



REIMAGINE JUSTICE FOR CHILDREN



TECHNICAL BRIEF

CHILD-FRIENDLY COURTS AND PROCEEDINGS

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INTRODUCTION

“Any child detained is evidence of failed systems, but that failure is then compounded further if justice systems meant to protect and support children often add to their suffering ...”

– UNICEF, Former Executive Director
Henrietta Fore, *World Congress on Justice with Children*, November 2021

Children who come into contact with the law – whether as victims or witnesses, in conflict with the law, in civil or administrative proceedings and those deprived of liberty – may be required to attend a trial in a court setting. However, court systems and judicial proceedings are often-times not structured in a way that may be referred to as child-friendly, child-sensitive or child-centred. Establishing child-friendly courts and tribunals contributes to the realisation of the right of children to be heard, the right to express their views freely and the right to have their best interests and over-all well-being be a primary consideration in the judicial or administrative process. Courts are children’s recourse to access justice and effective remedies – to claim their rights, prevent and stop violence and other violations of their rights, provide redress, prevent recurrence of violations and end impunity. Proceedings in courts and tribunals must be adapted to the evolving capacities of the child, taking into account their age and ability, and must ensure that the child does not experience further harm.

Judicial proceedings and court systems should take into account the child’s right to protection and participation. Balancing the child’s right to participate effectively, while acknowledging that the court process can add further stress on a child, necessitates creative and innovative solutions. Not adapting the courts and tribunals to the needs and rights of a child is a known impediment to the realisation of their right to access justice and effective remedies, to

be heard, to express their views freely and, therefore, to have their best interests be a primary consideration in actions that concern them.

For children to be able to have effective access to justice, justice systems must be **child-friendly**. That is, they must be ‘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 understand the proceedings, to respect for private and family life and to integrity and dignity.’¹ Courts, forming an integral part of the justice system, must adhere to these characteristics too.

The *UN Committee on the Rights of the Child* (CRC Committee) has acknowledged the importance of child-friendly courts for ensuring that children’s rights in the justice system – specifically their right to participate effectively – are protected.²

Aside from the child’s right to be heard and the child’s best interests taken as a primary consideration, the court must ensure that no child is discriminated against in accessing justice and effective remedies. Conventional justice processes may discriminate against children on account of their age, if the capacity and needs of the child are not taken into account. Moreover, the specific needs of children with disabilities, those belonging to ethnic or Indigenous communities, girls (especially in sexual abuse cases) or boys – who make up the most children in conflict with the law – and children on the move should be considered. Child-friendly courts must not only uphold all the rights of the child under the *Convention on the Rights of the Child* (CRC) but must ensure that the procedures and environments are also child-friendly. Support systems must also be in place to ensure that the child’s experience in court will not add to his or her suffering but will be an empowering experience to access justice and effective remedies.



Six elements of a specialized justice system for children



UNICEF annually reports on six elements of a specialised justice system for children. These are:

1. uphold a minimum age of criminal responsibility set above 14 years, the minimum age prescribed by the CRC Committee;
2. provide children with access to child-friendly legal aid in law and practice;
3. conduct child-friendly investigations, prosecutions and adjudication (police,

prosecutorial and court) procedures;

4. employ specialised trained professionals;
5. use a multidisciplinary approach (i.e., justice, social welfare, health, education); and
6. have established special measures for child victims and witnesses of crime.

In addition, children must be heard in judicial and administrative proceedings and they must be empowered to claim their rights.

WHAT ARE CHILD-FRIENDLY COURTS?

While terms such as 'child-sensitive', 'child-responsive', 'child-centred', 'child-adapted' or 'child-focused' are also used, we will use the term child-friendly for the purposes of this technical brief.³

A child-friendly environment or infrastructure could relate to the design of courtrooms and witness waiting areas, and the removal of intimidating clothing of all actors in that room.⁴ In relation to

procedures, it requires that all stages of proceedings be adapted for children. Proceedings should be carried out in a language the child understands, with adequate breaks for rest, and include accommodations for children with disabilities among other children with specific needs.⁵ The support of appropriate adults should also be available.⁶ These could include intermediaries, social workers, psychologists and lawyers.⁷



ENVIRONMENT & INFRASTRUCTURE

- ✓ Separate waiting areas for children
- ✓ Child-sized furniture, toys, calming decor
- ✓ Video-link testimony options



PROCEDURAL SAFEGUARDS

- ✓ Trained judges and personnel
- ✓ Simplified language for understanding
- ✓ Closed-door hearings



SUPPORT SYSTEMS

- ✓ Presence of psychologists, social workers
- ✓ Access to legal aid, mental health and psychosocial support
- ✓ Coordination with child protection services



RIGHTS-BASED APPROACH

- ✓ Upholds entire UN CRC including:
 - ✓ ARTICLE 3 (best interests of the child)
 - ✓ ARTICLE 12 (right to be heard)
 - ✓ ARTICLE 2 (non-discrimination)



Brazil's Protective Hearing

A procedure for hearing a child victim or witness of violence by a police or judicial authority in **Brazil** is known as 'special testimony' or a 'protective hearing.' Under this procedure, the child's interview is collected by a specifically trained professional. The interview takes place in a child-friendly space, separate from the courtroom, where only the child and interviewer are present. The judge, prosecutor and accused person do not directly address the child at any point of the proceedings. The testimony is transmitted via closed circuit television to the courtroom and questions are forwarded electronically to the interviewer. It is important to note that in many criminal law cases, there are ongoing child protection investigations, and sometimes court cases. To minimize the negative effect of repeated questioning on the child, law enforcement and child protection actors should work together to conduct one interview of the child that may be used for both types of legal cases.

While it is imperative that child-friendly justice procedures be implemented before, during and after justice proceedings, this technical brief will focus on those procedures relating to courts, trials and alternative dispute mechanisms.⁸ However, it is important to remember that there are elements that overlap across all stages of justice proceedings. The most notable of these 'cross-cutting' elements are:

- access to information;
- effective participation;
- specialised and trained professionals;
- adapted procedures; and
- right to legal representation.⁹

According to international and regional standards, child-friendly information means children should receive information:

- directly, promptly and adequately;
- in a manner adapted to their age and maturity;
- in a language they can understand; and
- in a gender- and culture-sensitive form.¹⁰

Information which children may want to know, and should have access to

Before court proceedings:

- What is the purpose of the hearing?
- Why are they being asked to participate?
- What does the courtroom look like?
- Who will be in the courtroom?
- What does each person in the courtroom do?
- Where will the child sit?
- Who will sit next to the child?

During the court proceedings:

- Who will be attending the hearing?
- Will the child be expected to speak?
- What if he/she does not want to speak?
- Can the child use other means of communication?
- What should the child do if he/she has questions, needs to use the bathroom or feels scared?
- How is the child expected to behave?
- What happens if the child becomes restless?
- Can the child bring quiet toys to court?
- Can the child bring a support person or item to court? How should the child dress for court?
- Why is attire important?
- How long will the hearing last?
- How long will the child have to wait for the hearing?
- Where will the child wait for the hearing?

– Taken from Ton Liefwaard, Nana Chapidze & Jessica Valentine, *Child-Friendly Justice in Georgia – Concept for Implementation in Practice*, 2023, UNICEF.



INTERNATIONAL STANDARDS

Non-discrimination serves not only as a right of the child (Article 2) but also as a general principle, underlying the implementation of the CRC as a whole. The CRC Committee has stated that in order to ensure this right and principle is guaranteed, states may need to adopt special measures to ensure that the rights of children in the Convention are realised, including special measures in the administration of justice. Adaptations need to be made in court, not just for children generally but also for specific groups of children, such as those with disabilities or those who speak a different language.

