

Child-friendly justice

SUMMARY

Every child has rights and deserves protection. It is estimated that around 2.5 million children in the European Union come into contact with the justice system every year. This can be a very stressful and even harmful experience for a child, who may participate in criminal proceedings as either a victim, a witness or a perpetrator. Children can also be parties to civil proceedings such as divorce, custody or adoption procedures, as well as administrative procedures, for example those related to nationality or migration.

Because of children's especially vulnerable position, the EU and international organisations such as the United Nations and the Council of Europe are pushing to develop justice systems that are child friendly. Child-friendly justice systems guarantee respect for and implementation of children's rights to the highest possible degree and take account of the maturity of the child and the circumstances of the case.

Since the roles children can play in such proceedings and the nature of the proceedings themselves can vary, children may face different issues. However, some rights and needs are universal. For example, children need to be respected and protected. They also have a right to be heard, either directly or through a representative; to be informed and communicated with in a language that they understand; and to receive a speedy response. The Barnahus model is an example of good practice for dealing with children in the justice system, especially child victims, as it provides the child with a coordinated and effective response.

Legislation and policy in the EU has addressed the issue, and more work is underway. For example, the work on the recast of the Victims' Rights Directive may provide even more rights to child victims.



IN THIS BRIEFING

- Introduction
- Children and the justice system in figures
- International standards
- EU action



Introduction

'**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, ... 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.'

Description from the 2010 [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#).

Across the European Union (EU), millions of children encounter the justice system every year. Children may be directly involved in proceedings as victims, witnesses or perpetrators of crimes. They can also be indirectly involved in proceedings when a judicial decision considerably affects their lives, for example in cases concerning divorce, adoption, the determination of migration status and nationality issues. Judicial proceedings can be intimidating, overwhelming and confusing for an adult – let alone a child. It is therefore necessary to adapt the justice system to children's specific needs, as this is the best way to guarantee their rights.

Much work on this issue has already been done. The United Nations (UN) and the Council of Europe have published several documents that can serve as guidelines on how to deal with children in the justice system.

At the EU level, child-friendly justice forms part of the [EU strategy on the rights of the child and the European Child Guarantee](#), a comprehensive policy framework to safeguard the rights of all children, adopted by the European Commission in 2021. Under the strategy's [thematic area 4](#), the Commission expressed a commitment to work towards achieving child-friendly justice and outlined its plans for supporting a justice system that upholds children's rights.

However, the EU legal framework remains highly fragmented and status-oriented. Children who come into contact with the judicial system as victims are covered by the [Victims' Rights Directive](#), the procedural safeguards for children suspected or accused in criminal proceedings are found in [Directive 2016/800/EU](#), while the situation for children participating in divorce proceedings is governed by [Regulation \(EU\) 2019/1111](#) and [Regulation \(EC\) No 4/2009](#).

Children and the justice system in figures

The exact number of children coming into contact with the justice system is not known, but according to EU Agency for Fundamental Rights ([FRA](#)) estimates, around 2.5 million children participate in judicial proceedings in the EU every year, either in parental divorce proceedings or as victims of or witnesses to a crime. Minors are also increasingly used by criminal networks to commit crime and, according to [Europol](#), they are involved in over 70 % of criminal markets, including cybercrime and online fraud, drug trafficking and related violence, migrant smuggling and property crime. The 2019 UN [Global Study on children deprived of liberty](#) estimates that around 1.5 million children are detained and/or deprived of liberty in police custody in the world per year.

Children are often victims of crime. For example, there were more than 36.2 million [reports](#) of suspected online child sexual abuse in 2023. Even though it is difficult to determine the full extent of the [crime](#), as many victims do not disclose what happened to them until many years later, [UNICEF](#) estimates that 1 in 8 children have been sexually abused or exploited, and the [Council of Europe](#) estimates that 1 in 5 children in Europe have experienced some form of sexual violence.

Although it is not possible to obtain exact figures, the 2024 [UNODC report](#) on human trafficking records a growing number of children along migratory routes. Girls are more trafficked than boys, and the number of girls detected as victims has increased more than that of boys. Eurostat [data](#) for 2022 shows that children make up 15 % of detected victims of human trafficking in the EU, and the

majority (75 %) of them are female. Sexual exploitation and forced labour are the most common purposes of exploitation, but forced criminality is also significant.

In 2023, 254 900 first-time asylum seekers were [children](#), which is 24.3 % of all the first-time asylum seekers recorded in the EU in that year. Out of all the under-age first-time asylum applicants in the EU recorded in 2023, 17 % were unaccompanied minors, and 72.9 % were younger than 14. Although the percentage of minors has fallen since 2021 (until then, the level had remained at or above 30 % since the start of the migration crisis in 2015), this is still a lot of children facing such a daunting process.

