

HELP Curriculum on Child-friendly Justice



1. Introduction
2. Child-friendly Justice
3. Non Judicial Proceedings
4. General elements
5. Interacting with children in judicial system: main challenges
6. Interdisciplinary
7. Deprivation of liberty
8. Violence against children
9. Migration and asylum



Implementation Checklist

- Judges
- Law Enforcement Officials
- Legislators/ Policymakers
- Medical Staff
- Non-governmental Organizations and Community-based Organizations
- Prosecutors
- Teachers and Community or Social Workers

Judges

Where appropriate, ordering protective measures for child victims and witnesses, to continue as long as necessary, even after their appearance in court.



Module 1 >

Module 4 🔒

Module 7 🔒

Module 2 🔒

Module 5 🔒

Module 8 🔒

Module 3 🔒

Module 6 🔒

Module 9 🔒



The learning objectives for this module are:

- 1** > Recall the key principles of human rights doctrine.
- 2** > Learn about the main principles of children's rights and principles and concepts of child friendly justice
- 3** > Self-analysis – the test on children's rights and child friendly justice

Please click on  to proceed.

- 1** > Children have rights
- 2** > Children are not grown-ups and need special protection and care
- 3** > Specific guarantees should be provided by the states to address children's needs

Additional Materials





In nearly all cases, children's right to privacy is balanced against the rights to freedom of information and expression. The tension between these fundamental rights has led to a variety of provisions regarding the extent to which cases involving children can be publicised. This has resulted in the practical implementation of the privacy rights of children being at the discretion of the judicial authorities in the majority of states. For example, in Greece, Ireland, Netherlands and UK-Scotland legislation prioritises the child suspect/offender's right to privacy but judges have discretionary power to order the disclosure of information where this is considered to be a proportionate means of achieving a legitimate aim, such as freedom of information or expression. In relation to child victims and witnesses, the application of the right to privacy often depends on the age of the child concerned or the nature of the offence. For example in Malta and Portugal, the right to privacy applies to victims below the age of 16 only; in France, Lithuania and Sweden, the right to privacy of child witnesses only applies in certain cases, including those involving sexual abuse and other serious offences.

The ERtHC approach:

The ECtHR has read the right to protection of personal data into Article 8 of the ECHR. It ruled that national law must set out appropriate measures to ensure judicial remedies against infringements of data protection rights.



Please click on each button to learn more and then click on  button to proceed.

Accompanying Adult

The Judge in the Wig

 Public

Interviewing/ Waiting
Room 

The Bench of the Accused

Appropriate Communication
Technology





General measures to protect children in the proceedings, and their implementation should be considered a key way of ensuring child-friendly justice. They are relevant to ensure a child's right to be heard and informed in a non-discriminatory way, while taking into account the best interests of the child. In general, the existence of consistent and systematic child-friendly practices that follow clear regulations and guidelines increases the likelihood of a child being protected and safe. Nevertheless, professionals claim that in some areas flexibility is important to be able to adapt their approach on a case-by-case basis

1. Privacy

Convention on the Rights of the Child

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 40 (2) (b) (vii)

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(vii) To have his or her privacy protected

CRC General comment No. 10

Full respect of privacy (arts. 16 and 40)

64. The right of a child to privacy in the proceedings reflects the right to a fair trial. "All stages of the proceedings, from the initial contact with the competent authority, or relief in this particular context, it is important to ensure that the process of labelling. No identification of a child or his/her ability to impact on his/her ability to means that a public authority offences allegedly committed

General measures to protect children exist on many different levels throughout the proceedings, and their implementation should be considered a key way of ensuring child-friendly justice. They are relevant to ensure a child's right to be heard and informed in a non-discriminatory way, while taking into account the best interests of the child. In general, the existence of consistent and systematic child-friendly practices that follow clear regulations and guidelines increases the likelihood of a child being protected and safe. Nevertheless, professionals claim that in some areas flexibility is important to be able to adapt their approach on a case-by-case basis

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Optional reading materials:

Normative texts:

[UN Standard Minimum Rules for the Administration of Juvenile Justice \(the Beijing Rules\)](#)

[UN Rules for the Protection of Juveniles Deprived of their Liberty \(the Havana Rules\)](#)

[UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime](#)

[CRC General Comment No. 10 \(2007\) on children's rights in juvenile justice](#)

[CRC General comment No. 12 \(2009\) The right of the child to be heard](#)

Commentaries and research:

[Handbook for Professionals and Policymakers on Justice in matters involving child victims and witnesses of crime UN Office on drugs and crime, 2009](#)

[Handbook on European law relating to the rights of the child. FRA, 2015.](#)

[Child-friendly justice. Perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU Member States. FRA, 2015](#)



Meina, 7 years old

[Subtitles go here]





Solek, 14 years old

[Subtitles go here]





You need to identify the protection measures to be taken to address their needs and to give children the possibility to express their views and to effectively participate in the hearing.



Thank you!

