



GUIDELINES ON CHILD-FRIENDLY LEGAL AID

UNICEF ECARO, October 2018

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TERMINOLOGY

Access to justice: 'Access to justice can be defined as the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards (including the CRC). Lack of access to justice is a defining attribute of poverty and an impediment to poverty eradication and gender equality...Proper access to justice requires legal empowerment of all children: all should be enabled to claim their rights, through legal and other services such as child rights education or advice and support from knowledgeable adults.'

Source: UN Common Approach to Justice for Children (2008)

Child: any person below the age of eighteen years.

Source: UN Convention on the Rights of the Child (1989), Article 1

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.... 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.'

Source: Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (2010), II c

Child in conflict with the law: 'a child alleged to have, or accused of, or recognized as having infringed the criminal law after attaining the age of criminal responsibility and before the age of 18.'

Source: Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary, UNODC (2013)

Diversion: 'the conditional channelling of children in conflict with the law away from judicial proceedings through the development and implementation of procedures, structures and programmes that enable many - possibly most - to be dealt with by non-judicial bodies, thereby avoiding the negative effects of formal judicial proceedings and a criminal record.'

Source: Toolkit on Diversion and Alternatives to Detention, UNICEF (2010)

Legal professional / practitioner: For the purposes of these Guidelines, 'legal professional / practitioner' means any person qualified and entitled in national law to provide legal advice, assistance and representation.

Legal aid: For the purposes of these Guidelines, 'legal aid' encompasses legal advice, assistance and representation for children.

Parent(s): '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.'

Source: Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice (2010), II b

Restorative justice / process: ‘any process in which the victim, the offender and/or any other individuals or community members affected by a crime actively participate together in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative process include mediation, conferencing and sentencing circles.’

Source: United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (2000)

Secondary victimization: ‘victimization that occurs not as a direct result of a criminal act but through the response of institutions and individuals to the victim.’

Source: Justice in Matters involving Child Victims and Witnesses of Crime Model Law and Related Commentary, UNODC (2009)

INTRODUCTION

Children come into contact with the law for various reasons – as defendants or witnesses in criminal proceedings; as parties in family proceedings; as victims of physical or psychological violence, sexual abuse or other crimes or rights violations; and as parties in civil or administrative proceedings on issues including health care, social security, disability, and asylum and refugee claims. The outcomes of these cases can be hugely significant for the children’s lives in both the long term and the short term. They can determine whether the children go into detention, whom they will live with, what contact they can have with their parents and siblings, which country they will live in and where they will go to school.

Most children who are in contact with the law find the actual experience of legal proceedings confusing at best and a source of fear, distress and secondary victimization at worst. It is not unusual for them to find it difficult to communicate with the adults involved, to mistrust police and judges, to lack basic information and understanding about processes and procedures, and to face discrimination because of their age, gender or other characteristics such as living and working on the street or seeking asylum. Recalling painful events can be very stressful for child victims and witnesses, and if the legal procedure is not child-sensitive it may have long-term and harmful consequences for their recovery. However many legal systems do nothing – or very little – to enable children to participate in proceedings in a safe, meaningful and dignified manner.

One important building block for a child-friendly justice system is for children to have access to expert, specialized and trusted legal practitioners. Such practitioners can make an enormous difference to a child’s experience of the justice system and to the outcome of the case.

UNICEF’s Europe and Central Asia Regional Office (UNICEF ECARO) conducted research on children’s access to justice in 2015 (*Children’s Equitable Access to Justice, Central and Eastern Europe and Central Asia*, UNICEF, Geneva, 2015). One of the findings of the research was that there was a lack of guidance for legal practitioners in the region when providing children with support and assistance to access justice. In response to this, these Guidelines have been developed to be a practical tool to support both experienced and newly qualified legal practitioners in their daily work on the frontline of children’s rights.

The Guidelines are aimed at government-funded and private lawyers, paralegals and other legal practitioners who provide legal aid to children in civil, criminal, administrative and restorative justice proceedings, and who represent children in cases addressed by national, regional and international human rights monitoring bodies. They are aimed primarily at practitioners representing children directly rather than lawyers who are representing a child as an independent guardian or ‘friend’ of the court.

The Guidelines focus on the attitudes, knowledge and skills that are required for a child client to receive the best possible legal representation and support. They take into account the fact that practitioners are often working within imperfect justice systems and are grappling with low pay, inadequate legislation, lengthy delays in proceedings and lack of access to child-friendly services for their clients.

UNICEF ECARO developed the Guidelines in close collaboration with a network of over 20 legal practitioners in 12 different countries in the region. It is hoped that they are also relevant for practitioners in other regions. The legal practitioners involved completed a detailed questionnaire on the content of the Guidelines, piloted them in their day-to-day work and contributed substantially to their development and their practical application. Quotations from some of these lawyers are included in the Guidelines.

Lawyers in almost all jurisdictions are bound by professional codes of conduct and ethics. The most typical principles worldwide are that lawyers must act with honesty and integrity, act in their clients' best interests, uphold the rule of law, not act where there is a conflict of interests and maintain their client's confidentiality. These Guidelines are designed to complement professional codes and to consider how they can be applied when dealing with children.

The Guidelines are rooted in international and regional standards regarding children's access to justice (please see the *Resources* section below for a list of relevant instruments and guidelines). They start by examining the four general principles of the United Nations Convention on the Rights of the Child – the right to non-discrimination; the right to life, survival and development; the right to be heard; and the principle that the best interests of children should be a primary consideration in decision making that affects them – and how these should inform the work of legal practitioners.

The next sections are structured around key themes and challenges that arise in providing child-friendly legal aid to children, including: ensuring competency to act, acting in a child's best interests, communicating in a child-friendly way, facilitating a child's participation in legal proceedings, countering and preventing discrimination, keeping children safe, and working with others. Although the Guidelines cannot describe every situation or circumstance confronting legal practitioners who provide legal aid to children, it is hoped that they provide a strong and practical framework for action that promotes and supports children's access to justice.

