



**HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT**

The HELP course on Child-friendly Justice

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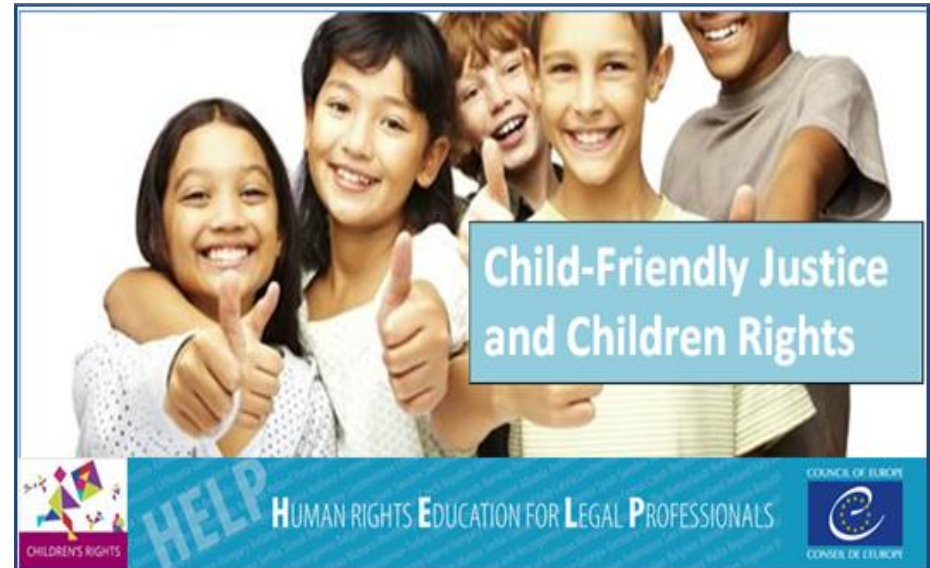
Council of Europe Coordinator for the Rights of the Child

Council of Europe Strategy for the Rights of the Child – 2016-2021

1. Equal opportunities for all children
2. Participation of all children
3. A life free from violence of all children
4. **Child friendly justice**
5. Rights of children in the digital environment

Purpose

- To strengthen and harmonise ECHR knowledge
- To improve the quality of judicial proceedings and strengthen the protection of children



Based on the **Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice**

HELP Methodology

- Developed by an international group of experts in close cooperation with the CoE Children's Rights Division
- Synergies with UNHCR and European Union Agency for Fundamental Rights
- **Approach** (interactive, animated, concrete, exercises, videos, examples)
- **Free** online course
- Primarily addressed to **legal professionals** (civil and criminal judges, lawyers, prosecutors) and children's rights experts
- Possible further target audience: staff of Ombudspersons' offices and NGOs



HELP

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

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Course outline

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

1. Convention on the Rights of the Child (**CRC**)
2. European Convention on Human Rights (**ECHR**) and European Court of Human Rights approach
- 3. Principles of child-friendly Justice**

- ✓ Best interest of the child
- ✓ Participation
- ✓ Dignity
- ✓ Rule of law



- Presentation of animated characters
- Animation and videos ([e.g. Judge Turković on the best interest of the child](#))

1. Child-friendly Justice

- Before Judicial procedures
- During
- After

1. Analysis of the **CoE Guidelines on Child-friendly Justice**
2. **Special situations**

CFJ, Before Judicial Procedures

The diagram shows three stages of a process:

- Difficult process:** An illustration of a child sitting on a bench, looking distressed, with a thought bubble above showing a group of people.
- Facilitated process:** An illustration of a child sitting on a bench, looking more relaxed, with a thought bubble above showing a person talking to the child.
- Explanation of the process:** An illustration of a child sitting at a desk, looking at a document, with a thought bubble above showing a person talking to the child.

Yellow arrows point from left to right between the stages, and a larger yellow arrow points from the first stage to the second, and another from the second to the third.

Please read carefully the following extracts from the [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#)

General elements of child-friendly justice **Child-friendly before judicial proceedings** **Children and the police**

27. Police should respect the personal rights and dignity of all children and have regard to their vulnerability, that is, take account of their age and maturity and any special needs of those who may be under a physical or mental disability or have communication difficulties.

