

THE STATE OF CHILD-FRIENDLY JUSTICE IN EUROPE: A HANDBOOK



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**Child-friendly
Justice Project**

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THE STATE OF CHILD-FRIENDLY JUSTICE IN EUROPE: A HANDBOOK

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International Network

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1. Introduction

Whether children come into contact with the law as victims, witnesses, having been accused of a crime, as complainants or as other parties to proceedings, it is essential that they are met with a system that understands and respects their rights and needs.

The adoption of the Guidelines on Child-friendly Justice by the Committee of Ministers of the Council of Europe in 2010 was a landmark in realising this aim within Europe. It set out a vision for justice systems that respect children's rights and laid out a path for reform. In the last 15 years, states across Europe have developed their laws and practices to protect children's rights when they come into contact with the justice system. The European Union has developed new laws on procedural safeguards for children suspected or accused of criminal proceedings and on the rights, protection and support of victims of crime.

This shift has been reflected in significant developments across the countries of Europe. The development of Barnahus and Barnahus-type services has improved the way in which many children who are victims, witnesses or accused experience the criminal justice system. The recognition of children's right to be heard has led to significant adaptations in how children are able to give evidence and engage in legal proceedings of all kinds. A greater understanding of the variety of children's experiences and needs have led to a shift to more individualised responses to make justice child-friendly.

Yet while there has undoubtedly been progress, it has not been uniform and challenges remain. The understanding of the most effective ways to ensure justice systems are genuinely child-friendly has also developed.

This Handbook aims to guide readers through what we have learned over these years with regards to child-friendly justice in Europe. It sets out international and European law and standards that have emerged on child-friendly justice, explores good and promising practices and identifies where further reform is still needed. Ultimately, it aims to answer the question: "what is the state of child-friendly justice in Europe today?"

What is child-friendly justice?

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 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."¹

The Handbook is built on a range of sources in attempting to answer these questions, incorporating questionnaire responses from 31 Council of Europe member states as well as three detailed self-assessments conducted by **Belgium, Poland** and **Slovenia** as focus countries in the framework of the Joint European Union-Council of Europe Child-friendly Justice project.² In addition, three focus groups were conducted with representatives of **Greece, Hungary** and **Portugal** as partner countries in the framework of the project, to explore developments and challenges related to implementing child-friendly justice systems nationally. The examples used throughout the Handbook draw on the expertise of the diverse range of experts who provided input throughout these processes.

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1. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, II.c.
 2. For further information on the Joint European Union-Council of Europe Child-friendly Justice project, see the project's website: <https://www.coe.int/en/web/children/child-friendly-justice-project> and for the Second implementation report of the Council of Europe Strategy for the Rights of the Child (2024-2025) analysing the results of the questionnaire shared with CDENF delegations, see: [Second implementation report](#)

2. Executive summary

Since the adoption of the Guidelines on Child-friendly Justice 15 years ago, there has been a quiet revolution across Europe in the understanding of how to ensure justice systems respect children's rights. The Handbook aims to provide an accessible guide to that change - exploring how legal standards have developed as well as how states across Europe are implementing child-friendly justice in practice.

The Handbook begins by setting out the extensive range of European and international standards on child-friendly justice, moving from the foundational principles and provisions within the UN Convention on the Rights of the Child, through the development of the Council of Europe Guidelines on Child-friendly Justice and onto the diverse range of instruments that now incorporate elements of child-friendly justice across Europe.

Specific attention is given to the emerging body of EU law on this issue that has built since the EU Agenda for the Rights of the Child, including the Victims' Rights Directive, Procedural Safeguards for Children Directive and the range of legislation across a variety of settings that has incorporated a child-friendly justice lens.

The Handbook then moves on to explore how justice systems across Europe have adapted in the 15 years since the Guidelines were adopted, addressing the promising and innovative practices that states have developed to embed child-friendly justice, as well as the challenges that remain.

Taking the structure of the Guidelines as a framework, the chapter begins with the fundamental principles that underlie a child-friendly justice approach - participation, non-discrimination, the best interests of the child, dignity and the rule of law. The Handbook in particular finds substantial progress in ensuring the meaningful participation of children throughout the justice system, as well as a recognition of how the needs of specific children can differ, requiring more individualised approaches. At the same time, the Handbook reflects on the ongoing challenges that many states report around adapting justice systems for children of different ages and in response to emerging understanding of neurodiversity and the particular needs of children with disabilities.

The Handbook then moves through the different stages of a child's potential engagement with the justice system - before, during and after proceedings. From the earliest stages, the Handbook looks at developments to avoid formal judicial proceedings, including the incorporation of mediation, diversion and alternative dispute resolution into justice systems for children as well as reforms to the minimum age of criminal responsibility to remove younger children from the criminal justice system entirely.

For situations when judicial processes are used, the Handbook moves on to explore developments around child-friendly measures for children to engage in all types of proceedings. In particular, the Handbook highlights Barnahus as one of the most significant and widespread shifts in how children can experience justice systems in a child-friendly way, representing a reimagination of how to meet the rights and needs of children.

The Handbook also explores the measures that have allowed states to move away from deprivation of liberty of children, within the criminal justice system as well as in the context of migration. To this end, it explores diversion, alternatives to detention and restorative justice.

The Handbook closes looking ahead to the revision of the Guidelines on Child-friendly Justice as an opportunity to reflect on how far Europe has come in making justice child-friendly, but also how much further there is to go.

3. Definitions

“Access to justice for children” refers to the ability for children to obtain a just and timely remedy for violations of children’s rights, through avenues adapted to children.

“Barnahus” refers to a public institution or entity where multidisciplinary and interagency services for child victims and witnesses of violence collaborate in the same safe and child-friendly premises to coordinate parallel criminal and child protection proceedings.

“Barnahus-type services” refers to a diversity of multidisciplinary and interagency services for child victims and witnesses of crime that combine some, but not all, of the typical features and services of Barnahus.

“Child” refers to a person under 18 years of age.

“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 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.

“Child-friendly information” is information that is adapted to a child’s age, maturity, language, gender and culture. This will require the information provider to adjust the information and complexity of their communication according to each individual child’s situation and specific needs up to the age of 18.

“Child in conflict with the law” is a person below the age of 18 who is a suspect or accused person in criminal proceedings.

“Deprivation of liberty” refers to situations in which a person is confined to a narrowly bounded location which they cannot leave at will. This is to be distinguished from limitations on liberty, such as limitations on domicile, residency or confinement to a certain region of a country which impact a broader right to freedom of movement.

“Guardian” refers to a person who is appointed or designated to support, assist and, where provided by law, represent unaccompanied or separated children in processes concerning them. Where an institution or organisation is appointed or designated as a guardian to support, assist and exercise the legal capacity for a child, it should designate a natural person to carry out the duties of guardian. The guardian acts independently to ensure that the child’s rights, best interests and well-being are guaranteed. The guardian acts as a link between the child and all other stakeholders with responsibilities towards him or her. This operational definition takes into account that the term used, as well as the function and manner of appointment of a guardian, vary from jurisdiction to jurisdiction.

“Legal proceedings” refer to any civil, administrative, family or criminal process of a legal nature carried out within or in connection to the justice system. These processes include investigations, inquiries, hearings, trials, litigation, complaints, grievances, arbitration, mediation and regulatory processes.

“Parent” refers to the person(s) with parental responsibility, according to national law. In case the parent(s) is/are absent or no longer holding parental responsibility, this can be a guardian or an appointed legal representative.

“Separated child” refers to a child who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. This may, therefore, include children accompanied by other adult family members.

“Unaccompanied child” refers to a child who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

“Victim” means a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person’s death.

“Witness” means any person, irrespective of their status under national criminal procedure law, who possesses information relevant to criminal proceedings. This definition also includes experts as well as interpreters.

4. European and international legal standards on child-friendly justice

The concepts, approaches and analyses that underlie child-friendly justice have a long history in international law and standards. It was not until the drafting of the Council of Europe Guidelines on Child-friendly Justice, however, that they were presented in a holistic manner within a set of guidelines.³

This chapter sets out the range of intersecting binding and non-binding law and standards that engage with the concept of child-friendly justice, whether broadly or in specific contexts.

International law and standards

UN Convention on the Rights of the Child (CRC)

The **CRC** is the foundation stone of children's rights in international law, setting out the full range of children's civil, political, social, economic and cultural rights. While the CRC does not use the term "child-friendly justice", it sets out the principles that underpin the concept, as well as some of the specific rights protections that are crucial for any justice system to respect and protect children's rights.

The "Fundamental Principles" set out within the Council of Europe Guidelines on Child-Friendly Justice all have their counterparts in the CRC, within the provisions addressing the best interests of the child, prohibition on discrimination, right of the child to be heard and have their views given due weight, the right to life, survival and development, rights within the justice system and the concept of dignity, the latter of which cuts across the preamble and provisions of the CRC.⁴ Other provisions within the CRC, such as the right to privacy, to information and the prohibition on violence against children,⁵ are also cross-cutting, shaping how justice systems should be designed if they are to respect children's rights.

The CRC also sets out specific standards for children within the criminal justice system that have become embedded in child-friendly justice standards. The recognition of the right of every child alleged as, accused of, or recognised as having infringed the law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth⁶ is crucial in the shift towards a child rights-based approach to the criminal justice system. The CRC concretises this principle within key provisions to ensure that children's right to a fair trial is guaranteed.⁷ The criminal justice provisions of the Convention also require States to set a minimum age of criminal responsibility.⁸

The Convention's provisions on deprivation of liberty remain central within international children's rights law and are reflected in regional and national law and standards. The Convention provides that the arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time, while prohibiting specific forms of sentencing, including capital punishment and life imprisonment for an offence committed while under the age of 18.⁹ The Convention also provides that children who are deprived of their liberty have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of their liberty.¹⁰

The CRC also contains provisions on the rights of refugee children and on the separation of children from their parents, which inform child-friendly justice practices in migration and separation proceedings.¹¹

3. Liefwaard, T. and Kilkelly, U. "Child-friendly Justice: Past, present and future" in Goldson, B., *Juvenile Justice in Europe. Past, Present and Future*, Routledge, 2018, p. 57.
4. Convention on the Rights of the Child, Articles 3(1), 2, 12, 37, 40 respectively. The concept of dignity is addressed within the preamble of the Convention, as well as specifically within Articles 23, 28, 37, 39 and 40.
5. Convention on the Rights of the Child, Articles 16, 17 and 19 respectively.
6. Convention on the Rights of the Child, Article 40(1).
7. Convention on the Rights of the Child, Article 40(2).
8. Convention on the Rights of the Child, Article 40(3)(a).
9. Convention on the Rights of the Child, Article 37(a) and (b).
10. Convention on the Rights of the Child, Article 37(c).
11. Convention on the Rights of the Child, Articles 22 and 9 respectively.

The Optional Protocol on the sale of children, child prostitution and child pornography, contains provisions to protect the rights and interests of child victims of violations under the Protocol, in particular by adapting procedures to recognise their needs, providing appropriate support services to child victims throughout the legal process, protecting the privacy and identity of child victims, protecting child victims from intimidation and retaliation, and avoiding unnecessary delay.¹²

Guidance and jurisprudence of the UN Committee on the Rights of the Child on child-friendly justice

The Committee on the Rights of the Child (“the CRC Committee”) has provided substantial guidance and jurisprudence related to child-friendly justice throughout its General Comments, Concluding Observations and its communications procedure.

Key General Comments:

- ▶ *General Comment No. 26 (2023) on children's rights and the environment with a special focus on climate change* - includes substantial guidance on how to ensure children can access justice for rights violations in the context of environmental harm.
- ▶ *General Comment No. 25 (2021) on children's rights in relation to the digital environment* - was the first general comment of the CRC Committee to dedicate a section to children's access to justice.
- ▶ *General Comment No. 24 (2019) on children's rights in the child justice system* - replaced previous General Comment 10 and substantially updated the CRC Committee's guidance on children's rights within the criminal justice system.
- ▶ *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 of the Committee on the Rights of the Child (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.*
- ▶ *General Comment No. 12 on the right of the child to be heard* - explained the application of the right to be heard to all relevant judicial proceedings affecting the child.
- ▶ *General Comment No. 5 on General measures of implementation for the CRC* - elaborated the right to effective remedies to redress violations within the CRC, including the need for effective, child-sensitive procedures available to children and their representatives.

As this handbook was being produced, the CRC Committee was in the process of drafting General Comment No. 27 on children's right to access to justice and to an effective remedy.

OPIC Communications:

Since the Optional Protocol to the Convention on the Rights of the Child came into force in 2014, the communications received by the CRC Committee have focused on a number of issues related to child-friendly justice. Migration has been the dominant theme among communications involving European states - every completed communication related to migration, with the exception of one, has been brought against a European state¹³:

- ▶ **Age assessment in migration:** almost a third of decisions as part of OPIC have focused on age assessment processes in the context of migration. The CRC Committee has found violations of the CRC related to every age assessment case that has reached the merits stage,¹⁴ usually finding violations of the best interests of the child (Art. 3), the right to be heard (Art. 12) and, in some cases, the right to preserve identity (Art. 8).
- ▶ **Deportation proceedings:** after age assessment, deportation and non-refoulement cases account for the largest proportion of OPIC decisions. Most of these communications have not reached the merits stage, but in those that did, the failure to consider the best interests of the child during proceedings has commonly led the CRC Committee to find a violation.

12. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Article 8.

13. Child Rights International Network (CRIN) review of all OPIC communications that had reached a decision as of 30 June 2025. Published decisions in relation to OPIC communications are available through the OHCHR Juris Database at: <https://juris.ohchr.org/>.

14. *Ibid.*

Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (“Guidelines on Child-friendly Justice”)

The **Guidelines on Child-friendly Justice**, adopted in 2010, are a landmark in the development of child-friendly justice in Europe, and the first international legal instrument to set out the scope and application of the concept holistically.¹⁵ However children come into contact with the justice system and in whatever capacity, the Guidelines set out a rights-based approach to meeting their needs.¹⁶ The Guidelines apply to all children - that is everyone under the age of 18¹⁷ - however they come into contact with justice systems, whether in the context of parental divorce, adoption, care proceedings, migration proceedings, or as a victim, a witness or accused of a criminal offence.

Structurally, the guidelines set out the fundamental principles that apply across all children's interactions with justice systems and then address the elements of child-friendly justice as children would encounter them moving through the justice system - before, during and after proceedings. The table below sets out the structure and key provisions of the Guidelines.