Article 3 of the CRC provides that '[i]n 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.' The best interests principle similarly acts as a substantive right, a rule of procedure and as a general principle, informing all other Convention rights. The CRC Committee has confirmed that the best interests of the child not only applies to decisions made in the outcome of cases but must also apply to the procedure used in courts of law.¹¹ Amending and adapting the court process to make use of child-friendly procedures is in the best interests of the child. Court processes can be stressful and potentially traumatising to a child. Child-friendly courts can help to alleviate this hardship, thus promoting the well-being of the child and not doing further harm. The interpretation of the best interests of the child should be in accordance with all the rights under the CRC.

The child's right to be heard is enshrined in Article 12 of the CRC. Article 12(1) states that every child who is capable of forming his or her own view has the right to express that view in all matters which affect them, 'with the views of the child being given due weight in accordance with the age and maturity of the child.' This right of the child to participate in matters which affect them also forms a general principle of the Convention, and is closely linked with the best interests of the child principle.¹² Article 12(2) further provides that 'the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, through a representative or through an appropriate body, in a manner consistent with the procedural rules of national law.'

In General Comment No. 12 on the right of the child to be heard, the CRC Committee confirmed that the best interests of the child cannot be determined without taking into consideration the views of the child.¹³ Child-friendly courts and adapted court procedures facilitate the child's right to express views, taking into account the evolving capacity of the child. They provide a less intimidating setting, can use child-friendly language and thus allow for the more effective participation of the child.

Moreover, the child's right to be heard must be 'fully implemented and respected throughout every stage' of the process, whether that child is a victim, witness or the accused.¹⁴ For children in conflict with the law, the CRC Committee has confirmed that for this right to be realised,



‘proceedings should be conducted in an atmosphere enabling the child to participate and to express her/himself freely.’¹⁵ It also includes the right of the child to be remain silent if they have been charged with a criminal offence.

The provision of child-friendly courts is also directly linked with Article 40, which outlines the child’s rights in the criminal justice system. Of particular relevance is Article 40(2)(b)(iv), which guarantees the right of the child to participate in proceedings. In *General Comment No. 24 on Children’s Rights in the Child Justice System*, the CRC Committee noted that as per the child’s rights under Article 40(2)(b)(iv), ‘proceedings should be conducted in an atmosphere of understanding to allow children to fully participate.’¹⁶

‘Developments in child-friendly justice provide an impetus towards child-friendly language at all stages, child-friendly layouts of interviewing spaces and courts, support by appropriate adults, removal of intimidating legal attire and adaptation of proceedings, including accommodation for children with disabilities.’¹⁷

– *Committee on the Rights of the Child, General Comment No. 24 on Children’s Rights in the Child Justice System*

The *UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime* (UN Guidelines) ‘set forth good practice’ and ‘provide a practical framework’ to help states enhance protection for child victims and witnesses of crimes.¹⁸ The UN Guidelines were adopted in recognition ‘that children who are victims and witnesses are particularly vulnerable and need special protection, assistance and support appropriate to their age, level of maturity and unique needs, in order to prevent further hardship and trauma that may result from their participation in the criminal justice process.’¹⁹ The UN Guidelines should inform state practice in the amendment and development of legislation and

procedures that protect the well-being of child victims and witnesses. The Guidelines provide for all children who are victims or witnesses of crime the right to be protected from hardship during the justice process. Thus, professionals should take measures to reduce hardship and ensure child victims and witnesses are approached with sensitivity, including through the use of ‘child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated in the same location, modified court environments that take child witnesses into consideration, recesses during a child’s testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an appropriate notification system to ensure the child goes to court only when necessary and other appropriate measures to facilitate the child’s testimony.’²⁰ The UN Guidelines also provide for the child victim or witness to be examined in a child-sensitive manner, out of sight from the perpetrator, and for separate waiting rooms to be established for children.²¹ The UN Guidelines clearly envision the use of child-friendly courts as a necessary means for protecting the rights of child victims and witnesses of crimes.

First Children’s Court in Lesotho

The inauguration of the Children’s Court in **Lesotho** is a major step toward a justice system that meets the unique needs of every child, ensuring access to justice tailored to their rights and developmental needs.

The court is not just a physical space but a symbol of hope, fairness, opportunity and a recognition of children’s rights, voices and dreams, reflecting a commitment to prioritising these rights in practice, not just in principle.

The first Court was a result of a partnership with the European Union, World Vision Ireland, UNICEF, the Government of Japan, Ministry of Justice and Law in Lesotho and other partners.



Regarding regional law, the Committee of Ministers of the Council of Europe adopted *Guidelines on Child-friendly Justice* in 2010 (COE Guidelines).²² The COE Guidelines on child-friendly justice were adopted in recognition that the justice system is not designed with a child in mind – which can infringe their right to access to justice – and to ‘serve as a practical tool for member states in adapting their judicial and non-judicial systems to the specific rights, interests and needs of children.’²³ The COE Guidelines set out a range of measures to be adopted during the judicial proceedings to ensure they are child-friendly, including the organisation of proceedings, the environment and the language used.²⁴ They thus advocate for the use of child-friendly courts as a means to help remove children’s obstacles to accessing justice. Furthermore, the COE Guidelines promote the adoption of child-friendly measures for children giving statements or evidence during the judicial process.²⁵

Furthermore, the *Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse*, also known as the ‘Lanzarote Convention’, sets out that States parties to the Convention adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.²⁶ This involves taking legislative and other measures to protect the rights and interests of victims and witnesses in criminal proceedings by, for instance, ensuring there is no contact between the victim and perpetrator at court,²⁷ providing victims with support services²⁸ and enabling them to be heard throughout the criminal justice process.²⁹

Article 13(1) of the *Convention on the Rights of Persons with Disabilities* enshrines ‘effective access to justice’ to persons (including children) with disabilities³⁰ on ‘an equal basis with others’.³¹ This right extends to requiring states to provide ‘procedural and age-appropriate accommodations’ to facilitate direct and indirect

participation ‘in all legal proceedings’ (i.e., not just criminal proceedings), including ‘as witnesses’ and at ‘investigative and other preliminary stages’.³²

Liberia’s First Child-friendly Juvenile Court supported by Sweden

A major milestone in child justice reform was achieved in December 2024 with the first Child-Friendly Juvenile Court in **Liberia** refurbished, with generous support from the Government of Sweden.

The court aims to provide a more supportive and less intimidating environment for children who come into contact with the law either as witnesses, in conflict with the law or as victims.

Key features of the court include:

- A strong focus on non-custodial alternatives to detention.
- Active involvement of social workers and probation officers in case management.
- Specialised training for judges, magistrates and court personnel to handle child-related cases.

Alongside the court’s inauguration, two major resources were launched to guide national efforts in strengthening the juvenile justice system:

- The *Child Justice Study Report*, which assesses current gaps and opportunities within the system.
- The *Child Justice Strategy Roadmap*, outlining a strategic vision for a more effective, rights-based child justice framework in Liberia.

“This court is more than a building – it is a symbol of hope and a promise that every child deserves a fair chance,” said one official during the dedication event.



CHILDREN IN CONFLICT WITH THE LAW

International guidance emphasises that states should minimise children's contact with the justice system, even if they have committed a crime. When criminal proceedings are unavoidable, whether because a child has reached the age of criminal responsibility or committed a serious offence requiring formal intervention, these proceedings must be designed in a child-sensitive way that account for developmental needs and circumstances. This was originally reflected in the *UN Standard Minimum Rules for the Administration of Juvenile Justice 1985* (Beijing Rules), the first international instrument to acknowledge the participation of children in the criminal justice process.³³ While non-binding, Rule 14.2 provides for children in conflict with the law that 'the proceedings shall be conducive to the best interests of the child and shall be conducted in an atmosphere of understanding, which shall allow the child to participate therein and to express herself or himself freely.'