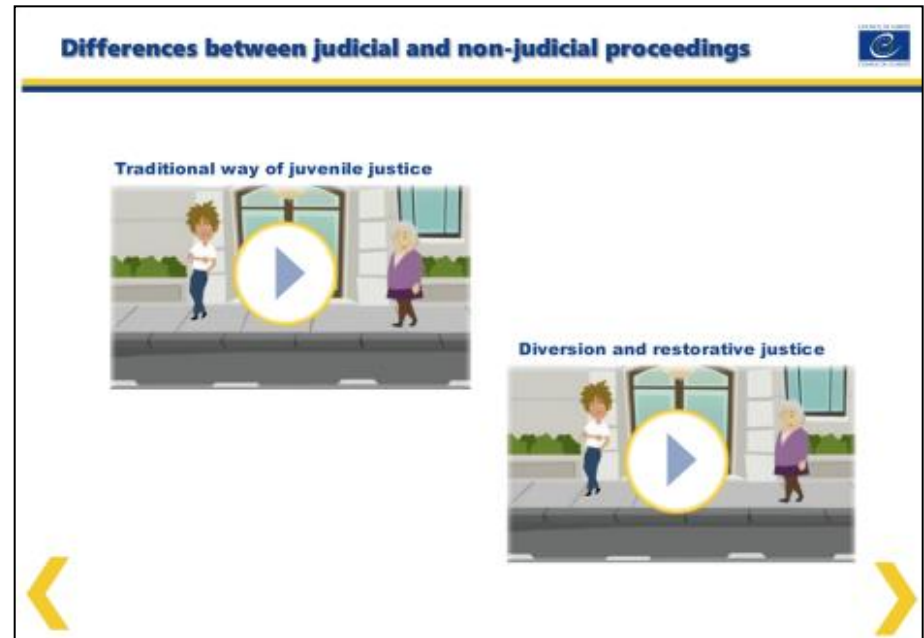
28. Whenever a child is apprehended by the police, the child should be informed in a manner and in language that is appropriate to his or her age and level of understanding of the reason for which he or she has been taken into custody. Children should be provided with access to a lawyer and be given the opportunity to contact their parents or a person whom they trust.

29. Save in exceptional circumstances, the parent(s) should be informed of the child's presence in the police station, given details of the reason why the child has been taken into custody and be asked to come to the station.

Please click on each buttons [\[General elements of child-friendly justice\]](#), [\[Child-friendly justice before judicial proceedings\]](#) and [\[Children and the police\]](#) to learn more.

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1. Reason and context for using non-judicial proceedings
2. Different kinds of **responses** in non-judicial proceedings
3. Best ways to promote non-judicial proceedings



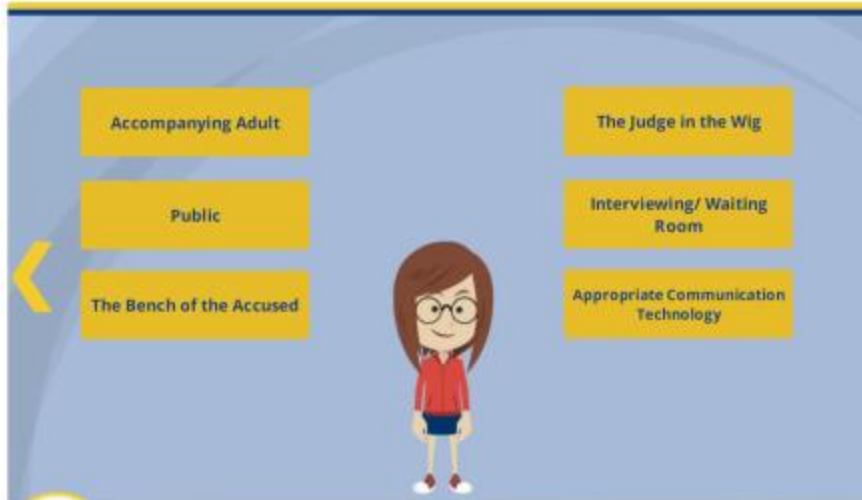
Stages of procedure when non-judicial proceedings should intervene

Main advantages of restorative justice programmes

Guarantees and conditions

Legal advice, support and legal representation

1. **General measures to protect children throughout the proceedings**
 - Privacy
 - General and special protection measures
 - Right to legal representation



2. **Safeguards and protection measures**


- Accompanying adult
- Public
- Bench of the accused
- Judge in the wig
- Interviewing/waiting room
- Appropriate communication technology

3. **Implementation checklist for professionals**

- Age of understanding
- Gender
- Status
- Vulnerabilities
- Participation

Gender

Are girls and boys in the criminal justice system different? Is there a need for gender specific approach? To address these interview with Dr Gilly Sharpe of University of Sheffield who has spent the last 15 years researching girls in the criminal justice system.




Girls and young women break the law less often and less seriously than boys. Consequently they are a minority within the criminal justice system and girls typically account for around one fifth of the young people subjected to youth justice interventions. While girls' pathways into crime and justice system are somewhat different to those of boys, there are many similarities.

Understanding of girls' law breaking is essentially different to that of boys and often leads to assumptions that girls offend due to individual or family

Vulnerabilities

FAQs

- Is it necessary to assess children's needs before...
- Is it necessary to assess children's needs before se...
- Are learning disabilities and learning difficu...
- How high are the rates of mental health problems in childr...
- Do judges need to understand the traumas that can a...