The Guidelines on Child-friendly Justice at a glance	
I. Scope and purpose	Sets out the scope and purpose of the Guidelines, to address the rights and needs of children in all judicial proceedings.
II. Definitions	Defines the terms “child”, “parent” and “child-friendly justice”.
III. Fundamental principles	Sets out the five principles that apply across the Guidelines: 1. Participation 2. Best interests of the child 3. Dignity 4. Protection from discrimination 5. Rule of law
IV. Child-friendly justice before, during and after judicial proceedings	
A. General elements of child-friendly justice	Outlines provisions that apply through children's engagement with justice systems: 1. Information and advice 2. Protection of private and family life 3. Safety (special preventive measures) 4. Training of professionals 5. Multidisciplinary approach 6. Deprivation of liberty

15. Liefwaard, T. and Kilkelly, U. “Child-friendly Justice: Past, present and future” in Goldson, B., *Juvenile Justice in Europe. Past, Present and Future*, Routledge, 2018, p. 57. It should be noted that child-friendly justice has also been incorporated into the Council of Europe's Strategies on the Rights of the Child since 2009. For further details, see: <https://www.coe.int/en/web/children/children-s-strategy>.

16. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, I.2. Available at: <https://www.coe.int/en/web/children/child-friendly-justice>.

17. *Idem* at II.a.

B. Child-friendly justice before judicial proceedings	Addresses measures that apply before judicial proceedings, including: ▶ The need to establish a minimum age of criminal responsibility that is not too low ▶ Developing alternatives to judicial proceedings that meet equivalent levels of legal safeguards ▶ Consulting children on available judicial and non-judicial proceedings
C. Children and the police	Sets out provisions related to children's engagement with police, including: ▶ Policing that respects the rights and dignity of all children ▶ Police custody of children ▶ Informing parents ▶ Questioning of children ▶ Use of detention ▶ Conditions of detention
D. Child-friendly justice during judicial proceedings	Sets out provisions that apply during judicial proceedings: 1. Access to court and to the judicial process 2. Legal counsel and representation 3. Right to be heard and to express views 4. Avoiding undue delay 5. Organisation of the proceedings, child-friendly environment and child-friendly language 6. Evidence/statements by children
E. Child-friendly justice after judicial proceedings	Addresses the key elements of child-friendly justice when proceedings are complete, including: ▶ The notification of a child about the outcome of judicial proceedings ▶ Implementation of judgments and decisions ▶ Support and care for children after proceedings ▶ Privacy and anonymity for children with criminal records
V. Promoting other child-friendly actions	Sets out provisions for the promotion of child-friendly justice, including: ▶ Research ▶ Co-operation ▶ Establishment of systems of specialised professionals ▶ Human rights and children's rights education ▶ Establishing interdisciplinary centres for child victims and witnesses ▶ Specialised support and information services ▶ Training and support for professionals within justice systems
VI. Monitoring and assessment	Encourages States to implement the Guidelines and review progress to achieve child-friendly justice practices.

European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR)

Relatively few provisions of the **European Convention on Human Rights** explicitly refer to “children” or to “minors”,¹⁸ but almost all provisions of the ECHR apply to children. In the context of child-friendly justice, all guarantees regarding the conduct of proceedings apply to children and must be tailored to their maturity and evolving capacities.¹⁹ The ECtHR has developed its case-law taking into account international and European standards, in particular those set out in the CRC, the Lanzarote Convention, and the Guidelines on Child-friendly Justice.²⁰

Right to private and family life

The right of children to be heard in proceedings that concern them is well embedded in the ECtHR’s jurisprudence. The Court has found violations of the right to private and family life where children’s involvement in decision-making about their private and family life was insufficient.²¹ The ECtHR has also recognised the need to adapt proceedings in respect of very young children by relying on expert assessments to make objective evaluations²² and found a violation of the right to private and family life where a child had not been given the opportunity to be heard and no guardian ad litem had been appointed to represent and protect the child’s interests during custody proceedings.²³ The Court has also recognised the necessity of children’s views being heard during proceedings regarding the placement of the child in a psychiatric institution.²⁴

Criminal justice system

The ECtHR has developed very substantial case law on children’s rights within the **criminal justice system**. With regards to the rights of children accused of criminal offences, the Court has recognised that proceedings must be organised to respect the principle of the best interests of the child,²⁵ reflecting the role of the best interests of a child as a general principle of the CRC and a fundamental principle within the Guidelines on Child-friendly Justice. The Court has clearly recognised that in cases where a child is charged with a criminal offence, full account must be taken of the child’s age, level or maturity and intellectual and emotional capacities, and that steps must be taken to promote the child’s ability to understand and participate in proceedings.²⁶ The fundamental importance of legal assistance to children in custody is also a consistent part of the Court’s case-law.²⁷

Deprivation of liberty

The ECtHR has developed significant case law on deprivation of liberty for children, consistently holding that pre-trial detention should only be used as a measure of last resort and for the shortest possible period²⁸ and that national courts should consider alternatives to detention before imposing pre-trial detention.²⁹ The Court has been clear that children should not be detained with adults.³⁰ With regards to detention as a sentence, the Court has held that the exemption of children who have committed a criminal offence from life imprisonment is consonant with the approach common to legal systems in Europe as well as international standards, but has not yet heard a case challenging the compatibility of life sentences for offences committed by children with the ECHR.³¹

18. The word “child” is only used in Article 5 of the Optional Protocol No. 7 with regards to equality between spouses. The term “minor” is used in Article 5 of the ECHR with regards to child-specific lawful grounds for deprivation of liberty.

19. European Court of Human Rights, *Guide on the case-law of the European Convention on Human Rights: Rights of the child*, 28 February 2025, para. 252. Available at: https://ks.echr.coe.int/documents/d/echr-ks/guide_rights_of_the_child_eng.

20. See *M and M v. Croatia* [2015] App. No. 10161/13, paras. 94–102, 146; *MK v. Greece* [2018] App. No. 51312/16, paras. 91–93; *A and B v. Croatia* [2019] App. No. 7144/15, para. 112; *RB v. Estonia* [2012] App. No. 22597/16, para. 84.

21. See *M and M v. Croatia* [2015] App. No. 10161/13, para. 171.

22. See *Neves Caratão Pinto v. Portugal* [2021] App. No. 28443/19, para. 138.

23. *C v. Croatia* [2020] App. No. 80117/17, paras. 76–77 and 79–91.

24. *VI v. the Republic of Moldova* [2024] App. No. 38963/18, para. 134.

25. *Blokhin v. Russia* [2016] App. No. 4152/06, para. 195.

26. *V v. United Kingdom* [1999] App. No. 24888/94, para. 86; *T v. the United Kingdom* [1999] App. No. 24724/94 para. 84; and *Blokhin v. Russia* [2016], App. No. 4152/06, para. 195.

27. See *Salduz v. Turkey* [2008], App. No. 36391/02, para. 60 and *Blokhin v. Russia* [2016] App. No. 4152/06, para. 199.

28. *Korneykova v. Ukraine* [2012] App. No. 33884/05, paras. 43–44.

29. *Güveç v. Turkey* [2009] App. No. 70337/01, para. 108; *Dinç and Çakır v. Turkey* [2013] App. No. 66066/09, para. 63; *Agit Demir v. Turkey* [2018] App. No. 36475/10, paras. 44–45.

30. *Nart v. Turkey* [2008] App. No. 20817/04, para. 31.

31. *Khamtokhu and Aksenchik v. Russia* [2017] App. Nos. 60367/08 and 961/11, para. 80.

Victims or witnesses

Regarding children participating in criminal proceedings as victims or witnesses, the ECHR expressly permits exceptions to the requirement of publicity of hearings “where the interests of juveniles or the private life of the parties so require”.³²

In the context of criminal proceedings concerning sexual abuse of children, the ECtHR has recognised that measures may be taken to protect victims, provided that they can be reconciled with an adequate and effective exercise of the rights of the defendant.³³ The Court has held that less strict rules on giving evidence and child-friendly adaptations for giving evidence should not in themselves diminish the value given to a child’s evidence.³⁴

The ECtHR has found violations of articles 3 and 8 where insufficient protection has been provided to child victims of sexual offences during proceedings. Within the case law of the Court, this has included situations where proceedings were of an excessive length, involved unnecessary re-enactment of the alleged rape, repetitive medical examinations, and there was lack of security during proceedings.³⁵ The Court has also found violations of the prohibition of torture, inhuman and degrading treatment (Article 3) as well as the right to private and family life (Article 8) in a case in which the evidence of a 4-year-old child who had reported sexual abuse by her father was excluded, because the child had not been advised of her duty to tell the truth and her right not to testify. The Court concluded that the criminal-law mechanisms as a whole were defective leading to the rights violations.³⁶

Migration proceedings

There is extensive ECtHR case law addressing children’s rights in the context of migration proceedings. The Court has recognised that children, whether accompanied or unaccompanied, are considered an extremely vulnerable group with specific needs related to their age, lack of independence and asylum-seeker or migrant status.³⁷ In family reunification cases, the Court has recognised that the best interests of the child are of paramount importance,³⁸ as well as the need for flexibility, promptness and effectiveness on the part of domestic authorities.³⁹

The ECtHR has recognised the obligation of States to take necessary measures to provide protection and humanitarian assistance to asylum-seeking children as part of their positive obligations under the prohibition on torture, inhuman and degrading treatment and punishment.⁴⁰ In cases concerning the detention of migrant children, the court has found violations of this right based on a combination of three factors: the child’s age, the duration of the detention and the suitability of the detention facilities with regard to the specific needs of children.⁴¹

More broadly with regards to immigration detention of children, the ECtHR has referenced the recommendations of international institutions, including the Council of Europe, encouraging the elimination of detention of migrant children.⁴² The Court has not, however, recognised child immigration detention as always violating the ECHR, rather that the confinement of migrant children in detention facilities should be avoided and should only be used as a last resort after the authorities established that no alternative measures involving a lesser restriction of liberty could be implemented.⁴³

The Court has found violations of the right to liberty and security in a number of cases in respect of children in which authorities failed to carry out a proper assessment as to whether a less coercive alternative measure to their detention was possible.⁴⁴

32. European Convention on Human Rights, Article 6(1).

33. See *Doorson v. the Netherlands* [1996] App No. 20524, para. 72; *SN v. Sweden* [2002] App. No. 34209/96, para. 47.

34. *RB v. Estonia* [2021] App. No. 22597/16, para. 102.

35. *N.Ç. v. Turkey* [2021] App. No. 40591/11, para. 132. See also *MG v. Lithuania* [2024] App No. 6406/21 regarding excessively long criminal proceedings and repeated medical examinations.

36. *RB v. Estonia* [2021] App. No. 22597/16, para. 103.

37. See, e.g., *Popov v. France* [2012] App. Nos. 39472/07 and 39474/07, para. 91; *RM and ors v. France* [2016] App. No. 33201/11, para. 71.

38. *Jeunesse v. the Netherlands* [2014] Grand Chamber App. No. 12738/10, paras. 109 and 118.

39. *Mugenzi v. France* [2014] App. No. 52701/09, para. 62; *Senigo Longue and ors. V. France* [2014] App. No. 19113/09, para. 73; *Tanda-Muzinga v. France* [2014] App. No. 2260/10, para. 80.

40. *Muskhadzhiyeva and ors v. Belgium* [2010] App. No. 41442/07, para. 62; *Popov v. France* [2012] App. Nos. 39472/07 and 39474/07, para. 91.

41. See, e.g., *AB and ors v. France* [2016] App. No. 11593/12, para. 109; *RM and ors v. France* [2016] App. No. 33201/11, para. 70; *AM and ors v. France* [2016] App. No. 24587/12, para. 46; *RC and VC v. France* [2016] App. No. 76491/14, para. 34.

42. *GB and ors v. Turkey* [2019] App. No. 4633/15, para. 151; *MH and ors v. Croatia* [2021] App. Nos. 15670/18 and 43115/18, para. 236; *Minasian and ors v. the Republic of Moldova* [2023] App. No. 26879/17, para. 42.

43. *Popov v. France* [2012] App. Nos. 39472/07 and 39474/07, para. 119; *AB and ors v. France* [2016] App. No. 11593/12, para. 123; *GB and ors v. Turkey* [2019] App. No. 4633/15, para. 151.

44. *Rahimi v. Greece* [2011] App. No. 8687/08, paras. 109-110; *Popov v. France* [2012] App. Nos. 39472/07 and 39474/07, para. 119; *AB and ors v. France* [2016] App. No. 11593/12, para. 124.

The European Social Charter and the European Committee on Social Rights (ECSR)

The **European Social Charter (Revised)** guarantees fundamental social and economic rights and includes a number of significant protections for the rights of children, including related to child-friendly justice.

The right of children and young persons to social, legal and economic protections is particularly relevant to child-friendly justice in the context of the **criminal justice system**. The ECSR has found states to not be in conformity with the Charter by setting the minimum age of criminal responsibility manifestly too low,⁴⁵ as well maintaining that children should only be exceptionally remanded in custody only for serious offences and should be separated from adults.⁴⁶

The ECSR has also reflected the clear standard within international children's rights law that detention sentences should be exceptional and of short duration,⁴⁷ with the length of the sentence set out by a court. The Committee has found prison sentences of 20 years or more for offences committed by children to be excessive.⁴⁸

Similarly, the Committee has been clear that pretrial detention should not be of an excessive duration.⁴⁹

The ECSR has also addressed child-friendly justice within its collective complaint mechanism, in particular requiring that children under the minimum age of criminal responsibility have access to procedural rights when they are accused of criminal acts.⁵⁰

Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("The Lanzarote Convention")

The **Lanzarote Convention** sets out to prevent and combat sexual exploitation and sexual abuse of children, protect the rights of child victims of sexual exploitation and sexual abuse, and to promote international co-operation against sexual exploitation and sexual abuse of children.⁵¹

The Convention contains extensive provisions on protective measures and assistance for victims before, during and after any legal proceedings. The protective measures are based around multidisciplinary structures to provide support for victims,⁵² and require states to take necessary legislative and other measures to assist victims in their physical and psycho-social recovery.⁵³

Regarding the investigation and prosecution of sexual exploitation and sexual abuse of children, the Convention sets out a specific protective approach towards victims, ensuring that the investigations and criminal proceedings do not aggravate the trauma experienced by children and that the criminal justice response is followed by assistance.⁵⁴

Convention on preventing and combating violence against women and domestic violence ("the Istanbul Convention")

The **Istanbul Convention** aims to protect women against all forms of violence and to prevent, prosecute and eliminate violence against women and domestic violence.⁵⁵

Ending impunity for violence against women and domestic violence is a significant feature of the Convention and adaptations to ensure children are met child-friendly justice systems are incorporated throughout. In particular, the Convention requires that child victims and witnesses of violence against women and domestic violence be afforded special protection measures, where appropriate, that take into account the best interests of the child at all stages of investigations and judicial proceedings.⁵⁶ There are also provisions requiring specialised protection and support mechanisms for victims including age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the Convention.⁵⁷

45. See, e.g., *Conclusions XVI-21 - United Kingdom - Article 17*; *Conclusions 2019 - France - Article 17-1*.

46. See, e.g., *Conclusions 2015 - Slovak Republic - Article 17-1*; *Conclusions 2017 - Turkey - Article 17-1*.

47. Addendum to *Conclusions XV-2 - Türkiye*, *Conclusions XVII-2 - Türkiye - Article 17*.

48. See, e.g., *Conclusions XIX-4 - Denmark - Article 17*.

49. See, e.g., *Conclusions XV-2 - France - Article 17*; *Conclusions XVII-2 - Türkiye - Article 17*.

50. *International Commission of Jurists (ICJ) v. Czech Republic* [2021] Complaint No. 148/2017.

51. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Article 1.

52. *Idem* at Article 11.

53. *Idem* at Article 14.

54. *Idem* at Chapter VII.

55. Council of Europe Convention on preventing and combating violence against women and domestic violence, Article 1.

56. *Idem* at Article 56.

57. *Idem* at Article 26.

Recommendations, guidelines and standards across the Council of Europe

Child-friendly justice across the Council of Europe

Within the Council of Europe, non-binding legal instruments have been developed touching on a range of issues that engage with child-friendly justice to some degree. While many of the earliest recommendations focused on the criminal justice system, this has now expanded to encompass specialised standards that cut across civil law, migration, asylum, civil and family law, alternative care and the broader protection of children's rights.

Access to justice:

- ▶ Recommendation No. R(81)7 on measures facilitating access to justice
- ▶ Recommendation No. R(93)1 on effective access to the law and to justice for the very poor
- ▶ Recommendation CM/Rec(2016)7 on young people's access to rights

Criminal justice:

- ▶ Recommendation No. R(88)20 on social reactions to juvenile delinquency
- ▶ Recommendation No. R(88)6 on social reactions to the delinquent behaviour of young people from migrant families
- ▶ Recommendation No. R(89)12 on education in prison
- ▶ Recommendation Rec(2000)20 on role of early psychosocial intervention in the prevention of criminality
- ▶ Recommendation Rec(2001)10 on the European Code of Police Ethics
- ▶ Recommendation Rec(2003)20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice
- ▶ Recommendation Rec(2006)2-rev on European penitentiary rules
- ▶ Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters CEPEJ(2007)13
- ▶ CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures
- ▶ Resolution 2010(2014) on child-friendly juvenile justice: from rhetoric to reality
- ▶ Recommendation CM/Rec(2018)5 concerning children of imprisoned parents
- ▶ Recommendation CM/Rec(2018)8 on restorative justice in criminal matters

Migration and asylum:

- ▶ Recommendation No. R(81)16 on the harmonisation of national procedures relating to asylum
- ▶ Recommendation CM/Rec(2007)9 on life projects for unaccompanied migrant minors
- ▶ Recommendation CM/Rec(2019)4 on supporting young refugees in transition to adulthood
- ▶ Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration
- ▶ Recommendation CM/Rec(2022)17 on protecting the rights of migrant refugee and asylum-seeking women and girls
- ▶ Recommendation CM/Rec(2022)22 on human rights principles and guidelines on age assessment in the context of migration

Prevention of violence:

- ▶ Recommendation No. R(79)17 concerning the protection of children against ill-treatment
- ▶ Recommendation CM/Rec(2009)10 on Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence
- ▶ Recommendation No. R(8)2023 on strengthening reporting systems on violence against children

Civil and family law:

- ▶ CEPEJ(2007)14 - Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters
- ▶ Recommendation CM/Rec(2011)12 on children's rights and social services friendly to children and families
- ▶ CM/Rec(2025)4 - Recommendation of the Committee of Ministers to member States on the protection of the rights and best interests of the child in parental separation proceedings

Children with disabilities:

- ▶ Recommendation Rec(2004)10 on the protection of human rights and the dignity of people with mental disorders

Alternative care:

- ▶ Recommendation Rec(2005)5 concerning the rights of children living in residential institutions
- ▶ Recommendation CM/Rec(2011)12 of the Committee of Ministers to member states on children's rights and social services friendly to children and families
- ▶ CM/Rec(2025)5 - Recommendation of the Committee of Ministers to member States on the protection of the rights and best interests of the child in care proceedings

Human rights:

- ▶ 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

Participation:

- ▶ Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18

Health:

- ▶ Guidelines of the Committee of Ministers of the Council of Europe on child-friendly health care

EU law and standards

Since the **EU Agenda for the Rights of the Child** (2011 – 2014) embedded child-friendly justice as a central pillar, the EU has made significant strides in shaping legal and policy frameworks that uphold children's rights in judicial settings.

The **EU Strategy on the Rights of the child** (2021) and the **Commission Recommendation on integrated child protection systems in the best interests of the child** adopted in 2024 reaffirm and expand the EU's commitment to child-friendly justice.

The EU Strategy outlines six thematic areas, one of which is specifically dedicated to justice systems that respect and respond to children's needs. Key actions include:

- ▶ Training justice professionals on child rights and child-friendly procedures, supported by the European Judicial Training Network and EU funding programmes.
- ▶ Strengthening implementation of the Council of Europe's 2010 Guidelines on Child-friendly Justice.
- ▶ Promoting alternatives to detention for children in migration procedures.
- ▶ Supporting mutual recognition of parenthood across Member States to ensure legal certainty for children in cross-border family situations.

Building on the Strategy, the 2024 Recommendation on integrated child protection systems reinforces child-friendly justice by promoting child-centered decision-making, cross-sectoral coordination and collaboration among justice, health, education, and social services and with special attention to children in vulnerable situations, including children with disabilities, Roma children, LGBTIQ children, and those in migration when children are involved in judicial proceedings.

Today, several mutually supportive directives and strategies are at the core of the EU's law and approach to child-friendly justice.

The **Victim's Rights Directive**,⁵⁸ adopted in 2012, aims to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings.⁵⁹

Significantly, the Victim's Rights Directive requires a child-sensitive approach to prevail, taking due account of a child's age, maturity, views, needs and concerns.⁶⁰ Under the Directive, where the victim is a child, the

58. Directive 2012/29/EU of the European Parliament and 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. Available at: <https://eur-lex.europa.eu/eli/dir/2012/29/oj/eng>.

59. *Idem* at Article 1(1).

60. *Idem* at Article 1(2).

child's best interests shall be a primary consideration.⁶¹ Child victims are presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.⁶² The Directive dedicates an Article to the protection of child victims during criminal proceedings. It provides, that in criminal proceedings, all interviews with child victims may be recorded, that the recording may be used as evidence in criminal proceedings and that a special representative for child victims may be appointed in criminal investigations and proceedings, where, according to national law, the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family.

The Victim Rights Directive also provides that where the child victim has the right to a lawyer, they have the right to legal advice and representation in their own name in proceedings where there is a conflict of interest between the child victim and the holders of parental responsibility.⁶³ Where the age of a victim is uncertain and there are reasons to believe the victim is a child, the victim must be presumed a child.⁶⁴

Child-focused provisions are also embedded throughout the Directive, including:

- ▶ **Right to be heard (Article 10):** requires that the age and the maturity of a child victim be taken into account when they are heard during criminal proceedings.
- ▶ **Right to protection of privacy (Article 21):** requires Member States to ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.
- ▶ **Individual assessment of victims to identify specific protection needs (Article 22):** creates a presumption that child victims have specific protection needs and requires that they be subject to an individual assessment to determine whether and to what extent they would benefit from special protection measures.
- ▶ **Cooperation and coordination of services (Article 26):** requires Member States to carry out awareness raising of the rights set out in the Directive, in particular targeting children.

On 10 December 2025, the European co-legislators provisionally agreed on the **revision of the Victims' Rights Directive**. The revised Victims' Rights Directive includes setting up victims' helplines that will provide information, guidance and emotional support to victims. It will be easier for victims to report crimes online and to participate in criminal proceedings. They will receive support at courts in dedicated spaces and there will be additional psychological support available to those victims who need it. Child victims will also benefit from better access to justice in courts and receive integrated support and protection based on multi-agency cooperation. Crime reporting and testifying, social services, psychological and medical care, and administrative guidance will all be better structured and coordinated to meet their specific needs. All victims will benefit from stronger protection of their personal data and access to compensation will be reinforced. The new rules also strengthen training activities to ensure police officers, judges and prosecutors efficiently respond to victims' rights and needs.

In addition, the first **EU Strategy on victims' rights (2020 – 2025)**⁶⁵, included a number of non-legislative actions to improve the rights of child victims in the EU. Such actions include the creation of child-friendly conditions in the aftermath of crime, the promotion of structures providing for targeted and integrated support and protection services for child victims, and the implementation of the EU campaign on victims' rights with a focus on child victimisation. Following the expiration of the current strategy, the Commission will adopt the next EU Strategy on Victims' Rights in 2026, which will also include actions dedicated to child victims.

In 2016, the move to incorporate child-friendly justice within EU law was continued through **the Procedural Safeguards for Children Directive**.⁶⁶ The Directive sets out minimum rules for children who are suspected or accused of a criminal offence, as well as children subject to a European arrest warrant.⁶⁷

61. *Ibid.*

62. *Idem* at Article 22(4).

63. *Idem* at Article 24(1).

64. *Idem* at Article 24(2).

65. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Strategy on victims' rights (2020-2025), COM/2020/258 final. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0258>.

66. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0800>.

67. *Idem* at Article 1.

Importantly, the Directive includes a “non-regression” clause, which provides that the protections under the Directive cannot be construed in a way that falls below the rights under the ECHR and CRC.⁶⁸

The Directive as a whole is child-focused, identifying the key rights for children throughout criminal proceedings:

- ▶ Right to information (Article 4)
- ▶ Right to have the holder of parental responsibility informed (Article 5)
- ▶ Assistance by a lawyer (Article 6)
- ▶ Right to an individual assessment (Article 7)
- ▶ Right to a medical examination (Article 8)
- ▶ Audiovisual recording of questioning (Article 9)
- ▶ Limitation of deprivation of liberty (Article 10)
- ▶ Alternatives to detention (Article 11)
- ▶ Specific treatment in the case of deprivation of liberty (Article 12)
- ▶ Timely and diligent treatment of cases (Article 13)
- ▶ Right to protection of privacy (Article 14)
- ▶ Right of the child to be accompanied by the holder of parental responsibility during the proceedings (Article 15)
- ▶ Right of the child to appear in person at, and participate in, their trial (Article 16)
- ▶ European arrest warrant proceedings (Article 17)
- ▶ Right to legal aid (Article 18)
- ▶ Remedies for breach of rights under the Directive (Article 19)
- ▶ Training of professionals in the justice system (Article 20)
- ▶ Data collection (Article 21)
- ▶ Costs (Article 22)
- ▶ Non-regression (Article 23)

The **Directive on combating violence against women and domestic violence**⁶⁹ provides a comprehensive set of measures of prevention, protection, access to justice and victim support applicable to child victims of violence against women and domestic violence. The definition of a victim includes children who have suffered harm because they have witnessed domestic violence. This reform aims to give children a more central role in criminal justice procedures, including the right to be heard. Child-focused provisions are embedded throughout the Directive, including requiring:

- ▶ Reporting procedures shall be safe, designed and accessible in a child-friendly manner, with a child-friendly language (Article 14(5-6));
- ▶ Referral to support services, without the prior consent of the holder of parental responsibility where needed (Article 18(3))
- ▶ Shelters shall ensure rights and needs of child victims (Article 30(2))
- ▶ Child victims shall receive specific, adequate support, including age-appropriate medical care and emotional support, and the best interest of the child shall be decisive in interim accommodation (Article 31)
- ▶ There shall be information sharing between civil and criminal courts when assessing the best interest of the child and Member States shall establish safe places to allow safe contact between children and holders of parental responsibilities who are offenders or suspects of violence (Article 32)
- ▶ Preventive measures shall target children, in a child-friendly manner (Article 34)
- ▶ Officials likely to come into contact with victims shall receive training to enable them to treat victims in a child-friendly manner (Article 36)
- ▶ Member State shall collect data disaggregated by age group (child/adult) (Article 44).

68. *Idem* at Article 23.

69. Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence. Available at: <https://eur-lex.europa.eu/eli/dir/2024/1385/oj>.

The **Directive on preventing and combating trafficking in human beings and protecting its victims**⁷⁰ does not use the term “child-friendly justice” explicitly, but its provisions clearly support the principles of child-friendly justice. It contains provisions to ensure that children are treated with dignity, their rights are upheld, and their voices are considered in judicial and protective processes.

The primary focus of the **EU Directive on combating the sexual abuse and sexual exploitation of children, and child pornography** is on the prevention of these crimes and the protection of victims, but the directive integrates aspects that align with the principles of child-friendly justice. The recast of the **EU Directive on combating child sexual abuse**⁷¹ also proposes coordinated victim support measures and child-centred procedural safeguards, ensuring that the rights and needs of child victims are prioritised throughout the judicial process.

Child-friendly justice across EU law

Over the last two decades, the principles of child-friendly justice have been incorporated to varying degrees across EU Directives and Regulations addressing criminal procedure, migration, asylum, family reunification, and parental responsibilities. The key developments include:

Migration and asylum:

- ▶ Directive 2003/86/EC on the right to family reunification
- ▶ Directive 2008/115/EC on the return of illegally staying third-country nationals
- ▶ Directive 2013/32/EU on granting and withdrawing international protection
- ▶ Directive 2013/33/EU on the reception of applicants for international protection

Criminal procedure:

- ▶ Directive 2010/64/EU on the right to interpretation and translation
- ▶ Directive 2012/13/EU on the right to information
- ▶ Directive 2013/48/EU on the right of access to lawyers and rights in the context of deprivation of liberty
- ▶ Directive (EU) 2016/343 on the right to be present at the trial in criminal proceedings
- ▶ Directive (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings

Civil law and family law:

- ▶ Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters
- ▶ Regulation (44/2001) on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I)
- ▶ Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (Brussels I recast)
- ▶ Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (Brussels IIa)
- ▶ 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) (Brussels IIb)
- ▶ Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.

70. Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. Available at: <https://eur-lex.europa.eu/eli/dir/2024/1712/oj/eng>.

71. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA. Available at: <https://eur-lex.europa.eu/eli/dir/2011/93/oj/eng>.

HCCH Conventions:

- ▶ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (HCCH 1980 Child Abduction Convention)
- ▶ Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children (HCCH 1996 Child Protection Convention)
- ▶ Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (HCCH 2007 Child Support Convention)
- ▶ Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations

Violence:

- ▶ Directive (EU) 2024/1385 on combating violence against women and domestic violence
- ▶ Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

5. The State of Child-friendly justice in Europe

In the 15 years since the Guidelines on Child-friendly Justice were adopted, justice systems across Europe have changed dramatically for children. From the rapid spread of the Barnahus model to ensure children are met with rights-respecting processes when giving evidence in the criminal justice system, to a greater understanding of disability and neurodiversity across legal processes, there has been a rapid evolution in child-friendly justice across Europe. Yet challenges remain and improvement has not been even across all settings. This chapter sets out the progress of the last decade and a half, positive and innovative ways that national justice systems have reformed to respect and promote children's rights, but also the challenges that remain.