CROSSCUTTING PRINCIPLES

The Guidelines are based upon the four crosscutting principles that underpin the United Nations Convention on the Rights of the Child and the protection of children's rights in justice systems. These principles must be taken in to account in all actions by legal professionals where children are affected. They are discussed again in further depth in the Guidelines themselves but the following is a short introduction.

Non-discrimination

“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.”

United Nations Convention on the Rights of the Child, Article 2 (1) and (2)

At every stage of a child's contact with the justice system, a legal professional should ensure that the child is offered appropriate services without discrimination. Each client must be handled with sensitivity and an understanding of the issues that children, or groups of children, may face due to their sex, age, race, disability and so on. Many children in contact with the law may also be victims of discrimination, and every effort must be made to prevent and remedy this.

The right to non-discrimination is of particular relevance for legal practitioners when dealing with vulnerable groups of children in contact with the law, where special measures may need to be taken to ensure that their rights are equally upheld and respected. For example, children who speak a minority language may require the use of an interpreter during legal proceedings.

Best interests

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

United Nations Convention on Rights of the Child, Article 3

Legal practitioners have an important role in guaranteeing the right of children for their best interests to be a primary consideration where they are directly, or indirectly, involved in or affected by the justice system. The Committee on the Rights of the Child provides non-exhaustive guidance on factors to take

into consideration when assessing the best interests of a child in its General Comment 14 (2013). These include: the child's views; the child's identity; preservation of the family environment; care, protection and safety of the child; the child's health; vulnerability; and the right to education. When assessing a child's best interests, legal professionals should also take into account the fact that the other general principles – survival and development, the right to be heard and non-discrimination – are all relevant.

The principle of the best interests of an individual child is a dynamic concept that is continually evolving as that child grows and as circumstances shift and change. Every child has the right to have her or his best interests given primary consideration, but this may have to be balanced against conflicting best interests of other children, groups of children, or adults, such as defendants in criminal proceedings or siblings in contact disputes.

“The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders.”

United Nations Committee on the Rights of the Child, General Comment 10, paragraph 10

Survival and development

“States Parties shall ensure to the maximum extent possible the survival and development of the child.”

United Nations Convention on the Rights of the Child, Article 6(2)

The principle of protecting a child's right to survival and development is closely connected with that of the child's best interests. Putting this right into practice means protecting children from harm that could arise during legal proceedings; for example, keeping child witnesses safe from retribution by perpetrators and/or ensuring that children in contact with the law clearly understand every stage of their case. All forms of deprivation of liberty (including arrest, detention and imprisonment) can have negative consequences for a child's survival and development. Legal professionals should ensure, to the best of their abilities, that children are only deprived of their liberty as a measure of last resort and for the shortest appropriate time.

Right to be heard

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

United Nations Convention on the Rights of the Child, Article 12(1) and 12(2)

For this purpose, a child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting a child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Children must be able to express their views, opinions, and concerns and to actively participate throughout the justice process, provided it is in their best interests to do so. To put this into practice, justice proceedings must be specifically adapted for children, and they must receive adequate information about the process, the choices they have and the possible consequences of these choices. The right of the child to remain silent and not to participate is equally important.

Legal professionals need to assess a child's age and maturity and the relative weight that should be given to that child's views, opinions, concerns, and testimony. The Committee on the Rights of the Child's General Comment 12 (2009) explains that age alone cannot determine the significance of a child's view and that information, experience, environment, social and cultural expectations, and levels of support all contribute to the development of the child's capacities to form a view.

“Children should be considered and treated as full bearers of rights and should be entitled to exercise all their rights in a manner that takes into account their capacity to form their own views and the circumstances of the case.”

Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice (2010)

GUIDELINES ON CHILD-FRIENDLY LEGAL AID

1. Competence when providing legal aid to children
2. Acting in a child's best interests
3. Effective participation
4. Building a relationship
5. Child-sensitive communication
6. Providing reliable and relevant information
7. Effective participation in formal hearings
8. Working with family members and other supportive adults
9. Privacy and confidentiality
10. Protecting children from discrimination
11. Keeping children safe
12. Working with others

GUIDELINE 1: Competence when providing legal aid to children

Legal professionals who provide children with legal aid should have knowledge of relevant domestic law and procedures, children's rights, children's developmental stages and how to communicate with children. They should keep their skills up to date and refresh them with regular professional development training.

Providing competent and effective legal aid to children involves more than just understanding the relevant domestic law and procedures: it also involves a high level of motivation, commitment, skill, training and knowledge. Legal professionals should:

- know about children's rights and how they can be applied in practice including, at a minimum, the provisions of the United Nations Convention on the Rights of the Child and the Council of Europe Child-Friendly Justice Guidelines;
- have a good understanding of the civil, criminal and administrative legal procedures for children, including the various measures that can be taken, such as diversion or restorative justice processes;
- know when and how to seek specialized advice and support from appropriate professionals such as psychologists and social workers;
- have working knowledge of various stages of children's physical, cognitive, emotional and social development;
- be aware of how children communicate and how this can change over the course of their childhood;
- be able to communicate effectively with children;
- have awareness and sensitivity when dealing with child victims and witnesses to avoid secondary victimization;
- have undertaken any required vetting, such as disclosure of criminal convictions; and
- take responsibility to attend training on an ongoing basis and keep updated as to developments in law and practice relating to children.

There are currently only a few jurisdictions in the Europe and Central Asia region, or indeed globally, that require in law that practitioners who provide legal assistance to children be specialized and trained. In addition, there are not many jurisdictions in which the work of legal professionals is systematically monitored and quality assured and that have specific codes of conduct for working with children. Legal professionals should encourage the development of such codes or regulations and access to training and specialization by working closely with Bar Associations or other appropriate bodies.

GUIDELINE 2: Acting in a child's best interests

The best interests of the child should be a primary consideration in all actions taken when children are in contact with the law. Legal professionals must be aware of this obligation and comply with it by evaluating and acting in the best interests of their child clients.

