



Doc. 12672
27 June 2011

Child friendly justice

Motion for a resolution
presented by Mrs Wohlwend and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

Children's rights are real rights, but they are still often violated in practice.

Within the justice systems of member states, children still face big obstacles and are often not treated as true subjects of rights when it comes to access to justice, the diversity and complexity of procedures and discrimination on various grounds.

The Council of Europe Guidelines on child-friendly justice adopted on 17 November 2010 offer practical and effective solutions in order to adapt the justice system to children's needs.

These Guidelines deal with the needs and rights of children in judicial proceedings in fields of criminal, civil and administrative law and with alternatives to such proceedings. Their aim is to ensure that children's rights to information, representation, participation, and protection are respected.

National parliaments play a key role in translating the Guidelines into practice. The Parliamentary Assembly shall make recommendations as regards, in particular :

1. a review of domestic legislation, policies and practices in light of the guidelines, to ensure that:
 - special protection is granted to the most vulnerable children, such as refugee and migrant children orphans, children with disabilities, homeless children, Roma children and children in residential institutions;
 - personal data of children are protected, prescribing limited access to all records or documents containing personal and sensitive data of children;
 - procedural safeguards are respected also with regard to children in cases of deprivation of liberty, including safe conditions of detention separate from adult detainees;
 - the age for criminal responsibility is not set too low and that diminished responsibility of juvenile offenders is duly taken into account in sentencing.
2. Speedily ratifying relevant Council of Europe conventions;
3. Maintaining or establishing a framework to promote and monitor implementation of the Guidelines, including relevant civil society actors.

Signed (see overleaf)

Signed ¹:

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BEMELMANS-VIDEC Marie-Louise, Netherlands, EPP/CD
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GARDETTO Jean-Charles, Monaco, EPP/CD
HAUPERT Norbert, Luxembourg, EPP/CD
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NEGELE Gebhard, Liechtenstein, EPP/CD
OMTZIGT Pieter, Netherlands, EPP/CD
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RACHOŃ Janusz, Poland, EPP/CD
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SCHÄDLER Leander, Liechtenstein, EPP/CD
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STRÄSSER Christoph, Germany, SOC
VAREIKIS Egidijus, Lithuania, EPP/CD
WALTER Robert, United Kingdom, EDG

¹ EPP/CD: Group of the European People's Party
SOC: Socialist Group
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group