Handbook on European Law Relating to the Rights of the Child (2022)</u>	<i>Children's Rights</i>	Children in Migration, Justice Proceedings, Data Collection, Violence Against Children, Children's Rights, Child Exploitation, Child Abuse, Family Proceedings, Case Law	FRA
<u>Handbook on the Protection of Children Against Sexual Exploitation and Sexual Abuse in Crisis and Emergency Situations (2022)</u>	<i>Violence Against Children</i>	Child Victims, Child Abuse, Sexual Exploitation, Lanzarote Convention, Crisis, Emergency Situations, Sexual Abuse	Council of Europe
<u>Handbook on the Protection of Children Against Sexual Exploitation and Sexual Abuse in Crisis and Emergency Situations (2022)</u>	<i>Violence Against Children</i>	Child Victims, Child Abuse, Sexual Exploitation, Lanzarote Convention, Crisis, Emergency Situations, Sexual Abuse	Council of Europe
<u>Hard Law & Soft Law: International and Regional Standards Regarding Juvenile Justice</u>	<i>Children Accused, Suspected or Convicted</i>	Legal Aid, Children Suspects and/or Accused, Criminal Proceedings, Right to Legal Assistance, International Standards & Principles	DCI Belgium, Italy, Netherlands, Child Circle (Belgium); Bulgarian Helsinki Committee (Bulgaria), Child Law Clinic of the University College Cork (Ireland), Helsinki Foundation for Human Rights (Poland)

<u>Handbook: Reintegration and Rights from a Participatory Perspective - Innovative Practice Examples in EU countries (2018)</u>	<i>Reintegration</i>	Right to be Heard, Deprivation of Liberty, European Union, Child Participation, Reintegration & Rehabilitation	DCI Belgium, France, Italy, Netherlands, Helsinki Foundation for Human Rights (Poland), LBI-GMR, Institute of Social Studies of the University of Tartu (Estonia), Irish Penal Reform Trust (Ireland), Ombudsman's Office of the Republic (Latvia), National Association of Educative and Social Communities (Luxembourg), Research Centre CICOP, West University in Timisoara (Romania), Proyecto Solidario (Spain)
<u>How to use UN Human Rights Resolutions to Advance Children's Rights (2023)</u>	<i>Children's Rights</i>	Children's Rights, Human Rights Resolutions	Save the Children
<u>How to Write a Child-Friendly Document? (2022)</u>	<i>Child Participation & Empowerment</i>	Child Participation, Capacity Building, Child-Friendly Language, Political Rights	Save the Children
<u>International Practical Guide: Lawyers defending children in conflict with the law</u>	<i>Children Accused, Suspected or Convicted</i>	Legal Aid, Children Suspects and/or Accused, Criminal Proceedings, Right to be Heard, Right to Legal Assistance	DCI Belgium, Italy, Netherlands, Child Circle (Belgium); Bulgarian Helsinki Committee (Bulgaria), Child Law Clinic University College Cork (Ireland), Helsinki Foundation for Human Rights (Poland)
<u>International Classification of Violence against Children (ICVAC) Manuals, Guidelines, and Handbooks (2024)</u>	<i>Violence Against Children</i>	Child-Friendly Justice, Barnahus, Interagency Collaboration, Data Collection, Violence Against Children, Child Protection, Children's Rights, Violence & Abuse, Child Neglect	UNICEF

<u>Ich habe Rechte- Ein Wegweiser durch das Strafverfahren für jugendliche Zeuginnen und Zeugen (I Have Rights - A Guide through the Criminal Procedure for Juvenile Witnesses) (2023)</u>	<i>Access to Justice</i>	Child-Friendly Justice, Justice Proceedings, Child Victims, Restorative Justice, Children's Rights	Bundesministerium der Justiz (Ministry of Justice)
<u>Juvenile Justice Training Manual: Facilitator's Guide and Participant's Materials (2006)</u>	<i>Children Accused, Suspected or Convicted</i>	Child-Friendly Justice, Alternatives to Detention, Reintegration & Rehabilitation	UNICEF
<u>Know Your Rights – Guide for Minors in Conflict with the Law</u>	<i>Children Accused, Suspected or Convicted</i>	Legal Aid, Children Suspects and/or Accused, Right to be Heard, Right to Information	LIL, DCI Belgium, CILSP
<u>Let's decide together! Guide to meaningful and effective engagement of children in decision-making processes (2023)</u>	<i>Child Participation & Empowerment</i>	Child-Friendly Justice, Child Participation, Council of Europe, Children's Rights	Council of Europe
<u>Manual for EU Member States: How to Ensure the Rights of Children in Conflict with the Law?</u>	<i>Children Accused, Suspected or Convicted</i>	Legal Aid, Children Suspects and/or Accused, Criminal Proceedings, Right to be Heard, Right to Legal Assistance	DCI Belgium, Italy, Netherlands, Child Circle (Belgium), Bulgarian Helsinki Committee (Bulgaria), Child Law Clinic of the University College Cork (Ireland), Helsinki Foundation for Human Rights (Poland)
<u>Manual on Regularisations for Children, Young People and Families (2018)</u>	<i>Children in Migration</i>	Children in Migration, Data Collection, Undocumented Children, International & European Law, Regularisation Procedures	PICUM

Operational Guidelines for Professionals Interacting with Children in Conflict with the Law During COVID-19 (2020)	Children's Rights	Children Suspects and/or Accused, Reintegration & Rehabilitation, Security Forces	Tdh Europe, Baker McKenzie, Penal Reform International
Operational Guidelines for Security Forces Access to Justice for Children and Youth in Times of COVID-19 Diverting Children from Judicial Proceedings and Facilitating Reintegration (2020)	Reintegration	Justice Proceedings, Children in Contact with the Law, COVID-19, Access to Justice, Deprivation of Liberty, Diversion, Child Protection, Reintegration & Rehabilitation	Tdh Europe, Baker McKenzie, Penal Reform International, Justice for Children, International Bureau for Children's Rights, AIMJ
Operational Guidelines: Social Workforce (2020)	Children Accused, Suspected or Convicted	Children Suspects and/or Accused, Reintegration & Rehabilitation, Social Work	Tdh Europe, Baker McKenzie, Penal Reform International, Justice for Children, International Bureau for Children's Rights, AIMJF
Operational Recommendations for Legal Professionals (2020)	Deprivation of Liberty	Legal Aid, Children in Contact with the Law, COVID-19, Deprivation of Liberty, Legal Assistance	Tdh Europe, Baker McKenzie, Penal Reform International, Justice for Children, International Bureau for Children's Rights, AIMJF
Oekraïense Kinderen, Zijn Ze in Beeld? (Ukrainian children, are they in the image?) (2022)	Violent Extremism & Armed Conflict	Children in Migration, Armed Conflict, Unaccompanied Children, Accompanied Children, Ukraine	DCI The Netherlands - ECPAT
Protecting Rights, Restoring Respect and Strengthening Relationships: A European Model of Restorative Justice with Juveniles (2015)	Restorative Justice	Children Suspects and/or Accused, Child-Friendly Justice, Child Victims, Child Participation, Restorative Justice	IJJO, Tim Chapman, Maija Gellin, Ivo Aertsen, Monique Anderson, European Council for Juvenile Justice

Practical Guide: Monitoring Places Where Children Are Deprived of Liberty (2013)	<i>Deprivation of Liberty</i>	Children Suspects and/or Accused, Deprivation of Liberty, Monitoring Detention, Alternative Measures	DCI Belgium, France, Italy, Netherlands, Helsinki Foundation for Human Rights (Poland), LBI-GR, Institute of Social Studies of the University of Tartu (Estonia), Irish Penal Reform Trust (Ireland), Ombudsman's Office of the Republic (Latvia), National Association of Educative and Social Communities (Luxembourg), Research Centre CICOP, West University in Timisoara (Romania), Proyectio Solidario (Spain)
Praxisleitfaden zur Anwendung kindgerechter Kriterien für das familiengerichtliche Verfahren Empfehlung von kinderrechtsbasierten Standards in Kindersachssachen (2023)	<i>Procedural Safeguards</i>	Access to Justice, Non-Discrimination, Procedural Safeguards, Civil Justice, Family Proceedings	Bundesministerium für Familie, Senioren, Kinder, Frauen und Jugend (Federal Ministry for Family, Seniors, Children, Women and Youth)
Quality Standards for Legal Assistance for Children Suspected and/or Accused: A Step-by-Step Guide (2022)	<i>Legal Assistance & Legal Aid</i>	Legal Aid, Capacity Building, Legal Assistance	DCI Belgium, TdH Europe, PILnet, Romania, AADH, ECPAT Netherlands

Also available in:

French, Romanian, Hungarian, Dutch

Second Edition of the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Abuse Manuals, Guidelines, and Handbooks (2025)	Violence Against Children	Child Victims, Violence Against Children, Gender-Based Violence, Violence & Abuse	ECPAT
Situation on the Polish-Belarusian Border (2022)	Violent Extremism & Armed Conflict	Children's Rights, Armed Conflict, Case Law	Helsinki Foundation for Human Rights, Grupa Granica
Towards a Child-Friendly Justice System Securing the Rights and Procedural Safeguards of Children Who are Suspects or Accused Persons in Italy (2022)	Children Accused, Suspected or Convicted	Children Suspects and/or Accused, Criminal Proceedings, Child-Friendly Justice, Children in Contact with the Law, Deprivation of Liberty, Procedural Safeguards, Criminal Justice	DCI Italy, Daja Wenke, Mariateresa Veltri, Gabriella Gallizia
Training for Lawyers Who Work With Children Suspected or Accused of an Offence: Guide for Trainers (2022)	Legal Assistance & Legal Aid	Child-Friendly Justice, Capacity Building	DCI Belgium, TdH Europe, PILnet, Romania, AADH, ECPAT Netherlands
Also available in French			
What is an 'ideal' lawyer? (2022)	Legal Assistance & Legal Aid	Children Suspects and/or Accused, Right to be Heard, Legal Assistance, Right to Information	DCI Belgium, TdH Europe, PILnet, Romania, AADH, ECPAT Netherlands
Various handbooks, manuals for professionals on children in conflict with the law (2022)	Access to Justice	Justice Proceedings, Children in Contact with the Law, Reintegration & Rehabilitation	SAPI Bulgaria



Advocacy and Policy Documents

TITLE	THEMATIC AREAS	KEYWORDS	LEAD / AUTHOR(S)
Accelerate Release of Children from Detention: Protect Children from COVID-19 (2020)	<i>Deprivation of Liberty</i>	COVID-19, Deprivation of Liberty, Children in Detention	Tdh, Baker McKenzie
Access to Early Childhood Education and Care for Undocumented Children and Families - Obstacles and Promising Practices (2023)	<i>Children in Migration</i>	Children in Migration, Child Poverty, Children in Need, Undocumented Children, Alternative Care, Vulnerable Children, Medical Examination	PICUM
Accessibility of Legal Aid to Children in Conflict With The Law: Bringing the General Concept to Practice (2022)	<i>Legal Assistance & Legal Aid</i>	Legal Aid, Children Suspects and/or Accused	LIL
Accompanied children & families in reception centres in Belgium.	<i>Children in Migration</i>	Children in Migration, Child Participation, Right to be Heard, Child Protection, Right to Family Life, Immigration Detention	Katja Fournier, Dirk Geldof, Kaat Van Acker
Accompanied Children & Families in Reception Centres in Belgium (2022) Also available in Dutch, French	<i>Children in Migration</i>	Children in Migration, Child Participation, Right to be Heard, Child Protection, Right to Family Life, Immigration Detention	Katja Fournier, Dirk Geldof, Kaat Van Acker
Breaking Policy Silos to Better Support Children with Disabilities and Their Families (2022)	<i>Inclusiveness & Non-Discrimination</i>	Children with Disabilities, Child Protection, Wellbeing	COFACE Disability Platform

Child-Friendly Legal Aid and Individual Assessment of Children in Conflict with the Law: Building the Basis for Effective Participation	<i>Procedural Safeguards</i>	Child Participation, Individual Assessments	LIL
The Climate Crisis and Violence Against Children (2022)	<i>Climate Justice</i>	Violence Against Children, Climate Justice, Environmental Rights	UN High-Representative of the Secretary-General on Violence Against Children
Climate (In)Justice: How Climate Change Affects Children's Access to Justice - CFJ-EN Annual Seminar 2024 FINAL REPORT (2024) - Policy Brief	<i>Climate Justice</i>	Child-Friendly Justice, Access to Justice	Child Friendly Justice European Network
Climate in-justice for children: How climate crisis affects access to justice and children's rights (2023)	<i>Climate Justice</i>	Child Participation, Access to Justice, Humanitarian Crisis, Climate Justice, Climate Change	dH Europe
Breaking Policy Silos to Better Support Children with Disabilities and Their Families (2022)	<i>Child Protection</i>	Children with Disabilities, Child Protection, Wellbeing	COFACE Disability Platform
Ending Solitary Confinement of Children: A Global Action Plan (2023)	<i>Deprivation of Liberty</i>	Deprivation of Liberty	TdH Europe, Child-Friendly Justice European Network, DCI Spain, Global Initiative on Justice with Children
Guaranteeing Children's Future: How COVID-19, cost-of-living and climate crises affect children in poverty and what governments in Europe need to do (2023)	<i>Climate Justice</i>	Child-Friendly Justice, COVID-19, Best Interests of the Child, Child Poverty, Children in Need, Climate Justice, Climate Change	Save the Children

Joint Position Paper EU Strategy on the Rights of the Child (2021- 2024) (2020)	<i>Children's Rights</i>	Child-Friendly Justice, Restorative Justice, Children's Rights	Tdh Europe, EFRJ
JUST with Children. Child-Friendly Justice for All Children in Europe (2020)	<i>Access to Justice</i>	Child-Friendly Justice, Access to Justice, Policy	Tdh Europe
Justice for Children, Justice for All: Agenda for Action (2022)	<i>Access to Justice</i>	Child-Friendly Justice, Access to Justice, Smarter Financing	PathFinders
Protection the rights of undocumented migrants: PICUM priorities ahead of the 2024 EU elections (2023)	<i>Children in Migration</i>	European Law, Children in Migration, Migration-Related Proceedings, Undocumented Children, Immigration Detention	PICUM
Lessons Learned in Supporting Undocumented Young People Advocating for Change (2022)	<i>Child Participation and Empowerment</i>	Child Participation, Right to be Heard, Undocumented Children	PICUM
Lessons Learned in Supporting Undocumented Young People Advocating for Change (2022)	<i>Inclusiveness & Non-Discrimination</i>	Child Participation, Right to be Heard, Undocumented Children	PICUM
Putting Children's Rights at the Heart of Decision-Making in Cases Involving Children on the Move: Gathering Momentum in Europe	<i>Children in Migration</i>	Children in Migration, Child-Friendly Justice	European Child Rights Helpdesk
Protecting the rights of child victims in Europe: A holistic approach - Position paper Advocacy & Policy Document (2024) Executive Summary	<i>Child Victims & Witnesses</i>	Children Suspects and/or Accused, Child Victims, Child Participation, Children in Contact with the Law, Access to Justice, Restorative Justice, Non-Discrimination, Children's Rights, Vulnerable Children	Child Friendly Justice European Network