Children also enter the justice system for other reasons. [Research](#) shows that, in the EU, more than 18 000 domestic adoptions took place on average per year between 2004 and 2014. In the same period, over 11 500 children per year were adopted into the EU from non-EU countries, and more than 800 inter-country adoptions per year took place between EU Member States. [Statistics](#) also show that, in 2022, an estimated 0.6 million marriages in the EU ended in divorce.

International standards

United Nations

All EU Member States have ratified the 1989 UN [Convention on the Rights of the Child](#) (UNCRC), which sets out children's civil, political, economic, social, health and cultural rights. Article 12 provides the foundations for child-friendly justice by recognising the importance of children's participation in judicial and administrative proceedings affecting them; in particular, the right to be heard, directly or through a representative.

Article 40 also obliges States Parties to ensure that no child shall be alleged to be, accused of, or recognised as having infringed the penal law if their acts or omissions were not prohibited by law at the time. Those that are, have some of the following guarantees, for example: to be presumed innocent until proven guilty; to be informed promptly and directly of the charges against them and to have legal assistance or defence; to have the matter determined without delay by a competent, independent and impartial authority; not to be compelled to give testimony or confess guilt; and to have their privacy fully respected at all stages of the proceedings. States Parties are obliged to establish a minimum age below which children are presumed not to have the capacity to infringe penal law, and, whenever possible and desirable, set out measures for dealing with such children without judicial proceedings.

In an effort to guide and strengthen the implementation of child-friendly justice, the [Committee on the Rights of the Child](#) published [General Comment No 10](#) on children's rights in juvenile justice in 2007, and [General Comment No 12](#) on the right of children to be heard in 2009. The 2019 [General comment No 24](#) on children's rights in the child justice system replaces the 2007 comment and reflects the developments since 2007. The 2019 comment aims to guide states towards 'a holistic implementation of child justice systems that promote and protect children's rights', 'reiterate the importance of prevention and early intervention', 'promote key strategies for reducing especially harmful effects of contact with the criminal justice system', promote the strengthening of systems, and provide guidance on new developments in the field.

Council of Europe

Even though the 1950 [European Convention on Human Rights](#) rarely mentions children specifically, its provisions also apply to children. Article 5 guarantees the right to liberty and security, and allows the deprivation of liberty only in certain cases, including some relevant to children, such as the detention of a minor by lawful order for the purpose of educational supervision or to bring them before the competent legal authority. Article 6 guarantees the right to a fair trial, including public pronouncement of the judgment. However, the press and public may be excluded from all or part of a trial, including where required to protect the interests of juveniles.

The 1961 [European Social Charter](#) guarantees fundamental social and economic rights, such as employment, housing, health, education, social protection and welfare. It guarantees rights for everyone, but focuses especially on vulnerable persons, including children, people with disabilities and migrants. According to the Charter, children have the right to, inter alia: social, legal and economic protection; protection against negligence, violence or exploitation; receive protection and special aid from the state when deprived of their family's support. Migrant children are entitled to protection and assistance.

In 2010, the Council of Europe adopted the [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#). These deal with children's views, rights and needs in judicial proceedings and in alternatives to such proceedings, and aim to ensure that all their rights (including to information, representation and protection) are fully respected without jeopardising the rights of other parties involved. The guidelines provide the most extensive set of standards on child-friendly justice directed towards improving the justice system and adapting it to the specific needs of children. These international standards provided substantive inspiration for the development of the EU legal framework on child-friendly justice.

Barnahus model (Children's House)

The [Barnahus model](#) is usually defined as a 'child-friendly, safe environment for children, bringing together relevant services under one roof for the purposes of providing the child with a coordinated and effective response and for preventing re-traumatisation during investigation and court proceedings'. Key common criteria for Barnahus are:

- 1) forensic interviews are carried out according to evidence-based protocol;
- 2) the evidentiary validity of the child's statement is ensured by appropriate arrangements in line with the principles of 'due process';
- 3) medical evaluation for forensic investigative purposes, as well as to ensure the child's physical well-being and recovery, is available;
- 4) psychological support and short- and long-term therapeutic services for trauma to the child and non-offending family members and caretakers are available;
- 5) assessment is made of the protection needs of the victim and potential siblings in the family.

The Council of Europe is an advocate for Barnahus and has published [studies](#) on its effectiveness. Together with the EU, the Council has also funded Barnahus [projects](#) in EU countries. The Barnahus model is also part of the negotiations on the revision of the Victims' Rights Directive, having been included in the European Parliament's [amendments](#) to the Commission proposal, and may become the part of the new legislation.