In *General Comment 24*, the CRC Committee provides further guidance in Article 40 of the CRC. Article 40 of the CRC provides that:

1. *'States parties recognise the right of every child alleged as, accused of or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.'*

2. *To this end, and having regard to the relevant provisions of international instruments, States parties shall, in particular, ensure that: ...*

- (b) *Every child alleged as or accused of having infringed the penal law has at least the following guarantees:*
 - (iv) *... Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality ...*
 - (vi) *To have the free assistance of an interpreter if the child cannot understand or speak the language used ...'*

In Article 40(2)(b)(vi), the CRC Committee explains that children's right to a fair trial and effective participation may be undermined where a child does not fully understand the language used throughout the child justice process.³⁴

Also, Article 40(2)(b)(iv) requires that a child must understand the case to effectively participate in the criminal justice process.³⁵ Where proceedings are not conducted in a language that the child fully understands, free-of-charge access to an interpreter may be required.³⁶

A child above the minimum age of criminal responsibility should be considered competent to participate throughout the criminal justice process. To effectively participate, a child needs to be supported by all practitioners to comprehend



the charges, possible consequences and options in order to direct the legal representative,³⁷ challenge witnesses, provide an account of events and make appropriate decisions about evidence, testimony and the measure(s) to be imposed.

It is crucial that interpretative assistance extend to the translation of the written evidence or official documents necessary for a fair trial, 'as anything less would deny the capacity of a child to participate effectively in proceedings.'³⁸

The European Court of Human Rights (ECtHR) interprets the fair trial rights in Article 6(1) of the *European Convention on Human Rights*³⁹ as requiring children to be able to participate effectively in criminal proceedings against them.⁴⁰ In *T and V v. United Kingdom*, the ECtHR found that active steps are required to promote a child's ability to understand and participate in proceedings,⁴¹ rather than allowing the proceedings to remain incomprehensible to that child.⁴²

The European Court explained: '*[T]he trial was conducted with the formality of an adult criminal trial. The judge and counsel wore wigs and gowns. The procedure was however modified to a certain extent in view of the defendants' age. They were seated next to social workers in a specially raised dock. Their parents and lawyers were seated nearby. The hearing times were shortened to reflect the school day (10:30 a.m. to 3:30 p.m., with an hour's lunch break), and a 10-minute interval every hour. During adjournments, the defendants were allowed to spend time with their parents and social workers in a play area. The judge made it clear that he would adjourn whenever the social workers or defence lawyers told him one of the defendants was showing signs of tiredness or stress.*'⁴³

Despite these modifications, the Court still held that the boys 'were unable to participate effectively in the criminal proceedings against them and were, in consequence, denied a fair hearing in breach of Article 6(1).'⁴⁴

In arriving at this conclusion, the Court explained it is essential that a child charged with an offence is dealt with in a manner that takes account of his age, level of maturity and intellectual and emotional capacities, and that steps be taken to promote his ability to understand and participate in the proceeding. The Court held that the trial must 'have seemed incomprehensible and intimidating', and that the raised dock increased 'the applicant's sense of discomfort during the trial, since he felt exposed to the scrutiny of the press and public.'

Leading academic commentators noted that this development required 'significant modifications be made to criminal proceedings to ensure that a child enjoys an effective right to a fair hearing.'⁴⁵

Referring to Article 40(2)(b)(iv) in *General Comment 24*, the CRC Committee outlines that for a child to effectively participate in child justice proceedings, the child 'needs to be supported by all practitioners to comprehend the charges and possible consequences and options' to 'direct the legal representative, challenge witnesses, provide an account of events and to make appropriate decisions about evidence, testimony and the measure(s) to be imposed.'⁴⁶

In *SC v. United Kingdom*, the ECtHR further found that for a child to effectively participate in proceedings, the child must have 'a broad understanding of the nature of the trial process and of what is at stake for [them], including the significance of any penalty which may be imposed.'⁴⁷

CHILD-FRIENDLY ENVIRONMENT

Courts should have separate entrances and waiting rooms for children accused or charged of committing an offence, child victims and child witnesses.⁴⁸ The child's legal or procedural representatives (guardian *ad litem*) must be present in the courtroom and sitting close enough to the child that they can communicate with each other.⁴⁹



Whichever court is used for children in conflict with the law, it must not simply be a duplicate of an adult court. Rather, it must be designed to ensure that its operation is consistent with the underlying principles of Article 40, with the emphasis on reintegration and respect for the dignity of the child. For example, it must not be designed to intimidate, stress, overwhelm or create fear within children. Instead, the physical structure of a court and its procedures must be sensitive to children's developmental needs and create a therapeutic environment that contributes to a child's reintegration. In practical terms, this requires that appropriate consideration is given to factors such as the 'type of furniture, layout and seating arrangements for the court,' the capacity for a child to sit and communicate with their representative and/or parents as appropriate and the dress worn by judges, prosecutors and other officers of the court.⁵⁰

UNDUE DELAY

In Article 40(2)(b)(iii) of the CRC, court matters must be determined without delay in the context of children. The CRC Committee has highlighted the adverse effects of delays or prolonged decision-making for children, and recommends procedures or processes regarding or impacting children be prioritised and completed in the shortest time possible.⁵¹

The Human Rights Committee has stated that '[t]his guarantee relates not only to the time by which a trial should commence, but also the time by which it should end and judgment be rendered; all stages must take place without undue delay. To make this right effective a procedure must be available in order to ensure that the trial will proceed without undue delay, both in the first instance and on appeal.'⁵²

ADAPTED PROCEDURES

The CRC provides that a child has a right to legal or other appropriate assistance in the context of criminal justice proceedings (CRC Art. 40(2)(b)(ii) and (iii)).⁵³ The *Guidelines on child-friendly justice* state that this should not only pertain to juvenile justice but to all types of proceedings and highlight the need for this to be independent of other involved parties, including parents: *'If children are to have access to justice which is genuinely child-friendly, children should have the right to their own legal counsel and representation, in their own name, in proceedings where there is, or could be, a conflict of interest between the child and the parents or other involved parties.'*⁵⁴

The Guidelines also recommend a system of specialised youth lawyers, which respects the child's free choice of a lawyer and underscores the importance of clarifying the exact role of the child's lawyer. The lawyer does not have to bring forward what he or she considers to be in the best interests of the child (as does a guardian or a public defender), but should determine and defend the child's rights, as in the case of an adult.⁵⁵

The CRC Committee has acknowledged that although assistance need not be legal, it must still be appropriate.⁵⁶ Moreover, it has recommended that 'State parties provide as much as possible for adequately trained legal assistance, such as expert lawyers or paralegal professionals,' thus indicating a preference for specialist legal assistance. It has, however, conceded that '[o]ther appropriate assistance is possible (e.g., a social worker) but that person must have sufficient knowledge and understanding of the various legal aspects of the process of juvenile justice and must be trained to work with children in conflict with the law.'⁵⁷ The CRC Committee implies that for assistance to be appropriate, the relevant person must have



sufficient knowledge and understanding of the substantive and procedural legal issues relevant to the defence of the charges against the child; and sufficient competency and experience to actually defend the rights of the child in conflict with the law.

A core feature of restorative justice is its emphasis on a non-retributive model of accountability in which an offender is encouraged to accept responsibility for repairing any harm caused by his or her actions to the victim(s) of the offence via a collaborative conferencing process. Restorative justice takes into account the needs of the child in conflict with the law, the victim and the community. It is both a process and an outcome that addresses accountability, while at the same time giving the child who committed an offence a chance to correct his or her ways as opposed to a retributive justice approach.