Recommended Minimum Accreditation Criteria for Lawyers Defending Children in Conflict with the Law (2022)	Legal Assistance & Legal Aid	Children in Contact with the Law, Assistance by a Lawyer & Legal Aid	Tdh Europe
Transforming Justice Systems for Children in Migration (2023)	<i>Children in Migration</i>	Children in Migration, Access to Justice	Child Friendly Justice European Network
Recommended Minimum Accreditation Criteria for Lawyers Defending Children in Conflict with the Law (2022)	Legal Assistance & Legal Aid	Legal Aid, Children in Contact with the Law, Legal Assistance	Tdh Europe
Also available in: French, Romanian, Hungarian, Dutch			
Towards LGBTI+ Sensitive Justice System for Children in Europe: Challenge Paper (2022) Executive Summary, Glossary	Gender & Sexual Orientation	Data Collection, Violence Against Children, LGBTI+ Children, Non-Discrimination, Gender Justice, Hate Crime	Child Friendly Justice European Network, Global Initiative on Justice with Children
Towards Child-Friendly Justice in Europe: Findings and Recommendations of European Experts (2022)	Access to Justice	Children in Migration, Child-Friendly Justice, Right to be Heard, Deprivation of Liberty, Capacity Building, Data Collection	Child Friendly Justice European Network
Turning 18 and Undocumented: Supporting Children in Their Transition into Adulthood (2022)	<i>Children in Migration</i>	Child Participation, Right to be Heard, Undocumented Children	PICUM

Toolkits

TITLE	THEMATIC AREAS	KEYWORDS	LEAD / AUTHOR(S)
A Toolkit for Mainstreaming Child Friendly Principles when Working with Children Involved in Administrative and Judicial Procedures (2020)	Access to Justice	Children in Migration, Child-Friendly Justice, Justice Proceedings, Administrative Justice	DCI Belgium
Can Anyone Hear Me? Improving Juvenile Justice Systems in Europe: A Toolkit for the Training of Professionals	Children Accused, Suspected & Convicted	Children Suspects and/or Accused, Child-Friendly Justice, Right to be Heard, Access to Justice, Capacity Building	International Juvenile Justice Observatory (IJJO)
Child Rights Strategic Litigation: Key Principles for Climate Justice Litigation (2023)	Strategic Litigation	Legal Aid, European Law, Child-Friendly Justice, Justice Proceedings, Children's Rights, Climate Justice, Climate Change, Strategic Litigation	Aoife Nolan, Ann Skelton, Karabo Ozah
Key Principles for Child Rights-Consistent Child Rights Strategic Litigation Practice (2022)	Strategic Litigation	Legal Aid, European Law, Child-Friendly Justice, Justice Proceedings, Right to be Heard, Children's Rights, Strategic Litigation	Global Campus of Human Rights, University of Nottingham Human Rights Law Center, Centre for Child Law, University of Pretoria
Toolkit on Diversion and Alternatives to Detention 2009	Alternatives & Diversion	Diversion, Alternatives to Detention	UNICEF
Toolkit 1: Scoping, Planning, and Design of Child Rights Strategic Litigation (2023)	Strategic Litigation	Child-Friendly Justice, Justice Proceedings, Child Participation, Right to be Heard, Best Interests of the Child, Children's Rights, Child-Friendly Language, Strategic Litigation	Global Campus of Human Rights, University of Nottingham Human Rights Law Center, IMPACT Law for Social Justice, Commissioner for Children of the Western Cape

Toolkit 2: Operationalising Child Rights Strategic Litigation (2023)	<i>Strategic Litigation</i>	Child-Friendly Justice, Justice Proceedings, Child Participation, Right to be Heard, Best Interests of the Child, Children's Rights, Child-Friendly Language, Strategic Litigation	Global Campus of Human Rights, University of Nottingham Human Rights Law Center, IMPACT Law for Social Justice, Commissioner for Children of the Western Cape
Toolkit 3: Follow-up to Child Rights Strategic Litigation (2023)	<i>Strategic Litigation</i>	Child-Friendly Justice, Justice Proceedings, Child Participation, Right to be Heard, Best Interests of the Child, Children's Rights, Child-Friendly Language, Strategic Litigation	Global Campus of Human Rights, University of Nottingham Human Rights Law Center, IMPACT Law for Social Justice, Commissioner for Children of the Western Cape
Toolkit 4: Extra-legal Advocacy in Child Rights Strategic Litigation (Communications, Media, and Campaigning) (2023)	<i>Strategic Litigation</i>	Child-Friendly Justice, Justice Proceedings, Child Participation, Right to be Heard, Best Interests of the Child, Children's Rights, Child-Friendly Language, Strategic Litigation	Global Campus of Human Rights, University of Nottingham Human Rights Law Center, IMPACT Law for Social Justice, Commissioner for Children of the Western Cape
Uncomfortable Data: Ending Deprivation of Liberty of Migrant Children through Improved Data	<i>Deprivation of Liberty</i>	Children in Migration, Deprivation of Liberty, Data Collection	Global Campus of Human Rights
Youth Rights Advocacy Toolkit (2022)	<i>Child Participation & Empowerment</i>	Child-Friendly Justice, Child Participation, Access to Justice, Children's Rights	United Nations Human Rights Office, Education Above All Foundation, Silatech



Other instruments

TITLE	THEMATIC AREAS	KEYWORDS	LEAD / AUTHOR(S)
Children's Access to Justice: A Critical Assessment (2022)	Access to Justice	Child-Friendly Justice, Access to Justice	Mona Paré, Mariëlle Ruth Bruning, Caroline Siffrein-Blanc, Thierry Moreau
Children's Right to Information in EU Civil Actions (2021)	Access to Information	International Law, Children's Rights, Civil Justice, Family Proceedings, Procedural Rights, Right to Information	Daja Wenke, Roberta Bendinelli, Leontine Bruijnen, Laura Carpaneto, Carlos Esplugues Mota, Samuel Fulli-Lemaire, Maria González Marimón, Sara Lembrechts, Francesca Maoli, Boriana Musseva, Vasil Pandov, Francesco Pesce, Ilaria Queirolo, Pablo Quinzá Redondo, Geraldo Rocha Ribeiro, Dana Rone, Tine Van Hof
Être Enfant en Centre d'Accueil: Renforcer les Chances des Familles Après l'Exil (2023)	<i>Children in Migration</i>	Children in Migration, Child Protection, Right to Family Life, Immigration Detention	Katja Fournier, Dirk Geldof, Anke Heyerick, Kaat Van Acker, Claire Wiewauters
Thematic Brief on Restorative Child Justice (2020)	<i>Restorative Justice</i>	Child-Friendly Justice, Restorative Justice	EFRJ
Q&A on Restorative Justice: Key Concepts and Frequently Asked Questions (2020)	<i>Restorative Justice</i>	Criminal Proceedings, Child-Friendly Justice, Child Victims, Restorative Justice	Tdh Europe, Restorative Justice Netherlands, EFRJ

Books, Volumes

TITLE	THEMATIC AREAS	KEYWORDS	LEAD / AUTHOR(S)
A Storybook about Child-Friendly Justice Manuals, Guidelines, and Handbooks (2024) Also available in Bulgarian	<i>Child Participation & Empowerment</i>	Children Suspects and/or Accused, Child-Friendly Justice, Justice Proceedings, Child Participation, Children in Contact with the Law, Access to Justice, Deprivation of Liberty, Violence Against Children, Child Protection, Non-Discrimination, Children's Rights, Right to Family Life, Vulnerable Children, Child-Friendly Communication	Child Friendly Justice European Network
Être Enfant en Centre d'Accueil: Renforcer les Chances des Familles Après l'Exil (2023) Also available in Dutch	<i>Children in Migration</i>	Children in Migration, Child Protection, Right to Family Life, Immigration Detention	Katja Fournier, Dirk Geldof, Anke Heyerick, Kaat Van Acker, Claire Wiewauters
Sur la crête - Du foyer de justice aux sommets des Alpes (2023)	<i>Access to Justice</i>	Children Suspects and/or Accused, Criminal Proceedings, Child-Friendly Justice, Justice Proceedings, Children in Contact with the Law, Access to Justice	Rozenn Le Berre
Children's Access to Justice: A Critical Assessment (2022)	<i>Access to Justice</i>	Child-Friendly Justice, Access to Justice	Mona Paré, Mariëlle Ruth Bruning, Caroline Siffrein-Blanc, Thierry Moreau

02

KEY LEGAL STANDARDS AND CASE LAW ON CHILD-FRIENDLY JUSTICE



Child-friendly justice has its sources in international law, mainly the Convention on the Rights of the Child. It is good to remember that beyond the Child-Friendly Justice Guidelines of the Council of Europe, there is a multitude of legal norms and case law in Europe that are directly related to child-friendly justice. Thus, there is a strong basis in Europe for a better implementation of child-friendly justice principles at the local level. The list below does not aim to be exhaustive, but offers a selection of relevant documents.

2.1 International Framework

When mentioning the “international framework” we are mainly referring to rules, principles, and standards developed by the United Nations bodies and agencies.

The [United Nations Convention on the Rights of the Child \(CRC\)](#) sets out the civil, political, economic, social, health and cultural rights of children. Some articles are particularly relevant for child-friendly justice:

- The Preamble of the Convention
- Article 2 on non-discrimination
- Article 3 on the best interests of the child
- Article 4 on ensuring that children’s rights are respected, protected and fulfilled
- Article 10 on family reunification
- Article 16 on protection of privacy
- Article 19 on violence, abuse, neglect
- Article 20 relating to children without families
- Article 22 on refugee children
- Article 24 concerning the right to a good quality of life
- Article 25 on review of a child’s placement
- Article 37 concerning children deprived of liberty
- Article 38 on children in armed conflict
- Article 39 concerning reintegration and recovery of a child victim
- Article 40 on the administration of child justice

There are other key **UN human rights conventions**, such as the [International Covenant on Civil and Political Rights](#) and the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment](#). They also contribute to shaping the

international framework on child-friendly justice. As they are binding for the States that have ratified them, these Conventions and related monitoring bodies are key for implementing child-friendly justice.

To guide and foster the implementation of the rights enshrined in the CRC, the [Committee on the Right of the Child](#), publishes [General Comments](#). While all may be connected to some aspect of child-friendly justice, some of them are particularly relevant to guide any work on child-friendly justice:

- [General Comment No.6](#) on the treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6)
- [General Comment No.12](#) on the right of the child to be heard (CRC/GC/2009/12)
- [General Comment No.14](#) on the right of the child to have his or her best interests taken as a primary consideration (CRC/GC/2013/14)
- [Joint general comment No.4](#) (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No.23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return (CRC/GC/2017/23)
- [General Comment No.24](#) on children's rights in juvenile justice (CRC/GC/2019/24), replacing General Comment No.10
- [General comment No.25](#) on children's rights in relation to the digital environment (CRC/C/GC/2021/25)
- [General comment No.26](#) on children's rights and the environment with a special focus on climate change (CRC/C/GC/2023/26)

In 2025, the Committee on the Rights of the Child put forward the Draft [General Comment No.27](#) on children's right to access to justice and to an effective remedy. It is expected to be adopted in 2026.

Resolutions adopted by the UN General Assembly also contain guidelines, principles, rules and standards applicable to child-friendly justice. These resolutions are not legally binding but provide important recommendations to States. These include:

- [United Nations Guidelines for the Alternative Care of Children \(2010\)](#)
- [United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime \(2005\)](#)
- [United Nations Guidelines for the Prevention of Juvenile Delinquency \(The Riyadh Guidelines\) \(1990\)](#)

- [United Nations Rules for the Protection of Juveniles Deprived of their Liberty \(Havana Rules\) \(1990\)](#)
- [United Nations Standard Minimum Rules for Non-custodial Measures \(The Tokyo Rules\) \(1990\)](#)
- [United Nations Standard Minimum Rules for the Administration of Juvenile Justice \(The Beijing Rules\) \(1985\)](#)

In September 2015, the UN General Assembly endorsed the [Sustainable Development Goals](#) - the pursuit of SDG 16 (peace, justice and strong institutions) is strongly linked to child-friendly justice and particularly includes access to justice for children.

In December 2018, the UN General Assembly endorsed the [Global Compact for Safe, Orderly and Regular Migration](#) following its adoption by the majority of UN Member States. The Global compact is related to child-friendly proceedings for children in migration.

Other relevant publications for child-friendly justice were released by various UN bodies and agencies:

- [UNODC Handbook on Restorative Justice \(2020\)](#)
- [UN Global Study on Children Deprived of Liberty \(2019\)](#)
- [SRSG Report on Violence against Children, "Prevention of and responses to violence against children within the juvenile justice system" \(2012\)](#)
- [UN Human Rights Council Resolution on Human Rights in the Administration of Justice, in particular Juvenile Justice \(2011\)](#)
- [Guidance Note of the United Nations Secretary-General: United Nations Approach to Justice for Children \(2008\)](#)
- [UNODC Guidelines for Action on Children in the Criminal Justice System \(The Vienna Guidelines\) \(1997\)](#)

The [Yogyakarta Principles](#) on international human rights standards and their application to sexual orientation and gender identity issues were created by a group of 29 human rights experts of the International Commission of Jurists (ICJ) in November 2006. They address the application of international human rights law in relation to sexual orientation and gender identity. The Principles were launched as a global charter at the United Nations Human Rights Council on 26 March 2007. It was complemented in 2017 by the [Yogyakarta Principles plus 10](#).

2.2 European framework

In Europe, instrumental standards on child-friendly justice have been adopted both in the framework of the European Union and the Council of Europe. The following norms - soft and hard law - outline child-friendly justice. They are important tools to work towards justice systems that are effectively child-friendly at national level. These standards are of particular importance because they represent the level of commitment of European institutions in implementing children's rights. Each of them, whether binding or not, does have an impact on the legislation of Member States.