The principle of the best interests of the child should inform all aspects of dealings with a child client. Although this is often a prominent principle in family and civil proceedings, it is important that it should also be a primary consideration in criminal proceedings. It should inform:

- how a legal professional builds a relationship with a child: for example, he or she should commit time and resources to building a trusting relationship with the child to understand what is in the child's best interests;
- how the legal professional develops and adapts case strategies to achieve the optimal legal outcome: for example, the professional might decide that it is in a child's best interests to enter into a plea bargain, to remain silent during a police interview or to advocate for diversion or restorative justice proceedings as an alternative to prosecution;
- how to interact with other key actors, such as the police or judges, to ensure that the child's best interests are the primary consideration at different stages of the process: for example, a legal professional may decide it is in a child's best interests to advocate strongly that delays in a case be kept to a minimum; for a child-friendly environment in a court-room; or to reduce the need for repeated interviews by disclosing information to other professionals (with the child's consent); and
- how to advocate for a child's best interests to be interpreted by the court or tribunal. In many jurisdictions, a court will have the responsibility for acting in the child's best interests (for instance in family proceedings regarding residence orders). There may be a clear legal framework to follow defining relevant criteria to consider when defining a child's best interests. Legal professionals can provide the court or tribunal with cogent arguments regarding a child's best interests.

When evaluating the best interests of a child at various stages of proceedings, legal practitioners will need to take into account the child's views and give them due weight so the child can have a significant role in determining what is in her or his best interests. It is very important that the child's legal representative does not silence the child's voice if the representative disagrees with the view the child is expressing, as the representative's role is to obtain the child's informed consent on the best strategy to use.

There is no definitive 'list' of factors to take into account when evaluating the best interests of a child. Such a list would be impossible to produce, as in every case the individual circumstances of each child will be different. Assessing the child's best interests is an ongoing task that will require constant revision and tweaking as circumstances change or the views of the child evolve. However, criteria to consider when assessing how to act in a child's best interests include: the child's general well-being; the child's physical, mental, spiritual, moral, psychological and social status; and the child's need for education and a healthy and safe environment. Several different approaches should be considered when evaluating the best interests of the child:

- take a holistic view of the child's development and well-being on the basis of a good relationship with the child and knowledge of the child's life and circumstances beyond the strict legal issues

of the case. Often legal professionals have had a very different sort of upbringing and come from a different background to their child clients. They should be aware of this and make an effort to understand the context in which the child is growing up;

- consult with others – such as social workers, parents, teachers, doctors and psychologists – to build up a picture of the child’s needs;
- have a broad, general understanding of common issues that can affect children – such as the impact of witnessing or experiencing violence, mental illness, drug and alcohol dependency and family breakdown – to help provide context for individual cases;
- take into account both long-term and short-term considerations for the child’s future: what is in the child’s immediate best interests should be balanced with that child’s best interests in five, ten or more years; and
- balance the risks of a course of action that you consider to be in the child’s best interests with protective factors in the child’s life that can help mitigate the risks.

How courts evaluate a child’s best interest in England and Wales

“Evaluating a child’s best interests involves a welfare appraisal in the widest sense, taking into account, where appropriate, a wide range of ethical, social, moral, religious, cultural, emotional and welfare considerations. Everything that conduces to a child’s welfare and happiness or relates to the child’s development and present and future life as a human being, including the child’s familial, educational and social environment, and the child’s social, cultural, ethnic and religious community is potentially relevant and has, where appropriate, to be taken into account. The judge must adopt a holistic approach.”

Lord Justice Munby, Re G (Children) [2012] EWCA Civ 1233

GUIDELINE 3: Effective participation

Legal practitioners must ensure that a child's views and voice are heard and given due weight throughout the legal process.

Article 12 of the Convention on the Rights of the Child is clear that children who are capable of forming their own views have the right to participate and express those views freely in all judicial or administrative proceedings that affect them. Their views must be given due weight in accordance with their age and maturity. This is a vitally important right in the context of legal proceedings, where it is far too commonplace for authorities to make decisions that have significant and long-lasting impacts on children's lives without first listening to the children's own views.

The active participation of children in their cases can be very beneficial for them and for the legal process. For child victims and witnesses, having their opinions heard and taken into account can help them to recover, build their self-confidence and better understand their skills and potential. For child offenders, the right to participate can help them develop a sense of responsibility, and can aid their rehabilitation and reintegration back into their community. The exchange of views between a legal professional and a child client can increase understanding of the child's best interests and provide the basis for innovative and creative solutions to legal problems. Participation must be voluntary at all times and children also have a right not to participate if they choose.

“All processes in which a child or children are heard and participate, must be: transparent and informative, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe and sensitive to risk and accountable.”

United Nations Committee on the Rights of the Child, General Comment 12

Legal professionals play a crucial role in enabling children's right to participate in justice systems. The following are some recommendations for putting this right into practice:

- never underestimate children's capacity to make reasoned decisions about their own lives;
- support children's ability to participate by building relationships of trust with them and communicating with them in a child-sensitive manner (see Guidelines 4 and 5);
- provide children with all the information they need to enable them to participate meaningfully (see Guideline 6);
- to enable children to make informed decisions, give clear explanations of the long-term and short-term consequences of their decisions (see Guideline 6);
- adequately prepare the child before any hearing, providing explanations as to how, when and where the hearing will take place, who the participants will be, and how the child's views will be taken into account;
- ensure that children's interests, views and feelings are communicated as clearly as possible to relevant bodies, such as courts and social services (see Guideline 12);
- take positive action to ensure that all children can participate, including children who have disabilities or challenges with communication (see Guideline 10);

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- ensure that when children are being heard during formal proceedings, they are able to express themselves freely and that the proceedings are conducted in a child-friendly manner. For example, during a police interview, a legal professional should intervene if the questioning is inappropriate or hostile (see Guideline 7) and they may also need to educate other legal professionals regarding children's right to participate; and
 - inform the child of how the court or tribunal took into account her or his views in reaching a decision. This feedback is often overlooked but is an important part of the process and emphasizes the fact that the views of the child are not only heard as a tick-box exercise, but are in fact taken seriously.

GUIDELINE 4: Building a relationship

A legal professional should build a relationship of trust and support with a child client.

Establishing and maintaining a relationship with the child is the foundation of good quality representation and assistance. As far as possible, the same legal practitioner should communicate with a child from the start to the finish of a case, and if a child expresses a wish for a legal practitioner of a specific gender this should be accommodated.