PRIVACY AND JUDICIAL PROCEEDINGS

Article 40(2)(b)(vii) of the CRC provides for the child's right to have his or her privacy fully respected at all stages of the proceedings. The CRC Committee has recommended that children's proceedings be private, with extremely limited exceptions, which should be clearly stated in the law. The final judgment should be pronounced in public, but in a way that does not reveal a child's identity. This position is consistent with general practice in most countries, in which juvenile proceedings often remain closed to the public in order to protect defendants' anonymity. Article 40(2)(b)(vi) of the CRC extends a child's right to privacy to all stages of a proceeding, not just the court hearing, and reflects Rule 8 of the Beijing Rules, which explains that this precaution is 'in order to avoid harm being caused to her or him by undue publicity or by the process of labelling.'

Furthermore, the right to privacy also means that court files and records of children should be kept strictly confidential and closed to third parties except for those directly involved in the investigation, adjudication of and the ruling on the case.⁵⁸

There is sometimes a tension between the child's right to privacy and the desire for members of the public to have access to open justice. In South Africa, the case of *Media 24 Limited v. National Prosecuting Authority*,⁵⁹ an application was brought concerning the trial of an adult and child accused of the murder of a prominent right-wing leader of a political organisation. The applicants sought to have journalists employed by them attend the proceedings, in order to report on the evidence. They raised the issue of profound public interest and alleged that the holding of a trial completely closed to the media would significantly limit the right of freedom to receive information of members of the public and that it would undermine the principle of open justice. Hence, the order was restrictive – the media and the public were only to be allowed to sit in a closed-circuit TV room from which they could view the trial. The number of journalists permitted to attend was limited, and the identity of the child accused was to be obscured on CCTV screens through either the placing of the camera, blurring of the image or other means. Publication of the child's identity was prohibited.

ROLE OF PARENTS AND GUARDIANS

Parents or legal guardians should be present throughout the proceedings. However, the judge or competent authority may decide to limit, restrict or exclude their presence, at the request of the child or of his or her legal or other appropriate assistant, or because it is not in the child's best interests.⁶⁰

The CRC Committee recommends that States parties explicitly legislate for the maximum



possible involvement of parents or legal guardians in the proceedings because they can provide general psychological and emotional assistance to the child and contribute to effective outcomes. The CRC Committee also recognises that many children are informally living with relatives who are neither parents nor legal guardians, and that laws should be adapted to

allow genuine caregivers to assist children in proceedings if parents are unavailable.⁶¹

In cases where children are separated from their parents, they should be provided with family-based care so that they can access restorative justice measures and other procedures available to a child in the care of parents or legal guardians.

CHILD VICTIMS AND WITNESSES

The Convention does not impose an explicit prohibition on the transfer of proceedings to an adult court. It does, however, impose an absolute prohibition on the treatment of a child in an adult court as if the child were an adult. Article 40 makes it clear that the philosophy underpinning the treatment of children in conflict with the law must focus on a child's reintegration, rather than punishment, and that special procedures must be adopted to accommodate the different developmental needs of children relative to adults.⁶²

economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.⁶⁵ 'Victim' may include their non-offending immediate caregiver and persons who have suffered harm in intervening, where appropriate.⁶⁶

CRIMINAL PROCEEDINGS

Child victims and witnesses are children who are victims or witnesses of crime, regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders.⁶³ The terms 'victim' and 'survivor' can be used interchangeably. Although 'victim' is generally preferred in the legal and medical sectors, 'survivor' is used in the psychological and social support sectors.⁶⁴

Victim means a person who, individually or collectively, has suffered harm, including physical or mental injury, emotional suffering,

Strengthening Family and Juvenile Courts in Viet Nam

As of 2024, Family and Juvenile Courts in **Viet Nam** have been established in 2 Superior Courts and 38 provincial People's Courts. A formative evaluation concluded that these courts promoted child-friendly proceedings and measures, ensuring that the best interests of children are considered when making decisions and passing judgements. Child-friendly investigation rooms have been established in all provinces, along with child-friendly interview/waiting rooms in district courts. These support child victims and witnesses to give evidence without having to see the alleged perpetrator. UNICEF also supported the development of child-justice training programmes, delivered by the Court Academy.



Procedural and substantive guarantees for child victims and witnesses are, however, far less detailed as compared with those related to children in conflict with the law.

The Economic and Social Council (ECOSOC) adopted the *UN Guidelines for Action on Children in the Criminal Justice System* (Vienna Guidelines) in 1997. The Vienna Guidelines recognise the need for training police, lawyers and other court personnel in 'dealing with cases where children are victims'.⁶⁷ They further emphasise the establishment of specialised offices and units, as well as the development of codes of practice for the proper management of cases involving children.

The UN Guidelines⁶⁸ are supported by an important tool – the *Model Law on Justice Matters Involving Child Victims and Witnesses of Crime* (Model Law).⁶⁹ The Model Law is intended to cover children giving testimony in the justice process who are victims or witnesses of crime, and to assist children who may be both victims and perpetrators as well as those child victims who do not wish to testify. Optional articles or provisions are included to accommodate civil and common law systems and customary justice. To assist states, the Model Law is accompanied by a commentary that is intended to serve as a guideline for and aid in interpretation and implementation.⁷⁰

Respecting dignity is a basic human right requirement which underlies the CRC and a number of existing legal instruments.⁷¹ The right to treatment with dignity and compassion 'lays the foundation'⁷² for a child-sensitive and trauma-informed treatment of child victims and witnesses from the point of identification, throughout the judicial process and afterwards. It requires that every child is recognised, respected and protected as a rights-holder and as a unique and valuable human being with an individual personality, distinct needs, interests and privacy.⁷³

The CRC Committee has emphasised that a child-rights-based approach 'requires a paradigm shift towards respecting and promoting the human dignity and physical and psychological integrity of children as rights-bearing individuals rather than perceiving them primarily as "victims"'.⁷⁴

Dignity and compassion mean that every child is treated ...⁷⁵

- in a caring and sensitive manner, taking into account a child's personal situation, immediate needs, age, gender, disability, level and maturity;
- in a manner which fully respects his or her physical, mental and moral integrity;
- as an individual with his or her own needs, wishes and feelings; and
- in a manner which avoids further hardship to the child.

A child should be treated as a capable witness as much as an adult would, and his or her testimony should not be deemed invalid or untrustworthy on the basis of age alone.⁷⁶ According to the Model Law, a 'child is deemed to be a capable witness unless proved otherwise through a competency examination administered by the court ... his or her testimony shall not be presumed invalid or untrustworthy by reason of his or her age alone, provided that his or her age and maturity allow the giving of intelligible and credible testimony'.⁷⁷

A child victim can also participate in the justice process through providing a victim impact statement. Here, the purpose of hearing the child is not to provide factual evidence of guilt or innocence of the offender per se, but to allow the child to provide a statement of how the crime has impacted him or her psychologically, physically or socially. This statement informs the court of how the crime in question has affected the victim, while allowing the child to participate and be heard in a more flexible and comfortable way. While the victim impact statement will not amount to evidence, it will be taken into account by the judge in sentencing.⁷⁸



CIVIL PROCEEDINGS

The CRC Committee has emphasised that ‘Article 12 imposes no age limit on the right of the child to express her or his views, and discourages States parties from introducing age limits either in law or in practice which would restrict the child’s right to be heard. States should remove minimum age limits for children to be heard in civil proceedings.