The Council of Europe [Strategy for the Rights of the Child \(2022-2027\)](#) aims to develop actions specifically in children's interests. It identifies six priority areas and three cross-cutting issues to guarantee the rights and the best interests of children. Among the six priority areas is child-friendly justice for all children, which is also affected by the three-cross cutting issues: the gender-sensitive, anti-discrimination and child-participation approaches. The Council of Europe emphasises that adapting justice proceedings to children is crucial to avoid re-traumatisation and re-victimisation. It advocates the Barnahus model, to ensure the best interests of the child are upheld in investigations and criminal proceedings and to provide support for child victims and witnesses. The strategy also proposes: training programmes for legal professionals in contact with children; improved access to justice via child-friendly language and information material; diversion measures and alternatives to detention for children in conflict with the law; monitoring places where children are deprived of liberty; reviews and follow-up action on family law and migration; child-friendly approaches in migration procedures; and prevention of juvenile justice proceedings by developing a model for prevention strategies. It also promotes the exchange of good practice

among member states, codes of conduct for legal professionals and media, capturing and analysing data on the relation of children with the justice system, developing restorative justice for children, and clarifying the use of alternative dispute resolution mechanisms in disputes involving children and others.

EU action

Main legislative framework

Article 3 of the [Treaty on European Union](#) (TEU) establishes that the EU is to promote the protection of the rights of the child. Article 24 of the [EU Charter of Fundamental Rights](#) elaborates on children's rights. Under this legislation, children have the right to such protection and care as is necessary for their wellbeing, the right to express their views freely and for their views to be taken into consideration on matters that concern them. Article 24(2) further imposes an obligation on public authorities and private institutions to make the child's best interest a primary consideration in all actions relating to them. Children also have a right to maintain a personal relationship and direct contact with both of their parents on a regular basis, unless this is contrary to their interests. The charter also promotes respect for the right to a fair trial, the presumption of innocence and related defence rights for everyone, not only children (Articles 47 and 48).

The main EU instruments ensuring child-friendly justice are [Directive 2012/29/EU](#) on establishing minimum standards on the rights, support, and protection of victims of crime (Victims' Rights Directive), and [Directive 2016/800/EU](#) on procedural safeguards for children suspected or accused in criminal proceedings. The Victims' Rights Directive is designed to ensure that victims of crime, including children, receive appropriate information, support and protection. The directive adopts a child-sensitive approach which takes account of the child's age, maturity, views and concerns, particularly in relation to the right to be heard (Article 10), and provides enhanced safeguards for the protection of child victims during criminal proceedings (Article 24). A proposal for a [recast](#) of the directive, which further enhances safeguards for the rights of victims, is currently being discussed.

Directive 2016/800 applies to children who are suspects or accused persons in criminal proceedings and sets a higher standard of protection for several procedural rights, including: the right to information (Article 4); the right of the holder of parental responsibility to be informed (Article 5); the right to assistance from a lawyer (Article 6); entitlement to an individual assessment (Article 7); taking account of the child's personality and maturity, the child's economic, social and family background and any vulnerabilities that the child may have. The child also has a right to a medical examination (Article 8) without undue delay to assess their general mental and physical condition, the right to an audiovisual recording of questioning (Article 9), and special provisions concerning the deprivation of liberty (Articles 10 to 12), including limitations of deprivation of liberty.

Children who are suspects or accused persons in criminal proceedings also deserve protection. However, the FRA [reported](#) in 2022 that they are often treated poorly, do not receive information that they can understand and receive limited legal support. The report also showed that the practical implementation of Directive 2016/800 varied across countries and that, in spite of some positive practices, EU Member States could do more to fully uphold children's rights in criminal proceedings. The report highlighted several important issues that Member States need to provide, including ensuring that children are informed about their rights promptly in a way they understand, strengthening efforts to adapt the conduct of criminal proceedings against children to allow them to participate fully, and ensuring effective legal assistance at all stages of the criminal proceedings. The report also focused on other important elements: ensuring that individual assessments of children's psychological and socioeconomic situation are carried out effectively and in due time before court hearings, ensuring that children are deprived of liberty only in exceptional circumstances, and providing rehabilitation measures. Member States should also provide training for professionals working with child defendants.

Children's rights in divorce or custody proceedings are safeguarded under [Regulation \(EU\) 2019/1111](#) and [Regulation \(EC\) No 4/2009](#). Regulation 2019/1111 revises the regime established by [Regulation \(EC\) No 2201/2003](#) on jurisdiction, the recognition and enforcement of judgments in matrimonial matters as well as in matters of parental responsibility, in addition to setting up a framework for addressing international child abduction. This regulation is important because it establishes uniform jurisdiction rules for divorce, legal separation and marriage

annulment, but also disputes about parental responsibility with an international element. It also clarifies the child's right to express his or her views in proceedings that concern them and complements the 1980 [Hague Convention on Civil Aspects of International Child Abduction](#) in relations between Member States.