From the outset, legal professionals should explain that their role is different to that of other adults in the legal system, such as judges or prosecutors, and that their task is to provide the child with the best possible representation and assistance. To build trust, expectations should be carefully managed throughout the process so that a legal practitioner does not promise to deliver something that may not be possible. Depending on the circumstances of the case, building trust may also involve working closely with the child's family and other supportive adults (see Guideline 8).

It is preferable to meet with the child in person. This allows the practitioner to explain to the child what is happening, what options are available and what will happen next, and to answer any questions the child may have. Problems in communication can be far more easily overcome during an in-person meeting. This also allows the practitioner to get a sense of the child and to assess the child's circumstances. Often this will lead to greater understanding of the case and creative solutions in the child's interest. Even where funding is limited, practitioners should make every effort to meet with the child in-person as often as is necessary to fully prepare her or him, bearing in mind that the child may also have school and family commitments to manage.

As well as meeting in-person, other means of communication can be used to maintain the relationship with a child client. The professional can provide regular updates by post, telephone, text, social media or email. It is important to check that these forms of communication are safe, accessible, confidential and reliable for the child to use. You should also explain that some forms of communication may be more confidential than others – for example, the police may be able to analyse texts if a telephone is seized during an investigation.

The first meeting with a child is particularly important for creating a positive impression and making the child feel safe and supported. As with meeting an adult client, the first meeting should be prepared for diligently by reading all the relevant materials and knowing the applicable law and the child's background. Ideally the meeting(s) should take place in a comfortable and child-friendly environment that offers the best possible opportunity for the child to feel safe and able to talk freely: sometimes the ideal location will be the child's home. If the first meeting takes place in an office, it does not take many resources to make this child-friendly: ensure that the reception staff are trained to welcome children and that there is a selection of toys and books suitable for various ages available in the waiting area. Do not keep children waiting for long periods of time and arrange the meeting room in a non-confrontational way so that the legal practitioner is not sitting behind a desk.

If the first meeting takes place in a police station, court cell or detention or immigration centre, be mindful of how stressful this experience is and of the child's vulnerability. Legal professionals are often very familiar with working in these environments and can forget how alienating and frightening they really are. In these circumstances be on time (as long waits may erode confidence in your

commitment), meet privately (ideally in a separate room with no police or detention officers present) and use appropriate communication.

Wherever the meeting takes place, before launching into discussion of legal issues break the ice and start to build the child's trust by asking how the child is and informal questions not related to the case. Let the child know that you are there to help and are on her or his side. Allow for breaks and accept that the child may be distressed or have difficulty concentrating over long periods of time.

Logistics are important too in establishing a relationship and ensuring that the process runs smoothly. It is important to find out how the child will travel to court or to the next meeting, how the travel costs will be met and the best method of communication if there are last-minute changes.

Finally, if the relationship with the child becomes dysfunctional and he or she requests to change lawyers, then respect the child's right to choose a lawyer while also explaining any difficulties that may then arise.

“Working with children is more than being a professional lawyer because sometimes we need to be a psychologist to understand the voice of children.”

Lawyer in Albania

GUIDELINE 5: Child-sensitive communication

Children cannot participate meaningfully in proceedings unless legal practitioners communicate with them in a child-sensitive manner.

Communication is the basis of good quality legal aid. To communicate effectively with a child, practitioners will need to adopt a different approach than that used with adults. They will need to take into account the child's age, gender, religion, physical and/or mental disability, level of confidence and developmental stage, emotional state, education and culture. They should also take into account the fact that children's development is dynamic and profoundly affected by their experiences and relationships with persons who are significant in their lives, and by their perceptions of and reactions to those experiences and relationships.

To arrive at assessments of children's capacity it is important not to make assumptions based on their chronological ages but to integrate knowledge of child development with the information you have about the child in front of you. It is essential that the way in which a practitioner communicates with a child does not reinforce any aspects of discriminatory or abusive experiences for the child.

Good communication has different components including: giving clients the information they need; listening actively and talking through different options in a non-judgemental manner so the child can retain control of decision making; giving children the opportunity to have support persons with them during consultations (for example, a parent/guardian, a trusted professional, a sibling or a friend); being patient and understanding; and speaking clearly and precisely, and in terms the child can understand:

- use simple vocabulary that is appropriate for the child's age and background;
- use short and frequently used words;
- use short sentences;
- ask clear and unambiguous questions; and
- avoid professional language and legal jargon.

"Each child is going through major social and physical changes; practice putting yourself in the child's place when you find yourself disagreeing or growing impatient."

Lawyer in Bosnia

Children do not use and understand language in the same way as adults, and there can be a wide range of ability in communicating amongst children of the same age. Younger children can have problems understanding abstract and ambiguous language and may have difficulty with concepts of time, space and measurements and in shaping clear narratives. Furthermore, pre-school children can have difficulties in perceiving other people's perspectives, so they may assume that other people must think and feel in the same way as them. Older children may also have these developmental characteristics and also be more sensitive to being patronized or 'talked down to'.

The position of the Committee on the Rights of the Child as stated in General Comment 12 on the Right to be Heard is that 'the child is able to form views from the youngest age, even when she or he may

be unable to express them verbally.' Legal professionals should respond to the different ways in which young children express themselves, including play, demeanour, interaction with caregivers and body language.

Child-sensitive communications – some questions to consider

- Am I seeing the legal issues in the case, as much as I can, from my child client's point of view, rather than from an adult's point of view?
- Does the child understand as much as possible about the case/situation: is there more that could be explained, or does it need to be explained in a better way?
- If I am treating my client differently to how I would treat an adult, is this in her or his best interests?
- Am I being overly influenced by the opinions of adults involved in this case?

Children can have short attention spans and limited vocabulary and ability to relate events in a chronological order. They may be fearful of the repercussions for them or their families of disclosing certain information, and be experiencing overwhelming feelings of shame, distress or guilt. Many children wish to please adults in authority, including legal professionals, by saying things which they feel are expected of them, or they may have been brought up to listen to adults but not to speak to them. They may simply not understand the complexity of the legal issues and be puzzled by terminology.