Fundamental principles

Ensuring that the fundamental principles of child-friendly justice are in place is essential to ensure that children are met by justice systems that respect and protect their rights, however they come into contact with that system. These principles not only support each other, but also the more specific provisions for children throughout justice systems.

Participation

The right of all children to be informed about their rights, to be given appropriate ways to access justice and to be consulted and heard in proceedings is crucial to child-friendly justice.

States have made recent progress in embedding the **right to be heard** in their national legislation, with broad application.

Significant progress has been made in many countries across Europe in embedding children's participation within national strategies. **Slovenia**, for example, developed its Programme for Children 2020-2025 in collaboration with academia and civil society, including a goal of ensuring children's systemic participation in procedures affecting their situation and quality of life, as well as of establishing child-friendly justice systems.⁷²

The process of updating and amending legislation guaranteeing children's right to be heard has also been a common theme in recent years. The Child Welfare Act in **Norway**, which came into force in 2023 substantially updated how children's right to participation is addressed in national law. The Act strengthens the opportunities for children to explain themselves freely to the Child Welfare Services and sets out an exception to parents' right to access documents. The Act also makes it possible for a child to speak directly to the County Social Welfare Board (a court-like administrative body), and provides that children under 15 are granted party rights to a greater extent in compulsory cases before the Board.⁷³

The implementation of these laws and strategies is also crucial, and much positive practice has emerged across Europe in recent years, particularly responding to children who need adaptations to take account of their specific needs.

In 2025, **Sweden** started implementing a pilot project with independent children's representatives, in order to assist vulnerable children and those who lack support from guardians or other adults. These representatives strengthen the child's voice and participation. They can provide the child with information about the rules that apply, about how a case is handled, but also explain to the child what rights they have in different situations and how their rights can be asserted in contact with different authorities and courts. The independent representatives do not replace, but instead complement, the work of the authorities with powers to make decisions about the child, such as social services.⁷⁴

72. Programme for Children 2020-2025. Available at: <https://www.gov.si/assets/ministrstva/MDDSZ/druzina/Programi-v-podporo-druzini/Program-za-otroke-2020-2025.pdf>.

73. Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Norway, 6 January 2025, Q43.

74. Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Sweden, 20 December 2024, Q44. See also <https://www.regeringen.se/regeringsuppdrag/2025/03/uppdrag-till-socialstyrelsen-att-stodja-och-folja-upp-forsoksverksamhet-med-oberoende-barnombud/>.

Pilot project (Ghent, Belgium): A professional trusted advisor for the child

The **Ghent Family Court and the Ghent Bar in Belgium** have piloted a project which sets out the role of a *professional* trusted advisor for children. These advisors are lawyers affiliated with the Ghent Bar who have completed a compulsory training course delivered by children's rights advocates. A trusted advisor is appointed, from a permanent list, for children of primary school age (from the age of 6) in new cases. In consultation with or at the request of the parties and the lawyers, an advisor can also be appointed in ongoing cases. The advisor's main role is to ensure that the child can exercise the right to be heard in proceedings before the family court. To guarantee that the advisor only represents the views of the child, the advisor is not familiar with the content of the file and has no contact with the parties involved.

The advisor:

- ▶ Informs the child about their rights in family courts, especially the rights to participation, information and assistance.
- ▶ Meets twice with the child to ascertain the child's own views, without making a determination or interpretation.
- ▶ Verbally conveys the wishes, concerns and fears of the child at the preliminary hearing of the family court. There is no written record of the advisor's intervention.
- ▶ Can also provide assistance during the hearing of the child by the family court judge. This is where Ghent family court judges see the professional nature of the advisor, different from the general reference to a trusted person in Belgium's 2024 law, as particularly significant for two reasons. A non-professional advisor who is not familiar with their exact role might, through an incorrect intervention, seriously jeopardise the judge's interview with the child and might lead to an irreversible breach of trust with the judge (especially where the trusted person is a parent's new partner). In the presence of a non-professional trusted person, the family court judge cannot guarantee confidentiality - there is a risk that the person might disclose information to the parents or third parties.
- ▶ Explains the content of the court decision to the child, guaranteeing the privacy of the parties by ensuring that only the measures concerning the child are explained to them.

During the initial evaluation of the pilot project, there was almost unanimous support for continuing it. Respondents highlighted that the presence of the professional trusted advisor contributed to placing children at the centre of the hearing, creating a different dynamic between the parents themselves and between parents and their children. Judges indicated that parties reached agreement more often at the hearing, the proceedings were shorter and progressed more quickly, and there was less need for a social investigation. Several respondents cited the confidential advisor's role as an independent third party in the conflict between the parents as the greatest added value.

Armenia's Criminal Procedure Code, which entered into force in 2022, contains measures on investigative procedures with the participation of children.⁷⁵ In **Bosnia and Herzegovina**, one of main recent advancements in child-friendly justice has been the improved child participation in proceedings, for example in interviews of judges and other professionals with children during divorce proceedings.⁷⁶ In **the Netherlands**, a legislative proposal was put forward in 2024 with the aim to improve the protection of children's fundamental rights in the existing child protection legislation. This includes improving the right of children to participate in judicial proceedings, for example by codifying the principle of including the child's opinion in the written request for child protection measures.⁷⁷

Despite this progress, a common concern remains that, in practice, children often do not feel heard. For instance, in the family courts children do not always understand the purpose of the discussion, there is too little time to discuss, or they are not informed about the court's decision. Spaces are often not child-friendly - for example, children may be required to sit opposite the judge, which is not a comfortable setting for them to speak freely.⁷⁸

75. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Armenia*, 20 January 2025, Q44.

76. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Bosnia and Herzegovina*, 12 December 2024, Q49.

77. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - The Netherlands*, 19 December 2024, Q44.

78. Luisa Maria Aguilar, Serge Leonard, Lucia Dreser and Myriam de Hemptinne, *National Report on the Child-Friendly Justice Assessment Tool of the Council of Europe - Belgium*, January 2025, Annex 5.

How to respond and adapt to children's evolving capacities can present specific challenges within justice systems, recognising that as children grow up, their capacities change and that this can develop differently for different children. In research and evaluation work regarding **Belgium**,⁷⁹ experts report finding “practically no reference to concrete actions” responding to the specificities of the different stages of children's psychological development, the aspects to consider in order to better understand the child being interviewed, and to elements that could improve the relationship and communication between the justice professional and the child. For these experts, it is necessary to be clear about the different characteristics of the child with whom professionals and institutions work, and reflect on how to proceed based on a common perspective, however minimal, regarding the stages of child development. They suggest that various stages of development should be identified, for example 0-6 years old, 6-12/14 years old and 14-18 years old.

Adapting participation for children of different ages

Some states have incorporated differentiated age groups within aspects of their justice systems. **Portugal**, for example, launched Project 12 aimed at ensuring the right of children to be heard in judicial and administrative proceedings. Guides were developed during the project designed to meet the specific needs of different age groups of children, including for children to understand their rights and court processes. These differentiated approaches are designed for children aged 3-6, 7-10, 11 to 14 and include adaptations for children with specific needs.⁸⁰ The project also developed materials for professionals working with children that are adapted to working with children in different age groups.⁸¹ Video materials are also available subtitled and in Portuguese Sign Language, to increase inclusion.

The best interests of the child

The right of children for their best interests to be a primary consideration in all matters affecting them is a general principle of international children's rights law and a fundamental principle of the Guidelines on Child-friendly Justice. Beyond this foundation, the best interests of the child is widely considered to be the most referenced children's rights principle,⁸² often incorporated into national legal systems that have not explicitly incorporated the concept of child-friendly justice or the CRC within their legal systems.⁸³

The Guidelines on Child-friendly Justice make it clear that judicial authorities have the ultimate competence and responsibility for making final decisions, but that states should strive to establish multidisciplinary approaches with the objective of assessing the best interests of children.⁸⁴

Best interests assessments can take place in a variety of contexts and be conducted by a range of national authorities, including judges and administrative officials. In **Slovenia**,⁸⁵ national experts report different interpretations of best interests being applied across the different settings. This variation presents a challenge where the interpretations of the same matter were contradictory, leading the experts to recommend consultations and training on this topic in multidisciplinary environments.⁸⁶

Similar proposals have emerged in **Belgium**, where experts have recommended regularly offering multidisciplinary training where professionals from different sectors meet and exchange ideas, thereby promoting a shared understanding of the child's best interests.⁸⁷

79. Luisa Maria Aguilar, Serge Leonard, Lucia Dreser and Myriam de Hemptinne, *National Report on the Child-Friendly Justice Assessment Tool of the Council of Europe - Belgium*, January 2025, p. 75.

80. The materials developed during the project are available online in English and Portuguese at: <https://projeto12.pt/en/>.

81. See Project 12, resources for professionals. Available at: <https://projeto12.pt/en/professionals/>.

82. See Child Rights International Network, *Realising Rights? The UN Convention on the Rights of the Child in Court*, 2018, p. 20.

83. See, e.g., Ana Bajt, Katarina Bervar Sternad, *National Report on the Child-Friendly Justice Assessment Tool of the Council of Europe - Slovenia*, December 2024, p. 11; Children Act 1989 in the United Kingdom.

84. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, III.B.4.

85. Ana Bajt, Katarina Bervar Sternad, *National Report on the Child-Friendly Justice Assessment Tool of the Council of Europe - Slovenia*, December 2024, p. 43.

86. Ana Bajt and Katarina Bervar Sternad, *Gap analysis and recommendations for education and training in the field of ensuring the best interests of the child in civil court proceedings in Slovenia (2024)*, Joint EU-Council of Europe project “Ensuring the best interests of the child in civil court proceedings in Slovenia” 23SI08.

87. Luisa Maria Aguilar, Serge Leonard, Lucia Dreser and Myriam de Hemptinne, *National Report on the Child-Friendly Justice Assessment Tool of the Council of Europe - Belgium*, January 2025, pp. 82, 96.

The Netherlands: Furthering the rights and best interests of donor-conceived children

The Netherlands has taken steps to ensure the participation and best interests of donor-conceived children. It has passed legal amendments to prevent mass-donation at the national level, inform the child (or possibly the mother) of detected genetic disorders in a donor, and make it possible for a donor-conceived child to connect with half-siblings if both wish to do so. The intent is to actively and - where possible - directly provide access to information through legal processes to a donor-conceived child while respecting the right not to know.⁸⁸

Dignity

Children should be treated with care, sensitivity, fairness and respect throughout any procedure or case, with special attention for their personal situation, well-being and specific needs, and with full respect for their physical and psychological integrity. Children should not be subjected to torture or inhuman or degrading treatment or punishment.⁸⁹

The prohibition on torture, inhuman and degrading treatment and punishment is well embedded in the national law of Council of Europe member states, including with regards to children.⁹⁰ The concept of dignity in relation to child-friendly justice is not always explicit within national legislation, though it is often a guiding principle throughout key legislation.

There are, however, provisions within the law of some states that explicitly address dignity, applying it in the context of the justice system and creating legal obligations on particular actors based upon the principle. The Constitution of **Belgium** sets out the right to lead a life in accordance with human dignity,⁹¹ and, to this end, guarantees economic, social and cultural rights, including, in particular, the right to legal assistance. **Poland** has established a legal duty on police officers to respect human dignity and to respect and protect human rights.⁹² This duty is reflected in the role of the Plenipotentiary of the Police Commander in Chief for the Protection of Human Rights, who holds a mandate to monitor the activities of police officers with regards to the duty to respect human dignity and human rights.⁹³

References to children's dignity can also underlie other professional guidelines and initiatives. For example, the Prosecutor General of **Romania** highlighted the importance of treating children with dignity when introducing newly-developed guidelines by the Prosecutor's Office attached to the High Court of Cassation and Justice regarding the offence of rape against child victims.⁹⁴

Protection from discrimination

The rights of children must be secured without discrimination on any grounds such as sex, race, colour or ethnic background, age, language, religion, political or other opinion, national or social origin, socio-economic background, status of their parent(s), association with a national minority, property, birth, sexual orientation, gender identity or other status.⁹⁵

The right to non-discrimination is well embedded in national and regional law across Europe, however racial disparities in children's experiences of justice systems remain prominent, particularly in the context of the

88. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - The Netherlands*, 19 December 2024, Q43-44.

89. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, III.C.

90. European Convention on Human Rights, Article 3 and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Both Conventions have been ratified by all Council of Europe Member States. See also EU Charter of Fundamental Rights, Article 4.

91. Constitution of Belgium, Article 23. Available at: https://www.senate.be/doc/const_fr.html.

92. Act of 6 April 1990 on the Police, Article 14(3).

93. *Child-Friendly Justice: Report based on the Council of Europe Assessment Tool - Poland*, 2024, p. 61.

94. The guidelines are available at: <https://pro-vict.net/uploads/files/63c9a760b0e81.pdf>. The Prosecutor's intervention at an event regarding the guidelines is available at: <https://www.news.ro/justitie/scutea-audierea-minorului-victima-violului-fie-moment-traumatizant-luam-masuri-limitarea-numarului-audieri-stim-cat-greu-victime-vorbeasca-necunoscut-experienta-intima-dureroasa-1922403814122022091620859050>.

95. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, III.D.1.

criminal justice system. In many countries in Europe, for example, Roma children are significantly overrepresented in the criminal justice system,⁹⁶ as are children from other ethnic minorities backgrounds.⁹⁷

Recognising the role that police forces play in drawing people into the justice system and the way that this can then permeate justice systems, the EU Fundamental Rights Agency has identified a number of promising practices to address racism within police forces.⁹⁸

Many countries have developed specific training programmes, such as in **Slovenia**, where a training programme was introduced for police officers to work in a multicultural society. The training aims to provide police officers with knowledge on forms of discrimination and how to identify them.⁹⁹ In **Bulgaria**, the cooperative police training model is conducted with representatives of NGOs focused on the rights of Roma people and aims to promote proactive engagement with Roma communities.¹⁰⁰

Countries have also developed specialised complaint and reporting mechanisms to address racism within police forces. In 2015, **Germany** established a “trust body” (*Vertrauensstelle*) in response to reports of racist ill-treatment of refugees to enable police officers to report misconduct confidentially.¹⁰¹

Some states are also addressing structural discrimination. For instance, many children - especially those from Roma families - are still born into statelessness in Europe. Stateless children born in the **Netherlands** are now legally able to obtain Dutch nationality after five years of actual residence, without a residence permit.¹⁰²

A number of countries have placed an increased focus on effectively addressing the rights and needs of children with disabilities across Europe in recent years. In 2024, **Bulgaria** opened a “Children’s Police Department” at a Special School for Hearing-Impaired Children in Sofia,¹⁰³ where, with the help of a sign language specialist, children undergo training in, among others, child protection, ethics and law.¹⁰⁴ In **France**, the Ministry of the Interior has adopted a protocol for the hearing of children with cognitive disabilities.¹⁰⁵

A number of countries have also begun to make significant changes to take account of neurodiversity among children in their justice systems. Children who are neurodivergent are overrepresented within the justice systems of many countries that monitor and record data on neurodiversity.¹⁰⁶ In **Hungary**, the National Office for the Judiciary has developed detailed guidelines on how to interact with autistic children who are involved in legal proceedings. The Accessible Hearing Guidelines contain guidance on how to adapt to the specific needs of these children. The initiative was introduced as a result of advocacy by civil society organisations working with neurodivergent children in the justice system.¹⁰⁷

96. European Roma Rights Centre, *Justice Denied: Roma in the Criminal Justice System*, 2021 pp.13-18. Available at: <https://www.errc.org/press-releases/new-research-on-criminal-justice-in-four-european-countries-shows-roma-face-structural-racism--discrimination>.

