

INTERNATIONAL AND REGIONAL STANDARDS regarding juvenile justice SOFT LAW		CHILDREN'S RIGHTS																
		RIGHT TO REPRESENTATION			RIGHT TO INFORMATION		RIGHT TO BE HEARD			RIGHT TO PROTECTION OF PRIVACY		THE BEST INTERESTS OF THE CHILD				MULTIDISCIPLINARY COOPERATION AND TRAINING OF PROFESSIONALS		
		Right of access / assistance by a lawyer	Right to confidentiality	Access to free legal aid	Right to information & advice	Providing information in a child-friendly manner	Right to be heard / participate	Procedural safeguards: Child-friendly interviews & environments	Right to interpretation & translation	Right to protection of privacy & personal data	Conducting proceedings behind closed doors	Taking the best interests of the child into consideration	Individual assessment of needs	Avoiding undue delay	Deprivation of liberty as a measure of last resort and alternative measures	Requirement to adopt a multidisciplinary approach	Professional training & capacity-building	
INTERNATIONAL STANDARDS	The Beijing Rules	Rules 71, 151		Rule 15.1	Rule 7		Rule 14.2	Rule 14.2		Rule 8		Rules 14.2, 15.2, 17.1 (d), 24.1	Rule 16.1 (Social inquiry reports)	Rule 20	Rules 11, 13.1, 18.1, 19	Rule 25	Rules 12.1, 22	
	The Riyadh Guidelines				IV SOCIALIZATION PROCESSES – B. EDUCATION – Guideline 23											VII. RESEARCH, POLICY DEVELOPMENT AND COORDINATION - Guidelines 60-63	VI. LEGISLATION AND JUVENILE JUSTICE ADMINISTRATION - Guideline 58	
	The UN Basic Principles on the role of the lawyers	Access to lawyers and legal services (1-4) Special safeguards in criminal justice matters (6,7)	Special safeguards in criminal justice matters (8) Guarantees for the functioning of lawyers (16b, 22)	Special safeguards in criminal justice matters (6)	Special safeguards in criminal justice matters (5)													Qualifications and training (9-11) Professional associations of lawyers (24)
	The Havana Rules	Rule 18 (a)	Rules 18 (a), 60	Rule 18 (a)			Rules 31-32						Rule 27			Rules 81, 84	Rule 85	
	The UN Guidelines for Action on Children in the Criminal Justice System	Guideline 16		Guideline 16					Guideline 16							Guidelines 15,18		Guideline 24
REGIONAL STANDARDS	The General Comments N° 10 and 12 of the Committee on the Right of the Child	General Comment N° 10 on children's rights in juvenile justice (49-50, 52, 58, 82) General Comment N° 12 on the right of the child to be heard (36, 37, 59)	General Comment N° 10 on children's rights in juvenile justice (50)	General Comment N° 10 on children's rights in juvenile justice (12, 47-48, 59) General Comment N° 12 on the right of the child to be heard (41, 45, 60, 80, 134 a, b, h, i)	General Comment N° 12 on the right of the child to be heard (60, 82, 134 a)	General Comment N° 10 on children's rights in juvenile justice (43-46) General Comment N° 12 on the right of the child to be heard: 15, 16, 18, 19-31, 32-33 (the right "to be heard in any judicial and administrative proceedings affecting the child), 57-58 (the child's right to be heard in penal judicial proceedings)	General Comment N° 10 on children's rights in juvenile justice (46) General Comment N° 12 on the right of the child to be heard (34, 42, 60, 134e)	General Comment N° 10 on children's rights in juvenile justice (47, 62)	General Comment N° 10 on children's rights in juvenile justice (64, 67)	General Comment N° 12 on the right of the child to be heard (43, 61)	General Comment N° 10 on children's rights in juvenile justice (10, 13) General Comment N° 12 on the right of the child to be heard (70-74)		General Comment N° 10 on children's rights in juvenile justice (51-52)	General Comment N° 10 on children's rights in juvenile justice (24-27, 68-69, 79-80) General Comment N° 12 on the right of the child to be heard (59, 97)			General Comment N° 10 on children's rights in juvenile justice (40, 49, 58, 62, 63, 92, 97) General Comment N° 12 on the right of the child to be heard (134 g)	