It is good practice to carefully structure a meeting with a child client. During the initial part the legal professional should introduce herself or himself and put the child at ease by explaining the purpose of the interview, who will be present, how long it will take, and what will happen afterwards. The professional should also explain how the interview will be recorded and how the information the child provides will be used. It is important to understand that it can take some time before a child is relaxed enough to be comfortable talking, especially when the child is recalling events that are traumatic or involve intimate details.

Children are likely to express themselves best if given the freedom to do so in their own way, in their own time. It is important to be patient, to respect silences and not to rush children or put words into their mouths. Children should be told that it is acceptable to say, 'I don't know' when they do not know the answer to a question or cannot remember, and that they can ask if they do not understand the nature of a question. It should be emphasized that although there is no 'right' or 'wrong' answer to the questions being asked, it is important to give truthful information and to be as accurate as possible. They should also be reassured that it is acceptable to use 'rude' words where needed.

Summarize what the child says. This is a key skill in bringing structure to the interview. The lawyer can use this tool to confirm understanding of the case, bring together different aspects raised by the child and then either explore further what the child has already introduced or move the interview on to a new topic. When checking the child understands the information given, it is better to ask specific questions such as 'what date is your next hearing?' rather than asking 'do you understand?'. If one way of explaining does not work, try another way. If communication is very challenging then it may be necessary to work with social workers or other professionals to facilitate communication.

When it is necessary to ask questions to clarify events or request further information, they should be as open-ended as possible. Questions using the phrase 'Tell me' or the word 'Describe' are useful examples of this type of question, such as 'You said you were on the metro this morning when something happened: tell me everything that you can remember.' Leading or suggestive questions that push a child towards a certain answer should never be used. Repeating questions should be avoided as this can signal to children that the previous answers they gave were unacceptable or 'wrong'.

Closing a meeting properly is vital. Children should be asked if there is anything else they would like to mention or wish to tell you, or any questions they would like to ask. It is also important to reiterate how the information will be used and to manage the child's expectations about what may happen in the future. The child should be thanked and be made aware of any support services available to her or him.

Legal professionals should bear in mind that a child may not understand legal terminology and that the legal issues at play may be complex. Terminology that is used every day by a practitioner such as 'social worker', 'courts', 'hearing', 'appeal' and so on, may all be unfamiliar to a child who has never experienced the justice process before; for example, even if a child's parents have separated the child may not know what the term 'divorce' actually means. Complex terminology such as 'presumption of innocence' can be even more problematic. It can be helpful to develop a child-friendly glossary of key terms that children and their families can take away with them. Visual aids – such as diagrams, flowcharts and pictures – can also be helpful in conveying information.

"We have to show children our interest not only in their legal status but also in their psychosocial wellbeing."

Lawyer in Greece

Think too about non-verbal communication. Try to be as natural as possible and take your cues from your child client. If he or she is uncomfortable making eye contact then do not force it. Sometimes reluctance to give instructions comes from nerves or fear, or an overwhelming sense of distress at disclosing painful memories. In such situations, the practitioner should be proactive in making the child feel comfortable and safe, and where needed adopt a different approach to taking instructions. If necessary, practitioners should consider seeking the assistance of others to help establish a child's wishes and instructions.

Checklist for communication

- Use concrete terms and simple sentences.
- Ask open-ended questions – and introduce as little information into the conversation as possible – to ensure that the child's account remains authentic ('Tell me about what happened...').
- Check whether the child has correctly understood what has been said to her or him.
- Encourage the child to admit when she or he does not understand something.
- If the child displays emotions during the conversation (such as bursting into tears or being highly agitated) then acknowledge and accept those emotions ('I can see that it makes you sad.') and reassure the child that it is all right to feel that way and show feelings. You can change the focus of the conversation to something less distressing until the child is ready to return to it; this may be on the same day or another time altogether depending on the intensity of the emotions.

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- Ask concrete questions beginning with who/what/where.
 - Do not assume that a word holds the same meaning for the child as for adults.
 - Be clear when formulating questions, and repeat them as few times as possible.
 - Ask the child about one event at a time.
 - React positively to the child's answers: encouragement and praise can encourage openness.
 - Sit at the same level as the child.
 - For older children, refer to them as young people rather than children and emphasize the value and importance of their participation (provided that this is in their best interests).
 - Encourage the child to ask you any question she or he may have before terminating the conversation.
 - At the end of the conversation, thank the child for participating in the proceedings.

GUIDELINE 6: Providing reliable and relevant information

Legal professionals must provide children with reliable and relevant information so they can participate meaningfully in decision-making.

Children cannot participate meaningfully in legal processes unless they have a clear understanding of the facts and are aware of the possible consequences of the decisions they take. Reliable and relevant information should be provided directly to children in simple and accessible language so they can make informed decisions, even if they are not always the main decision maker.

“It is important not to underestimate the child’s ability to understand the situation and your explanations and advice.”

Lawyer in Serbia

The information provided will need to cover the details of their specific case and may also include:

- The role of the legal professional and what that person can (and cannot) do for them.
- The regularity of communication the child can expect from the legal team.
- How the principle of confidentiality works, how it will apply in the child’s case in relation to other adults such as parents, psychologists, the courts, the police, teachers and so on, and the circumstances in which it can be breached.
- The nature of the legal issues and proceedings, and why the child is involved.
- The role of different actors in the case, for example police, social workers and judges.
- The specific rights of the child at every stage of the procedure: for example, the right to remain silent, the right to express an opinion, the right to be protected and the right to a remedy.
- Decisions that the court or tribunal will make and what information is considered when these decisions are made, including how and when the child’s views are taken into account.
- Any upcoming hearings, including what they are about, how long they will last and whether the child is required to attend.
- Whether or not a child may give evidence in formal proceedings and the advantages and disadvantages of this (see Guideline 7 below).
- What it means to swear an oath before a court.
- How the child may be questioned during formal proceedings and by whom.
- An estimation of how long the whole process could take.
- Support mechanisms available and how to access them (medical, psychological, victim support units and so on).
- Safety and protection measures available, such as safe houses or protection orders.
- The meaning and implications of any court orders made.
- Avenues of appeal or complaint following a tribunal decision.
- Avenues for seeking reparation including financial compensation.

