

Council of Europe - Guidelines for Child-Friendly Justice

CRIN Remarks

Strasbourg, 7 December 2009

Good morning, my name is Patrick Geary, and I am the Legal Coordinator for CRIN, the Child Rights Information Network. Although our offices are in the United Kingdom, our mission is international. We are proud to work with and represent member organizations from many countries around the world, including almost every Member State in the Council of Europe.

I am honored to be here today and truly excited about the prospect of European Guidelines for Child-Friendly Justice, the first regional framework of its kind. It is our hope that these Guidelines will serve as a model for other regional associations and national governments across the globe, and we intend to promote their value and utility with all of our members.

My comments today relate primarily to the enforcement of children's rights in the courtroom, and the opportunity that these Guidelines present to expand and solidify children's access to justice to challenge violations of their rights in civil proceedings. We understand that the Guidelines are designed to address a wide range of legal and extra-legal proceedings, and generally commend their coverage of family and criminal matters. It seems, however, that civil matters are somewhat less prominent, and that there is comparatively little guidance for designing legal systems to help children bring violations of their rights into the courtroom. The Guidelines envision children in many roles – as family members, as victims, as asylum seekers, as in conflict with the law – but children as enforcers of their own rights do not feature often enough.

More specifically, in the section of the Guidelines designated “Access to court and to the judicial process”, CRIN believes that many of these provisions could be revised to better enable children to challenge violations of their rights in court. First and foremost, we believe that barriers to children's access to justice should not only be avoided in the future, but that those barriers already in existence must be removed presently. We also believe that access to the courts must be facilitated for children whatever their current understanding of their rights or the remedies available at law may be. Children should have full access to the courts regardless of their knowledge, age or capacity, and, in the spirit of these Guidelines, legal systems must be designed for every child to use. It would furthermore be in keeping with these Guidelines to formally recognize Member States' responsibility for ensuring that all children understand the very existence and nature of their rights to the greatest extent possible.

We also believe that minimum age requirements to bring cases in civil courts should be explicitly discouraged. We support the Guidelines' principle that statutes of limitations should extend courts' abilities to look at crimes committed against children even when they are beyond the age of majority. However, we also believe that child victims should be able to challenge criminal acts and other, non-criminal violations of their rights *now*, and should not be forced to rely on adults to bring cases on their behalf or else wait until they have attained the age of majority.

Finally, CRIN would suggest that where relevant, provisions of the Guidelines relating to children as victims be broadened to explicitly cover not only victims of criminal activity, but victims of any rights violation. All children whose rights have been violated deserve special treatment in the justice system, and additional measures should be put in place to ensure that their wishes and interests are fully represented and respected.

In conclusion, CRIN believes that these Guidelines for Child-Friendly Justice offer a unique and ground-breaking opportunity to redefine children's interactions with the legal system. The Guidelines' broad focus is necessary, and their coverage impressive. Nonetheless, children's access to justice in the civil courts must be given greater attention, and people of all ages must be empowered to challenge violations of their rights in the courtroom. The Council of Europe is now in the position to set the stage for children across the continent, indeed the world, to fully realize, appreciate, and enforce their human rights. We hope that the Group of Specialists will find the time to consider the comments made by all participants today, and eagerly await the results of their next meeting in the weeks ahead.

Thank you.