2.2.1 European Union

Several types of EU standards are applicable in the field of child-friendly justice. Their effects and the way they are applied within the Member States are diverse. Firstly, we have classified the instruments according to the EU institution that developed them (part. 2.2.1.1). Secondly, they are classified by topics to offer an easy overview of how European standards on specific issues relate to child-friendly justice.

2.2.1.1 Overview of EU instruments relating to child-friendly justice

The European Parliament and the Council adopted two leading directives to protect children and impose safeguards in the field of child-friendly justice:

- [Directive 2012/29/EU](#) establishing minimum standards on the rights, support and protection of victims of crime (Victims' Rights Directive).

In 2022, an evaluation of the Directive took place:

- Commission Staff Working Document Evaluation Of Directive 2012/29/Eu Of The European Parliament And Of The Council Of 25 October 2012 Establishing Minimum Standards On The Rights, Support And Protection Of Victims Of Crime, And Replacing Council Framework Decision 2001/220/Jha

Following this evaluation, the European Commission proposed on 12 July 2023 the following revised text of the Directive:

- [Proposal for a Directive of The European Parliament and of The Council amending Directive 2012/29/Eu establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/Jha.](#)

- [Directive \(EU\) 2016/800](#) on procedural safeguards for children who are suspects or accused persons in criminal proceedings (Procedural Safeguards for Children Directive)

Moreover, there are other relevant directives and regulations that apply to all persons in contact with the justice system, including children, inter alia:

- [Directive 2003/86/EC](#) on the right to family reunification (Family Reunification Directive)
- [Directive 2008/52/EC](#) on certain aspects of mediation in civil and commercial matters
- [Directive 2008/115/EC](#) on the return of illegally staying third-country nationals (Return Directive)
- [Directive 2010/64/EU](#) on the right to interpretation and translation
- [Directive 2012/13/EU](#) on the right to information
- [Directive 2013/32/EU](#) on granting and withdrawing international protection (Asylum Procedures Directive)
- [Directive 2013/33/EU](#) on the reception of applicants for international protection (Reception Conditions Directive)
- [Directive 2013/48/EU](#) on the right of access to lawyers and rights in the context of deprivation of liberty
- [Directive \(EU\) 2016/1919](#) on legal aid
- [Directive \(EU\) 2016/343](#) on the right to be present at the trial in criminal proceedings
- [Directive \(EU\) 2024/1385](#) of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence
- [Brussels I Regulation \(44/2001\)](#) on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters
- [Brussels IIter Regulation \(2019/1111\)](#) on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)
- [Regulation on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility \(2201/2003/EC\)](#)
- [Council Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations \(4/2009/EC\)](#)

The EU has made combating child sexual abuse, both offline and online, a top priority of its agenda and a key objective of the [EU Security Union and Strategy for 2020 – 2025](#). On 6 February 2024 the Commission submitted a [Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA \(recast\)](#).

The European Commission regularly adopts strategies, which aim to propose key areas of work for European Member States, such as the EU Strategy on the Rights of the Child. Furthermore, the EC ensures the implementation of EU policies and actions in the Member States through the Committee of the Regions and the European Economic and Social Committee to promote dialogue with local and regional authorities and civil society.

To encourage Member States to implement EU law, the European Commission has adopted the following strategies that are, to different extent, related to justice for children:

- [The EU Strategy on the rights of the child \(2021-2024\), namely Chapter 4 on CFJ](#)
- [The Strategy on victims' rights \(2020-2025\)](#)
- [The Union of Equality: LGBTIQ Equality Strategy 2020-2025](#)
- [The Gender Equality Strategy \(2020-2025\)](#)
- [The European Judicial Training strategy for 2021-2024](#)
- [The 2017 Communication on the protection of children in migration](#)
- [EU Guidelines for the Promotion and Protection of the Rights of the Child \(2017\)](#)
- [The EU Guidelines on children and armed conflict \(2008\)](#)
- [Council Decision on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to asylum and non-refoulement \(2017/866\), ratified on 1 June 2023](#)

The European Commission adopted in 2015 the Policy Brief on [Children's involvement in criminal, civil and administrative judicial proceedings in the 28 Member States of the EU](#).

The EU institutions are themselves active in conducting research, encouraging changes in practice and the application of these directives, through the EU Fundamental Rights Agency which has developed several tools in this area such as:

- [Handbook on European law relating to the rights of the child \(2022\)](#)
- [Handbook on European law relating to Access to Justice \(2016\)](#)

- [Report “Child-Friendly Justice - Perspectives and experiences of professionals on children’s participation in civil and criminal judicial proceedings in 10 EU Member States” \(2015\)](#)
- [Handbook on guardianship for children deprived of parental care \(2014\)](#)

2.2.1.2 Provisions of EU instruments relating to child-friendly justice classified by specific topics

This section suggests specific EU provisions relating to justice for children. It is organised by topic in order to provide a quick overview of the European framework for each specific issue. This list of topics is not exhaustive, but provides a general idea of the variety of subtopics embedded in child-friendly justice. This section will be complemented as needed in future versions of the handbook.

ASYLUM & MIGRATION

Entry and residence

TFEU, Article 21 [Charter of Fundamental Rights](#), Article 7 (family life), Article 45 (freedom of movement); [Freedom of Movement Directive \(2004/38/EC\)](#); [Asylum Procedures Directive \(2013/32/EU\)](#); [Dublin Regulation \(No.604/2013\)](#); [Schengen Borders Code Regulation \(562/2006\)](#), Annex VII, 6

Age assessment

[Asylum Procedures Directive \(2013/32/EU\)](#), Article 25(5)

Reunification and separated children

[Family Reunification Directive \(2003/86/EC\)](#); [Qualification Directive \(2011/95/EU\)](#), Article 31; [Reception Conditions Directive \(2013/33/EU\)](#); [Temporary Protection Directive \(2001/55/EC\)](#); [Dublin Regulation \(No.604/2013\)](#)

Detention

[Reception Conditions Directive \(2013/33/EU\)](#), Article 11 [Return Directive \(2008/115/EC\)](#), Article 17

Expulsion

[Freedom of Movement Directive \(2004/38/EC\)](#), Preamble (para. 24), Articles 7, 12, 13 and 28 (3) (b) ; TFEU, Article 20 [Return Directive \(2008/115/EC\)](#); [Dublin Regulation \(No.604/2013\)](#)

Access to justice

[Charter of Fundamental Rights](#), Articles 47–48 (right to an effective remedy and to a fair trial, presumption of innocence and right of defence); [Dublin Regulation](#)

(No.604/2013); [Qualification Directive \(2011/95/EU\)](#), Article 31; [Asylum Procedures Directive \(2013/32/EU\)](#), Articles 7 and 25; [Victims' Rights Directive \(2012/29/EU\)](#), Article 8

CRIMINAL JUSTICE & ALTERNATIVE PROCEEDINGS

Fair trial guarantees

[Charter of Fundamental Rights](#), Articles 47 (right to an effective remedy and to fair trial), 48 (presumption of innocence and right of defense) and 49 (principles of legality and proportionality of criminal offences and penalties); [Right to Interpretation and Translation Directive \(2010/64/EU\)](#); [Right to Information Directive \(2012/13/EU\)](#); [Access to a Lawyer Directive \(2013/48/EU\)](#); [Procedural Safeguards Directive \(2016/800\)](#)

Detention

[Charter of Fundamental Rights](#), Articles 4 (prohibition of torture, inhuman or degrading treatment) and 6 (right to liberty); [Procedural Safeguards Directive \(2016/800\)](#)

Witnesses and victims

[Victims' Rights Directive \(2012/29/EU\)](#); [Child Sexual Abuse Directive \(2011/93/EU\)](#); [Human Trafficking Directive \(2011/36/EU\)](#) (including unaccompanied children)

DOMESTIC VIOLENCE

- EU, European Commission (2024), [Directive \(EU\) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence](#)

NON DISCRIMINATION

- EU, European Commission (2020), [A union of equality: EU Roma strategic framework for equality, inclusion and participation](#)
- [Communication of European Commission \(2020\) 620 final](#), 7 October 2020
- EU, European Commission (2020), [Union of equality: LGBTIQ equality strategy 2020–2025](#)
- [Communication of European Commission \(2020\) 698 final](#), 12 November 2020
- EU, European Commission (2021), [Report from the Commission to the European Parliament and the Council on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin \('the Racial Equality Directive'\) and of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation](#)

- [Communication of European Commission \(2021\)](#) 139 final, 19 March 2021
- [FRA \(2016\), Second European Union Minorities and Discrimination Survey: Roma – Selected findings, Luxembourg, Publications Office, 29 November 2016.](#)
- [FRA \(2017\), Second European Union Minorities and Discrimination Survey – Main results, Luxembourg, 6 December 2017](#)
- [FRA \(2020\), A long way to go for LGBTI equality, Luxembourg, 14 May 2020](#)
- [FRA and ECtHR \(2018\), Handbook on European non-discrimination law, Luxembourg, 21 March 2018](#)

FAMILY PROCEDURES

- [Charter of Fundamental Rights](#), Article 24 (3) on the right to maintain contact with both parents
- [Procedural Safeguards for Children Directive \(2016/800\)](#)
- [Mediation Directive \(2008/52/EC\)](#)
- [Directive \(2003/8/EC\)](#) on access to justice in cross-border disputes
- [Brussels I Regulation \(44/2001\)](#) on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters
- [Brussels IIter \(2019/1111\)](#) on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)

2.2.2 Council of Europe

2.2.2.1 Overview of CoE instruments related to child-friendly justice

The Council of Europe has published key resources and instruments on child-friendly justice. These aim at improving the justice system and adapting it to the specific needs of children.

The lead resource is the [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice \(2011\)](#), which is currently being revised. These non-binding guidelines are a practical tool based on existing international and European standards which Member States are encouraged to use as a basis for their law reform on child-friendly justice. They contain key definitions and principles in this field, such as participation, best interests of the child, dignity, protection from discrimination and rule of law. They include child rights frameworks for after, during and before judicial proceedings.

The main international conventions of the Council of Europe applicable to child-friendly justice are:

- [Convention on Protection of children against sexual exploitation and sexual abuse \(the Lanzarote Convention\) \(2014\)](#)
- [The Council of Europe Convention on preventing and combating violence against women and domestic violence \(Istanbul Convention\) \(2011\)](#)
- [Convention on Contact concerning Children \(2003\)](#)
- [European Convention on the Exercise of Children's Rights \(1996\)](#)
- [European Convention for the Protection of Human Rights and Fundamental Freedoms \(commonly known as the European Convention on Human Rights - ECHR\) \(1950\)](#)

Other international instruments are relevant when addressing child-friendly justice:

- [European Social Charter \(revised\) \(ESC\) \(1996\)](#)
- [Framework Convention for the Protection of National Minorities \(1995\)](#)
- [European Convention for the Protection of Torture and Inhuman or Degrading Treatment or Punishment \(1989\)](#)
- [European Convention on the Legal Status of Migrant Workers \(1983\)](#)

An extensive set of standards are contained in:

- [The Council of Europe Strategy on the Rights of the Child \(2022-2027\) \(chapter 2.4 on CFJ\)](#)
- [Venice Declaration on the Role of Restorative Justice in Criminal Matters \(2021\)](#)
- [A study of immigration detention practices and the use of alternatives to immigration detention of children \(2017\)](#)
- [European Rules for juvenile offenders subject to sanctions or measures \(2009\)](#)
- [Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters CPEJ \(2007\)](#)
- [Guidelines for developing a National Children's Participation Strategy or a Participation Strategy within a National Children's Rights Strategy \(2023\)](#)

The Committee of Ministers of the Council adopted various recommendations for Member States relating fully or to some extent to child-friendly justice. The recommendation is a non-binding instrument and apply to matters for which the Committee has agreed “a common policy”. Article 15.b) of the [Statute of the Council of Europe](#) permits the Committee to ask member governments “to inform it of the action taken by them” in regard to recommendations.

- [Recommendation CM/Rec \(2023\)8](#) of the Committee of Ministers to member States on strengthening reporting systems on violence against children
- [Recommendation CM/Rec\(2023\)2](#) of the Committee of Ministers to member States on rights, services and support for victims of crime
- [Recommendation CM/Rec \(2022\)17](#) on protecting the rights of migrant, refugee and asylum-seeking women and girls
- [Recommendation CM/Rec \(2019\)11](#) on effective guardian for unaccompanied and separated children in the context of migration
- [Recommendation CM/Rec\(2018\)8](#) of the Committee of Ministers to member States concerning restorative justice in criminal matters
- [Recommendation CM/Rec \(2018\)5](#) concerning children of imprisoned parents
- [Recommendation CM/Rec \(2016\)7](#) on young people's access to rights
- [Recommendation CM/Rec \(2012\)2](#) on the participation of children and young people under the age of 18
- [Recommendation CM/Rec \(2011\)12](#) on children's rights and social services friendly to children and families
- [Recommendation CM/Rec \(2008\)11](#) on the European Rules for juvenile offenders subject to sanctions or measures
- [Recommendation Rec \(2005\)5](#) concerning the rights of children living in institution
- [Recommendation Rec \(2003\)20](#) concerning new ways of dealing with juvenile delinquency and the role of juvenile justice
- [Recommendation n° R \(88\)6](#) on social reactions to the delinquent behaviour of young people from migrant families
- [Recommendation n° R \(87\)20](#) on social reactions to juvenile delinquency among young people coming from migrant families
- [Recommendation n° R \(79\)17](#) concerning the protection of children against ill-treatment

More generally, various recommendations were adopted in the context of the efforts following the Rome Conference 2000 to improve the efficiency of the Convention System; they are also applicable to children:

- [Recommendation CM/Rec \(2021\)2](#) on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment
- [Recommendation CM/Rec \(2018\)8](#) on restorative justice in criminal matters
- [Recommendation Rec \(2006\)2](#) on European penitentiary rules

- [Recommendation Rec \(2004\)10](#) on the protection of human rights and the dignity of people with mental disorders
- [Recommendation Rec \(2004\)5](#) on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights
- [Recommendation Rec \(2001\)10](#) on the European Code of Police Ethics
- [Recommendation Rec \(2000\)20](#) on role of early psychosocial intervention in the prevention of criminality

The following older recommendations can also be mentioned here:

- [Recommendation n° R \(93\)1](#) on effective access to the law and to justice for the very poor
- [Recommendation n° R \(89\)12](#) on education in prison
- [Recommendation n° R \(81\)16](#) on the harmonisation of national procedures relating to asylum
- [Recommendation n° R \(81\)7](#) on measures facilitating access to justice

In addition, the Council of Europe and its Committees and working groups may be asked to draw up reports on thematic areas. The following report are of particular interest in terms of child-friendly justice:

- [Annual GRETA report for 2023 on Action against Trafficking in Human Beings \(2024\)](#)
- [6th General GREVIO report on Action against Violence against Women and Domestic Violence \(2024\)](#)
- Report on [Child-friendly juvenile justice: from rhetoric to reality \(2014\)](#) on the reality of juvenile justice interventions, in particular juvenile detention.