97. See Youth Justice Board for England and Wales, *Addressing racial disparity in the youth justice system*, 24 October 2024. Available at: <https://www.gov.uk/government/publications/addressing-racial-disparity-in-the-youth-justice-system>.

98. EU Fundamental Rights Agency, *Addressing Racism in Policing*, 2024. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-addressing-racism-in-policing_en.pdf.

99. *Idem* at p. 63.

100. *Idem* at p. 66.

101. *Idem* at p. 61.

102. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - The Netherlands*, 19 December 2024, Q50.

103. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Bulgaria*, 16 December 2024, Q43-44.

104. DarikNews.bg, *За първи път: Детско полицейско управление отваря врати в специално училище за деца с увреден слух* (“For the first time: Children’s Police Department opens its doors at a special school for hearing-impaired children”), 18 October 2024. Available at: <https://dariknews.bg/novini/bylgariia/za-pyrvi-pyt-detsko-policejsko-upravlenie-otvaria-vrati-v-specialno-uchilishte-za-deca-s-uvreden-sluh-2397881>

105. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - France*, 24 January 2025, Q43-44.

106. Anne-Marie Day et al, “The over-representation of neurodivergent children in Youth Justice Systems and the Youth Court”, *Medicine, Science and the Law*, Vol. 64, Issue 4, pp. 255-258. Available at: <https://journals.sagepub.com/doi/10.1177/00258024241274073?i-cid=int.sj-full-text.similar-articles.9>.

107. Focus group conducted with representatives of Hungary, 16 May 2025.

Neurodiversity and the justice system

The term “neurodiversity” describes the idea that people experience and interact with the world around them in many different ways and that there is no one “right” way of thinking, learning and behaving.¹⁰⁸ The term is often used in the context of autism spectrum disorder and other neurological and developmental conditions, such as ADHD or learning disabilities. Neurodivergent children can often face additional barriers to participating in justice systems that are not designed to meet their needs - this may include difficulty in understanding and engaging with proceedings or behaving in ways that may be seen as disruptive when their particular needs are not met.

Similar adaptations can take part across justice systems. In the **United Kingdom**, HM Inspectorate of Probation - the body responsible for inspecting and monitoring probation and youth justice services in England and Wales - commissioned research into neurodiversity in the youth justice system and used the research to incorporate examination of whether professionals in the justice system were responding appropriately to the needs of neurodivergent children into inspections.¹⁰⁹

Rule of law

The principle of the rule of law applies fully to children, as it does to adults. In practice, many of the core elements of the rule of law - the presumption of innocence, the right to a fair trial, the right to legal advice, the right to access courts and to appeal - are clearly guaranteed for all within European legal systems regardless of age.¹¹⁰

Practices related to ensuring children can access appropriate independent and effective complaint mechanisms, however, are more varied.

Children’s ombudspersons, children’s commissioners or national human rights institutions with a mandate to address children have now been established in 44 member states of the Council of Europe.¹¹¹ Many countries across Europe have empowered children’s bodies to receive and address complaints directly from children as a way of implementing child-friendly complaint mechanisms. These mechanisms can vary significantly across institutions.

In **Poland**, for example, the Children’s Ombudsman has wide powers to file legal complaints, participate in legal proceedings and to act on complaints from children. The powers of the Ombudsman are broadly defined, allowing the institution to demand the initiation of civil proceedings, take part in pending “juvenile” proceedings with the rights of a prosecutor, request the initiation of administrative proceedings, submit requests to the Supreme Court to resolve discrepancies in the interpretation of the law regarding legal provisions on children’s rights, and participate in Constitutional Court proceedings in cases involving the rights of the child.¹¹²

There are also positive examples of non-child-specific complaints mechanisms with a mandate that covers children’s rights violations adapting to make themselves more accessible to children. The Ombudsperson’s Office in **Slovenia**, for example, has developed child-friendly materials for children seeking to file a complaint with the office when they believe their rights have been infringed.¹¹³

108. See Nicole Baumer, MD, MEd and Julia Frueh, MD, “What is neurodiversity?”, *Harvard Health Publishing*, 23 November 2021. Available at: <https://www.health.harvard.edu/blog/what-is-neurodiversity-202111232645>.

109. See Her Majesty’s Inspectorate of Probation, *Neurodiversity - a whole-child approach for youth justice*, 2021. Available at: <https://www.adhdfoundation.org.uk/wp-content/uploads/2022/08/Neurodiversity-AI.pdf>.

110. European Convention on Human Rights, Article 6 (right to a fair trial), Article 7 (no punishment without law), Article 13 (right to an effective remedy). The Convention has been ratified by all Council of Europe Member States. See also the EU Charter of Fundamental Rights, Chapter VI (Justice), Article 47 (right to an effective remedy and to a fair trial), Article 48 (presumption of innocence and right of defence), Article 49 (principles of legality and proportionality of criminal offences and penalties), Article 50 (right not to be tried or punished twice in criminal proceedings for the same criminal offence).

111. The European Network of Ombudspersons for Children has accredited members from 34 Council of Europe Member States. In addition, the following countries have a children’s ombudsperson, children’s commissioner or a national human rights institution that has a mandate that includes addressing children’s rights: Andorra, Austria, Czechia, Germany, Liechtenstein, North Macedonia, Portugal, Romania, Switzerland and Türkiye.

112. Act of 6 January 2000 on the Ombudsman for Children, Article 10.

113. Available at: <https://www.varuh-rs.si/porocila-za-javnost/novica/ce-vidis-krivice-uporabi-pravice-1/>.

Children's Commissioners and Children's Rights Strategic Litigation

In 2022, the Children and Young Peoples' Commissioner Scotland (CYPCS) published a Toolkit explaining how it engages in strategic litigation within its mandate and how it ensures that the way it carries out this work is consistent with children's rights.¹¹⁴ CYPCS uses the toolkit to decide which cases to get involved in as well as to provide reasons for those decisions. The toolkit also helps prepare children and young people who work with the office on legal cases, and explains to them what they can expect from this work.

The model that is set out in the Toolkit was developed with academia and civil society through the Advancing Child Rights Strategic Litigation project and is built on the meaningful involvement of children throughout the process, including planning and design of litigation and throughout any legal action. The CYPCS also commits to meaningful follow-up after any litigation to make sure children fully understand what the court has decided and respond to any support children may need after the process is complete. The model also addresses the protection of children's privacy, including by being attentive to the risks of harmful media attention for children involved in court cases.

General elements of child-friendly justice

Information and advice

Child-friendly information is crucial for children to understand and be able to engage with the justice system, however they come into contact with it.

The importance of ensuring the meaningful participation of children through the use of child-friendly language and information materials is widely recognised. Many countries report having taken action in this regard, for example **Albania**,¹¹⁵ **Armenia**,¹¹⁶ **Belgium**,¹¹⁷ **Bulgaria**,¹¹⁸ **Czechia**,¹¹⁹ **Estonia**,¹²⁰ **Finland**,¹²¹ **France**,¹²² **Hungary**,¹²³ **Latvia**,¹²⁴ **the Netherlands**,¹²⁵ **Norway**,¹²⁶ **Poland**,¹²⁷ **Sweden**,¹²⁸ **Türkiye**.¹²⁹ However, some also acknowledge that challenges remain and that developments are not necessarily consistently monitored.¹³⁰

114. Children and Young People's Commissioner Scotland, *Children's Rights Strategic Litigation Toolkit*, 2022. Available at: <https://www.cypcs.org.uk/wp-content/uploads/2022/11/Strategic-Litigation-Toolkit-FINAL.pdf>.

115. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Albania, 31 January 2025, Q43.

116. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Armenia, 20 January 2025, Q43.

117. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Belgium, 12 December 2024, Q43.

118. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Bulgaria, 16 December 2024, Q43.

119. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Czechia, 14 January 2025, Q43.

120. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Estonia, 9 January 2025, Q43.

121. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Finland, 19 December 2024, Q43.

122. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - France, 24 January 2025, Q43.

123. Information provided following a focus group held with representatives of Hungary. See highlight box below for further details.

124. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Latvia, 31 January 2025, Q43.

125. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - The Netherlands, 19 December 2024, Q43.

126. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Norway, 6 January 2025, Q43.

127. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Poland, 21 January 2025, Q43.

128. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Sweden, 20 December 2024, Q43.

129. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Türkiye, 31 January 2025, Q43.

130. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Norway, 6 January 2025, Q51.

Adapting legal information for younger children

The Integrated Legal Protection Service in **Hungary** has developed a number of “rights awareness tools” for children to learn about their rights. For the youngest children, the Service created several story books adapted to the age, interests and language skills of different groups of children. Through the stories, children can be introduced to their rights in age-appropriate language and they can learn how to ask for help when they need it.¹³¹

In **Portugal** specific steps were taken towards simplifying judicial language and ensuring that those who are affected by judicial decisions are able to understand them. The High Judicial Council created a working group tasked with conducting meetings with judges and producing guidance on this topic. The Ministry of Justice also has a working group regarding plain-language communication by public authorities, including courts.¹³²

In practice, the adaptations made within national legal systems often vary according to the setting in which the hearing takes place. For example, **Poland** adopted a regulation in 2024 to require that suspects, victims and witnesses involved in criminal proceedings be provided with written instructions in plain language.¹³³ For children involved in criminal proceedings, the provision of information must be adapted to their age, health and mental development.¹³⁴ This information includes written and illustrated materials.¹³⁵ The Ministry of Justice has also developed model explanations to provide guidance for practitioners.¹³⁶ In civil proceedings, a separate reform was adopted the same year,¹³⁷ providing that the person who is to bring the child to the hearing must be served by the court with information intended for the child, drawn up in a manner understandable to the child, which shall include an explanation of the purpose, manner and place of the hearing and an instruction that, upon arriving at the court and seeing the place of the hearing, the child will be able to make a decision as to whether to participate.¹³⁸

The Family Welfare Service in **Norway** has developed a special written invitation letter for children who are going to mediation, detailing their rights and the process.¹³⁹ In **Georgia**, the Legal Aid Service has a new child-friendly website, with information tailored to children of all ages.¹⁴⁰

A number of countries have also significantly expanded the languages in which they publish materials for children within the justice system, particularly in the context of migration. For example, **Hungary** has developed tools for children involved in return proceedings that are available in a wide variety of languages, including French, English, German, Portuguese, Spanish, Albanian, Arabic and Kurdish and are adapted for different age groups.¹⁴¹ In **Norway**, the Family Welfare Service has produced a short video regarding the rights of children in mediation, and has translated it to other languages, including English, Arabic, Northern and Southern Sámi.¹⁴²

Deprivation of liberty

In practice, children can be deprived of their liberty throughout the justice system, whether before, during or after criminal proceedings (see below for a focus on deprivation of liberty as a sentence), during immigration proceedings and sometimes in alternative care settings.

The Child-friendly Justice Guidelines reflect the well established principle in international children’s rights law that children should only be deprived of their liberty as a measure of last resort and for the shortest

131. Information provided following a focus group conducted with representatives of Hungary.

132. Focus group conducted with representatives of Portugal, 28 May 2025.

133. Regulation of the Minister of Justice of 7 November 2024 on the definition of models of written instructions on the rights and obligations of the suspect, the victim and the witness (Journal of Laws of 2024, item 1579).

134. Code of Criminal Procedure, Article 16.

135. Code of Criminal Procedure, Article 16.

136. *Child-Friendly Justice: Report based on the Council of Europe Assessment Tool - Poland*, 2024, p. 17.

137. Ordinance of the Minister of Justice of 21 October 2024 on the manner of preparation and conduct of a child hearing and the conditions to be met by the premises intended for holding such hearings (Journal of Laws 2024, item 1579).

138. *Child-Friendly Justice: Report based on the Council of Europe Assessment Tool - Poland*, 2024, pp. 15-16.

139. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Norway*, 6 January 2025, Q50.

140. The website is available at: <https://children.las.ge/>. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Georgia*, 24 January 2025, Q43.

141. Focus group conducted with representatives of Hungary, 16 May 2025.

142. Available at: <https://www.youtube.com/@bufdir/search?query=Barn%20i%20mekling>

appropriate period of time.¹⁴³ The Guidelines include limited provisions on immigration detention, providing that deprivation of liberty of unaccompanied minors, including those seeking asylum, and separated children should never be motivated or based solely on the absence of residence status.¹⁴⁴

Since the Guidelines were adopted, international standards have developed, coalescing around a prohibition on immigration detention of children. The Committee on the Rights of the Child has clearly stated that any kind of child immigration detention should be forbidden by law and such prohibition should be fully implemented in practice.¹⁴⁵ The move towards the prohibition of immigration detention for children has also been incorporated in some legal instruments and initiatives within the Council of Europe.¹⁴⁶

Reliable and comparable data on the number of children held in immigration detention across Europe is not publicly available, but it is clear that immigration detention for children remains widely practiced. As of 2019, 40 European states permitted immigration detention of children,¹⁴⁷ and the EU Fundamental Rights Agency found it to be on the rise in EU countries that practice child immigration detention as of 2020.¹⁴⁸

Despite the practice, a number of countries are taking steps to reduce or prohibit the use of immigration detention for children, including introducing alternatives to prevent its use.

In 2024, **Belgium** passed a new law to prohibit immigration detention for children. The measures were enacted as part of broader migration reforms that also addressed stricter measures on forced returns, family reunification and mandatory health testing. The reform ends all detention of children in closed centres, but still allows children to be kept in “return houses”, which are semi-closed facilities for migrant families awaiting a decision on their asylum case, removal from the country or voluntary return.¹⁴⁹ In 2024, **Germany** made a commitment not to take children into detention pending deportation, though this measure did not amend the law permitting immigration detention of children as a last resort.¹⁵⁰

Some countries have prohibited immigration detention of children under a certain age. In **Switzerland**, immigration detention is prohibited by law for children under the age of 15, though the practice continues for older children.¹⁵¹ Some cantons within Switzerland go beyond the Federal age limits, prohibiting the detention of children aged older than 15.¹⁵² **Austria, Czechia, Finland, Latvia and Poland** also retain age limits prohibiting the use of immigration detention for younger children.¹⁵³

Other states have taken steps towards abolishing immigration detention through developing policy guidance. In **Portugal**, the High Judicial Council has established a multidisciplinary Working Group on Asylum and Migration, which has produced a manual of procedures aimed at clarifying the application of human rights, migration and asylum regimes with regards to border control and detention. The manual recommends that children should not be detained for immigration purposes, that family courts and protection services should

143. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, IV. A.6, para. 19. This standard is also reflected in Article 37(b) of the Convention on the Rights of the Child.

144. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, IV.A.6, para. 22.

145. Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and the Committee on the Rights of the Child, *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*, CMW/C/GC/4-CRC/C/GC/23, 16 November 2017, para. 5.

146. Recommendation CM/Rec(2022)22 of the Committee of Ministers to member States on human rights principles and guidelines on age assessment in the context of migration, adopted by the Committee of Ministers on 14 December 2022, para 21. Campaign of the Parliamentary Assembly of the Council of Europe to end immigration detention of children.

147. Manfred Nowak, *Global Study on Children Deprived of Liberty*, 2019, p. 459. Available at: <https://www.ohchr.org/en/treaty-bodies/crc/united-nations-global-study-children-deprived-liberty>.

148. EU Fundamental Rights Agency, *Fundamental Rights Report 2020*, p. 122.

149. Loi du 12 mai 2024, Loi modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers et la loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers sur la politique de retour. Available at: https://etaamb.openjustice.be/fr/loi-du-12-mai-2024_n2024006654.html. For a summary of the law, see International Detention Coalition, *Belgium bans child immigration detention amidst broader legislation*, 2 July 2024. Available at: <https://idcoalition.org/belgium-bans-child-immigration-detention-amidst-broader-legislation/>.

150. See United Nations Network on Migration, *Germany will not take children and young people into deportation detention*. Available at: <https://migrationnetwork.un.org/pledge/germany-will-not-take-children-and-young-people-deportation-detention>.

151. See Asylum Information Database, *Country report: Detention of vulnerable applicants*, 2025. Available at: <https://asylumineurope.org/reports/country/switzerland/detention-asylum-seekers/legal-framework-detention/detention-vulnerable-applicants/>.

152. *Ibid.*

153. Manfred Nowak, *Global Study on Children Deprived of Liberty*, 2019, p. 459.

be used for unaccompanied children and that family unity should be preserved unless security justifications justify separation.¹⁵⁴

In moving towards the abolition of immigration detention, states have introduced a range of alternatives. These measures are commonly based around allowing children to remain with family members and guardians in non-custodial, community-based settings while immigration proceedings are carried out.¹⁵⁵ Where children are unaccompanied or separated, their needs can be met through the relevant child-protection system based around a multi-disciplinary and inter-agency approach focused on support, rather than immigration enforcement. Alternative care can take the form of foster care, temporary residential care in children's homes or in certain circumstances independent living or long-term care arrangements.¹⁵⁶

Abolishing immigration detention of children in Ireland

In 2015, Ireland passed legislation to prohibit the detention of any person seeking international protection who is under the age of 18.¹⁵⁷ Unaccompanied or separated children are required to be referred to the Child and Family Agency (TUSLA), rather than security or immigration authorities. Children must see a social worker on the day that they are referred so that an initial assessment can take place and a care plan be developed. Children under the age of 12 years must be placed with a foster care family, while children older than 12 may be placed in short-to-medium term residential units that are registered as children's homes. The social work assessment process should allow children to access education provision and health care if necessary, as well as assessments for trafficking or abuse disclosure, psychological assessment if indicated, and to begin family reunification processes.¹⁵⁸

Developments on the immigration detention of children might be significantly influenced in the future by the EU Pact on Migration and Asylum.¹⁵⁹ This is a set of ten legislative files aiming to respond to migration challenges in the EU by prioritising "more secure European borders", "faster and more efficient procedures for asylum and return" and "more solidarity with Member States at external borders".¹⁶⁰ The EU Pact will enter into force in June 2026 and has been criticised for potentially leading to increased human rights violations at the EU borders. In particular, although it contains specific safeguards for children, the EU Pact does not prohibit the detention of children – critics argue that the new screening and border procedure actually incentivises detention. Calls have been made for states to explicitly prohibit the immigration detention of children in their national legislation.¹⁶¹

Before proceedings

Alternatives to judicial proceedings

Child-friendly justice requires that alternatives to judicial proceedings such as mediation, diversion and alternative dispute resolution should be encouraged whenever these may best serve children's best interests. The preliminary use of such alternatives should not be used as an obstacle to the child's access to justice.¹⁶²

Countries across Europe have developed a wide range of alternatives to judicial proceedings that vary across different settings.

154. Information provided following a focus group held with representatives of Portugal.

155. *Idem* at p. 478.

156. *Idem* at p. 481.

157. International Protection Act 2015.

158. See TUSLA, *Separated Children Seeking International Protection*, accessed July 2025. Available at: <https://www.tusla.ie/services/alternative-care/separated-children/>.

159. Available at: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en.

160. International Rescue Committee, *What is the EU Pact on Migration and Asylum?*, last updated on 23 July 2024. Available at: <https://www.rescue.org/eu/article/what-eu-pact-migration-and-asylum> Reference is made to a Statement by President von der Leyen at the joint press conference with President Metsola and Belgian Prime Minister De Croo on the adoption of the Pact on Migration and Asylum, 10 April 2024, available at: https://ec.europa.eu/commission/presscorner/detail/en/statement_24_1953.

161. International Commission of Jurists, *Never in the best interests of the child: Risks of child detention in the screening and border procedures under the 2024 EU Migration Pact*, November 2024. Available at: <https://www.icj.org/wp-content/uploads/2024/11/Never-in-the-best-interests-of-the-child.pdf>.

162. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, IV.B.24.

Poland has developed a mechanism, whereby the public prosecutor may refer a criminal case to mediation with the consent of the accused and the victim. Mediation may last for up to a month and may result in a settlement agreement between the victim and the accused.¹⁶³ A similar mediation mechanism is also available in administrative proceedings, enabling a delay in any consideration of the case while a mediated outcome is explored.¹⁶⁴

Settlements in criminal cases in Slovenia

In criminal proceedings, **Slovenia** has developed a settlement mechanism (“poravnava”) in which the defendant and injured party seek joint solutions to overcome the consequences of the alleged crime. The state prosecutor has the power to refer a criminal complaint to a settlement procedure where the alleged offence is punishable with a fine or a sentence of imprisonment of less than 5 years.¹⁶⁵

Estonia,¹⁶⁶ **Georgia**¹⁶⁷ and **Greece**¹⁶⁸ have also seen progress in the application of diversion measures and mediation in criminal cases.

Restorative justice can also play an important role alongside mediation in the criminal justice context. In **Italy**, the execution of custodial sentences and community-based criminal measures must favour restorative justice and mediation with victims. The Guarantor Authority for Children and Adolescents has supported the expansion of the use of mediation and restorative justice, encouraging educational and reintegration paths for children accused of criminal offences. It has promoted training courses for journalists regarding restorative justice and the role of the press, highlighting the importance of a respectful and conscious approach towards children involved in judicial proceedings.¹⁶⁹

Certain countries have taken steps to encourage alternatives to judicial proceedings in non-criminal cases involving children. For example, in **France**, a law from 2016 introduced the requirement to use mediation in certain circumstances affecting a child. This pilot was initially scheduled to conclude at the end of 2019, but it was extended until 31 December 2024.¹⁷⁰ For example, anyone wishing to amend a family court decision or a provision of a court-approved agreement had to attempt family mediation before referring the matter back to the court. This applied to applications concerning the child’s place of habitual residence; visiting rights and the right to have the child to stay; a parent’s contribution to the education and maintenance of a child; decisions relating to the exercise of parental authority.¹⁷¹

In **Slovenia**, mediation in disputes concerning the relationship between parents and children is free of charge - the mediator’s fees and their travelling costs are covered in full by the court, not by the parties.¹⁷² Since 1 September 2022, **Estonia** has also made family mediation services available free of charge as a state-run service.¹⁷³ In **Italy**, in child custody proceedings the court may postpone delivering a judgment so that the spouses, with the help of experts, can attempt mediation to reach an agreement, especially as regards protecting the moral and material interests of the child(ren).¹⁷⁴ Courts in **Austria** can order an initial briefing on mediation or recommend mediation.¹⁷⁵ Judicial bodies in **Spain** can report on the mediation process and invite or instruct the parties to attend an information session. They can also include mediation as a measure in a court decision so that this process is used as a prerequisite to initiate other proceedings on the matter.¹⁷⁶

163. Code of Criminal Procedure, Article 23a.

164. Code of Administrative Procedure, Articles 13 and 96a-96n.

165. Criminal Procedure Act, Article 161a.

166. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Estonia, 9 January 2025, Q44.

167. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Georgia, 24 January 2025, Q43.

168. Focus group conducted with representatives of Greece, 20 May 2025.

169. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027)* - Italy, 28 February 2025, Q46, 47 and 50.

170. Maître Adeline Balestie, “La tentative de médiation familiale préalable est elle toujours un préalable obligatoire avant la saisine du juge aux affaires familiales de Montpellier?”, *Avocat.fr*, 8 February 2025. Available at: <https://consultation.avocat.fr/blog/adeline-balestie/article-2970494-la-tentative-de-mediation-familiale-prealable-est-elle-toujours-un-prealable-obligatoire-avant-la-saisine-du-juge-aux-affaires-familiales-de-montpellier.html>.

171. European e-Justice Portal, *Mediation in EU Countries: France*, accessed July 2025. Available at: https://e-justice.europa.eu/topics/taking-legal-action/mediation/mediation-eu-countries_en.

172. European e-Justice Portal, *Mediation in EU Countries: Slovenia*, accessed July 2025.

173. European e-Justice Portal, *Mediation in EU Countries: Estonia*, accessed July 2025.

174. European e-Justice Portal, *Mediation in EU Countries: Italy*, accessed July 2025.

175. European e-Justice Portal, *Mediation in EU Countries: Austria*, accessed July 2025.

176. European e-Justice Portal, *Mediation in EU Countries: Spain*, accessed July 2025.

Criminal responsibility - keeping children out of the criminal justice system

The Child-Friendly Justice Guidelines do not recommend specific standards on the minimum age of criminal responsibility, but recommend that states do not set the age too low. Since the Guidelines were adopted, the Committee on the Rights of the Child has published its General Comment No. 24, in which it encouraged States to take note of recent scientific findings and to increase their minimum age to at least 14 years of age. The Committee has further commended states that have set a higher minimum age of 15 or 16.¹⁷⁷

Within the Council of Europe, the majority of states now set their minimum age of criminal responsibility at 14.¹⁷⁸ Seven countries set their age beyond this, while 16 set an age at lower than 14. There has generally been an upward trend in setting a minimum age of criminal responsibility, with several jurisdictions raising this age during the last 25 years, including **Cyprus, Denmark, Georgia, Ireland, Malta, San Marino** and **Scotland (United Kingdom)**.¹⁷⁹ Despite this generally upward trend, a small number of countries have reduced or considered reducing the age at which children can be held responsible in criminal law.

Notably, two countries that have lowered the minimum age of criminal responsibility within the last two decades - **Denmark** and **Georgia** - have subsequently decided to raise the age again afterwards.

In 2010, **Denmark** lowered its minimum age of criminal responsibility from 15 to 14, with the aim of acting as a deterrent for children from committing criminal offences. The lower age was retained for two years before it was raised again.¹⁸⁰ In 2017, Danish academics published an analysis of the effects of the reform and found that lowering the minimum age of criminal responsibility had no deterrent effect. The analysis did find, however, that lowering the age had a negative impact on the schooling outcomes of 14-year-olds who had their cases handled through the criminal justice system compared to 14-year-olds who committed criminal offences before the reform.¹⁸¹

During proceedings

In all proceedings, children should be treated with respect for their age, their special needs, their maturity and level of understanding, and bearing in mind any communication difficulties they may have. Cases involving children should be dealt with in non-intimidating and child-sensitive settings.¹⁸² The adaptations that any individual child may need to ensure this standard is met can vary depending on their individual needs, the type of proceedings and the child's role in those proceedings.

Giving evidence and being heard in court

The process by which a child gives evidence can vary enormously. From interviews and witness statements, to oral testimony, the processes can be adapted to the specific needs and understanding of the child involved to ensure a child-friendly justice approach.

A significant element of proceedings is whether children are able to give evidence at all. States across Europe have adopted varying rules on this issue, indicating different understandings of what child-friendly justice requires. In **Scotland (United Kingdom)**, for example, there is no set age at which children are considered competent to give evidence, but courts have discretion to decide whether a child has sufficient understanding to do so.¹⁸³

Hungary has adopted a different approach to giving evidence in civil proceedings, focused on the protection of children from potential harm of giving evidence. Under the Civil Procedure Code, children under the age of 14 can only be heard as witnesses in exceptional circumstances as a last resort.

177. Committee on the Rights of the Child, *General Comment No. 24 (2019) on children's rights in the child justice system*, CRC/C/GC/24, 18 September 2019, para. 22.

178. Review of minimum ages of criminal responsibility conducted by Child Rights International Network.

179. Law No. 140/2014 raised the minimum age of criminal responsibility in San Marino from 12 to 14.

180. Criminal Code, Section 15.

181. Anna Piil Damm, Britt Østergaard Larsen, Helena Skyt Nielsen and Marianne Simonsen, *Lowering the minimum age of criminal responsibility: Consequences for juvenile crime and education*, 2017. Available at: https://pure.au.dk/ws/files/118094764/wp17_10.pdf

182. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, IV.D.5, para. 54.

183. See Child Rights International Network, *Access to justice for children: Scotland (United Kingdom)*, 2015. Available at: https://archive.crin.org/sites/default/files/scotland_access_to_justice.pdf.

Once the ability to give evidence is established, the way a child gives evidence can determine whether the experience is empowering or traumatising. Across Europe there has been very significant progress in developing child-friendly means of giving evidence since the Guidelines on Child-friendly Justice were adopted.

In 2024, **Belgium** passed a law which explicitly addresses the hearing of children. It states that the purpose is to enable them to express their concerns to the court, and also allows children to disclose confidential information to the court, which may not be included in the report of the interview. Significantly, children have the right to be supported by a trusted person of their choice. Legal experts indicate that assistance may consist of asking the judge to pose a specific question or to rephrase a question, or ensuring that the child provides further explanation about a specific fact. The trusted person may also explain the judgment to the child afterwards.¹⁸⁴

There have also been significant developments across Europe in developing child-friendly hearing rooms for cases involving children. For example in **Bulgaria**,¹⁸⁵ **Estonia**,¹⁸⁶ **Hungary**,¹⁸⁷ **Portugal**¹⁸⁸ and **Romania**.¹⁸⁹ These rooms are equipped with age-appropriate furniture and technology to enable children to express themselves comfortably and reduce trauma during proceedings. They can be found, depending on the circumstances in each country, in courthouses, prosecutors' offices, police stations, hospitals and other settings.

