Rights of minors in court proceedings

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

Approximately 19% of the EU population (95 million) is under the age of 18. Minors can become directly or indirectly involved with the justice systems of Member States in a number of ways,for example when they commit offences, when they witness or are victims of a crimes, when they seek asylum, when they are the subject of adoption proceedings or when their parents disagree over custody.

Judicial proceedings can have a considerable impact on the lives of minors and the absence of a child-friendly response can result in restrictions or violations of their rights. Furthermore, when the national judicial systems lack child-friendly procedures and practices, the most vulnerable children (e.g. children with disabilities or migrant children) face particular barriers in the enjoyment of their rights.

The right of access to justice should be guaranteed for all minors. Furthermore, throughout their engagement with the justice system, children should be treated with respect for their age, their special needs, their maturity and level of understanding and with consideration of any communication difficulties they may have.

Clearer information on the people and procedures involved in justice affecting minors, as well as a special overview ensuring the respect of the rights of minors, is needed. In this regard, two categories have been identified: **children as judicial persons** and **specific procedures** in place in EU countries, depending on the branch of law.

The first category would bring together the general elements relating to the child's personal capacity, such as criminal or civil responsibility, access to legal support, relation to school/education, decision taking in terms of healthcare, specialised courts/institutions or financial support when going to court.

The second category aims to gather information how minors are treated in the context of judicial proceedings and the specific nature of criminal, civil and administrative procedures in the Member States.

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