The CRC Committee provides the following guidance on the right to be heard in civil proceedings:⁷⁹

- Include the right of the child to be heard by decision-makers and in mediation processes in all legislation on separation and divorce.
- Ensure through legislation, regulation and policy directives that the child’s views are solicited and considered, including decisions regarding placement in foster care or homes, development of care plans and their review and visits with parents and family.
- Inform the child, if possible, about the effects of adoption, *kafala* or other placement, and to ensure by legislation that the views of the child are heard.

In 12 **European Union** Member States, children subject to judicial proceedings concerning divorce and custody, placement in alternative care or adoption, are entitled to express their views, if they so wish, and be heard without any requirements and age restrictions.⁸⁰

Competency in England

Section 53 of the *Youth Justice and Criminal Evidence Act 1999* in **England** states that all persons, whatever their age, are competent to give evidence in a criminal trial. Competency is not based on age, but rather on whether or not the witness understands the questions put to him/her as a witness and is able to give answers to the questions which can be understood.

Furthermore, irrespective of whether or not the child provides testimony, the child should have the opportunity to have their views and concerns heard on matters related to the case which involve him or her.⁸¹ This includes ‘his or her involvement in the justice process, in particular his or her safety with respect to the accused, his or her preference to testify or not and the manner in which the testimony is to be given.’⁸²

Where the child’s views have not been accommodated, the child should receive a clear explanation of the reasons for this.⁸³

Article 21 of the Model Law provides that:

1. A competency examination of a child may be conducted only if the court determines that there are compelling reasons to do so. The reasons for such a decision shall be recorded by the court. In deciding whether or not to carry out a competency examination, the best interest of the child shall be a primary consideration.
2. The competency examination is aimed at determining whether or not the child is able to understand questions that are put to him or her in a language that a child understands, as well as the importance of telling the truth. The child’s age alone is not a compelling reason for requesting a competency examination.
5. The questions shall be asked in a child-sensitive manner appropriate to the age and developmental level of the child and shall not be related to the issues involved in the trial. They shall focus on determining the child’s ability to understand simple questions and answer them truthfully.
6. Psychological or psychiatric examinations to assess the competency of a child shall not be ordered unless compelling reasons to do so are demonstrated.

Regarding the taking of an oath, Article 22 of the Model Law suggests that ‘[a]t the discretion of the presiding magistrate or judge, a child



witness shall not be required to swear an oath, for instance, if the child is unable to understand the consequences of taking an oath. In such cases, the presiding magistrate or judge may offer the child the opportunity to promise to tell the truth. In either event, the court shall nevertheless hear the child's testimony.' For the avoidance of doubt, that child's capacity to give evidence is linked not to a fixed age but to the ability to tell the truth and to understand the questions, without the need for taking an oath. This should be set out in law.

'Non-discrimination' also means that services are provided to child victims that are 'sensitive to the child's age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste, socio-economic condition and immigration or refugee status, as well as to the special needs of the child, including health, abilities and capacities.'⁸⁴

RIGHT TO BE INFORMED

Child victims and witnesses who testify in court have the right to be provided with child-friendly, accessible and age-appropriate information about why their input is requested and their rights – including protection mechanisms – and other available services. Information should also be provided to their parents or guardians and legal representatives.⁸⁵

The right to be informed has two aspects.⁸⁶ First, children have the right to be informed about the assistance they are entitled to, the way legal proceedings are organised and the role they can play in those proceedings if they decide to do so. The second aspect relates to specific information on the particular case in which the child is involved and implies being informed about the progress of the case and about the scheduling of the proceedings, what is expected of the child, what

decisions have been or are going to be rendered and the status of the offender, amongst other information which may be relevant to a particular case. Information also needs to be provided to a child in a language that he or she understands.

Children need to receive explanations, information and feedback adapted to their level of maturity and development to make sense of the outcome of proceedings and the process by which this outcome was reached. Decision-makers must inform the child of the outcomes and explain how her or his views were considered. Without such an explanation, the child will not know if their views were taken seriously.

After proceedings, the child also requires information about the right to appeal or how to complain or seek remedies if their rights have been violated throughout the justice proceedings. For example, children need information on whom to turn to voice their complaints and how to access those people.

What information needs to be conveyed?⁸⁷

- The availability of and means of accessing relevant services and support
- Existing support mechanisms when participating
- Procedures of the criminal justice process
- Role of child victims and witnesses during trial
- Importance, timing and manner of testimony
- Ways in which questioning will be conducted during the trial
- Specific places and times of hearings and other relevant events
- Availability of protective measures
- Mechanisms for review of decisions



RIGHT TO EFFECTIVE ASSISTANCE

The right to effective assistance includes assistance and support services such as financial, legal, counselling, health, social, educational, physical, psychological and other services necessary for a child's rehabilitation and reintegration.⁸⁸ Assistance should continue after the conclusion of the proceedings and any such support should be tailored to a child's specific needs and be provided by a multidisciplinary team.

To ensure children receive effective assistance, international law and standards specifically prescribe training for those who work with child victims of crime.⁸⁹

PRIVACY FOR CHILD VICTIMS OR WITNESSES

The right to privacy should be protected as a matter of primary importance. This right must be respected by everyone, including professionals at all levels such as judges, prosecutors and a child's legal representative. The release of information about a child victim or witness may result in harm, including endangering his or her safety, putting strain on relationships or leading to stigmatisation.

The right to privacy means restricting disclosure of information that may lead to the identification of a child who is a victim or witness in the justice process. It also entails restricting attendance at courtroom proceedings involving a child victim or witness. For example, many countries use a child's initials or other non-identifying information in judicial decisions or media releases from courts.

Many states prohibit the dissemination of information about child victims and witnesses to the public. In some states, the media is prohibited from making use of information, even when the information is leaked. In **Malaysia**, for example, the law places restrictions on media reporting and publication of names of the child or the

school they attend, or the inclusion of other particulars, including photos of the child or any other person, place or thing which may lead to the identification of a child.⁹⁰ Those who contravene these rules commit an offence.

Age-appropriate Resources in the United States

In the **United States**, the Office for the Victims of Crimes at the Department of Justice has developed a series of resources for children who may have involvement with the justice system as a victim or witness of a crime. The materials are tailored according to age groups (2–6, 7–12 and 13–18).⁹¹ The materials provide children with age-appropriate information about how the justice system works, what their rights are and how they can cope with feelings they might have during the process. These materials are available in several languages, including English, Spanish, Chinese, Vietnamese and Haitian Creole.

CHILD-FRIENDLY ENVIRONMENT

Measures

- Restricting the number of times a victim must give evidence (during all stages of justice proceedings)
- Admission of audio-video records of interviews with child victim/witness as evidence in the courts, preventing the need for repetitive interviews
- Expanding evidentiary rules to prevent unjustified interference with victims' privacy, and aggressive, harassing or otherwise traumatic questions

In the Family Court in **Trinidad and Tobago**, there are supervised child-friendly waiting spaces available for children 'when parents or guardians are conducting business at the Court, including attending a court hearing, filing an application



or attending a session with the Social Services Unit.⁹² The waiting rooms are equipped with books, toys and educational materials. **Chile** developed a guide in Spanish for determining the best interests of the child.

Child-friendly Procedures in the Philippines

Aside from having a one-stop facility where social workers, law enforcers and medical professionals handle the medical and legal investigation, in the **Philippines**, the child's testimony is recorded in an environment that looks like a playroom and a parent or support person is always with the child. The testimony is recorded with the consent of the guardian so that it need not be repeated several times. Courts also have a video link facility where the child cannot see the perpetrator in court and the child can testify from the Judge's chamber with a support person.