France: "Mélanie rooms" for collecting testimony from younger children¹⁹⁰

France has extended its network of "Mélanie rooms" for collecting testimony from children under the age of 11. They are named after the first girl who was interviewed and filmed giving evidence in 1998.

These small rooms are designed to resemble a child's bedroom, with felt-tip pens, toys and children's books, a comfortable sofa and a soft carpet. They have a dollhouse with gendered dolls, which is a miniature model of a house with rooms, a kitchen and a bathroom. This can sometimes be used by children to explain or represent facts, for example by using dolls to symbolise family members or the accused.

The child is only interviewed once by plainclothes police officers who use simple language and encourage free narration. A microphone and camera are discreetly placed in the "Mélanie" room. A neighbouring office has audio and video equipment as well as a one-way mirror. The interview with the child is recorded on two CDs, one of which is sealed, the other serving as a copy for the purposes of the investigation and available to investigators, prosecutors, lawyers and judges.

In Poland, in the case of "special interrogation procedures", interviews are conducted in adapted rooms. In 2024, the regulation specifying how such rooms should be equipped was amended, introducing provisions on preparation for questioning, such as conversations with a psychologist, and allowing for adaptations to meet the needs of children with disabilities.¹⁷⁶ In **Italy**, the Guarantor Authority for Children and Adolescents has developed guidelines for listening to children in judicial proceedings and launched awareness-raising campaigns among judges, lawyers, social workers and practitioners, to ensure that children can participate in an effective, respectful and non-traumatising manner.¹⁹¹

Provisions allowing children to give evidence remotely or through video links are also now very common across Europe. Hearing children under the age of 16 through a video link is standard practice in the **United Kingdom** where there is a presumption that a child will give evidence via a video link. A child may opt out of

184. Luisa Maria Aguilar, Serge Leonard, Lucia Dreser and Myriam de Hemptinne, *National Report on the Child-Friendly Justice Assessment Tool of the Council of Europe - Belgium*, January 2025, Annex 5. The law is available at: https://etaamb.openjustice.be/fr/loi-du-27-mars-2024_n2024002950.

185. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Bulgaria*, 16 December 2024, Q44.

186. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Estonia*, 9 January 2025, Q43.

187. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Hungary*, 19 December 2024, Q44. Supplementary information was also provided during a focus group conducted with representatives of Hungary, 16 May 2025.

188. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Portugal*, 24 January 2025, Q44. Supplementary information was also provided during a focus group conducted with representatives of Portugal, 28 May 2025.

189. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Romania*, 20 December 2024, Q50.

190. See, for example, Ministère de l'Intérieur, *Salle Mélanie à Montauban : un lieu bienveillant pour l'écoute des très jeunes victimes*, 26 May 2025. Available at: <https://www.masecurite.interieur.gouv.fr/fr/actualites/salle-melanie-montauban-lieu-bienveillant-ecoute-tres-jeunes-victimes>.

191. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Italy*, 28 February 2025, Q46.

this protection and give evidence in court instead with the agreement of the judge, in which case they would usually give evidence from behind a screen.¹⁹² Giving evidence by video link is also an option in many other jurisdictions, including **Croatia**, **Estonia**, **Germany**, **Hungary** and **Romania**. In exceptional cases, **Romania** also permits the blurring of a child's image and voice distortion to protect the child's identity.¹⁹³

Many countries have also adapted their rules of evidence so that children do not have to give evidence under oath. **Germany** reformed its law to provide this safeguard in 2011.¹⁹⁴

Greece: Teaching children about court proceedings through mock trials

In **Greece**, mock trials are organised with secondary schools, engaging students aged 12 to 18 in practical legal scenarios. Students engage in a simulated criminal trial at the courthouse, guided by legal professionals, for hands-on learning of justice processes. Role-playing as judges, prosecutors, defense attorneys, and defendants helps students understand court roles and legal procedures firsthand.¹⁹⁵

The rise of Barnahus

Since it was established in **Iceland** in 1998, Barnahus and Barnahus-type services have now spread to more than 28 countries across Europe, with a further five in the process of establishing such services.¹⁹⁶ Council of Europe co-operation projects have played an important role in the spread and development of this practice.¹⁹⁷

In essence, the Barnahus model refers to a public institution or entity where multidisciplinary and interagency services for child victims and witnesses of violence collaborate in the same safe and child-friendly premises to coordinate parallel criminal and child protection proceedings.¹⁹⁸ The services bring together professionals, including law enforcement, criminal justice, child protection services, medical and mental health workers as a coordinated team during investigations and justice proceedings.¹⁹⁹

The aim of Barnahus is to gather reliable evidence through forensic interviewing while reducing secondary victimisation and re-traumatisation. Children engaged with Barnahus also receive medical and therapeutic assessment and treatment throughout the process and sometimes beyond the end of formal proceedings.

"Barnahus-type services" refers to a diversity of multidisciplinary and interagency services for child victims and witnesses of crime that combine some, but not all, of the typical features and services of Barnahus. Barnahus-type services may be public, private or based on public-private co-operation.²⁰⁰ At a minimum, they provide a safe and child-friendly environment for forensic interviewing of children and aim at coordinating parallel criminal and child protection investigations.

Across Europe, national Barnahus institutions vary significantly. While the Barnahus model was initially developed for victims of child sexual abuse, in some countries it has now spread beyond this initial target group. In **Slovenia**, for example, the Barnahus can be used within the criminal justice system for victims, witnesses and in some circumstances children accused of criminal offences at the discretion of the presiding judge.²⁰¹

In many countries there have been challenges in expanding Barnahus beyond the original facility developed during a pilot phase. There is a risk that where Barnahus is focused in one institution that there is not enough capacity for all children who need the service, or that the facility is less accessible to children who live far from the facility, particularly in rural areas. Another challenge that is common in expanding services is ensuring

192. See Youth Justice Legal Centre, *Guide: Child giving evidence*. Available at: https://yjl.c.uk/resources/legal-terms-z/child-giving-evidence#fn_3.

193. EU Fundamental Rights Agency, *Child-friendly justice - Perspectives and experiences of professionals*, 2015, p. 32. Information regarding Hungary was shared with the authors following a focus group conducted with representatives of the state.

194. *Idem* at p. 26.

195. Information provided following a focus group conducted with representatives of Greece.

196. Council of Europe, *Barnahus: A European journey*, 2023, p. 40-42. Available at: <https://rm.coe.int/barnahus-a-european-journey-mapping-study-on-multidisciplinary-and-int/1680acc3c3>.

197. For further information on Council of Europe co-operation projects to establish Barnahus, see: <https://www.coe.int/en/web/children/co-operation-projects>.

198. Council of Europe, *Protection of children against sexual exploitation and abuse, Child-Friendly, multidisciplinary and interagency response inspired by the Barnahus mode*, Building a Europe for and with Children, undated.

199. Council of Europe, *Barnahus: A European journey*, 2023, p.6.

200. Council of Europe, *Barnahus: A European journey*, 2023, p.7.

201. Ana Bajt and Katarina Bervar Sternad, *National Report on the Child-Friendly Justice Assessment Tool of the Council of Europe: Slovenia*, 2024, p. 12.

that a sufficient number of professionals are recruited and specially trained to ensure that multidisciplinary and interagency services can expand to cover all areas of the country.²⁰²

There are a small number of countries, however, that have now expanded to provide broader coverage across their jurisdiction. **Sweden** has established 33 centres, while many other countries are undergoing the phased process of expanding services nationally.

Legal counsel and representation

Children should have the right to their own legal counsel and representation, in their own name, in proceedings where there is, or could be, a conflict of interest between the child and the parents or other involved parties. To enable children to meaningfully engage with the legal system regardless of their or their parents' economic status, they should also be able to access free legal aid on the same or more lenient conditions as adults.²⁰³

Addressing conflicts of interests between children and parents

Across Europe, countries have developed varied approaches to responding to potential conflicts of interests between children and their parents. In **Türkiye**, for example, there is a general rule requiring parental consent for a child to initiate legal proceedings, however there is an exception where the parents or guardians are alleged to have violated the child's rights.²⁰⁴ In **Slovenia**, a "collision guardian" may be appointed either by the court or a social work centre in cases where there is a conflict of interests between the child and their parent or legal representative.²⁰⁵

Legal aid and assistance provisions vary significantly across Europe. The Judicial Code in **Belgium** provides that children are entitled free of charge to first-line legal assistance (practical information, legal information, initial legal advice or referral to a specialised body or organisation) and second-line legal assistance (detailed legal advice or legal assistance in or outside of proceedings, or assistance in court proceedings, including representation). In order to obtain free legal assistance, children must apply to the legal assistance office set up within the bar associations.²⁰⁶

The degree to which the financial status of children and their parents is considered also varies across legal systems, as well as whether parental income is considered in making decisions about whether a child is eligible for free legal aid. **Finland**, for example, only considers parental income where the parents are assisting the child in bringing the case,²⁰⁷ while the Legal Aid Service in **Georgia** supports all children regardless of their financial status.²⁰⁸

In 2023, **Luxembourg** enacted a new law recognising the child's right to full legal assistance, irrespective of the financial situation of their parents or those who live with the child.²⁰⁹ All children therefore have the right to free legal assistance. Both **Georgia** and **Luxembourg** reported an increase in the number of applications for legal aid filed by children in 2024 in response to these reforms.

In **Poland**, if neither parent can represent a child, the guardianship court appoints a representative for the child. The civil procedure regulations amended in 2023, require that a lawyer or legal adviser representing children should have completed studies in the field of children's rights and principles of child representation, completed training in the field of children's rights and principles of child representation and experience in work related to childcare, upbringing, or child protection.²¹⁰

202. Council of Europe, *Barnahus: A European journey*, 2023, p.5

203. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, IV.D.2.

204. Criminal Procedure Law, Article 90.

205. Family Code, Article 269.

206. Art. 508/13/1§4. See Article 508/1 et seq. from the Judicial Code of Belgium. Available at: <https://www.droitbelge.be/codes.asp#jud>
Luisa Maria Aguilar, Serge Leonard, Lucia Dreser and Myriam de Hemptinne, *National Report on the Child-Friendly Justice Assessment Tool of the Council of Europe - Belgium*, January 2025, p. 33.

207. For further information on the granting of legal aid in Finland, refer to the website of the legal aid office, <https://www.oikeuspalveluvirasto.fi/en/legal-aid/>.

208. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Georgia*, 24 January 2025, Q21.

209. Article 4 of the Law of 7 August 2023. Available at: <https://legilux.public.lu/eli/etat/leg/loi/2023/08/07/a542/jo>. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Luxembourg*, 20 December 2024, Q43 and 49.

210. Regulation of the Minister of Justice of July 29, 2024, on the manner of ensuring representation of a child by a child representative (Journal of Laws of 2024, item 1159) <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20240001159>.

After proceedings

Child-friendly judgments and judgments for children

“Dear Sam... This case is about you and your future, so I am writing this letter as a way of giving my decision to you and to your parents.” - *Re A: Letter to a Young Person*²¹¹

In cases that advance through the entire justice system, the delivery of the judgment, and the process for ensuring an affected child understands that judgment are crucial. The majority of justice systems place the burden of ensuring that children understand the decision on a child's lawyers, guardians, parents or other legal representatives, but a practice is emerging across Europe of judges writing judgments for the children at the centre of cases that they are hearing, taking account of the capacities and understanding of the child.

In the **United Kingdom**, child-friendly judgments have primarily been given in family cases - *Re A: Letter to a Young Person*²¹² has become a celebrated example. The case focused on a 14-year-old boy at the centre of a custody dispute between his parents and the judgment takes the form of a letter written to the boy setting out the law, the role of the judge, the questions raised in the case, what the judge took into account in making the decision, and the final decision itself.²¹³

A similar practice has emerged in **Belgium**, where a group of asylum judges have begun to publish decisions in simplified, child-friendly language. These decisions took the form of summaries at the start or end of a judgment, or sometimes as full texts adapted to the child involved in the case written to directly address the child.²¹⁴

Judges in **Belgium** and the **United Kingdom** do not have a legal obligation to provide judgments in child-friendly language, but in both situations have sufficient autonomy to adapt to children.

Research on the experiences of judges in writing judgments that impact children have provided insight into how judges make decisions, the pressures of working within the justice system, and how they approach whether to write a child-friendly judgment. One Belgian judge reflected on their experience:

“Recently I had a case that moved me deeply. The child and I had a meaningful conversation during the oral hearing. In the end, I didn't include a child-friendly summary, but in hindsight I'm mad at myself for not doing it... You know, it's like that quote, 'I'm sorry I wrote you such a long letter, I didn't have the time to write a short one...' I believe that's what happened to me there... You have to carefully think this through, especially if something serious has happened to this child. We have quite a demanding pace to maintain here, the appeals have to be decided – the judgment is ready on time and that's all [that] truly counts...”²¹⁵

Sentencing of children, deprivation of liberty

The Child-Friendly Guidelines reflect the well established principle in international children's rights law that children should only be deprived of their liberty as a measure of last resort and for the shortest appropriate period of time.²¹⁶

Setting appropriate **sentencing rules and guidelines** for cases involving children is a crucial step in ensuring that deprivation of liberty is a last resort and for the shortest appropriate period of time. There is a great deal of variation across Europe in allowing for detention sentences for children and establishing limits. Life sentences for offences committed while under the age of 18 have almost been abolished across Europe, with only the **United Kingdom** routinely using life sentences and “detention during His Majesty's pleasure” (an adapted form of life sentence for under-18s). Of the European States that have abolished life sentences for children, maximum

211. *Re A: Letter to a Young Person* [2017] EWFC 48. Available at: <https://www.bailii.org/ew/cases/EWFC/HCI/2017/48.html>.

212. *Ibid.*

213. For further discussion of judgments written for children, see Helen Stalford and Kathryn Hollingsworth, “‘This case is about you and your future’: Towards judgments for children”, *Modern Law Review*, Vol. 83, Issue 5, pp. 1030-1058.

214. For a compilation and discussion of child-friendly judgments from the Belgian asylum appeals cases, see Sara Lembrechts, “Child-Friendly Judgments in Belgian Asylum Appeals”, *Refugee Law Initiative Blog*, 11 December 2023. Available at: <https://rli.blogs.sas.ac.uk/2023/12/11/child-friendly-judgments-in-belgian-asylum-appeals/>.

215. Sara Lembrechts, “Child-Friendly Judgments in Belgian Asylum Appeals”, *Refugee Law Initiative Blog*, 11 December 2023.

216. Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010, IV.A.6, para. 19. This standard is also reflected in Article 37(b) of the Convention on the Rights of the Child.

detention sentences vary from four years to 30 years.²¹⁷ The majority of European jurisdictions have established maximum detention sentences for children at between 10 and 15 years for the most serious offences.²¹⁸

Beyond the formal limits on detention, the practice of **reducing the use of detention of children within the criminal justice system** has developed significantly. Many countries within Europe have substantially reduced the number of children detained within the criminal justice system in recent decades. Data collected by the United Nations Office on Drugs and Crime shows a fall in the detention of children within the criminal justice system of around 25% between 2015 and 2023 within Council of Europe Member States.²¹⁹ This trend is not universal and a significant proportion of the decline is accounted for by countries that have substantially reduced their use of detention.

The **United Kingdom** provides a striking example of this reduction. In 2009/10, 2,418 children were held in custody on an average day,²²⁰ but this figure has fallen to 430 in 2024.²²¹ The reasons for this reduction are complex, requiring reform throughout the justice system. Between 2010 and 2020, the number of arrests of children declined by 74%,²²² preventing children from being brought into the formal justice system at all, while new diversionary measures were introduced and alternatives to detention sentences became available. Despite this progress, the impact has not benefited all children equally. Black children remain overrepresented in detention in the United Kingdom.²²³

Similarly **Bulgaria** has achieved a reduction in the number of children detained of more than 80% from 2015 to 2023, while **Poland** reduced its use of detention for children by almost 50%.²²⁴

Greece: Creative non-custodial measures

In 2024, **Greece** amended its law to introduce new specialised educational, artistic and cultural programmes for children convicted of criminal offences.²²⁵ Since the measures came into force, pilot programmes have been launched focused around sport, performing arts, cinema and collaborations with museums and cultural institutions. Judges are given discretion to impose the measures in appropriate cases.

The RE:MIND program²²⁶ is a web-based educational intervention aimed at rehabilitation for children who have committed minor offences. Drawing from narrative psychology, moral education, and cognitive behavioral principles, it promotes self-reflection, emotional intelligence, and ethical reasoning. The programme uses classical Greek myths and contemporary literature, to introduce moral themes such as responsibility, anger management, and friendship within an interactive digital framework. Learning is guided by Socratic dialogue, encouraging critical thinking and value reconstruction. RE:MIND bridges abstract ethical principles with real-life decision-making, fostering long-term behavioral change through empathy and cognitive flexibility. The programme reflects a shift from punitive measures to restorative, developmental approaches in youth rehabilitation.

A sport programme was also piloted across seven regions, through a partnership between the Ministry of Justice and the Ministry of Sport. Children aged 12-18 who have committed minor offences are given placements with sports clubs under the guidance of a supervisor within the club. The programme has built partnerships with a range of clubs across various sports.

217. Switzerland sets a cap on detention of children within Loi fédérale pénale des mineurs, du 20 juin 2003, Article 25(1). Available at: https://lex.weblaw.ch/lex.php?norm_id=311.1&source=SR&lex_id=90631&file=fr-pdf_file_a.pdf. San Marino has reported to the UN Committee on the Rights of the Child that its maximum detention sentence for offences committed by children is 30 years. *Initial reports of the States parties: San Marino*, CRC/C/8/Add.46, 17 March 2003, para. 101.

218. Child Rights International Network review of maximum sentences.

219. United Nations Office on Drugs and Crime, *dataUNODC: Prisons and prisoners*, accessed July 2025. Available at: <https://dataunodc.un.org/dp-prisons-persons-held>.

220. Ministry of Justice, *Youth Justice Statistics 2009/10: England and Wales*, 20 January 2011. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/279886/yjb-annual-workload-data-0910.pdf.

221. Youth Justice Board, *Youth Justice Statistics: 2023 to 2024*, 30 January 2025. Available at: <https://www.gov.uk/government/statistics/youth-justice-statistics-2023-to-2024/youth-justice-statistics-2023-to-2024>.

222. Howard League for Penal Reform, *Child arrests in England and Wales 2020: Research briefing*. Available at: <https://howardleague.org/publications/child-arrests-in-england-and-wales-2020/>.

223. See Youth Justice Board for England and Wales, *Addressing racial disparity in the youth justice system*, 24 October 2024. Available at: <https://www.gov.uk/government/publications/addressing-racial-disparity-in-the-youth-justice-system>.

224. United Nations Office on Drugs and Crime, *dataUNODC: Prisons and prisoners*, accessed July 2025. Available at: <https://dataunodc.un.org/dp-prisons-persons-held>.

225. Penal Code, Article 122 (as amended by Law 5090/2024).

226. RE:MIND (Rehabilitative Engagement: Moral Insight & Neurodevelopment). The material was created in cooperation between the Ministry of Justice, the University Research Institute of Mental Health and Neurosciences, the University of Piraeus Department of Digital Systems, and the Office of the Children's Ombudsman.

Adapting diversion and non-custodial measures to counter-terrorism contexts has been a challenge for a number of countries. While countries across Europe have well-developed diversion or non-custodial rehabilitation schemes for children accused or suspected of criminal offences, it is rare for counter-terrorism legislation to specifically address measures for children in this context.²²⁷

Rehabilitation and reintegration of children in contact with terrorist groups

More people per capita have left **Denmark** to join terrorist groups in Syria than any other western-European country, except Belgium.²²⁸ In response, Denmark developed the “Aarhus model” for reintegration. The model is built around cooperation between police, social workers and religious groups and assigns young people returning to the country with trained mentors able to provide day to day help as well as religious and moral debate. Returnees also receive specialised psychological counselling.²²⁹ Denmark maintains a practice of prosecuting people who return who are suspected of offences, but the Aarhus model demonstrates the potential for rehabilitative models where children have been in contact with terrorist groups.

Spain²³⁰ and **Norway**²³¹ have also reported taking measures towards the re-integration and rehabilitation of children affected by terrorism.

227. See Child Rights International Network, *Caught in the Crossfire: An international survey of anti-terrorism legislation and its impact on children*, 2017, p. 41.

228. International Centre for the Study of Radicalisation, *Foreign fighter total in Syria / Iraq now exceeds 20,000 surpasses Afghanistan conflict in the 1980s*, 26 January 2015. Available at: [https:// icsr.info/2015/01/26/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/](https://icsr.info/2015/01/26/foreign-fighter-total-syriairaq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/).

229. See Radicalisation Awareness Network, *Foreign fighter returnees and the reintegration challenge*, November 2016. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation_awareness_network/ran-papers/docs/issue_paper_foreign_fighter_returnees_reintegration_challenge_112016_en.pdf.

230. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Spain*, 17 December 2024, Q43.

231. *Questionnaire for National Follow-Up and Reporting on Progress Made Under the Council of Europe Strategy for the Rights of the Child (2022-2027) - Norway*, 6 January 2025, Q43.

6. Conclusion

Since the adoption of the Guidelines on Child-friendly Justice 15 years ago, there has been a quiet revolution across Europe in the understanding of how to ensure justice systems respect children's rights.

International and European law and standards have developed and proliferated, reflecting and adapting child-friendly justice principles and practices to new settings and circumstances. While much of the focus of implementing child-friendly justice initially focused on children's experiences of the criminal justice system, new laws, standards and guidelines have emerged focusing on proceedings related to guardianship, parental separation, care proceedings, age assessment and violence against children. The recognition that these different settings can require specific adaptations for children has been crucial in ensuring justice systems are genuinely child-friendly, however children come into contact with them.

Across Europe child-friendly justice practices vary substantially, reflecting the need to adapt in different legal systems, the different priorities of countries and different understandings of how to best respect children's rights in justice systems. Barnahus has emerged as a recognised gold standard for child-friendly justice within the criminal justice system and rapidly spread across Europe, the European Union has developed consistent law across its member states on the rights of victims and procedural safeguards for children, but consensus has yet to emerge on many of the key challenges that remain.

As child-friendly justice continues to develop across the continent, questions remain on crucial issues of how to adapt to the evolving capacities of children, how to respond to emerging and disruptive technologies as they intersect with justice systems and how to ensure meaningful, rights-respecting participation of children that meets their individual needs.

Annex: International and European Standards

1. Regional level

Council of Europe

Treaties and Conventions

- ▶ European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
- ▶ European Convention on the Exercise of Children's Rights (1996)
- ▶ European Social Charter (Revised) (1996)
- ▶ Convention on Cybercrime (2001)
- ▶ Convention on Contact concerning Children (2003)
- ▶ Convention on Action against Trafficking in Human Beings (2005)
- ▶ Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) (2011)
- ▶ Convention on Protection of children Against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) (2014)

Recommendations, guidelines and resolutions

- ▶ Recommendation No. R(79)17 concerning the protection of children against ill-treatment
- ▶ Recommendation No. R(81)7 on measures facilitating access to justice
- ▶ Recommendation No. R(81)16 on the harmonisation of national procedures relating to asylum
- ▶ Recommendation No. R(88)20 on social reactions to juvenile delinquency
- ▶ Recommendation No. R(88)6 on social reactions to the delinquent behaviour of young people from migrant families
- ▶ Recommendation No. R(89)12 on education in prison
- ▶ Recommendation No. R(93)1 on effective access to the law and to justice for the very poor
- ▶ Recommendation Rec(2000)20 on role of early psychosocial intervention in the prevention of criminality
- ▶ Recommendation Rec(2001)10 on the European Code of Police Ethics
- ▶ Recommendation Rec(2003)20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice
- ▶ 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(2004)10 on the protection of human rights and the dignity of people with mental disorders
- ▶ Recommendation Rec(2005)5 concerning the rights of children living in residential institutions
- ▶ Recommendation Rec(2006)2 on European penitentiary rules
- ▶ Recommendation CM/Rec(2007)9 on life projects for unaccompanied migrant minors
- ▶ Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters CEPEJ(2007)13
- ▶ Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters CEPEJ(2007)14

- ▶ CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures
- ▶ Recommendation CM/Rec(2009)10 on Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence
- ▶ Resolution 2010(2014) on child-friendly juvenile justice: from rhetoric to reality
- ▶ Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010)
- ▶ Recommendation CM/Rec(2011)12 on children's rights and social services friendly to children and families
- ▶ Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18
- ▶ Recommendation CM/Rec(2016)7 on young people's access to rights
- ▶ Recommendation CM/Rec(2018)5 concerning children of imprisoned parents
- ▶ Recommendation CM/Rec(2018)8 on restorative justice in criminal matters
- ▶ Recommendation CM/Rec(2019)4 on supporting young refugees in transition to adulthood
- ▶ Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration
- ▶ Recommendation CM/Rec(2022)17 on protecting the rights of migrant refugee and asylum-seeking women and girls
- ▶ Recommendation CM/Rec(2022)22 on human rights principles and guidelines on age assessment in the context of migration
- ▶ Recommendation No. R(8)2023 on strengthening reporting systems on violence against children
- ▶ CM/Rec(2025)4 - Recommendation of the Committee of Ministers to Members States on the protection of the rights and best interests of the child in parental separation proceedings
- ▶ CM/Rec(2025)5 - Recommendation of the Committee of Ministers to member States on the protection of the rights and best interests of the child in care proceedings.

Case Law

- ▶ European Court of Human Rights, Guide on the case-law of the European Convention on Human Rights, 2025.

European Union

Directives:

- ▶ Directive 2003/86/EC on the right to family reunification
- ▶ 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
- ▶ 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
- ▶ Directive 2013/33/EU on the reception of applicants for international protection
- ▶ Directive 2013/48/EU on the right of access to lawyers and rights in the context of deprivation of liberty
- ▶ Directive (EU) 2016/343 on the right to be present at the trial in criminal proceedings
- ▶ Directive (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings
- ▶ Directive (EU) 2024/1385 on combating violence against women and domestic violence
- ▶ Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

Regulations:

- ▶ Regulation (44/2001) on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I)

- ▶ Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (Brussels I recast)
- ▶ Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (Brussels IIa)
- ▶ 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) (Brussels IIb)
- ▶ Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.

HCCH Conventions

- ▶ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (HCCH 1980 Child Abduction Convention)
- ▶ Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children (HCCH 1996 Child Protection Convention)
- ▶ Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (HCCH 2007 Child Support Convention)
- ▶ Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations

Recommendations and guidelines

- ▶ Commission Recommendation (EU) 2024/1238 of 23 April 2024 on developing and strengthening integrated child protection systems and the best interests of the child

2. International level

Treaties and Conventions

- ▶ Geneva Conventions (1949)
- ▶ Refugee Convention (1951)
- ▶ International Covenant on Civil and Political Rights (1966)
- ▶ International Covenant on Economic, Social and Cultural Rights (1966)
- ▶ International Convention on the Elimination of All Forms of Racial Discrimination (1966)
- ▶ Additional Protocols to the Geneva Conventions (1977)
- ▶ Convention on the Elimination of All Forms of Discrimination against Women (1979)
- ▶ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- ▶ Convention on the Rights of the Child (1989)
- ▶ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- ▶ Hague Convention on protection of children and co-operation in respect of intercountry adoption (1993)
- ▶ Rome Statute of the International Criminal Court (1998)
- ▶ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
- ▶ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)
- ▶ Convention on the Rights of Persons with Disabilities (2006)
- ▶ International Convention for the Protection of All Persons from Enforced Disappearance (2006)
- ▶ Optional Protocol to the Convention on the Rights of the Child on a communications procedure (2011)

Treaty Body General Comments

- ▶ UN Committee on the Rights of the Child
 - General Comment No. 24 (2019) on children's rights in the child justice system
 - 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 of the Committee on the Rights of the Child (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return
 - General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration
 - General Comment No. 12 (2009) on the right of the child to be heard
 - General Comment No. 10 (2007) on children's rights in juvenile justice
 - General Comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin

Standards, Guidelines and Resolutions

- ▶ UN Standard Minimum Rules for the Treatment of Prisoners (1955)
- ▶ Code of Conduct for Law Enforcement Officials (1979)
- ▶ UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) (1985)
- ▶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)
- ▶ UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) (1990)
- ▶ UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)
- ▶ Guidelines on the Role of Prosecutors (1990)
- ▶ Basic Principles for the Treatment of Prisoners (1990)
- ▶ (1990)
- ▶ UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) (1990)
- ▶ UN Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines) (1997)
- ▶ UNODC Guidelines for Action on Children in the Criminal Justice System (The Vienna Guidelines) (1997)
- ▶ Basic Principles on the Use of Restorative Practices in Criminal Matters (2002)
- ▶ UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005)
- ▶ Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005)
- ▶ Guidance Note of the Secretary-General: UN Approach to Justice for Children (2008)
- ▶ UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (2010)
- ▶ United Nations Guidelines for Alternative Care of Children (2010)
- ▶ UN Human Rights Council Resolution on Human Rights in the Administration of Justice, in particular Juvenile Justice (2011)
- ▶ Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (2011)
- ▶ UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012)
- ▶ Sustainable Development Goals (SDG Goal 16, peace, justice and strong institutions) (2015)
- ▶ Global Compact for Safe, Orderly and Regular Migration (2018)

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