	The UN Principles and Guidelines on access to legal aid in criminal justice systems	Guideline 10. Special measures for children (53 a, b, c)	Principle 12. Independence and protection of legal aid providers Guideline 10. Special measures for children (53 d)	Principle 1: Right to legal aid Principle 2: Responsibilities of the State Principle 3: Legal aid for persons suspected of or charged with a criminal offence Principle 6: Non-discrimination Principle 7: Prompt and effective provision of legal aid Principle 10: Equity in access to legal aid Principle 11: Legal aid in the best interests of the child Guideline 1. Provision of legal aid (41, c) Guideline 3. Other rights of persons detained, arrested, suspected or accused of, or charged with a criminal offence Guideline 4. Legal aid at the pre-trial stage Guideline 5. Legal aid during court proceedings Guideline 6. Legal aid at the post-trial stage	Principle 8: Right to be informed Guideline 2. Right to be informed on legal aid Guideline 10. Special measures for children (53 e)	Guideline 10. Special measures for children (53 e)	Guideline 10. Special measures for children (53 h)	Guideline 10. Special measures for children (54)	Principle 11. Legal aid in the best interests of the child Guideline 10. Special measures for children (53 b, c)	Guideline 10. Special measures for children (53 f, g)	Principle 11. Legal aid in the best interests of the child (35)	Principle 13. Competence and accountability of legal aid providers						
	Guidelines of the Committee of Ministers of the COE on a Child-Friendly Justice	C. Children and the police (28, 30) D. Child-friendly justice during judicial proceedings- 2. Legal counsel and representation (37, 40-43) E. Child-friendly justice after judicial proceedings (81) EXPLANATORY MEMORANDUM - 2. Legal counsel and representation (101-105)	D. Child-friendly justice during judicial proceedings- 2. Legal counsel and representation (102) EXPLANATORY MEMORANDUM - 2. Legal counsel and representation (102)	D. Child-friendly justice during judicial proceedings- 2. Legal counsel and representation (41) E. Child-friendly justice after judicial proceedings (75, 77, 80) EXPLANATORY MEMORANDUM - A. General elements of child-friendly justice 1. Information and advice (50-56)	A. General elements of child-friendly justice 1. Information and advice (2) C. Children and the police (28) D. Child-friendly justice during judicial proceedings- 3. Right to be heard and to express views (44) E. Child-friendly justice after judicial proceedings (75) EXPLANATORY MEMORANDUM - A. General elements of child-friendly justice 1. Information and advice (50-56)	A. General elements of child-friendly justice 1. Information and advice (2) C. Children and the police (28) D. Child-friendly justice during judicial proceedings- 3. Right to be heard and to express views (44) E. Child-friendly justice after judicial proceedings (75)	A. Participation (1-2) D. Child-friendly justice during judicial proceedings- 3. Right to be heard and to express views (44-49) EXPLANATORY MEMORANDUM - A. Participation (32-35) EXPLANATORY MEMORANDUM - 3. Right to be heard and to express views (106-117)	D. Child-friendly justice during judicial proceedings- 5. Organisation of the proceedings, child-friendly environment and child-friendly language (54-63) D. Child-friendly justice during judicial proceedings- 6. Evidence/Statements by children (64, 66-68, 70, 71) EXPLANATORY MEMORANDUM - 5. Organisation of the proceedings, child-friendly environment and child-friendly language (121-125) EXPLANATORY MEMORANDUM - 6. Evidence/Statements by children (127-133)	A. General elements of child-friendly justice 1. Information and advice (1 k)	A. General elements of child-friendly justice 1. Protection of private and family life (6-10) E. Child-friendly justice after judicial proceedings (83) EXPLANATORY MEMORANDUM - A. General elements of child-friendly justice 2. Protection of private and family life (57-62)	EXPLANATORY MEMORANDUM - A. General elements of child-friendly justice 2. Protection of private and family life (58)	B. Best interests of the child (1-4) A. General elements of child-friendly justice - 6. Deprivation of liberty (20-21) EXPLANATORY MEMORANDUM - B. Best interest of the child (36-38) EXPLANATORY MEMORANDUM - 2. Legal counsel and representation (104)	D. Child-friendly justice during judicial proceedings- 4. Avoiding undue delay (50-53) EXPLANATORY MEMORANDUM - 4. Avoiding undue delay (118-120)	A. General elements of child-friendly justice - 6. Deprivation of liberty (19) B. child-friendly justice before judicial proceedings (24-26) EXPLANATORY MEMORANDUM - 6. Deprivation of liberty (74)	A. General elements of child-friendly justice - 5. Multidisciplinary approach (16-18) EXPLANATORY MEMORANDUM - 5. Multidisciplinary approach (70-72) EXPLANATORY MEMORANDUM - 6. Deprivation of liberty (74)	A. General elements of child-friendly justice - 4. Training of professionals (14-15) D. Child-friendly justice during judicial proceedings- 2. Legal counsel and representation (39) EXPLANATORY MEMORANDUM - 2. Legal counsel and representation (104) EXPLANATORY MEMORANDUM - 4. Training of professionals (67-69)		