From the outset, the practitioner should manage expectations and prepare the child for the possibility that the court may make a decision that the child does not like; for example, if the child is given a sentence of imprisonment, or a family member is denied contact with the child.

The information should be put into context so that children can understand any choices available to them and weigh up the advantages and disadvantages of different options. Sometimes it will be necessary to repeat the same information several times to ensure the child has correctly understood. Whilst it is likely that parents will also need to receive information on their children's legal cases, communication with parents should not be a substitute for informing the children as well. The right of children with disabilities to information should be accommodated: for example, they may need information to be repeated more often, or in a different format such as braille.

It can be helpful to have leaflets available that set out in clear language basic information about the justice system and the role of the legal professional. These leaflets should be adapted for use by different age groups and in different contexts (criminal, civil and so on). Where such materials do not already exist, the legal professional should consider advocating for them to be produced by the Bar Association or a relevant ministry.

GUIDELINE 7: Effective participation in formal proceedings

Legal professionals must ensure that children participate in formal legal proceedings in a meaningful and safe way with adequate support and procedural safeguards in place.

It may not always be in a child's best interests to participate directly in formal legal proceedings such as trials or custody hearings. For a child victim or witness this can involve reliving traumatic events and exposure to persons who have harmed them. It can also expose a child caught up in family proceedings to inappropriate and harmful information about their family circumstances. A legal professional will have to weigh up the advantages and disadvantages in each case when deciding the best course of action. The following factors are useful to consider:

- how essential the child's oral evidence is to further the case;
- the quality of alternative evidence (for example if it has been videotaped earlier);
- the age, maturity, vulnerability, understanding, capacity and competence of the child;
- the length of time that has passed since the events in question occurred;
- the support (or lack of support) that the child has from family or other sources;
- the child's own wishes; and
- the views of the parent or legal guardian

“...it would be going too far to say that domestic courts are always required to hear a child in court on the issue of access to a parent not having custody, but this issue depends on the specific circumstances of each case, having due regard to the age and maturity of the child concerned.”

European Court of Human Rights (Grand Chamber), judgment of 8 July 2003, Sahin v. Germany, No. 30943/96, paragraph 73.

There are steps that a legal professional can take to support a child who is giving oral evidence in formal proceedings so the child feels more at ease and comfortable and can give the best evidence possible. For example, the child can be familiarized in advance about the layout of the waiting room and courtroom, any equipment that may be used such as CCTV, and the different roles of people in the courtroom and where they will be standing. In some countries, such familiarization programmes can be organized by the court itself, but in others it may be up to the legal professional to do this. If a visit to the courtroom is not possible then it can be helpful to provide a drawing of the courtroom, explaining the roles of different people within it.

A practitioner can also seek adaptations to proceedings to help a child feel safe and comfortable. These could include:

- having frequent breaks;
- ensuring hearings are held in private;
- having separate waiting rooms for child victims and witnesses;

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- requesting the removal of the formalities of court clothing (robes and so on);
 - requesting that a child give evidence via CCTV where available;
 - agreeing restrictions on the nature and manner of questions put to the child, for example agreeing to use short, simple questions, not to use aggressive questioning techniques, setting some time limits and using visual aids such as maps;
 - seeking permission to allow a child to sit next to or close to a supportive adult and to have all the parties seated at the same level as the child;
 - having short hearings that accommodate the child's capacity for concentration and attention;
 - limiting unwarranted interruptions or distractions in proceedings, such as people coming in and out of the courtroom;
 - restricting those present in the room to persons directly involved in the proceedings;
 - ensuring that the child is accompanied by a trusted person;
 - checking with the child if it is appropriate to have family members present during proceedings;
 - being vigilant with judges, prosecutors and other lawyers to ensure that they interact with the child in a respectful and sensitive manner; and
 - ensuring the presence of an interpreter where needed.

It is important to remember that information given to a child may need to be repeated if there are long periods of time between court hearings and a final trial, and that there is an ongoing responsibility to ensure that a child is fully informed and therefore able to participate.

“34. A child cannot be heard effectively where the environment is intimidating, hostile, insensitive or inappropriate for her or his age. Proceedings must be both accessible and child-appropriate. Particular attention needs to be paid to the provision and delivery of child-friendly information, adequate support for self-advocacy, appropriately trained staff, design of court rooms, clothing of judges and lawyers, sight screens, and separate waiting rooms.”

General Comment 12, The Right to be Heard (1 July 2009) CRC/C/GC/12

GUIDELINE 8: Working with family members and other supportive adults

A legal professional must act on a child's instructions and in his or her best interests and not those of family members.

“When working with family members, create a welcoming atmosphere that encourages family involvement and building trust. . . and use effective communication skills, such as active listening.”

Lawyer in Bosnia

In most cases a legal practitioner will develop a cooperative and supportive relationship with a child client's family (or with other supportive adults). However, it is important to be clear from the outset that the practitioner will be instructed by the child and not the adult. This means that the legal professional will not take instructions from a family member if they conflict with the child's instructions. Furthermore, it should be made clear that professional confidentiality does not apply to conversations with family members. Where needed, parents can be recommended to seek their own legal representation or referred to other service providers.

Even with younger children, communication should be directed at the child, though supplemented by communication with the adults supporting them as appropriate. Sometimes it may be necessary to ask supporting adults to wait outside so that a child can speak more freely (and vice versa).

Practitioners need to be aware of the power dynamics in adult and child relationships, and to be alert to the possibility that a child is being manipulated or intimidated. It is important that the interests of others such as parents or siblings, who may be more articulate and vocal, do not conflict with or take priority over the interests of a child client. This is particularly important in situations in which parents are paying the legal professional's fees and may therefore assume that their interests trump those of the child client.

In cases in which a legal professional represents both a child and an adult and there are conflicting interests, an independent representative should be appointed to represent the views and interests of the child.