2.2.2.2 Provisions of CoE instruments related to child-friendly justice classified by specific topics

This section offers a selection of specific provisions from the above-mentioned legal instruments, applicable to child-friendly justice, organised by topic of interest. They give an idea of the influence of international instruments on child-friendly justice. This list is not exhaustive, and other areas could certainly be found to complement this Handbook in future versions.

ASYLUM & MIGRATION

- Entry and residence: ECHR, Article 8 (family life); ESC, Article 19
- Age assessment: ECHR, Article 8 (private life)
- Reunification and separated children: ECHR, Article 8 (right to respect for private and family life)
- Detention (overall): ECHR, Article 5 (right to liberty)
- Expulsion: ECHR, Article 8 (right to respect for private and family life)
- Access to justice: ECHR, Article 13 (right to an effective remedy)

CRIMINAL JUSTICE & ALTERNATIVE PROCEEDINGS

- Fair trial guarantees: ECHR, Article 6 (fair trial); ESC, Article 17 Lanzarote Convention
- Detention: ECHR, Articles 3 (prohibition of torture, inhuman or degrading treatment) and 5 (right to liberty); ESC, Article 17 European Convention for the
- Protection of Torture and Inhuman or Degrading Treatment of Punishment
- Witnesses and victims: ECHR, Articles 3 (prohibition of torture, inhuman or degrading treatment) and 8 (private life); Lanzarote Convention, Article 31; Istanbul Convention, Article 26.

NON-DISCRIMINATION

Council of Europe (2014), LGBTI children have the right to safety and equality, Human Rights Comment by the Council of Europe Commissioner for Human Rights, 2 October 2014; Council of Europe, Advisory Committee on the FCNM (2006), Commentary on education under the Framework Convention for the Protection of National Minorities, ACFC/25DOC (2006)002, 2 March 2006

FAMILY PROCEDURES

ECHR, Article 8 (right to respect for family life); Convention on Contact concerning Children, Article 1; European Convention on the Exercise of Children's Rights, Article 6

DOMESTIC VIOLENCE

ECHR, Article 3 (prohibition of torture, inhuman or degrading treatment); Istanbul Convention, Article 6; [Directive \(EU\) 2024/1385](#) of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence.

2.3 Selection of European case law relating to child-friendly justice

The two primary institutions that develop European case law are the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). In this section, a selection of impactful judgments and legal trends on child-friendly justice are presented, by topic²⁵. While the judgements included in this section do not represent an exhaustive list, they are intended to give the reader an overview of recent influential case law regarding child-friendly justice²⁶.

Even in cases that involve children as the primary applicants or where the rights of a child are directly implicated, children are frequently not represented by legal representatives or advocates, and cases are rarely examined from their point of view. This ongoing omission represents a continued failure on the part of international courts of justice to embody a child's right to be heard, to fully participate in proceedings that impact their lives and well-being, and to express their unique point of view. As standards of child-friendly justice evolve, it is incumbent upon legal actors to ensure children are not only protected by the law but are represented within it.

ABUSE, NEGLECT, AND ILL-TREATMENT

Relevant Articles of ECHR:

- **Article 3:** Prohibition on Torture & Ill-Treatment
- **Article 8:** Right to Privacy in Personal & Family Life
- **Article 13:** Right to an Effective Remedy

Overriding Principles: As in other areas involving child's rights, cases of child physical abuse, neglect, or sexual abuse principally implicate a child's unique vulnerability and dependence. Authorities are expected to employ all reasonable means and available powers to address, deter, and prosecute instances of child abuse. This includes conducting a thorough investigation within a reasonable timeframe and providing prompt legal relief. The psychological needs of children should be incorporated into investigative and judicial procedures, not only to pursue child-friendly justice, but to ensure that authorities are sensitive to the way in which child victims may respond differently to violence than adults.

²⁵ Wherever possible, judgements are provided in the official English translation. If an official English translation is not available, the French is instead provided. Please note that HUDOC may provide additional official language versions for select judgements.

²⁶ Section 2.3 of the Child Friendly Justice Handbook was compiled with the assistance of the [AIRE Centre](#).

Relevant Case Law

Increased Obligation to Protect

- The Court has emphasised that a child's shared **human dignity** is the value underpinning the prosecution and prevention of violence against children: "assuring basic dignity to the child means that there can be no compromise in condemning violence against children, whether accepted as 'tradition' or disguised as 'discipline.'" The child's unique vulnerability and dependence "makes it imperative that they have more, not less, protection from violence" and may influence the Court's assessment of what constitutes ill-treatment: ECtHR, ***D.M.D. v. Romania***, No.[23022/13](#), 3 October 2017, para. 50; ECtHR, ***Dushka v. Ukraine***, No.[29175/04](#), 3 February 2011.
- The Court has emphasised that "Article 3 enshrines one of the most fundamental values of democratic society," obligating authorities to provide effective protection against ill-treatment, including ill-treatment at the hands of private individuals. This is particularly so in the case of children, whose vulnerability creates a "statutory duty" for authorities to provide protection using the full "range of powers" available to them: ECtHR, ***Z. and Others v. the United Kingdom*** [GC], No.[29392/95](#), 10 May 2001, para. 73-74; see also: ECtHR, ***A. v. the United Kingdom***, No.[25599/94](#), 23 September 1998; ***Osman v. the United Kingdom*** [GC], No.[23452/94](#), 28 October 1998.
- In cases involving repeated failures of the judicial system to fulfil its duty to **protect children** and vulnerable victims from violations of Article 3, such repeated acts may "together... characterise gross negligence engaging the State's liability," even if the individual acts are merely negligent: ECtHR, ***Association Innocence en Danger v. France and Association Enfance et Partage v. France***, No.[15343/15](#), 4 June 2020, para. 191.

Effective Investigation & Prosecution

- While the full "scope of a State's positive obligations" may differ across Article 3 cases, an official investigation is nevertheless required, and what constitutes an effective investigation is consistent: the authorities must use all reasonable means available to lead to the "establishment of the facts of the case and to the identification and punishment of those responsible. This is not an obligation as to the results to be achieved but as to the means to be employed." This includes an implicit expectation of expeditious proceedings and a prompt investigation as "essential:" ECtHR, ***M.C. and A.C. v. Romania***, No.[12060/12](#), 12 April 2016, para. 111; ECtHR, ***D.M.D. v. Romania***, No.[23022/13](#), 3 October 2017; ECtHR, ***X and Others v. Bulgaria***, No.[22457/16](#), 2 February 2021.

- A “failure to take reasonably available measures,” including “**lack of investigation**, communication and co-operation by the relevant authorities” in cases of ongoing, established child abuse and neglect, constitutes a failure to fulfil the State’s duty of protection: ECtHR, **E. and Others v. the United Kingdom**, No.[33218/96](#), 26 November 2002, para. 99-100; ECtHR, **D.M.D. v. Romania**, No.[23022/13](#), 3 October 2017.
- The “absence of any direct State responsibility for acts of violence of such severity as to engage Article 3 of the Convention does not absolve the State from all obligations.” On the contrary, in these cases the authorities are required to “conduct an effective official investigation into the alleged ill-treatment, even if such treatment has been inflicted by private individuals.” ECtHR, **M.C. and A.C. v. Romania**, No.[12060/12](#), 12 April 2016, para. 110; ECtHR, **D.M.D. v. Romania**, No.[23022/13](#), 3 October 2017; ECtHR, **Denis Vasilyev v. Russia**, No.[32704/04](#), 17 December 2009; ECtHR, **Z. and Others v. the United Kingdom**, No.[29392/95](#), 10 May 2001.
- In the past, the Court has found that a system that requires victims of domestic violence “children or otherwise” to “initiate and pursue judicial proceedings” when they may not be in a position to do so, legally, psychologically, or otherwise, is inadequate and “falls short of the State’s positive obligation to put in place an effective system punishing all forms of domestic violence and providing sufficient safeguards for victims.” ECtHR, **A.E. v. Bulgaria**, No.[53891/20](#), 23 May 2023, para. 100; ECtHR, **Volodina v. Russia**, No.[41261/17](#), 9 July 2019.

Police Violence

- Regarding police violence, the Court has held that “police officers must, if they are in contact with children, take account of their particular vulnerability” and “conduct on their part with regard to children may, by the mere fact that they are children, be incompatible with the requirements of Article 3 of the Convention even though it might be considered acceptable if it were directed at adults.” ECtHR, **Bouyid v. Belgium** [GC], No.[23380/09](#), 28 September 2015.
- Further, the Court has held that police violence directed at adults with children present, in particular when directed at adults with whom the children have a close personal relationship, amounts “to a failure on the part of the authorities to prevent... ill-treatment.” Law enforcement should always “heed” the presence of children and their strong interests in emotional and physical security: ECtHR, **A. v. Russia**, No.[37735/09](#), 12 November 2019.

Public Institutions & Schools

- The Court has observed that, in cases where **child abuse** is suspected, “teachers can play a vital role in the violence prevention system... Indeed, teachers, who are sometimes the child’s only trusted confidants, and who are responsible for observing the child closely on a daily basis” are in a unique position to “have an overall view of the child’s development.” Authorities should consider this when conducting investigations into suspected child abuse, and in taking seriously reports to this effect submitted by educators: ECtHR, *Association Innocence en Danger v. France and Association Enfance et Partage v. France*, [No.15343/15](#), 4 June 2020, para. 167.
- Teachers are “placed in a unique position of **authority**” over students, making their actions particularly powerful on a child’s sense of “dignity, well-being and psychological development.” In part because children are subject to the control of educational authorities while at school, the “primary duty of the education authorities is to ensure the students’ safety:” ECtHR, *F.O. v. Croatia*, [No.29555/13](#), 22 April 2021, para. 86, 82; ECtHR, *Kayak v. Turkey*, [No.60444/08](#), 10 July 2012; *Osman v. the United Kingdom* [GC], [No.23452/94](#), 28 October 1998.
- Indeed, a State’s positive obligation to protect children from harm “assumes particular importance in the context of the provision of an important public service such as primary education,” where State actors such as school authorities are **obligated to protect** the “well-being of pupils and, in particular, of young children who are especially vulnerable and are under the exclusive control of those authorities:” ECtHR, *O’Keeffe v. Ireland* [GC], [No.35810/09](#), 28 January 2014, para. 145; see also ECtHR, *Grzelak v. Poland*, [No.7710/02](#), 15 June 2010; *İlbeyi Kemaloğlu and Meriye Kemaloğlu v. Turkey*, [No.19986/06](#), 10 April 2012; ECtHR, *X and Others v. Bulgaria*, [No.22457/16](#), 2 February 2021.
- Further, this principle applies to other public institutions, such as orphanages, where States likewise “have a heightened duty of protection,” as children are made still more vulnerable, being “deprived of parental care” and placed instead into the care of State authorities. In such instances, authorities’ duty of care is ongoing, and, where ill-treatment is a real risk, “particular vigilance:” ECtHR, *X and Others v. Bulgaria*, [No.22457/16](#), 2 February 2021, para. 195, 197; ECtHR, *Nencheva and Others v. Bulgaria*, [No.48609/06](#), 18 June 2013; ECtHR, *O’Keeffe v. Ireland*, [No.35810/09](#), 28 January 2014.

Sexual Abuse

- Effective Legislation, Investigation, & Law-Enforcement

- ° The “nature of **child sexual abuse**” is such that, the Court has held, “the existence of useful detection and reporting mechanisms are fundamental to the effective implementation of the relevant criminal laws, as is a supportive and functional “law-enforcement machinery” capable of prompt investigation and prosecution. ECtHR, *O’Keeffe v. Ireland*, No.[35810/09](#), 28 January 2014, para. 148; ECtHR, *X and Y v. the Netherlands*, No.[8978/80](#), 26 March 1985; ECtHR, *Juppala v. Finland*, No.[18620/03](#), 2 December 2008; ECtHR, *Beganović v. Croatia*, No.[46423/06](#), 25 June 2009; ECtHR, *Mahmut Kaya v. Turkey*, No.[22535/93](#), 28 March 2020.
- ° The Court has further held that States have a “positive obligation” to provide “**efficient criminal-law provisions**,” accessible legal remedies, and effective deterrence “against grave acts such as rape, where fundamental values and essential aspects of private life are at stake” This applies in particular to “children and other vulnerable individuals” ECtHR, *M.C. v. Bulgaria*, No.[39272/98](#), 4 December 2003, para. 150; ECtHR, *X and Y v. the Netherlands*, No.[8978/80](#), 26 March 1985.
- ° Where multiple authorities are involved, failure to institute sufficient cooperation, coordination, or communication, where such failure is responsible for a failure to mitigate known or suspected child sexual abuse, this represents a failure on the part of the State to adequately protect children from ill-treatment: ECtHR, *Loste v. France*, No.[59227/12](#), 3 November 2022, para. 102-103.
- ° In the case of **child rape or sexual assault**, the Court has stated that “any rigid approach to the prosecution of sexual offences, such as requiring proof of physical resistance in all circumstances, risks leaving certain types of rape unpunished” and places children at particular risk, who, “because of a variety of psychological factors” may not be able to meet standards of non-consent expected of adults: ECtHR, *M.C. v. Bulgaria*, No.[39272/98](#), 4 December 2003, para. 164, 166; ECtHR, *I.G. v. Moldova*, No.[53519/07](#), 15 May 2012.
- ° Child sexual abuse and rape should prompt “**urgent investigative measures**” and, like other effective investigations, be completed within a reasonable time-frame conducive to victim relief and “capable of leading to the proper punishment of those responsible.” The failure of authorities to act in such a manner should not time-bar an applicant from legal remedy: ECtHR, *P.M. v. Bulgaria*, No.[49669/07](#), 24 January 2012, Para. 65-66; ECtHR, *C.A.S. and C.S. v. Romania*, No.[26692/05](#), 20 March 2012; ECtHR, *R.I.P. and D.L.P. v. Romania*, No.[27782/10](#), 10 May 2012.