The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' Standards (CPT Standards) on Juveniles deprived of their liberty	2. Juveniles held in police custody (point 98: access to a lawyer from the very outset of deprivation of liberty and during police questioning) 3. Detention centres for juveniles (point 131: legal advice about complaints)	3. Detention centres for juveniles (point 131)	2. Juveniles held in police custody (point 98: information sheet should be given to all juveniles taken into custody immediately upon their arrival)	2. Juveniles held in police custody (point 98: information sheet must be child-friendly)								2. Juveniles held in police custody (point 99: juveniles in police custody should be accommodated separately from adults, in a juvenile-friendly environment)					2. Juveniles held in police custody (point 100: law enforcement officials who work with juveniles should receive specialised initial and ongoing training) 3. Detention centres for juveniles (points 101 and 120: Staff should be trained in dealing with the young)	
European Rules for juvenile offenders subject to sanctions or measures	Rule 120.1	Rule 120.2	Rule 120.3			Rule 13				Rule 16		Rule 5, 14			Rules 10, 12	Rule 15	Rule 18	
EUROPEAN UNION	European Commission recommendation on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings (C(2013) 8178/2)	SECTION 3 - RIGHTS OF VULNERABLE PERSONS: Right to information (9, 10), Right of access to a lawyer (11)		SECTION 3 - RIGHTS OF VULNERABLE PERSONS: Right to information (8-9)			SECTION 3 - RIGHTS OF VULNERABLE PERSONS: Recording of questioning (13)			SECTION 3 - RIGHTS OF VULNERABLE PERSONS: Privacy (15)					SECTION 3 - RIGHTS OF VULNERABLE PERSONS: Deprivation of liberty (14)		SECTION 3 - RIGHTS OF VULNERABLE PERSONS: Training (17)	
	European Commission recommendation on the right to legal aid for suspects or accused persons in criminal proceedings (C(2013) 8179/2)	SECTION 3 - EFFECTIVENESS AND QUALITY OF LEGAL AID (17-20, 25)		SECTION 2 - ACCESS TO LEGAL AID (3, 4 + 6 legal aid for a child) SECTION 3 - EFFECTIVENESS AND QUALITY OF LEGAL AID (26)		SECTION 2 - ACCESS TO LEGAL AID (5)											SECTION 3 - EFFECTIVENESS AND QUALITY OF LEGAL AID: Training (21-23)	

INTERNATIONAL AND REGIONAL STANDARDS regarding juvenile justice HARD LAW		CHILDREN'S RIGHTS															
		RIGHT TO REPRESENTATION			RIGHT TO INFORMATION		RIGHT TO BE HEARD			RIGHT TO PROTECTION OF PRIVACY		THE BEST INTERESTS OF THE CHILD				MULTIDISCIPLINARY COOPERATION AND TRAINING OF PROFESSIONALS	
		Right of access / assistance by a lawyer	Right to confidentiality	Access to free legal aid	Right to information & advice	Providing information in a child-friendly manner	Right to be heard / participate	Procedural safeguards: Child-friendly interviews & environments	Right to interpretation & translation	Right to protection of privacy & personal data	Conducting proceedings behind closed doors	Taking the best interests of the child into consideration	Individual assessment of needs	Avoiding undue delay	Deprivation of liberty as a measure of last resort and alternative measures	Requirement to adopt a multidisciplinary approach	Professional training & capacity-building
INTERNATIONAL STANDARDS	The International Covenant on Civil and Political Rights (ICCPR)	Art.14.3 (d)		Art. 14.3 (d)	Arts 9.2, 14.3 (a)	Art. 14.3 (d)		Art.14.3 (f)		Art.14.1	Arts 10.3, 14.4, 24.1		Art.10.2 (b)				
	The United Nations Convention on the Rights of the Child (UNCRC)	Arts. 37(d), 40(2) (ii, iii)			Art. 40 (2)(ii)	Art.12	Art. 40.3	Art. 40 (2)(vi)	Arts 16, 40 (2) (vii)		Art. 3, Art 37 (c), Art. 40	Art. 37 (c)		Arts 37(b), 40.3 (b), 40.4			
	The Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3 CRC)										Arts 2, 3.2						
COUNCIL OF EUROPE	The European Convention on Human Rights (ECHR)	Art. 6.3 (c)		Art. 6.3 (c)	Arts 5.2, 6.3 (a)			Art. 6.3 (e)		Art. 6.1							
	The European Charter of Social Rights (ECSR)										Art.17						