Other appropriate measures to facilitate a child's testimony include that in some states, communication with child victims and witnesses is facilitated through the use of intermediaries such as a parent, specially appointed public counsel, guardian *ad litem* or expert, among others, designated by a court. In **Ireland**, for example, the Criminal Evidence Act allows for questions to be put to a witness through an intermediary.⁹³ It provides that questions put to a witness through an intermediary shall be conveyed so that they are appropriate to the witness's age and mental condition and make clear the meaning of the questions being asked.⁹⁴ Specially trained intermediaries play a crucial role, reducing the likelihood of children being retraumatised as they engage with the justice system. Provided for under the *Criminal Procedure and Evidence Act* Chapter 9:07, intermediaries in **Zimbabwe** act as a buffer and support to vulnerable witnesses throughout proceedings, including before, during and after trial.

Thailand's Blueprint for People-centered Courts

Thailand reimagines courtroom design to prioritise victim dignity, safety and accessibility. The Blueprint includes progressive features such as separate waiting areas for victim/witnesses and defendants, child-friendly zones, and accessibility enhancements – all aimed at reducing stress and fostering psychological safety for all parties. Technology will also play a role, with remote testimony and digital case management helping modernise proceedings while preserving a supportive atmosphere and the integrity of the judicial process (Leisha Lister, Gender, Law & Justice).

The UN Guidelines refer to the use of 'testimonial aids', including technological means such as closed-circuit television and video conferencing, which allows a child to testify from a remote location. Non-technological aids include the use of screens. With screens, the child will be in the court room but will testify from behind a screen so that they cannot see the accused.

Article 28 of the Model Law states that efforts should be made '*to conceal the features or physical description of the child giving testimony or to prevent distress or harm to the child, including testifying:*

- (i) behind an opaque shield;*
- (ii) using image- or voice-altering devices;*
- (iii) through examination in another place, transmitted simultaneously to the courtroom by means of closed-circuit television;*
- (iv) by way of videotaped examination of the child witness prior to the hearing, in which case the counsel for the accused shall attend the examination and be given the opportunity to examine the child witness or victim; [or]*
- (v) through a qualified and suitable intermediary, such as, but not limited to, an interpreter for children with hearing, sight, speech or other disabilities.'*

In some cases, the child victims or witnesses may not have words to explain what they have seen or what has happened to them. This may



particularly be the case where the child is a victim of a crime of sexual nature. To help the child give their testimony, ‘maps, plans, photographs, communication boards, anatomically correct dolls, etc., can be used.’⁹⁵ Some children may also need the help of a mental health professional, such as a psychologist or specialised social worker when giving testimony, especially in cases of long-lasting or violent crimes.⁹⁶

ADAPTED PROCEDURES

Child-friendly language appropriate to the child’s age, maturity and level of understanding should be used.⁹⁷

Child’s Language in New Zealand

New Zealand is an example of good practice of the law providing for the need for information to be provided to a child in a language that he or she understands. The Children, Young Persons and Their Families (*Oranga Tamriki*) Legislation Act provides for the services of an interpreter where the ‘first or preferred language of the child or young person is Māori or any other language other than English’ or where ‘the child or young person is unable, by reason of a physical ability to understand English.’

With regard to the the organisation of proceedings, children should be accompanied by their parents, guardians and/or other support person.⁹⁸ In **Canada**, for instance, a Family Court Support Worker provides information to child victims of family violence about proceedings, helps prepare them for court and accompanies the child to court proceedings, where appropriate.⁹⁹ Children should be familiarised with the court or other facilities and the roles and identities of those involved in the court processes.¹⁰⁰ Court sessions involving children should be adapted to their attention span to enable effective participation. Court sessions should not last too long and regular breaks should be planned. To enable children to participate effectively, to their full capacity, while supporting their emotional well-being, disruptions and

distractions should be kept to a minimum.¹⁰¹ For instance, lawyers and other personnel should not be permitted to walk in and out of the courtroom and distract the child. If necessary, recesses during the child’s testimony should be permitted, with their timing and spacing adapted to the age and maturity of the child.¹⁰²

Child-sensitive Courtrooms in Bangladesh

The Government of **Bangladesh**, with the support of UNICEF, inaugurated ten pioneering Child-Sensitive Courtrooms in nine districts. The initiative aims to provide a congenial environment for children involved in legal proceedings as enshrined in the Children’s Act in 2024.

The courtrooms include facilities such as a separate room for conducting proceedings, which is designed to provide a welcoming environment to children in conflict with the law. Located in different parts of the country, the courtrooms are equipped with the necessary furniture and technical equipment, such as television and virtual communication setup, books, water filters and specialised amenities to cater to the unique needs of young individuals.

Where children are supported by a psychologist and other professionals, the role of these professionals must be sufficiently defined so that judges are clear on how to involve psychologists in proceedings. Proceedings must not be rushed, and extra time should be afforded to matters involving children.¹⁰³

Interview protocols must take into account different stages of the child’s development, and should be designed and implemented to underpin the validity of children’s evidence. These should avoid leading questions to enhance the reliability of their testimony. Audio-visual statements should be encouraged. The possibility of taking statements/ evidence in separate child-friendly facilities, detached from a courtroom, is worth considering.¹⁰⁴

Unnecessary contact with the justice system is to be avoided. Direct contact, confrontation or interaction between the child and perpetrator should be avoided, unless requested by the victim.¹⁰⁵ Intimidation is to be completely



prevented, including by exempting children from being confronted by the accused.

Good practice examples include:¹⁰⁶

- Ensuring the child has the same lawyer and judge throughout proceedings
- Allowing the child to sit next to his or her parents and lawyer in court so he or she can experience emotional support from them

Guyana’s Mental Health Court

Following the launch of a third Children’s Court in Guyana, UNICEF’s technical and financial support further ensured the launch of Guyana’s first Mental Health Court. This model intervention is a critical element of diversion, restorative justice and therapeutic jurisprudence and will address the complexities of dealing with mental conditions, intellectual challenges and offending. With its strong emphasis on rehabilitation and treatment, the court aims to reduce recidivism and improve individual outcomes as well as community outcomes.

Hearing System in Scotland¹⁰⁷

Since 1971, **Scotland** has pioneered a radical and integrated approach to care and justice for children. The key elements of Scottish Children’s Hearing Systems are:

- The same system deals with children who offend and children who are at risk, abused or neglected (often they are the same children).
- The focus of the system is on addressing both welfare needs and behaviour, in the context of the family and the community.
- Cases are screened by an independent public official, the Children’s Reporter.
- Decisions about public intervention are made by a lay tribunal (the Children’s Hearing) following a roundtable dialogue.
- The courts have specific roles restricted to adjudicating on disputed evidence and hearing appeals.

CIVIL PROCEEDINGS

In civil proceedings, many children are not given the opportunity to express their views since their parents are the active parties to the case, despite the matter before court being one which will affect them. Children must be given the opportunity to express their views in a child-friendly setting. The process of expressing his/her opinion shall not take the form of an examination. It should take place in a friendly environment and in the form of free dialogue. The dialogue should be supportive rather than contentious. The child should have the opportunity to express his/her opinion in the desired form, which may even be non-verbal (e.g., through drawings). A child with disabilities

shall receive adequate support in expressing his/her views.

In family law matters, such as divorce proceedings, a child needs to be informed that they have a right to have a say in decisions affecting them, especially in relation to contact or residence with their parents. This includes specific examples such as how they can assert this in practice; who they should speak to and when; how much influence that may have on the decision ultimately made; and whether/how they complain if they feel their views have not been heard or taken into account. In Nova Scotia, Canada, there is a process for divorce and similar cases to obtain a child’s wishes.¹⁰⁸



A child under guardianship should have access to information and advice on their right to appeal the decision of the agency in court on the appointment, removal or relief of a guardian (or custodian), as well as any other matters related to guardianship and custodianship.