- ° The Court has emphasised that the “**absence of legislation criminalising sexual advances towards a child with a mental disability**” child is tantamount to a failure on the part of the State to “fulfil its positive obligation to protect the Article 8 rights of the victim.” ECtHR, *O’Keeffe v. Ireland*, No.[35810/09](#), 28 January 2014, para. 147; ECtHR, *X and Y v. the Netherlands*, No.[8978/80](#), 26 March 1985. While specific legislation is not always required, States are obligated to consider the overall vulnerability and psychology of children, and the heightened vulnerability of individual children with mental handicaps, special needs, mental health issues, or physical disabilities, in their adjudication of child sexual abuse: ECtHR, *V.C. v. Italy*, No.[54227/14](#), 1 February 2018, para. 110; ECtHR, *I.C. v. Romania*, No.[36934/08](#), 24 May 2016.
- Child Needs & Child-Friendly Procedures
 - ° The Court has held that the “effective protection of children’s rights” depends upon safeguarding their “testimony both during the pre-trial investigation and trial.” This includes the adoption of flexible standards that allow for “**child-friendly**” adaptations, where it is necessary to the effective prosecution of grave acts of ill-treatment against children, as well as ensuring that “child-friendly measures” do “not in themselves diminish the value given to a child’s testimony or evidence.” ECtHR, *R.B. v. Estonia*, No.[22597/16](#), 22 June 2021, para. 102; ECtHR, *M.G.C. v. Romania*, No.[61495/11](#), 15 March 2016; ECtHR, *I.C. v. Romania*, No.[36934/08](#), 24 May 2016.
 - ° The Court has emphasised that States’ responsibilities under Articles 3 and 7 “require that **the best interests of the child** be respected” during criminal investigations, and that any consideration of child victims’ actions be sensitive to a child’s psychological and intellectual state. Failure to be mindful of the “special psychological factors involved in cases concerning violent sexual abuse of children” may raise “doubts as to the effectiveness” of the system the State has put into place to protect children from sexual abuse: ECtHR, *C.A.S. and C.S. v. Romania*, No.[26692/05](#), 20 March 2012, para. 81-82; ECtHR, *P. and S. v. Poland*, No.[57375/08](#), 30 October 2012; ECtHR, *M.G.C. v. Romania*, No.[61495/11](#), 15 March 2016; ECtHR, *I.C. v. Romania*, No.[36934/08](#), 24 May 2016.
 - ° Due attention to a child’s particular psychological needs is an essential component not only of providing adequate protection to children, but of conducting an effective investigation. This includes heeding psychological experts and testimony, the provision of assistance and counselling, questioning by individuals appropriately trained in child psychology, and incorporation of the child’s views and feelings: ECtHR, *A.P. v. the Republic of Moldova*, No.[41086/12](#), 26 October 2021; ECtHR, *I.G. v. Moldova*,

No. [53519/07](#), 15 May 2012; ECtHR, ***X and Others v. Bulgaria***, No. [22457/16](#), 2 February 2021; ***N.Ç. v. Turkey***, No. [40591/11](#), 9 February 2021.

- ° State proceedings in cases of **child sexual abuse** should always be mindful of the child's vulnerability, their "own views and feelings," and the unique psychological and emotional difficulties of their situation. Failure to do so suggests a system inadequate to the obligation to protect children from current and future ill-treatment: ECtHR, ***P. and S. v. Poland***, No. [57375/08](#), 30 October 2012, para. 166; ECtHR, ***M.G.C. v. Romania***, No. [61495/11](#), 15 March 2016.

ACCESS TO JUSTICE

Relevant Articles of ECHR:

- **Article 2:** Right to Life
- **Article 3:** Prohibition of Torture & Ill-Treatment
- **Article 5:** Right to Liberty & Security
- **Article 6:** Right to a Fair Trial
- **Article 13:** Right to an Effective Remedy

Overriding Principles: Children are entitled to a fair trial, procedural due process, and humane detention, as established under ECHR, just as adults. In determining adequacy of treatment and proceedings, the Court applies a higher standard for cases involving children. Children are entitled to appropriate access to services, care, and the guidance of a guardian or adult, as well as to increased protection, based on their vulnerability, maturity, and individual needs.

Relevant Case Law

Legal Proceedings:

- **Access to a lawyer** is a fundamental element of the right to a fair trial (Article 6), a right that extends to children, whether in police custody (ECtHR, ***Salduz v. Turkey***, No. [36391/02](#), 27 November 2008, para. 51; ECtHR, ***Ibrahim and Others v. the United Kingdom***, Nos. [50541/08](#) et al., 13 September 2016), or during the course of legal proceedings, such as in the provision of confession or testimony (ECtHR, ***Adamkiewicz c. Pologne***, No. [54729/00](#), 2 March 2010, par. 70 and 89; ECtHR, ***Beuze v. Belgium***, No. [71409/10](#), 9 November 2018), ***Bîzdîga v. Moldova***, No. [15646/18](#), 17 October 2023, ***Biba v. Albania***, No. [24228/18](#), 7 May 2024.
- Procedures that fail to provide, in isolation or combination, legal counsel, the assistance of a guardian, the opportunity to question adversarial witnesses, or the opportunity to meaningfully participate and to be heard, are **procedurally**

inadequate and constitute a violation of the child's Article 6 rights: ECtHR, *Blokhin v. Russia* [GC], No.[47152/06](#), 23 March 2016; ECtHR, *Panovits v. Cyprus*, No.[4268/04](#), 11 December 2008; *Güveç v. Turkey*, No.[70337/01](#), 20 January 2009; ECtHR, *Soykan v. Turkey*, No.[47368/99](#), 21 April 2009, *Cupiał v. Poland*, No.[67414/11](#), 9 March 2023.

- Children are entitled to an **impartial judiciary, impartial administrative and judicial proceedings**, and necessary restraint on the part of judicial actors (ECtHR, *Buscemi v. Italy*, No.[29569/95](#), 16 September 1999). Legal proceedings that are excessively protracted in light of the circumstances may violate an applicant's Article 6 rights: ECtHR, *Kayak v. Turkey*, No.[60444/08](#), 10 July 2012.
- The determination of whether **access to a lawyer** has been sufficient is subject to greater scrutiny when children are involved: ECtHR, *Salduz v. Turkey*, No.[36391/02](#), 27 November 2008, para. 60; ECSR, *International Commission of Jurists (ICJ) v. Czech Republic*, Complaint No.[148/2017](#), 20 October 2020.
- Procedural limitations on **access to justice**, in particular those that may uniquely impact children—such as statutes of limitations, which may serve to bar child applicants from pursuing legal relief upon reaching the age of majority—must be proportionate to the aim of administering justice and may not deny children effective access to a legal remedy: ECtHR, *Stagno v. Belgium*, No.[1062/07](#), 7 July 2009; ECtHR, *Mizzi v. Malta*, No.[26111/02](#), 12 January 2006; ECtHR, *Efstathiou and Others v. Greece*, No.[36998/02](#), 27 July 2006.
- The Court has held that “a pre-investigation inquiry, not followed by a preliminary investigation, is insufficient for the authorities to comply with the requirements of an **effective investigation** into credible allegations of ill-treatment by the police:” ECtHR, *A. v. Russia*, No.[37735/09](#), 12 November 2019, para. 66; ECtHR, *Lyapin v. Russia*, No.[46956/09](#), 24 July 2014; ECtHR, *Samesov v. Russia*, No.[57269/14](#), 20 November 2018.
- Further, pre-investigation into credible allegations of ill-treatment does not serve to discharge the authorities' burden of proof: ECtHR, *Olisov and Others v. Russia*, No.[10825/09](#), 2 May 2017; , 2 May 2017; ECtHR, *A. v. Russia*, No.[37735/09](#), 12 November 2019. *A. v. Russia*, No.[37735/09](#), 12 November 2019.

Criminal Detention

- The ECtHR has emphasised that government actors have a “positive obligation to protect” children from ill-treatment while under “full control in detention.” The unique vulnerability of children obliges government

actors to differentiate treatment based on their individual needs, to **ensure security** from future harm where prior ill-treatment has been established, and to provide additional protection: ECtHR: *I.E. v. The Republic of Moldova*, No.[45422/13](#), 26 May 2020, para. 46.

- Demonstrating the need for detention of a child must meet a higher standard than in the case of adults. **Pre-trial detention** of children should be used as a last resort, only for the shortest possible time. Where detention is strictly necessary, children should always be separated from adults: ECtHR, *Nart v. Turkey*, No.[20817/04](#), 6 May 2008; ECtHR, *Çoselav v. Turkey*, No.[1413/07](#), 9 October 2012; *I.E. v. the Republic of Moldova*, No.[45422/13](#), 26 May 2020.
- **Detaining children with adults** may result in a de facto violation of Article 3 of the ECHR: ECtHR, *Güveç v. Turkey*, No.[70337/01](#), 20 January 2009.
- An individual charged with a criminal offence must always be **released pending trial**, unless the State can show that there are “relevant and sufficient” reasons for continued detention: ECtHR, *Smirnova v. Russia*, Nos. [46133/99](#) and [48183/99](#), 24 July 2003, para. 58.
- The ECtHR requires State authorities to pay particular attention to the **age** of the child and their **individual needs** when balancing arguments for and against pre-trial detention: ECtHR, *Korneykova v. Ukraine*, No.[39884/05](#), 19 January 2012, paras. 43–44; ECtHR, *Selçuk v. Turkey*, No.[21768/02](#), 10 January 2006, paras. 35–36; ECtHR, *J.M. v. Denmark*, No.[34421/09](#), 13 November 2012, par. 63.
- The concept of “**educational supervision**” in the context of the detention of children should not be equated with classroom teaching: ECtHR, *D.G. v. Ireland*, No.[39474/98](#), 16 May 2002, para. 81.
- See also: *M.P. v. Denmark*, No.[25263/22](#), Communicated 12 May 2022, on the restraint of **children in psychiatric facilities**; other relevant international law:
 - ° Article 186 § 4 of the Code of Criminal Procedure (CCP) states that pre-trial detention of children (persons under the age of 18) accused of committing an offence may be extended for up to a maximum of four months.
 - ° The European Prison Rules state, in relevant parts, “11.1: Children under the age of 18 years should not be detained in a prison for adults, but in an establishment specially designed for the purpose.”
 - ° The United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Nelson Mandela Rules”) states, in relevant part, “Rule 11: The different categories of prisoners shall be kept in separate institutions

or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment.

- ° The United Nations Convention on the Rights of the Child states, in relevant part: “Article 37: States Parties shall ensure that...(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so.”
- ° The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”) state, in relevant part: “13.4: Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.”
- ° The International Covenant on Civil and Political Rights states, in relevant part, “Article 10(2)(b): Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.”

Protection of Child Victims and Witnesses

- Where young children have been **mistreated by a teacher**, their age, and the nature of the maltreatment, are sufficient to classify the children as particularly vulnerable along with the consideration such a classification merits: CJEU, **Criminal proceedings against Maria Pupino**, Case [C-105/03](#), 16 June 2005.
- All measures concerning the protection and prevention of secondary victimisation must be designed in such a way that the defendant always receives a fair trial: CJEU, **Criminal proceedings against Maria Pupino**, Case [C-105/03](#), 16 June 2005.
- Likewise, authorities must make every effort to **avoid re-victimising or re-traumatising child victims** in the course of judicial proceedings. Indifference to the victim’s suffering, emotional anguish, or trauma, in particular as it relates to the unique vulnerability of child victims, may be sufficient to constitute an Article 3 violation: ECtHR, **B v. Russia**, No.[36328/20](#), 7 February 2023; ECtHR, **N.Ç. v. Turkey**, No.[40591/11](#), 9 February 2021.
- In the past, the Court has found that **sexual violence** against a child, specifically one with a mental disability, requires criminal procedures (“effective deterrence is indispensable”) that effectively protect the victim, and that the absence of such procedures represents a violation of “fundamental values and essential aspects of private life.” ECtHR, **X and Y v. the Netherlands**, No. [8978/80](#), 26 March 1985, para. 27.
- Authorities’ failure to effectively supervise and **ensure the safety** of children, where there is a known or plausible threat, represents a failure to live up

to the authorities' positive obligation to protect children: ECtHR, **Kayak v. Turkey**, No.[60444/08](#), 10 July 2012.

- See also: ECtHR, **M. and M. v. Croatia**, No.[10161/13](#), 3 September 2015, on the particular necessity for swift adjudication in the case of child victims, to avoid re-traumatisation; ECtHR, **Kayak v. Turkey**, No.[60444/08](#), 10 July 2012.

ASYLUM & MIGRATION

Relevant Articles of ECHR:

- **Article 3:** Prohibition on Torture & Ill-Treatment
- Article 5:** Right to Liberty & Security
- **Article 8:** Right to Privacy in Personal & Family Life
- **Protocol 4, Art. 4:** Prohibition on Collective Expulsion of Migrants

Overriding Principles: The extreme vulnerability of a child migrant takes precedence over either the child's status, or that of their parent(s), as illegal immigrants, and entitles the child to additional protection, whether or not the child is accompanied by their parent(s). The detention of child migrants must be seen as a measure of last resort, and should only occur for the shortest possible duration, in conditions that are adapted to the child's age and needs. Child migrants are entitled to legal and humanitarian assistance, must be removed from dangerous or unstable conditions promptly, and should have their best interests treated as paramount in all determinations. In evaluating the appropriateness of detention conditions for children, the Court will primarily consider the child's age, the material conditions of detention, and the duration of detention.

Relevant Case Law

Child Migrant Detention

- "Extreme Vulnerability"
 - ° As in other contexts, state authorities in matters of asylum and migration have a **positive obligation to protect and care for vulnerable persons**, in particular when they are children who are very young, unaccompanied, or both. Decisions to deport a child must take into consideration whether or not the child will be looked after, and what conditions the child is likely to meet upon arrival. Failure to consider the "extreme vulnerability" of an unaccompanied child migrant, or to prevent ill-treatment of which the authorities are aware or should be aware, has in the past led the Court to find a "total lack of humanity" amounting to an Article 3 violation: ECtHR, **Mubilanzila Mayeka and Kaniki Mitunga v. Belgium**, No.[13178/03](#), 12

October 2006, para. 103, 66; see also: ECtHR, **Abdullahi Elmi and Aweys Abubakar v. Malta**, Nos. [25794/13](#) and [28151/13](#), 22 November 2016; ECtHR, **H.A. and Others v. Greece**, No.[19951/16](#), 28 February 2019.

° The Court has furthermore found that the child's "extreme vulnerability" is the "decisive factor and takes precedence over considerations relating to the status of illegal immigrant," including when the child is accompanied by their parents. The **presence of the child's parent(s)** "is not capable of exempting the authorities from their duty to protect children and take appropriate measures as part of their positive obligations under Article 3 of the Convention:" ECtHR, **Popov v. France**, No.[39472/07](#), 19 January 2012, para. 91; see also: ECtHR, **Mubilanzila Mayeka and Kaniki Mitunga v. Belgium**, No.[13178/03](#), 12 October 2006; ECtHR, **G.B. and Others v. Turkey**, No.[4633/15](#), 17 October 2019; ECtHR, **Tarakhel v. Switzerland** [GC], No.[29217/12](#), 4 November 2014; ECtHR, **Muskhadzhiyeva and Others v. Belgium**, No.[41442/07](#), 19 January 2010.

