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*28th Conference of the European Ministers of Justice  
(Lanzarote, Spain, 25-26 October 2007)*

**RESOLUTION No. 2  
on child-friendly justice**

THE MINISTERS participating in the 28<sup>th</sup> Conference of the European Ministers of Justice (Lanzarote, 25-26 October 2007),

1. Having regard to the report of the Minister of Justice of Spain on “Emerging issues of access to justice for vulnerable groups, in particular: migrants and asylum seekers, children, including children perpetrators of crime”, and welcoming the contributions made by other delegations;
2. Having discussed access to justice for children, including children perpetrators of crime;
3. Having regard in particular to the European Convention on Human Rights, the United Nations Convention on the rights of the child and its optional protocols, the European Convention on the exercise of children’s rights and the Council of Europe Recommendations concerning juvenile delinquency;
4. Welcoming the results achieved so far by the Council of Europe programme “Building a Europe for and with children” and encouraging the Council of Europe to continue with this important work and noting in particular the results of the Conference on “International Justice for Children” (Strasbourg, 17 and 18 September 2007);
5. Underlining the importance of the recent Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
6. Welcoming the drafting of European Rules for juvenile offenders subject to community sanctions or measures or deprived of their liberty;
7. Recognising that the best interests of children are a primary consideration;

8. Acknowledging the need to provide and facilitate children's access to effective remedies, to mediation and to court proceedings, in order for their rights to be fully respected and promoted including through the enforcement of decisions and judgments;
9. Convinced that children's participation, as appropriate in judicial proceedings in which they are involved, is an important element of a modern and fair justice system where children's views, needs and concerns should effectively be taken into account;
10. Aware of the necessity to establish measures and safeguards to reduce the negative impact of, and to protect children from suffering harm when encountering the justice system;
11. Noting that special attention and guarantees are required for child victims or witnesses of crime to protect their welfare and prevent them from repeat victimisation by inappropriate judicial procedures;
12. Aware that the development of a secure and friendly environment for children involved with the justice system, with specially trained persons and efficient procedures, reduces the harm suffered by children and enhances the efficiency of justice;
13. Underlining that alternatives to custody should be developed for children perpetrators of crime and that, where deprivation of liberty is absolutely necessary as a measure of last resort, the conditions and regime of detention should take into account their specific needs as children;
14. Underlining in particular that children should be detained separately from adults, including in cases of preventive detention, unless this is considered to be against the best interests of the child;
15. Underlining that the Memorandum of Understanding is now a new basis for co-operation between the Council of Europe and the European Union for any activity undertaken in this matter;
16. Referring to the Declaration and Action Plan adopted during the Third Summit of Heads of State and Government of the Council of Europe, in particular Chapter III.2 on "Building a Europe for children".

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17. RECALL the particular vulnerability of children and the necessity to ensure respect for their rights and attention to their specific needs and concerns in all aspects of the justice system;
18. CALL UPON member states to respect the principle, in all justice matters involving children, that the best interests of children shall be a primary consideration;

19. CALL UPON states to become parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, and those states which have not yet done so to become parties to the Council of Europe Convention on action against trafficking in human beings, the European Convention on the exercise of children's rights and the Convention on cybercrime;
20. INVITE the Committee of Ministers to promote and encourage the implementation of the above-mentioned instruments and to appoint a thematic co-ordinator on children;
21. ENCOURAGE the relevant Council of Europe bodies to finalise as soon as possible the European Rules for juvenile offenders subject to community sanctions or measures or deprived of their liberty;
22. AGREE on the importance of taking measures to develop child-friendly justice;
23. INVITE the Committee of Ministers to entrust the European Committee on Crime Problems (CDPC), the European Committee on Legal Co-operation (CDCJ), the Steering Committee for Human Rights (CDDH) as well as the European Commission for the efficiency of justice (CEPEJ) in co-operation with other competent bodies of the Council of Europe, to:
  - a. examine the access and the place children have prior to, during and after judicial proceedings;
  - b. examine the way in which the views of children can be taken into account during such proceedings;
  - c. examine ways of improving the manner in which authorities provide information to children on their rights and access to justice, including to the European Court of Human Rights;
  - d. gather information on child-friendly procedures implemented in member states;
  - e. prepare elements for European guidelines for child-friendly justice;
24. ASK the Secretary General of the Council of Europe to report on the steps taken to give effect to this Resolution, on the occasion of their next Conference.