In family law proceedings, children should be asked about the manner in which they prefer to be heard. This means their legal representative should consult with them about this – as well as matters which the child wishes to remain confidential – before proceedings commence. The involvement of psychologists and other professionals who support the child (e.g., social workers, school guidance counselors, a religious or cultural support person, etc.) to support children throughout justice proceedings is beneficial; however, the psychologist must not act as a gatekeeper determining whether or not the child has an opportunity to participate – this is a right for the child to decide to claim for themselves, with the assistance of an independent adult, preferably a lawyer. It is then up to the judge to decide how much weight to place on the child's views, which is an assessment a psychologist may also be able to provide guidance on.¹⁰⁹

Decision-makers should make assessments based on the evolving capacities and maturity of the individual child involved in the case, and not arbitrarily or categorically exclude children from being meaningfully involved in decisions based on their age.

In *A.B. v. Finland*¹¹⁰ the CRC Committee was critical of **Finland** for not hearing the child, who was four years old upon the family's arrival to the country and six years old at the time of the Immigration Service's decision in making a best interests assessment (BIA) of the child.

In abduction proceedings in the **Netherlands**, children from the age of three have an opportunity to express their views to a mediator trained in child psychology who will represent the child during mediation with the parents. Children from the age of six are given the opportunity to speak with the judge behind closed doors, and judges receive training on speaking with children which may be supplemented by assistance from a professional psychologist. Although this example imposes fixed age limits, it is important to ensure an individualised assessment of a child to assess their maturity and evolving capacities is undertaken so that children are not categorically excluded from being involved in proceedings on the basis of their age.

Indonesia's Digital ID in Courts

Affordability remains one of the greatest barriers to justice. Many Indonesians cannot afford to register cases, and this is particularly significant in the Religious Courts, which handle more than 600,000 divorce and marriage registration cases – matters that directly shape legal identity, family status and access to social protection programs.

Discussions between the Supreme Court, the Religious Courts and the Federal Circuit and Family Court of Australia are underway to explore linking core civil services to online e-registration and e-filing platforms. Using Digital ID in court case handling and automatic flows of civil status updates (marriages, divorces, births) + identity verification via digital IDs + integration of poverty / socioeconomic data are policy levers that can make access to justice more affordable, accessible, and inclusive. These reforms are not only technical efficiencies – they are structural changes that advance equity and inclusion. When e-filing connects seamlessly with civil registration systems, it prevents rights exclusion, reduces duplication and expands access to justice for vulnerable households (Leisha Lister, Senior Adviser, Australia Indonesia Partnership for Justice).



WHAT NEEDS TO BE DONE?

MULTIDISCIPLINARY ASSESSMENTS

States should conduct a multidisciplinary and inclusive assessment of their courts and proceedings to identify gaps and progress to be made. This assessment should involve children, including children with disability, parents, NGOs, legal professionals (e.g., prosecutors, police, judges, lawyers, tribunal administration), social service professionals attached to court proceedings and others, such as mediators. Priority should be given to respecting children’s procedural rights with relevant professionals and procedures, and to ensuring their right to participate and access to justice.

Victim-friendly Courts in Zimbabwe

The Judiciary Services Commission (JSC) has hailed UNICEF for its significant contributions to improving the justice delivery system in **Zimbabwe**, particularly through the establishment and support of Victim Friendly Courts (VFC) during the official opening ceremony of the 2025 judicial year in Harare. VFCs feature separate rooms where survivors can give their testimonies in a protective environment, minimising trauma. Key elements include a closed-circuit television for recording the survivor’s statement and an intermediary who assists and guides the survivor throughout the court process. Training of judicial officers, police and prosecutors has been a key feature too. In Zimbabwe, 22 regional courts serve as VFCs.¹¹¹

CHILD PARTICIPATION

“In My Shoes” Youth Experiential Learning Labs

As work with young people has shown, there is a gap between what systems are intended to provide for young people and how youth experience those systems.

The in-person “In My Shoes” Youth Experiential Learning Labs (YExLS) was developed by the Global Pro Bono of law firm Baker McKenzie in **Europe**, the **US** and other countries.

It provides a simulation experience where you will be put ‘in the shoes’ of a young person engaging with the justice systems that aim to address the needs of children and youth. YExLS seeks to help participants get a better sense of what it is like to be youth navigating public systems, while also pursuing their own dreams and interests and surviving traumas.

Visit YExLS.com for more details about the learning session experience (Angela Vigil, Baker Mckenzie).

Develop and disseminate child-friendly guidance on children’s rights to effectively participate in justice proceedings in a language they fully understand (including when free-of-charge interpreter services are available) to children of all backgrounds in formats that are accessible to them (including digital formats). This guidance could be developed by courts themselves, or be a collaborative effort between justice personnel, psychologists or other social service professionals and children. It should be ensured that such guidance is readily available in all courts, mobile courts and related fora in which children may engage with justice proceedings.



Child Participation in Australia¹¹²

In **Australia** (Victoria), children and young people are able to access an online virtual tour of the Children's Criminal Court before attending. The website also provides tips for going to court, how to access a lawyer, how to ask for an adjournment and simple definitions of key terms used in criminal proceedings.

The Federal Circuit and Family Court of Australia published a [video](#) about the ways in which the views of children may be heard in family law proceedings and how parents might speak with their children about these processes including for children with hearing impairments.¹¹³

Children of different ages can also speak with a family consultant in family law proceedings (for a family assessment undertaken by a court expert for family law matters, including to ascertain the views of children where appropriate).¹¹⁴

CAPACITY BUILDING

Develop practical guidance – such as standard operating procedures, codes of conduct or directives – to train justice system professionals on their role to implement and champion children's rights in child-friendly courts. These could outline in detail:

- how and when to involve the child in determining the modalities of his/her participation in the proceedings;
- how to adapt pace and length of proceedings for children; or
- how to adapt language for the child's level of development and specific needs.¹¹⁵

The trainings should be multidisciplinary and participatory for all justice professionals.

PROFESSIONAL COOPERATION

Cooperation and collaboration between professionals can:

- ensure the child is not subject to excessive interventions (e.g., assistance, professionals or interviews, which in the case of child victims can lead to revictimisation); and
- ensure the child receives appropriate multidisciplinary assistance.¹¹⁶

SPEEDY TRIAL

In all types of proceedings, set and implement time limits that best suit the best interests of a child and ensures that the right of a child to speedy proceedings. At the same time, mechanisms must be in place to ensure the legal and procedural rights of the child are safeguarded throughout proceedings, for example, by ensuring access to legal representation at all stages of proceedings.¹¹⁷

In family law proceedings, ensure judges are trained in the importance of ensuring that matters are managed without delay while maintaining the necessary procedural safeguards to protect the rights of the child (and parents). Any fast-tracking of proceedings should not be at the expense of procedural rights such as the right to be heard.

Inquiries should be made to the child or their carers (individually) or from the file (e.g., child protection) if intimate partner violence or family violence has been experienced. If present, then the child's experiences should be respected and in some cases accommodated in civil (family law) cases.

In juvenile justice proceedings, time limits should be set for the period between the commission



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of the offence and the completion of the police investigation, the decision of the prosecutor to institute charges and the final decision by the court or other judicial body. The time between the commission of the offence and the final response to this act must be as short as possible.¹¹⁸ Diversion from formal justice proceedings must be prioritised as well as non-custodial measures from pre- to post-trial.