° It is the responsibility not of unaccompanied migrant children, but of the appropriate authorities, to "take the necessary steps" to secure care and stable housing. In addition, failure of the authorities to act on **provisional placement** orders or to otherwise remove the child from an unsuitable situation may constitute a failure to meet the obligation to "protect and take care of" vulnerable child-migrants, in violation of Article 3 (ECtHR, **Khan v. France**, No.[12267/16](#), 28 February 2019, para. 90, 44). A child "who is seeking to obtain refugee status" is entitled to "protection and humanitarian assistance, whether the child is alone or accompanied by their parents:" ECtHR, **Tarakhel v. Switzerland**, No.[29217/12](#), 4 November 2014, para. 99.

° The Court considers the **harmful effects of detention** as a cumulative measurement that incorporates a child's unique mental, emotional, and developmental needs, including their limited ability to understand or process what is happening to them; the particular stress, anxiety, and trauma that detention may cause to young children; and the overall effects of deprivation of liberty: ECtHR, **N.B. and Others v. France**, No.[49775/20](#), 31 March 2022; ECtHR, **Mubilanzila Mayeka and Kaniki Mitunga v. Belgium**, No.[13178/03](#), 12 October 2006; ECtHR, **G.B. and Others v. Turkey**, No.[4633/15](#), 17 October 2019; ECtHR, **M.H. and Others v. Croatia**, No.[15670/18](#), 18 November 2021.

- Inhuman & Degrading Treatment

° The Court has established that, while all circumstances of migrant detention must be evaluated to determine adequacy (ECtHR, **Labita v. Italy** [GC], No.[26772/95](#), 6 April 2000), there are three areas of **particular salience** in violations of Articles 3 and 5. In relevant part, these include: the age of the migrant, the material conditions of detention, and duration

of detention: ECtHR, *M.D. and A.D. v. France*, No.[57035/18](#), 22 July 2021; ECtHR, *Price v. the United Kingdom*, No.[33394/96](#), 10 July 2001; ECtHR, *Mikadzé v. Russia*, No.[52697/99](#), 7 June 2007); ECtHR, *Rahimi v. Greece*, No.[8687/08](#), 5 April 2011; ECtHR, *N.B. and Others v. France*, No.[49775/20](#), 31 March 2022; ECtHR, *A.D. v. Malta*, No.[12427/22](#), 17 October 2023; and ECtHR *J.B. and Others v. Malta*, No.[1766/23](#), 22 October 2024.

- Age & Material Conditions

° Children have “**specific needs**” in the context of migration, not merely because of their vulnerability and “lack of independence,” but also due to their **asylum-seeker status**. Of paramount importance in detention centres’ ability to meeting these needs is that conditions be well “adapted” to children’s age and needs, including furniture and childcare needs, duration of detention, access to medical care and other human services, psychological services, access to the outdoors and to exercise, education and educational supervision, legal representation, and humanitarian assistance. The detention of children in adult facilities generally constitutes ill-treatment: ECtHR, *R.R. and Others v. Hungary*, No.[36037/17](#), 2 March 2021, para 41, 44; ECtHR, *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, No.[13178/03](#), 12 October 2006; ECtHR, *Tarakhel v. Switzerland*, No.[29217/12](#), 4 November 2014; ECtHR, *S.F. and Others v. Bulgaria*, No.[8138/16](#), 7 December 2017; ECtHR, *Muskhadzhiyeva and Others v. Belgium*, No.[41442/07](#), 19 January 2010; ECtHR, *Moustahi v. France*, No.[9347/14](#), 25 June 2020; ECtHR, *Darboe and Camara v. Italy*, No.[5797/17](#), 21 July 2022; ECtHR, *M.H. and Others v. Croatia*, No.[15670/18](#), 18 November 2021; ECtHR, *Rahimi v. Greece*, No.[8687/08](#), 5 April 2011.

° In addition to **conditions being adapted to children’s** needs, in evaluating detention conditions the Court has considered “factors such as the personal space available in the detention area, the availability of outdoor exercise, access to natural light or air, ventilation, and compliance with basic sanitary and hygiene requirements,” among other considerations. When children are present, these conditions may be subject to greater scrutiny than if only adults were present. Detaining “young children in unsuitable conditions... may on its own lead to a finding of a violation of Article 5 § 1:” ECtHR, *G.B. and Others v. Turkey*, No.[4633/15](#), 17 October 2019, para. 100, 151; ECtHR, *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, No.[13178/03](#), 12 October 2006; ECtHR, *Mahmundi and Others v. Greece*, No.[14902/10](#), 31 July 2012. This also may include consideration of the child’s past traumas, and the impact of detention on the child’s development and relationships: ECtHR, *M.H. and Others v. Croatia*, No.[15670/18](#), 18 November 2021.

- ° Exposure to violence or unrest is of particular concern to the Court when children are involved: ECtHR, **Rahimi v. Greece**, No.[8687/08](#), 5 April 2011, para. 85, 91.
- ° The Court has distinguished between past Article 3 violations and those cases not meeting the threshold of Article 3 by assessing the “minimum level of severity” of the conditions, based on “all the circumstances of the case,” including the age of the victim: ECtHR, **A.B. and Others v. France**, No.[11593/12](#), 12 July 2016, para. 108.
- Duration
 - ° Prison-like conditions, those that contribute to sensory or emotional harm, or those that may otherwise contribute to anxiety, uncertainty, or distress on the part of children, even if otherwise adequately adapted to families “would necessarily have harmful consequences for children, exceeding the... threshold” of Article 3: ECtHR, **M.H. and Others v. Croatia**, No.[15670/18](#), 18 November 2021, para. 199; ECtHR, **R.C. and V.C. v. France**, No.[76491/14](#), 12 July 2016; **R.K. and Others v. France**, No.[68264/14](#), 7 December 2016.
 - ° The duration of detention is “of primary significance,” as the Court has concluded that a **short duration** may be “permissible,” even when conditions are not otherwise suitable. In the case of very young children or infants, even a short duration may not be acceptable and may be harmful to a child’s physical, mental, and emotional well-being: ECtHR, **A.B. and Others v. France**, No.[11593/12](#), 12 July 2016, para. 114; ECtHR, **R.C. and V.C. v. France**, No.[76491/14](#), 12 July 2016.
 - ° A duration of several months or greater where young children are involved, in conditions unsuitable for their well-being, amounts to a “de facto deprivation of liberty” in violation of Article 5: ECtHR, **R.R. and Others v. Hungary**, No.[36037/17](#), 2 March 2021, para. 74; ECtHR, **H.M. and Others v. Hungary**, No.[38967/17](#), 2 June 2022; ECtHR, **R.M. and Others v. France**, No.[33201/11](#), 12 July 2016; ECtHR, **M.B.K and Others v. Hungary**, No.[73860/17](#), 24 February 2022.
- Lawful Detention of Children and “Measure of Last Resort”
 - ° The Court has distinguished between past Article 3 violations and those cases not meeting the threshold of Article 3 by assessing the imminence or likelihood of future harm coming to the child applicant(s), including placement in an ill-adapted reception centre. Where that likelihood or imminence has been lacking, the Court has declined to find a violation: ECtHR, **N.A. and Others v. Denmark**, No.[15636/16](#), 28 June 2016; ECtHR, **S.M.H. v. The Netherlands**, No.[5868/13](#), 17 May 2016.

- ° Authorities must demonstrate that the detention of any migrant, including children is both lawful, and not arbitrary. Several parameters come into play in assessing the latter, including whether the authorities acted in good faith, if there was a sufficient connection between continued detention and the stated objective, and that the duration and conditions of detention were reasonable: ECtHR, **Kanagaratnam v. Belgium**, No.[15297/09](#), 13 December 2011.
- ° The Court has emphasised that, “in all decisions concerning children, their **best interests** must be paramount,” which includes ensuring that the “detention of children is only a measure of last resort.” ECtHR, **Popov v. France**, No.[39472/07](#), 19 January 2012, para. 140-141. The Court has noted that “various international bodies are increasingly calling on States to expeditiously and completely cease or eradicate immigration detention of children” (ECtHR, **M.H. and Others v. Croatia**, No.[15670/18](#), 18 November 2021, para. 200) and that authorities are within compliance with Article 5 only when they are able to demonstrate that the detention of a child was truly “a measure of last resort.” ECtHR, **M.D. and A.D. v. France**, No.[57035/18](#), 22 July 2021, para. 86.
- ° Child migrants and families are entitled to meaningful **legal review** of the lawfulness of their detention, including the provision of legal assistance and of materials in a language the applicants can understand: ECtHR, **Mahmundi and Others v. Greece**, No.[14902/10](#), 31 July 2012.
- ° Authorities are obligated to inform the public prosecutor or other appropriate authority of the existence of **unaccompanied children**, in order that they may be assigned a guardian, provided with legal assistance and protection, and informed of available assistance: ECtHR, **Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia**, No.[14165/16](#), 13 June 2019.
- See also: ECtHR, **R.R. and Others v. Hungary**, No.[36037/17](#), 2 March 2021, evaluating acceptable conditions for child asylum-seekers; ECtHR, **M.S.S. v. Belgium and Greece** [GC], No.[30696/09](#), 21 January 2011; ECtHR, **Khlaifia and Others v. Italy**, No.[16483/12](#), 15 December 2016 on the question of acceptable detention conditions more generally. Communicated cases: ECtHR, **Hasani v. Sweden**, No.[35950/20](#), Communicated 22 September 2022; **K.O. and v.O. v. Poland**, No.[46748/21](#), Communicated 6 February 2023; **Sharafane v. Denmark**, No.[5199/23](#), 12 November 2024.
- In the past, the Court has seen fit to reference the work of child psychiatrist Dr. Hayez on the “disastrous impact of confinement on the development of children,” which may lead to “a radical sense of inferiority and despair, a disturbed self-image and self-esteem, doubts about the value of parents and family, an

erroneous and pessimistic assessment of what is permitted and forbidden and, more radically, of what is right and wrong, a negative image of social authority as unjust and always to be distrusted, and the development of a feeling of hatred and a desire for revenge.” See: ECtHR, **Kanagaratnam v. Belgium**, No. [15297/09](#), 13 December 2011, para. 41.

Entry & Residence

- The CJEU has ruled that, where an unaccompanied child applies for asylum in two Member States and has no family members present on the territory of either Member States, the Member State responsible is the one in which the child is present upon application: CJEU, **MA and Others v. Secretary of State for the Home Department (United Kingdom)**, Case [C-648/11](#), 21 February 2013. The case concerns the interpretation of Article 6 of Regulation 343/2003.
- The European Committee of the Regions on EU regions and cities “stresses that many **Ukrainian refugees are particularly vulnerable** and that about half of them are children”, “supports a «Child Protection Package» for Ukrainian refugee children,” “calls for strong measures to prevent human trafficking, as the majority of those fleeing Ukraine are women and children and human rights reports have shown an increase in cases where they are targeted and exploited by organised crime groups, including for sexual and labour exploitation”: **Resolution of the European Committee of the Regions on EU regions and cities’ support for Ukraine**, [2022/C 301/01](#), 5 August 2022.
- In questions of removal, the Court has ruled that authorities must balance the competing interests of the child-migrant and of society, a balance governed by international convention, in particular the Convention on the Rights of the Child: ECtHR, **A.M. and Others v. France**, No. [24587/12](#), 12 July 2016.

Reunification & Separated Children

- The Court has stated that Article 27 of the Dublin III Regulation, read in conjunction with Articles 7, 24 and 47 of the Charter of Fundamental Rights of the European Union, requires that an unaccompanied child be given the right to judicial review of the decision to refuse to take charge. However, the child’s relative does not have such a right of appeal: CJEU, **I, S v. Staatssecretaris van Justitie en Veiligheid**, [GC], Case [C-19/21](#), 1 August 2022.
- The refusal to issue a national visa for the purposes of family reunification to the parent of an unaccompanied refugee child, which has become an adult during this procedure, is contrary to EU law: CJEU, **Bundesrepublik**

Deutschland v. SW and BL, Case [C-273/20](#), 1 August 2022; **Bundesrepublik Deutschland v. BC**, [C-355/20](#), 1 August 2022; **Bundesrepublik Deutschland v. XC**, [C-279/20](#), 1 August 2022.

- An international protection application lodged by a child under the age of 18 cannot be rejected as inadmissible on the grounds that his / her parents have already been granted such protection in another Member State, under the Dublin III Regulation: CJEU, **RO v. Bundesrepublik Deutschland**, Case [C-720/20](#), 1 August 2022.
- The “**expulsion of a settled migrant**” interferes with an individual’s Article 8 rights, in particular when the applicant is a child. Article 8 “protects the right to establish and develop relationships with other human beings” and can “embrace aspects of an individual’s social identity.” For this reason, “the totality of social ties between settled migrants and the community in which they are living constitutes part of the concept of ‘private life’” protected by Article 8: ECtHR, **Maslov v. Austria** [GC], No. [1638/03](#), 23 June 2008, para. 63; ECtHR, **Osman v. Denmark**, No. [38058/09](#), 14 June 2011.
- The Court has held that parents who leave their children behind in the country of origin, and resettle elsewhere, “cannot be assumed to have irrevocably decided that those children are to remain... and to have abandoned any idea of a future family reunification.” ECtHR, **Sen v. the Netherlands**, No. [31465/96](#), 21 December 2001, para. 176.
- Likewise, where parents voluntarily send their children to reside in another country, the child does not lose their right to maintain contact with their family, nor to have their interests in family reunification considered in residency and expulsion determinations: ECtHR, **Osman v. Denmark**, No. [38058/09](#), 14 June 2011.
- While States have no general obligation to respect migrants’ choice of residency or family reunification (ECtHR, **Abdulaziz, Cabales and Balkandali v. the United Kingdom**, No. [9214/80](#), 28 May 1983), in cases involving children and families, the authorities must give precedence to the child’s best interests, and should consider the extent to which expulsion would present a hindrance in the provision and protection of family life: ECtHR, **Mugenzi v. France**, No. [52701/09](#), 10 July 2014; ECtHR, **Sen v. The Netherlands**, No. [31465/96](#), 21 December 2001.
- Families are entitled to procedural protections and due process in matters of expulsion and reunification, including a respect for the interests safeguarded by Article 8. An adequate decision-making process is both fair and prompt:

ECtHR, **Ciliz v. the Netherlands**, No.[29192/95](#), 11 July 2000; ECtHR, **Saleck Bardi v. Spain**, No.[66167/09](#), 24 May 2011.