REGIONAL STANDARDS THE EUROPEAN UNION	The European Charter of Fundamental Rights (EUCFR)	Art. 47.2, 48.2		Art. 47.3		Art. 24.1					Art. 24.2		Art. 47.2				
	Dir. 2010/64/EU on the right to interpretation & translation in criminal proceedings	Recital 27 (vulnerable persons), art. 2.2						Arts 2-5								Art. 6	
	(Transposition: by 27 October 2013)																
	Dir. 2012/13/EU on the right to information in criminal proceedings	Art. 3.1(a)		Art. 3.1(b)	Arts 3-6	Arts 3.2, 4.4, 5.2 (for vulnerable persons in general)		Arts 3.1(d), 4.5									
	(Transposition: by 2 June 2014)																
Dir. 2013/48/EU on the right of access to a lawyer in criminal proceedings	Arts 3, 8-10, 13 (Vulnerable persons)	Art. 4	Art. 11	Arts 3.4, 9.1(a), 10.4-10.5	Art. 9.1(a) (for suspected and accused persons in general)												
(Transposition: by 27 November 2016)																	
Dir. (EU) 2016/800 on procedural safeguards for children suspected or accused	Recitals 25-27, Art. 6	Art. 6.5	Art. 18	Arts 4-5	Art. 4.2, 4.3	Art. 16	Art. 9		Art. 14	Art. 14.2	Recital 8, Arts 5, 6.6, 6.8, 7.9, 9.1, 12, 15	Art. 7	Art. 13.1	Arts 10, 11	Art. 7.7	Art. 20	
(Transposition: by 11 June 2019)																	
Dir. (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings			Recital 9 and 29, Arts 1.2, 4-7, 9 (Vulnerable persons)												Arts 7.2, 7.3		
(Transposition: by 5 May 2019)																	

• - With regard to article 40, paragraph 2 (b) (v), the **Belgian Government** considers that the expression «according to law» at the end of that provision means that: (a) This provision shall not apply to minors who, under Belgian law, are referred directly to a higher court such as the Court of Assize; (b) This provision shall not apply to minors who, under Belgian law, are referred directly to a higher court such as the Court of Assize.
 ** Reservations: «Article 40, paragraph 2 (b) (v) shall not be binding on **Denmark**.»
 - (France) The Government of the Republic construes article 40, paragraph 2 (b) (v), as establishing a general principle to which limited exceptions may be made under law. This is particularly the case for certain non-appealable offences tried by the Police Court and for offences of a criminal nature. None the less, the decisions handed down by the final court of jurisdiction may be appealed before the Court of Cassation, which shall rule on the legality of the decision taken.
 - «Article 37: The Kingdom of the Netherlands accepts the provisions of article 37 (c) of the Convention with the reservation that these provisions shall not prevent the application of adult penal law to children of sixteen years and older, provided that certain criteria laid down by law have been met. «Article 40: The Kingdom of the Netherlands accepts the provisions of article 40 of the Convention with the reservation that cases involving minor offences may be tried without the presence of legal assistance and that with respect to such offences the position remains that no provision is made in all cases for a review of the facts or of any measures imposed as a consequence.»

* At the moment, among the EU Member States, only Italy, Croatia, France, Belgium, Luxembourg, Czech Republic, Denmark, Finland, Germany, Ireland, Portugal, Spain and Slovakia have ratified this Optional Protocol.
 ** Croatia, Czech Republic, Denmark, Germany, Luxembourg, Poland, Spain and the United Kingdom have only ratified the 1961 Charter (not yet the 1996 revised Charter).
 *** For the position of Poland and United Kingdom regarding the EUCFR see "Protocol (No 30) on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom" (12008E/PRO/30).
 **** In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
 ***** In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
 **** in accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the TFEU and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Directive and are not bound by it or subject to its application.
 ***** In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the TFEU and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Directive and are not bound by it or subject to its application.
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 Please note that the transposition deadline of this directive is changed (see Corrigendum OJ L 91 of 5.4.2017, p.40)