CHILD-FRIENDLY COURTS

The CRC Committee recommends that States parties establish child justice courts either as separate units or as part of existing courts. Where that is not feasible for practical reasons, States parties should ensure the appointment of specialised judges for dealing with cases concerning child justice.¹¹⁹



Child-friendly judgments in England

In February 2016, a High Court judge in **England** wrote a judgment in child-friendly language. This case was about a restriction order between a father and his children. The judgment was relatively short and written in a more accessible way. It started with ‘Dear Sam ... This case is about you and your future, so I am writing this letter as a way of giving my decision to you and to your parents.’ The judgment used short sentences combined with a legal summary at the end of every paragraph (‘In legal language, I make these findings ...’).

Stalford and Hollingsworth argue that child-friendly judgments serve multiple purposes. They argue that child-friendly judgments are communicative, developmental, instructive and legally transformative. Judgments written for children are not only an important aspect of children’s access to justice but also reveal the duty of judges to enhance children’s status and capacities as legal citizens through judgment-writing.¹²⁰

SPECIAL PROTECTION MEASURES FOR HEARING CHILDREN’S EVIDENCE

States should explore a wide variety of special protection measures for hearings and the questioning of children. Measures taken include:

- a. the establishment of child-sensitive premises for the hearing of a child;
- b. the conducting of hearings solely in the presence of a parent, guardian or any other person who takes care of the child (except where this does not correspond to the child’s best interest), or other specially trained professionals such as psychological experts;

- c. measures to ensure privacy for children, such as the restriction of public access to courts and the prohibition to disclose certain information; and
- d. audio-visual recording of the interview of the child and questioning outside the courtroom, as well as one-stop shops which bring together services under one roof to collect forensic evidence, provide legal advice, health care and other support.¹²¹

‘Barnahus’ Model

Mainly used in **Europe**, the Barnahus model is predicated on a legal and policy framework. It ‘provides for child-friendly, interdisciplinary centres, where the child victim or witness is interviewed, medically examined, comprehensively assessed and receives the necessary therapeutic services from a professional network under one roof.’¹²² The purpose of Barnahus is to offer each child a coordinated and effective response and to prevent (re)traumatisation during investigation and court proceedings. One key role of the Barnahus is to help produce valid evidence for judicial proceedings by eliciting the child’s disclosure so that the child does not have to appear in Court if the case is prosecuted. In carrying out this role, the Barnahus offers a one-stop-shop approach, embracing cooperation between relevant authorities and agencies such as the police, social services, child protection, physical and mental health services and the prosecutor in one child-friendly premise.¹²³

Waiting areas used by child victims and witnesses shall not be visible or accessible to persons accused of having committed a criminal offence – where possible, the waiting areas



used by child victims and witnesses should be separate from the waiting area provided for adult witnesses.¹²⁴

Various types of screens are used in different jurisdictions: for example, a removable opaque partition preventing the child and the accused from seeing each other, a one-way mirror allowing the accused to see the child but not vice versa or a removable opaque partition with a video camera transmitting the image of the child to a television monitor visible to the accused. The use of such devices is provided for in the domestic legislation of several countries. The removal of the accused from the courtroom while the child testifies is another measure provided in some domestic systems, for example, in **Brazil**.¹²⁵

States must ensure that any technical equipment used to facilitate children’s testimony is kept in working order and regularly maintained, and must respect the privacy and other rights of the child. Virtual courts have been used widely during the COVID-19 pandemic and to reach out to areas where there are no courts. In **Bangladesh**, for example, virtual courts have been instrumental in releasing 5,000 children from detention at the height of the pandemic. UNICEF supported the mobile court pilot initiative in **Mozambique**, ensuring quicker access to justice for children and families.

*A Policy Brief on Digital Justice for Children: Digital Innovation, Risks and Advantages*¹²⁶ was issued by the Pathfinders Network calling on policymakers to carefully weigh all aspects of justice and of digital innovation when delivering justice for children, to ensure that access to justice for children is genuinely improved by technology and that new innovations do no harm. The Office of the High Commissioner on Human Rights issued a brief on [Online hearings in the justice system](#), available in four UN languages, which provides guidance on the types of hearings that may be appropriately dealt with online based on current international human rights law – in particular, the *International Covenant on Civil and Political Rights* (ICCPR) – and providing safeguards for them.

Limits to Online Hearings

Some hearings should be held with the physical presence of the accused without recourse to online hearings.

1. Hearings relating to judicial control of detention upon arrest or detention
2. Hearings to assess the lawfulness of detention (principle of Habeas Corpus)
3. All hearings that relate to the imposition of the death penalty

The CRC states that “neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age” (Article 37).¹²⁷



CONCLUSION

Establishing and investing in child-friendly courts and proceedings is crucial for several reasons. It protects children involved in legal proceedings, whether as victims, witnesses or in conflict with the law, and in civil and administrative proceedings to access justice and effective remedies. Child-friendly courts should provide children with the opportunity to be heard and to participate meaningfully in proceedings that affect them. Child-friendly courts should be designed to be safe, accessible and understandable for children. The proceedings and procedures must help children feel safe and empowered during the entire process.

All countries must invest in a specialised child justice system by ensuring that there are enough justice professionals that are properly trained in child development, international standards and best practices; that there is child-friendly law enforcement, prosecution and adjudication procedures; and that there is a multidisciplinary approach where justice professionals work with other sectors (e.g., social welfare, education and health) to ensure that the justice process and the resulting judgment protect the rights of the child. Investing in child-friendly courts makes children feel more comfortable and at ease, enabling their participation and leading to better outcomes overall.



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GLOSSARY

Access to justice: the ability to obtain a just and timely remedy for rights violations, as put forth in national legislation and international norms and standards. It applies to civil, administrative and criminal spheres of national jurisdictions, including customary and religious justice mechanisms, international jurisdictions and alternative and restorative dispute resolution mechanisms.

Children in conflict with the law: those who are alleged as, accused of or recognised as having committed criminal offence (i.e., recognised as having infringed penal law).

Child-friendly procedures: processes designed or adjusted to be sensitive to the issues that children face and to ensure that their rights are upheld when they interact with the law, courts, law enforcement or legal proceedings for any reason.

Child justice system: 'the legislation, norms and standards, procedures, mechanisms and provisions specifically applicable to, and institutions and bodies set up to deal with, children considered as offenders'.¹²⁸

Diversion: the channelling of children in conflict with the law away from the judicial system, at any time prior to or during the relevant proceedings, through the development and implementation of procedures, structures and programmes that enable children to be dealt with by non-judicial bodies, thereby avoiding the negative effects of formal judicial proceedings and a criminal record, provided that human rights and legal safeguards are fully respected.

Legal aid: the provision legal advice, assistance and representation at no cost to the person entitled to it.

Multi-disciplinary approach: a collaborative approach taken by a range of state bodies and institutions, professionals, agencies and civil society organisations to guarantee that a child's rights are upheld throughout the justice system.

Non-custodial measures: measures that may be imposed on children who are being formally processed through the criminal justice system (i.e., pre-trial, trial/sentencing and post-trial stages) that do not involve deprivation of liberty. They commonly include release of the child to the care of a parent, guardian, family member or other 'responsible adult', with or without certain conditions (i.e., bail; regular reporting to a police station; compliance with a curfew; agreement not to have contact with the victim/survivor; or judicial caution, probation, community supervision, community service or attendance at a treatment programme).

Specialised trained professionals: any personnel working with or for children across the justice (and related) systems receiving professional education, pre-in-service training, refresher courses or other appropriate modes of instruction on the rights and needs of children of different age groups, and on proceedings that are adapted to children, to achieve and maintain an appropriate level of professional competence.



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