- The Court will consider the **age of the children** at the time of their application for **family reunification**, the likelihood that family reunification will actually occur, and the children's ties to the application country versus their country of residency or origin—linguistic, cultural, social, and familial. In the past, the Court has rejected applications where the “children concerned have... reached an age where they were presumably not as much in need of care as young children and are increasingly able to fend for themselves.” ECtHR, **Berisha v. Switzerland**, No.[948/12](#), 30 July 2013, para. 56; **I.A.A and Others v. The United Kingdom**, No.[25960/13](#), 8 March 2016; ECtHR, **Sen v. The Netherlands**, No.[31465/96](#), 21 December 2001.

CHILD PARTICIPATION

Relevant Articles of ECHR:

- [Article 5](#): Right to Liberty & Security
- [Article 6](#): Right to a Fair Trial
- [Article 8](#): Right to Privacy in Personal & Family Life

Overriding Principles: Pursuant to Article 12 of the UN Convention on the Rights of the Child, every child capable of forming their own views is entitled to express said views in matters affecting them, including in administrative and juridical proceedings. To the extent possible given the child's maturity and ability, children must be allowed the opportunity to be heard and to express their preferences. The right of a child to participate in proceedings either affecting them or brought.

Relevant Case Law

- The Court has established a close link between the child's **right to understand and participate** in his or her proceedings, and the imposition of certain limits on the public nature and publicity surrounding a trial, as permitted by Article 6 in criminal trials: ECtHR, **T. v. UK**, No.[24724/94](#), 16 December 1999; ECtHR, **Stanford v. the United Kingdom**, No.[16757/90](#), 23 February 1994.
- Children must be included in matters affecting them to the extent possible, given their maturity and ability. The Court has emphasised that children have the **right to be heard and to have their views** adequately represented in proceedings materially affecting them, in family matters (ECtHR, **M. and M. v. Croatia**, No. [10161/13](#), 3 September 2015; ECtHR, **N.Ts.v. Georgia**, No.[71776/12](#), 2 February 2016) as

well as civil or criminal matters (ECtHR, **G.U. v. Turkey**, No. [16143/10](#), 18 October 2016; **Güveç v. Turkey**, No. [70337/01](#), 20 January 2009).

- Meeting with children infrequently or with a lack of meaningful engagement, such as merely to draft reports, does not constitute adequate child participation: ECtHR, **N.Ts.v. Georgia**, No. [71776/12](#), 2 February 2016.
- See also: **A.P. and A.M. v. Czech Republic**, No. [22216/20](#), Communicated 27 May 2020, on the **transfer of care of a child** from the mother to a crisis centre, without the participation of the child.

CHILD TRAFFICKING & FORCED LABOUR

Relevant Articles of ECHR:

- **Article 3:** Prohibition on Torture & Ill-Treatment
- **Article 4:** Prohibition on Human Trafficking, Slavery, Forced Labour

Overriding Principles: The particular vulnerability of children entitles them to additional protection on the part of authorities, who are obligated not only to establish effective deterrents to child trafficking, but to investigate all credible claims of such action, and to prosecute those who have committed such breaches of human dignity and integrity. In order to qualify as “forced or compulsory labour” within the meaning of Article 4, it is sufficient that children establish fear and hopelessness tantamount to an absence of choice, even when traditional physical coercion is absent.

Relevant Case Law

- The Court has held that “children and other vulnerable individuals, in particular, are entitled to **State protection**, in the form of effective deterrence, against... serious breaches of personal integrity” such as human trafficking or forced labour: ECtHR, **Stubbings and Others v. the United Kingdom**, No. [22083/93](#), 22 October 1996, para. 64; **A. v. the United Kingdom**; ECtHR, **Siliadin v. France**, No. [73316/01](#), 26 July 2005; ECtHR, **V.C.L. and A.N. v. the United Kingdom**, Nos. [77587/12](#) and [74603/12](#), 16 February 2021.
- In order to qualify as “**forced or compulsory labour**,” physical or mental compulsion is not necessarily required. In the case of children in particular, the Court has emphasised that it is sufficient that the individual feel threatened to the point that they do not have a meaningful choice to leave or decline service. This fear may be exacerbated by the increased vulnerability of unaccompanied migrants: ECtHR, **Siliadin v. France**, No. [73316/01](#), 26 July 2005, para. 116-118; ECtHR, **C.N. and V. v. France**, No. [67724/09](#), 11 October 2012.

- The Court has held that, because “**child victims of trafficking** are a particularly vulnerable group who may not be aware that they have been trafficked, or who may be too afraid to disclose,” their status as victims, efforts to prosecute child trafficking victims for crimes committed in the course of their forced labor should consider the limits of acquiring usable evidence, as well as the volitional culpability of the child: ECtHR, **V.C.L. and A.N. v. the United Kingdom**, Nos. [77587/12](#) and [74603/12](#), 16 February 2021, para. 199.
- The State’s efforts to protect children against “**acts of violence** falling within the scope of Articles 3 and 8” must be “aimed at ensuring respect for human dignity and protecting the best interests of the child,” produce deterrents to future ill-treatment, and reasonably prevent present or future ill-treatment: ECtHR, **Söderman v. Sweden**, No.[5786/08](#), 12 November 2013, para. 81; ECtHR, **M.P. and Others v. Bulgaria**, No.[22457/08](#), 15 November 2011; ECtHR, **V.C.L. and A.N. v. the United Kingdom**, Nos. [77587/12](#) and [74603/12](#), 16 February 2021.
- The Court has clarified that States have positive obligations under Article 4 both to “penalise and effectively prosecute actions that breach Article 4...and the procedural obligation to investigate situations of **potential exploitation**” when they come to the attention of authorities. This is particularly true in the case of child victims: ECtHR, **C.N. and V. v. France**, No.[67724/09](#), 11 October 2012, para. 104; ECtHR, **Rantsev v. Cyprus and Russia**, No.[25965/04](#), 7 January 2010; ECtHR, **M. and Others v. Italy and Bulgaria**, No.[40020/03](#), 31 July 2012.

CLIMATE JUSTICE

Relevant Articles of ECHR:

- [Article 2](#): Right to Life
- [Article 3](#): Right to Life
- [Article 6](#): Right to a Fair Trial
- [Article 8](#): Right to Privacy in Personal & Family Life
- [Article 13](#): Right to an Effective Remedy

Overriding Principles: The vulnerability of children entitles them for access to climate justice. Authorities are expected to employ all reasonable means and available powers to address, deter, and prosecute instances of child abuse. This includes conducting a thorough investigation within a reasonable timeframe and providing prompt legal relief. Other than that, they must ensure that children are included in decision-making processes to curb climate change.

Access to Justice

Former mayor seeks judicial review of national climate policies, asserting that the insufficient government action constituted a violation of his right to life (Art. 2 ECHR) and his right to respect for his private and family life and his home (Art. 8 ECHR): ECtHR, **Carême v. France** [No.7189/21](#), 9 April 2024. The court found the claim inadmissible because victim status under the Convention had not been met.

Concerning a series of mudslides, the court found that the State authorities failed to take adequate measures and violated Art. 2 ECHR (right to life), for failure to take an adequate judicial inquiry and protection of property: ECtHR, **Budayeva and others v. Russia**, App Nos [15339/02](#), [21166/02](#), [20058/02](#), [11673/02](#) and [15343/02](#) (2008).

Concerning noise from Heathrow airport, the Court found there had been a violation of Article 13 ECHR (right to an effective remedy): ECtHR, **Hatton and others v. United Kingdom**, App No [36022/97](#) (2003).

Right to Private and Family Life

Senior women argue climate change exacerbates health issues: ECtHR, **Verein KlimaSeniorinnen Schweiz and Others v. Switzerland**, App No [53600/20](#) (2024) (the Court found that there was a violation of Article 8 (right to respect for private and family life) of the ECHR; and, unanimously, that there had been: a violation of Article 6(1) ECHR (access to court)).

Concerning a waste treatment plant, the Court found there had been a violation of Article 8 ECHR (right to respect for private and family life): ECtHR, **Giacomelli v. Italy**, App No [59909/00](#) (2007).

Concerning emissions from a steel plant, the Court found there had been a violation of Article 8 ECHR (right to respect for private and family life): ECtHR **Fadeyeva v. Russia**, App No [55723/00](#) (2005).

Concerning the State's failure to provide information about the risks pertaining to a chemical factory, the Court found the State violated Article 8 ECHR (right to respect for private and family life): ECtHR, **Guerra and others v. Italy**, App No [116/1996/735/932](#) (1998).

Concerning pollution caused by a waste treatment plant, the Court found a breach of Article 8 ECHR (right to respect for private and family life): ECtHR, **López Ostra v. Spain**, App No [16798/90](#) (1994).

Family Procedures

Relevant Articles of ECHR:

- **Article 8:** Right to Privacy in Personal & Family Life

Overriding Principles: In cases involving Family Procedures, as in other cases involving the rights of the child, the child's best interests should be the paramount consideration. The interests a child has in the bond of family is fundamentally important in any question of maintaining contact with their family; of instituting a temporary care regime; or of establishing a right to information (such as paternity) that would aid a child in formative development. Children are also entitled to fundamental legal protections that issue from familial bonds, such as inheritance or citizenship, regardless of their parents' marital status, sexual orientation, or the child's adoptive versus biological status.

Relevant Case Law

Parentage, Custody, & Citizenship

- A court of a Member State shall not have jurisdiction to give judgment in matters of child custody on the basis of the Brussels IIa Regulation 1, where the child's habitual residence has been lawfully transferred, in the course of the proceedings, to the territory of a third State which is party to the 1996 Hague Convention (Russia): CJEU, **CC v. VO**, Case [C-572/21](#), 14 July 2022.
- The Court has held that continuous, long-term non-communication between a parent and child may hinder the finding of an "established family relationship" protected under Article 8: ECtHR, **Katsikeros v. Greece**, No.[2303/19](#), 21 July 2022, para. 47.
- The Court has held that Article 8 of the Convention "can be interpreted as imposing on member States an obligation to examine on a case-by-case basis whether it is in the child's best interests to **maintain contact** with a person, whether biologically related or not, who has taken care of him or her for a sufficiently long period of time," and that systems which inflexibly subscribe to a system of biological relationship alone are insufficient: ECtHR, **V.D. and Others v. Russia**, No.[72931/10](#), 9 April 2019, para 126, 129; ECtHR, **Carbonai v. Italy**, No.[9825/21](#), 29 November, 2022, para 16-18. ECtHR, **Nazarenko v. Russia**, No.[29933/04](#), 19 January 2016.
- The Court has emphasised that a reasonable time-frame for civil disputes is essential and that it is up to States to organise their legal systems in such a way as to accomplish this: **G.H. v. Austria**, No.[31266/96](#), 3 October 2000; ECtHR, **Mikulić v. Croatia**, No.[53176/99](#), 7 February 2002.

- The Court has held that paternity proceedings fall within the ambit of Article 8 (*Rasmussen v. Denmark*, No.[8777/79](#), 28 November 1984; *Keegan v. Ireland*, No.[16969/90](#), 26 May 1994); individuals are entitled to information that helps “to establish details of their identity as individual human beings” or which has “formative implications for his or her personality.” ECtHR, *Gaskin v. the United Kingdom*, No.[10454/83](#), 7 July 1989, para. 39; ECtHR, *Mikulić v. Croatia*, [53176/99](#), 7 February 2002, para. 54.
- Likewise, the concept of family life expressed in Article 8 “is not confined solely to marriage-based relationships but may also encompass other de facto ‘family ties’ where sufficient constancy is present.” ECtHR, *Kroon and Others v. the Netherlands*, No.[18535/91](#), 27 October 1994, para. 30; ECtHR, *Mikulić v. Croatia*, No.[53176/99](#), 7 February 2002.

Temporary Care & Deprivation of Parental Authority

- Breaking up a family via **adoption or temporary placement procedures**, when doing so is not absolutely necessary or does not advance the best interests of the children, constitutes an interference with family life within the ambit of Article 8: ECtHR, *A.I. v. Italy*, No.[70896/17](#), 1 April 2021, para. 101; ECtHR, *Y.I. v. Russia*, No.[68868/14](#), 25 February 2020; *Soares de Melo v. Portugal*, No.[72850/14](#), 16 February 2016; *Pontes v. Portugal*, No.[19554/09](#), 10 April 2012.
- **Placing a child** into temporary care or custody, or otherwise breaking up a family, is an “extreme measure,” which requires the authorities to pursue other measures if available, and to provide evidence of any claim of present or future harm to the child. Removing a child to care “should be regarded as a temporary measure,” with the shortest possible timeframe, and with “the ultimate aim of reuniting the natural parent with his or her child.” ECtHR, *Strand Lobben and Others v. Norway* [GC], No.[37283/13](#), 10 September 2019, para. 187; ECtHR, *A.I. v. Italy*, No.[70896/17](#), 1 April 2021; ECtHR, *V.D. and Others v. Russia*, No.[72931/10](#), 9 April 2019.
- A “complete and definite severance of the ties” between parent and child is considered to be a State interference into family life that is of extreme gravity, and it therefore must be not only exceptional, but driven by the best interests of the child, and also representative of a “fair balance between the competing interests at stake.” The “stricter scrutiny” such a decision entails is required of authorities even if a parent does not apply directly for family reunification: ECtHR, *Abdi Ibrahim v. Norway* [GC], No.[15379/16](#), 10 December 2021, para. 150, 162, 149; ECtHR, *Strand Lobben and Others v. Norway* [GC], No.[37283/13](#), 10 September 2019.
- The Court has established that being together is a fundamental element of **family life** for a parent and child. State measures preventing parents from remaining with their children constitute a violation of Article 8 and must be

justified by a legitimate aim that supersedes the applicants' right to family life, or advances the child's best interests: ECtHR, **A.I. v. Italy**, No. [70896/17](#), 1 April 2021, para. 83; **K. and T. v. Finland**, No. [25702/94](#), 12 July 2001; **Barnea and Caldararu v. Italy**, No. [37931/15](#), 22 June 2017.

- See also: **A.P. and A.M. v. Czech Republic**, [22216/20](#), Communicated 15 January 2021, on the transfer of care of a child from the mother to a crisis centre, without the participation of the child.