It can be very challenging if a child reaches a decision about a case that a legal professional does not consider to be in the child's best interests, for example choosing to return home to an abusive parent. In such situations, the legal professional should try to convince the child, as would be done with an adult client, by drawing on the pre-existing relationship of trust and clearly identifying the alternative choices to the child. The professional may also need to collaborate with other professionals to gain a full understanding of the child's needs and wishes, and the risks associated with the decision.

GUIDELINE 9: Privacy and confidentiality

Legal professionals should uphold a child's right to privacy during legal proceedings and ensure that all communication with the client is kept confidential in accordance with professional codes of conduct.

The right to privacy is vitally important: child victims and witnesses can be put directly in danger and experience severe emotional harm if their identity is disclosed, and child defendants can experience discrimination and stigmatization if their offending is widely publicized. The level of risk arising from breaching the right to privacy may not always be clearly apparent to other justice professionals involved in the case, such as judges or prosecutors. Legal professionals play an important role in protecting this right and should do their utmost to ensure that:

- court hearings involving children are held in private unless there are clear reasons why it is in the child's best interests for them to be public;
- judgments are given in such a way that the identity of the child is not revealed;
- criminal records of children are not disclosed after they reach the age of majority;
- if details of a case are being shared for legal education purposes or to the media because of a public interest angle, the child gives consent for this disclosure and the details provided do not reveal the child's identity; and
- the media do not disclose information that could lead to a breach of a child's privacy. Litigation or complaints should be brought against media organizations that breach a child's privacy.

In most countries, the relationship between a client and a lawyer is subject to strict rules about confidentiality, and this applies as much to children as to adults. The rules apply to meetings, correspondence, telephone conversations and other forms of communication such as social media. This is a vital part of building a relationship of trust with a child client and ensuring the child can speak to the lawyer freely and openly. In practice this means that a legal professional must:

- inform the child client that their exchanges will be confidential;
- explain that exchanges between legal professionals and family members are not protected by the same rules of confidentiality;
- be vigilant about securing the confidentiality of all forms of communication; for example, if meeting with a client in a police station or the hallway of a courtroom, ensure that they cannot be overheard; and if speaking on the telephone with a child client who is in detention, check with the child if they can be overheard; and
- ensure that the child's personal data (for example case files) are protected in accordance with national law and are kept securely and cannot be accessed by third parties unless in accordance with the best interests of the child and data protection legislation. This implies that no information or personal data is made available or published, particularly in the media, which could reveal (directly or indirectly) the child's identity. This includes: images, detailed descriptions of the child or the child's family, names or addresses, audio and video records, and so on.

There may be exceptional circumstances, permitted in national regulations, in which legal professionals should reveal confidential information about their clients to an appropriate authority: in many jurisdictions, the strict rules of lawyer-client confidentiality can be waived if there is a risk that non-disclosure could lead to the death or personal injury of a person, or if what the child reveals relates to a criminal activity. Such situations may include cases in which the child reveals information that indicates continuing sexual or other physical abuse but refuses to allow disclosure of such information to third parties. Similarly, there may be situations in which an adult discloses abuse committed either by himself or herself or by another adult against a child but refuses to allow any disclosure.

This can be a very challenging situation as the principle of confidentiality lies at the heart of building a trusting relationship with a child client. There are no clear-cut answers, but in such circumstances the practitioner must weigh up the position in national law regarding when it is acceptable to breach confidentiality. In many jurisdictions, support with these difficult ethical considerations can be given by the Bar Association's ethics committee, which can help discuss the national provisions and whether it is in the child's best interests to breach the strict rule of confidentiality because of threats to the child's life or health, both mental and physical.

GUIDELINE 10: Protecting children from discrimination

Legal professionals should ensure that children are treated fairly and are not discriminated against because of their age, gender, ethnicity, disability or other status.

Every child has the right to be treated fairly and equally, regardless of the child's or the parent's or legal guardian's race, ethnicity, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. In practice, this means that legal professionals should never allow personal views that are discriminatory to affect their decisions or the quality of the service they provide to children. As far as possible they should ensure that colleagues also do not behave in a discriminatory manner when working with children, for example, by having anti-discrimination policies in place and promoting training in the workplace.

Proactive and positive action may need to be taken to ensure that a child can engage with the legal process. Legal professionals should have a heightened awareness of issues that could affect children's ability to participate, including mental illness and disability. In such circumstances, they will need to take special steps to ensure that their child clients can participate equally. For example, they may demand that a foreign national child has access to an interpreter during a police interview or that a child with a mental illness has access to a psychologist to provide support while the case is being prepared. Legal professionals can play a key role in giving additional support and confidence to girls to voice their views and opinions, and for these to be given due weight in decision making. Children who have been victims of sexual assault may be at risk of discrimination and should be entitled to professional assistance to assist their recovery and prevent secondary victimization.

Children with disabilities are at greater risk of having their rights violated than children without disabilities: they face significant obstacles to accessing health and education, and they are more likely to experience abuse, violence and discriminatory employment practices. In addition, children with mental disabilities have a heightened risk of coming into conflict with the law. At the same time, there are many barriers in place to their full participation in legal processes: these often arise from negative assumptions about their capacities.

Possible effects of discrimination for children with disabilities

- Lack of autonomy, experience of being patronized by able-bodied persons;
- Feelings of being perceived as a 'voiceless object';
- Difficulty in establishing a positive self-identity as a child with a disability;
- Experience of being isolated (geographically, physically and/or socially);
- Dependency;
- Feelings of being perceived as 'asexual'; and
- Increased vulnerability to abuse.

Because of this, legal professionals often need to take additional steps to enable their participation. These include: developing a positive and non-discriminatory attitude and encouraging other professionals to do the same; working hard to build trust and rapport; and advocating for hearings to be child-friendly and accessible. Legal professionals should ensure that children with physical disabilities, such as blindness or deafness, have access to the communication aids they need to give instructions, give evidence and participate fully in proceedings.

Many children in contact with the law may also be victims of discrimination, and every effort must be made by legal professionals to remedy this, for example by sending communications to ombudspersons or national human rights institutions, or by entering into litigation to protect children's rights to non-discrimination.

GUIDELINE 11: Keeping children safe

Legal professionals should keep children safe and enable them to participate in the legal process without risk of secondary victimization.