1. The need to move from disciplinarity to interdisciplinarity
2. Individual and collective skills for collaboration
3. Main reasons for interdisciplinarity

Objectives



By the end of the module, you will be able to:

- 1 > Recognise the need to move from disciplinarity to interdisciplinarity.
- 2 > Cultivate individual and collective skills for collaboration.
- 3 > Make a self-analysis and identify what needs to be changed.

Team work and collaboration



It is really challenging to help a victim in an urgent situation. As social workers, we try to make sure that all the services are carried out by professionals, such as medical doctors and mental health professionals. The aim of our work is to ensure that the network around the victim is protective and supportive.



As a judge, I have to rely on multiple sources of information in order to have a solid file and specialised advice. Therefore, respecting the other professionals involved in a good practice.



The police appreciates the excellent collaboration that might be established with child protection services. Also, we appreciate the possibility of receiving training to better understand how children function both from a cognitive and emotional perspective. This support us in performing at our best with regard to specialised interview techniques.



- International framework
- Definitions
- Common features
- Order by an authority and leave at will
- Where and why (criminal justice, child welfare, administrative detention, migration)
- Standards: main rights during detention
- Monitoring and complaint mechanisms



Definition and Typology of Violence Against Children

Violence Against Children | **Justice System**

The justice system is on the front lines with regard to VaC. The system must **accommodate and accompany** child victims of all ages, therefore judges, lawyers and indeed most professionals need to undertake **specialised training** to understand the issues that affect children and ensure that due process occurs. In addition, VaC is also carried out by other children, often prior victims themselves, creating the need to think even more forcefully about shifting from a punishment view of justice to a more **rehabilitative and restorative perspective**.

When addressing the issue of violence against children, three major issues must be discussed:

1. Violence against children is **staggeringly pervasive**;
2. The **impact** on the child is huge, but communities suffer enormous costs as well;
3. Beyond the numbers and the cost, even when we go over the various types and definitions of violence against children, one must never forget that it affects individual children, that these individual children are **victims** and suffer deeply.

In the end, the greatest element of concern for the justice system as a whole is the violence that occurs under its **institutional watchful eye**. That is children in contact or in conflict with

Please click on each button to learn more. Page 8 of 18

Key Messages

- 1) Each child who has suffered from some forms of abuse is a victim of a criminal action
- 2) The impact of violence is often invisible and it undermines the realisation of all the rights of a child
- 3) The justice system should envision children from the perspective of the Adverse Childhood Experiences (ACEs) they may have experienced and think of ways to remedy and treat, rather than punish and tolerate violence

Additional Materials

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- **Legal framework**
 - UN Convention on the Rights of the Child
 - Palermo Protocol
 - ECtHR case-law
 - Lanzarote Convention
- **Physical abuse**
- **Psychological or emotional abuse**
- **Sexual abuse**

Separate HELP course on VAW and Domestic Violence!

Family Reunification | Sustainable Solution



It took quite some time, but I got help to trace and find my family. I was finally able to locate them and I was so happy. I really hope I can be reunited with them soon.

I filed in a form to be reunited with my parents and siblings. I didn't have my birth certificate with me that named my parents because that was lost in the war. I did submit many photos though of me with my parents. We also recorded videos and gave other documents. My lawyer told me that the decision maker should give me the benefit of the doubt when assessing me.



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Specific Rights of Migrant Children

- Convention on the Rights of the Child
- European Convention on Human Rights
- Treaty on the European Union and the Charter of Fundamental Rights of the EU

The 1989 UN Convention on the Rights of the Child (CRC) is the main legal instrument on the protection of children. The Convention protects all children, regardless of nationality or immigration status. There are four general principles that are applicable to all migrant children:

- Non-discrimination (Article 2);
- The best interests of the child shall be a primary consideration in all actions affecting children (Article 3). As clarified by the UN CRC, it applies when making a decision that affects an individual child and it [obliges states](#) to reflect it in laws and policies.
- The obligation to protect the right to life and to the maximum extent possible the survival and development of the child (Article 6);
- The right to express their views freely in all matters affecting them, their views being given due weight in accordance with the child's age and level of maturity (Article 12).

Please click on each item and then click on ▶ to proceed.

- Specific rights of migrant children
 - UN CRC
 - ECHR
 - EU Charter
- Unaccompanied children
- Family reunification
- Detention and monitoring
- Administrative proceedings
 - Access to the territory
 - Identification and appointment of a guardian
 - Age assessment

Separate HELP course on Rights of refugee and migrant children!

Action in member States

- Ukraine
- Serbia
- Georgia
- Moldova

HELP

Good training for good judgments

Thank you very much for your attention!



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