Anti-Discrimination, Legal Status, and Privileges

- The CJEU has ruled that an EU Member State may not require the prior establishment of a birth certificate in order to issue an identity card or passport. It must also recognise like **documents** that permit the child to exercise their right to move and reside freely within the EU territory, with either parent in a same-sex union: CJEU, **V.M.A. v. Stolichna Obsthina, Rayon 'Pancharevo'**, Case [C-490/20](#), 2 October 2020.
- The Court has further clarified that there is an obligation under EU law to recognise the **indirect right of residence**, under article 21 TFEU, of a same-sex spouse: CJEU, **Relu Adrian Coman v. Inspectoratul General pentru Imigrări**, Case [C-673/16](#), 5 June 2018.
- The Court has held that "a distinction is discriminatory for the purposes of Article 14 if it has no objective and reasonable justification" (ECtHR, **Fretté v. France**, No. [36515/97](#), 26 February 2002, para. 34), a definition that applies to arbitrary distinctions between biological and adoptive children, or between children of married persons and unmarried or adulterine relationships, as it relates to the child's legal rights and privileges: ECtHR, **Pla and Puncernau v. Andorra**, No. [69498/01](#), 13 July 2004; ECtHR, **Mazurek v. France**, No. [34406/97](#), 1 February 2000.
- Per the Court, an adopted child "is in the same legal position as a biological child of his or her parents in all respects: relations and consequences connected with his or her family life and the resulting property rights," and any suggestion to the contrary requires a heavy evidentiary burden: ECtHR, **Pla and Puncernau v. Andorra**, No. [69498/01](#), 13 July 2004, para. 61.
- Similarly, the Court has established that there is a presumption against justifying any legal discrimination in the rights and privileges, such as those involved in succession or inheritance, granted to children on the grounds of their legitimacy or "birth out of wedlock:" ECtHR, **Mazurek v. France**, No. [34406/97](#), 1 February 2000, para. 49; ECtHR, **Camp and Bourimi v. the Netherlands**, [28369/95](#), 3 October 2000; ECtHR, **Marckx v. Belgium**, [6833/74](#), 13 June 1979; **Fabris v. France** [GC], [16574/08](#), 7 February 2013; ECtHR,

Mitzinger v. Germany, No.[29762/10](#), 25 January 2018; ECtHR, **Brauer v. Germany**, No.[3545/04](#), 28 May 2009.

- Well-founded justifications for distinctions along **birth status** may exist but must be proportionate in consideration of all of the rights and interests that need to be balanced. For example, the interests of 'legitimate' heirs in maintaining inheritance stakes at the expense of an 'illegitimate' heir, where the latter individual is known to and in relation with the family, is disproportionate: ECtHR, **Camp and Bourimi v. the Netherlands**, No.[28369/95](#), 3 October 2000.
- Likewise, in the consideration or granting of citizenship rights, where all other facts are equal, authorities may not distinguish between the **birth status or 'legitimacy' of a child**, or the nature of their parents' relationship at the time of birth: ECtHR, **Genovese v. Malta**, No.[53124/09](#), 11 October 2011.

Education

- While the Court has acknowledged that exclusion from school due to **vaccination status** may mean the loss of "an important opportunity for... children to develop their personalities and to begin to acquire important social and learning skills," it has nevertheless found that vaccination mandates are "consistent with the rationale of protecting the health of the population:" ECtHR, **Vavříčka and Others v. Czech Republic** [GC], No.[47621/13](#), 8 April 2021, para. 306.
- In the context of accommodating **children with disabilities** in mixed educational settings, the Court has allowed for a flexible "margin of appreciation" that incorporates "context-specific assessments." More specifically, the Court has emphasised that Article 14 "requires reasonable accommodation, rather than all possible adjustments which could be made" regardless of undue burdens or the implication on other important interests, such as the well-being, safety, and education of other pupils: ECtHR, **T.H. v. Bulgaria**, No.[46519/20](#), 11 April 2023, para 120, 122; ECtHR, **Arnar Helgi Lárusson v. Iceland**, No.[23077/19](#), 31 May 2022, para 59.
- The Court has stressed that **racial discrimination** is "particularly invidious" and requires aggressive State action. Accordingly, "it is not necessary to prove discriminatory intent" in the context of discrimination in education. It follows from the above that the "education of Roma children in segregated classes or schools," regardless of intent, without an adequate corrective response is incompatible with Article 14 obligations. ECtHR, **Szolcsán v. Hungary**, No.[24408/16](#), 30 March 2023, para. 46, 48, 57; ECtHR, **D.H. and Others v. the Czech Republic** [GC], No.[57325/00](#), 13 November 2007, para. 176; ECtHR, **Horváth and Kiss v. Hungary**, No.[11146/11](#), 29 January 2013, para. 127.

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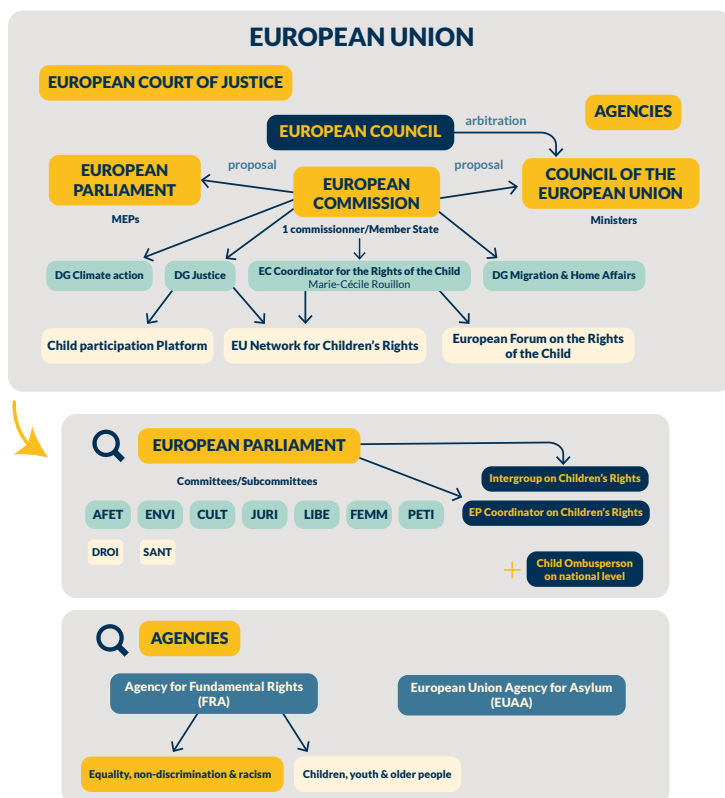
KEY STAKEHOLDERS AT THE EUROPEAN LEVEL WORKING ON CHILD-FRIENDLY JUSTICE



This section presents who main key stakeholders working in the area of child-friendly justice are in Europe, recent developments at European level and an analysis of agendas and opportunities within the institutions of the Council of Europe and the European Union. Advocacy efforts could therefore be organised around and according to the themes and meetings planned by the various bodies and agencies.

Engaging with European partners and policy makers is of paramount importance in implementing the advocacy objective of prioritising child-friendly justice in a political agenda. Collaboration with various stakeholders, including organisations, experts and policy makers allows to leverage diverse perspectives, resources, and expertise. Partnerships develop comprehensive strategies, share best practices, and jointly advocate for reforms that prioritise the rights, well-being and protection of children within the justice system. By actively engaging with policy makers, the CFJ-EN and its members can become a lead influencer for policy decisions. In this section you will find a non-exhaustive list of the relevant stakeholders at the heart of child-friendly justice.

• European Union Stakeholders



EC Coordinator on the Rights of the Child

The EC Coordinator on the Rights of the Child team establishes closer co-operation between the Commission and Member States on various issues relating to the protection and promotion of the rights of the child. In addition, it supports Member States' efforts to ensure the respect of the rights of the child by facilitating exchange of information, experience and good practice with and among national authorities responsible for protecting and promoting the rights of the child. The EC Coordinator on the Rights of the Child leads a Rights of the Child team at DG Justice.

European Commission Forum on the rights of the Child

The EC monitors the implementation of the EU Strategy on the Rights of the Child at EU and national level, and reports on the progress at the annual European Forum on the rights of the child. The Coordinator on the Rights of the Child works with all the departments of the EC to make sure that the rights of the child are properly considered in all relevant policies and actions.

European Commission Children's rights Network

The aim of the Network is to reinforce the dialogue and mutual learning between the EU and Member States on children's rights. It supports the implementation, monitoring and evaluation of the EU Strategy on the Rights of the Child. It is composed by permanent members such as National Authorities and invited representatives such as NGOs, Ombudspersons, researchers etc. It is chaired by DG Justice and meets once or twice a year.

DG JUST (Directorate-General for Justice and Consumers)

The DG JUST enforces EU laws on justice, rule of law, fundamental rights, equality and consumer protection. The DG protects individual rights, including those of children, victims and vulnerable groups, and promotes gender equality, non-discrimination and diversity. The DG also oversees consumer rights and product safety and aims to build an EU justice area based on mutual trust and recognition of judicial decisions.

DG EAC (Directorate-General for Education, Youth, Sport and Culture)

The DG EAC is responsible for developing and implementing EU policies in education, training, youth, sport, and culture. It manages flagship programmes such as Erasmus+ and Creative Europe, promoting lifelong learning, skills development, and inclusion within education systems. The Directorate-General supports cooperation among EU countries to modernise education and training, while fostering cultural diversity, facilitating the mobility of artists, and enhancing access to culture. It also works to encourage youth participation in democratic life and engagement in volunteering activities.

DG Migration and Home Affairs

The role of DG Migration and Home Affairs is to ensure the EU's security, to build a common EU migration and asylum policy, and to promote dialogue and cooperation with non-EU countries. It works on counter-terrorism, organised crime, trafficking.

The European Parliament Coordinator on Children's Rights

The EU Parliament Coordinator on Children's Rights is responsible for acting as a central contact point to monitor and actively promote children's rights in EU policies, ensuring coherence and visibility of Parliament's actions in this area, promoting cross-border mediation in international family disputes and serving as a central information point for EU citizens in international parental child abduction or other cross-border family disputes.

European Parliament Intergroup on Children's Rights

The Intergroup on Children's Rights represents the first formal body within the EP that mainstreams children's rights and assesses the impact of legislative and non-legislative work on children. It exchanges views across different political groups, and it helps facilitate contact between Members and civil society. It is established by agreement between the chairs of the political groups at the beginning of the legislative term.

FRA – European Union Agency for Fundamental Rights

The FRA provides independent, evidence-based advice to EU and national decision makers, thereby helping to make debates, policies and legislation on fundamental rights better informed and targeted. The FRA includes a unit specialised on children's rights, alongside other focus areas such as non-discrimination, racism, xenophobia, data protection, access to justice, asylum and migration, LGBTIQ rights, etc. The FRA conducts research, surveys, reports and monitors the state of fundamental rights across the EU.

- **Council of Europe Stakeholders**



Head of the Children's Rights Division and CoE Coordinator for the Rights of the Child

The Head of the Children's Rights Division follows the implementation of the Council of Europe Strategy for the Rights of the Child which promotes equal opportunities for children, the participation of children, a life free from violence and a justice system accessible to all children. It finally focuses on developing a strong agenda to strengthen children's rights in the digital environment. This Division is led by the Council of Europe Coordinator for the Rights of the Child.

CDENF Committees and Working Groups

CDENF is the Council of Europe intergovernmental body responsible for the standard-setting activities in the field of the rights of the child. It guides the Council of Europe's work in this field by advising the Committee of Ministers on appropriate

action and proposals concerning the overall priorities to be taken in its field of competence and future work. The CDENF also oversees the implementation of the Council of [Europe Strategy for the Rights of the Child \(2022-2027\)](#). It includes various committees of experts, namely:

- The [Committee of Experts on the prevention of violence \(ENF-VAE\)](#)
- [Committee of Experts on access to child-friendly justice through multidisciplinary and interagency services \(ENF-JUS\)](#)
- The [Committee of experts on the rights and the best interests of the child in parental separation and in care proceedings \(CJ/ENF-ISE\)](#)
- The [Ad hoc Committee for the Rights of the Child \(CAHENF\)](#) (active 2020-2022)
- The [Working Group on responses to violence against children \(CDENF-GT-VAE\)](#) (active 2016-2019)

● Key Stakeholders at Global level

Independent Expert for the United Nations Global Study on Children Deprived of Liberty

The UN Global Study on Children Deprived of Liberty, published in 2019, is a comprehensive Study conducted by Manfred Nowak, in collaboration with a large team of experts from all over the world and 274 children who were interviewed. The findings of the Study concern six thematic areas in which children live deprived of liberty: juvenile justice, detention with their primary caregivers, for migration-related reasons, in institutions, in the context of armed conflict or on national security grounds.

Special Representative of the Secretary-General on Violence Against Children

The Special Representative of the Secretary-General on Violence against Children is a global, independent advocate for the prevention and elimination of all forms of violence against children. On 30 May 2019, the Secretary-General appointed Dr. Najat Maalla M'jid as his Special Representative on Violence against Children.

Global Initiative on Justice With Children

The Global Initiative on Justice with Children organises the World Congresses on Justice with Children, which constitute spaces for exchange and participation of stakeholders and academic representatives as well as members of society. World Congresses are held every 3 or 4 years in a different country and focus on the most recent topics related to child justice.

[Working Group on SDG16+ Justice for Children](#)

The Working Group on SDG16+ Justice for Children is led by the Institute for Inspiring Children's Futures at the University of Strathclyde. The [Pathfinders for Justice's](#) international, multi-agency Working Group on Justice for Children has a strategic vision that actively puts children and children's human rights at the centre of achieving justice for all, in line with SDG 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all. It forms an essential part of our collective global challenge to achieve the 2030 Agenda for Sustainable Development. The CFJ-EN is an active member of this Working Group.

[CJAG \(Child Justice Advocacy Group\)](#)

This group is composed of key international non-governmental organisations working in the field of justice for children. It is led by Terre des hommes. The CFJ-EN is an active member of this Advocacy Group.

● **Other Key Stakeholders**

[CRAG - Children's Rights Action Group](#)

The CRAG is an informal group of international and European NGOs which come together to focus on increasing impact on policy-makers and increasing information-sharing and joint initiatives. The manifesto on European Parliament elections will be drafted by the end of the year 2023. The CFJ-EN is an active member of this Advocacy Group.

[Initiative for children in migration \(ICM\)](#)

The ICM is an informal collaboration among NGOs and IGOs who are involved in advocacy on EU law and policy impacting children in migration. It aims to bridge the gap between organisations focusing on child rights and migration organisations, and between EU and national policy debates.

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CFJ-EN

Child Friendly Justice
European Network

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