All children may be at risk of harm as a result of their involvement with the justice system. Child victims and witnesses of crime may be at risk of intimidation, reprisals, secondary victimization or, at worst, their lives may be threatened. This risk can be heightened in cases of sexual abuse, and cases in which a child involved is young, has been trafficked or has disabilities. or if the alleged perpetrator is close to the child. Legal professionals should be alert to these risks and should coordinate closely to discuss the protective measures needed with social workers, prosecutors and judges.

Legal professionals have an important role to play in keeping children safe. To prevent stigmatization of child defendants, they can request that the identity of children is kept private and that hearings are heard in closed session. To protect victims and witnesses from intimidation and reprisals, they can request that the court orders measures to ensure the child's safety, such as giving evidence via audio, video or televisual link, providing testimony prior to trial, putting screens in place in the courtroom to avoid contact with the perpetrator and requesting that the perpetrator leave the courtroom while evidence is being given. Lawyers can also advocate for restraining orders to be made against perpetrators and for perpetrators to be held in pre-trial detention. Prior to giving evidence, lawyers can demand that a child has access to a separate waiting room.

It can be challenging if children refuse to cooperate with the procedural mechanisms on offer for their protection. In such situations, legal professionals should respect children's views and opinions but also draw on their trusted relationship to influence the children to act in their best interests. Where needed, legal professionals should refer child clients to sources of support such as asylum advice, counselling or health-care advice. They should have access to an up-to-date and comprehensive list of local or national organizations that can offer relevant help.

GUIDELINE 12: Working with others

A legal professional should work collaboratively with other organizations, provided that this is in the child's best interests.

Legal professionals need to collaborate with other professionals to guarantee that a child's rights are upheld. Other professionals may include the police, prosecutors, judges, interpreters, social workers, psychologists, court officials, teachers, medical staff, housing officers and so on. Other professionals sometimes perceive legal professionals as having an adversarial rather than collaborative approach to representing children. However, they have an important role to play in encouraging close cooperation between professionals working with children so that all those concerned have a full understanding of the child and his or her needs and work together to deliver their rights. At the same time, the principle of confidentiality should not be breached without the express and informed consent of the child. In practice, this means that legal professionals should:

- know how the system works and who the different actors are, and be able to explain their roles to their child client;
- promote the views and opinions of the child with other professionals while also ensuring that the child's confidentiality is maintained where required;
- be aware of service providers that help children and the services they offer;
- be a link between other professionals and the child; and
- attend multi-disciplinary training events and meetings which can help to build the understanding of the various professionals supporting children.

RESOURCES AND FURTHER READING

International standards and guidance on children and access to justice

- United Nations Convention on the Rights of the Child (1989)
- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (2011)
- United Nations Committee on the Rights of the Child, General Comment 5 (2003): *General Measures of Implementation of the Convention on the Rights of the Child*, 27 November 2003, CRC/GC/2003/5
- United Nations Committee on the Rights of the Child, General Comment 10 (2007): *Children's Rights in Juvenile Justice*, 25 April 2007, CRC/C/GC/10
- United Nations Committee on the Rights of the Child, General Comment 12 (2009): *The Right of the Child to be Heard*, 20 July 2009, CRC/C/GC/12
- United Nations Committee on the Rights of the Child, General Comment 14 (2013): *The Right of the Child to have His or Her Best Interests Taken as a Primary Consideration* (Article 3(1)), 29 May 2013, CRC /C/GC/14
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1985) (the Beijing Rules)
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990) (the Havana Rules)
- United Nations Guidelines for the Prevention of Juvenile Delinquency (1990) (the Riyadh Guidelines)
- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (2010) (the Bangkok Rules)
- United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005)
- Guidance Note of the United Nations Secretary General: United Nations Approach to Justice for Children (2008)
- United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2013)
- General Assembly, Human Rights Council, Twenty-fifth session, Rights of the Child: Access to Justice for Children, A/HRC/25/L.10, 25 March 2014

Regional standards and guidance on children and access to justice

- Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols 11 and 14, (1950)
- Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice (2010)
- Directive 2010/64/EU on the Right to Interpretation and Translation in Criminal Proceedings, 2010 (for children and adults)
- Directive 2012/13/EU on the Right to Information in Criminal Proceedings, 2012 (for children and adults)

- Directive 2013/48/EU on the Right of Access to a Lawyer in Criminal Proceedings, 2013 (for children and adults)
- Directive (EU) 2016/343 on the Presumption of Innocence and the Right to be Present at the Trial in Criminal Proceedings, 2016 (for children and adults)
- Directive (EU) 2016/1919 on Legal Aid for Suspects and Accused Persons in Criminal Proceedings, 2016 (for children and adults)
- Directive (EU) 2016/800 on Procedural Safeguards for Children who are Suspects or Accused Persons in Criminal Proceedings, 2016 (devoted specifically to children in conflict with the law)

Guidance specifically for legal professionals

- *Basic Principles on the Role of Lawyers*, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana (Cuba), 27 August to 7 September 1990
- *International Principles on Conduct for the Legal Profession*, International Bar Association (2011)
- *Guidelines on Children in Contact with the Justice System*, International Association of Youth and Family Judges and Magistrates (2017)
- *Practical Guide for Lawyers: How to defend a child in conflict with the law?* Defence for Children International (2018)

Further reading

- *Child-friendly Justice: Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States*, EU Agency for Fundamental Rights (2017)
- *Child-friendly Justice: Perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU Member States*, EU Agency for Fundamental Rights (2015)
- *Children's Equitable Access to Justice, Central and Eastern Europe and Central Asia*, UNICEF, Geneva, (2015)
- *Child-Friendly Legal Aid in Africa*, UNDP, UNICEF and UNODC (2011)
- *Twelve, Children's right to participation and the juvenile justice system: Theory and Practices for Implementation*, Defence for Children International (2016)
- *Access to Justice for Children with Mental Disabilities*, Mental Disability Advocacy Centre (2015)
- *United Nations Handbook for Professionals and Policymakers on Justice in Matters involving Child Victims and Witnesses of Crime* (2009).

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