The jurisdiction rules and applicable law in cases concerning cross-border maintenance obligations are set out in Regulation 4/2009. This covers all maintenance obligations arising from a family relationship, parentage, marriage or affinity, and applies to court and administrative authority decisions covering the various ways these issues are resolved in the EU Member States.

The EU's extensive migration *acquis* protects children involved in proceedings concerning migration matters. The EU has long been aware of the problem of children in migration since the beginning of the migration crisis; in 2017, the Council issued its [Conclusions on the protection of children in migration](#) and the Commission adopted a [Communication on the protection of children in migration](#). The newly adopted 2024 [Migration and Asylum Pact](#) also has an impact on children in migration, although its provisions may not solely aim at children. While the new pact is designed to guarantee people's rights by standardising reception conditions across the EU, and clarifies the rights and obligations of beneficiaries of international protection, [some](#) analyses have been [critical](#) of some aspects of the legislation. For example, EU legislation allows immigration detention of children, even though the UN Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families consider immigration detention violates the UN Convention on the Rights of the Child.

Policy implementation

In 2007, the Commission established a [Coordinator for the rights of the child](#) (currently Marie-Cécile Rouillon), who coordinates work within the Commission to make sure that the rights of the child are properly considered in all relevant policies and actions. The Parliament also has a [Coordinator on Children's Rights](#) (currently Ewa Kopacz – EPP, Poland), whose task is to ensure the promotion and protection of children's rights in all EU policies and legislation.

The [EU strategy on the rights of the child and the European Child Guarantee](#) adopted in 2021 guides EU action on child-friendly justice. The strategy's thematic area 4 commits the Commission to strengthening the implementation of the 2010 guidelines on child-friendly justice and contributing to the training of justice professionals on the rights of the child and child-friendly justice. Training judicial professionals on child-friendly justice is in line with the [European judicial training strategy for 2021–2024](#), and is to be carried out through the [European Judicial Training Network](#) (EJTN), the justice and citizens, equality, rights and values programme (CERV) and the European training platform on the EU [e-justice](#) portal. The Commission further funded the [European Guardianship Network](#), aiming to improve services for unaccompanied or separated children through guardianship development and assistance to practitioners and their organisations.

In relation to children involved in migration proceedings, the Commission strategy also plans to support Member States to develop alternatives to the detention of children in migration procedures and to provide targeted financial support for trans-national and innovative projects to protect children in migration under the Asylum, Migration and Integration Fund (AMIF). In December 2024, the European Union Agency for Asylum (EUAA) also published [Guidelines on Alternatives to Detention](#) where it, inter alia, explained how this can be implemented while respecting children's rights.

The rights of children who are exposed to the justice system as victims are covered by the Commission's 2020–2025 [strategy on victims' rights](#). The strategy identifies children as victims who require targeted and integrated support and protection, and whose best interests are the primary concern. The strategy acknowledges that it can be difficult for a child to report a crime, as children are often victimised in the family environment or by persons upon whom they depend. The strategy also identifies children as especially vulnerable when fighting cybercrime, as children may lack the necessary digital skills or awareness of what they can do to remedy their situation.

The EU is co-funding the Joint Council of Europe – European Commission project on [child-friendly justice](#), which will run for 27 months from 1 January 2024. Implemented by the Council of Europe, the project aims to improve the protection of children in contact with the law by developing child-friendly frameworks, strengthening specialised staff capacities in using child-friendly procedures, and raising awareness of children's rights before, during and after judicial proceedings.

The **European Parliament** has always advocated for children's rights, including the rights of children in contact with the justice system. In its 2021 [resolution](#) on the EU strategy on the rights of the child, Parliament reiterated its call to ensure a child-friendly justice system, with appropriate and inclusive proceedings, which take account of all children's needs. It stressed the importance of ensuring the child's right to be heard, to be assisted by a legal representative and to be fully informed in a child-friendly manner. Children in migration, especially unaccompanied minors, were particularly mentioned.

Parliament called on the Member States to ensure that child and family courts function as an essential service and noted that specific safeguards should be put in place for children who come into contact with any judicial or related proceedings. Parliament also stressed the need to train specialised staff.

More recently, Parliament adopted resolutions on specific issues of relevance to child-friendly justice, such as the 2022 [resolution](#) on the EU's protection of children and young people fleeing the war in Ukraine, and the 2023 [resolution](#) on the situation of children deprived of liberty in the world.

MAIN REFERENCES

Council of Europe, [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#), 2010.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2025.

Photo credits: © burdun / Adobe Stock.

eprs@ep.europa.eu (contact)

<https://eprs.in.ep.europa.eu> (intranet)

www.europarl.europa.eu/thinktank (internet)

<http://epthinktank.eu> (blog)