

# TRAINING FOR LAWYERS WHO WORK WITH CHILDREN SUSPECTED OR ACCUSED OF AN OFFENCE GUIDE FOR TRAINERS





# TRAINING FOR LAWYERS WHO WORK WITH CHILDREN SUSPECTED OR ACCUSED OF AN OFFENCE: A GUIDE FOR TRAINERS

## CLEAR RIGHTS

2022

The present document was prepared by DCI Belgium, in the framework of the CLEAR-Rights project



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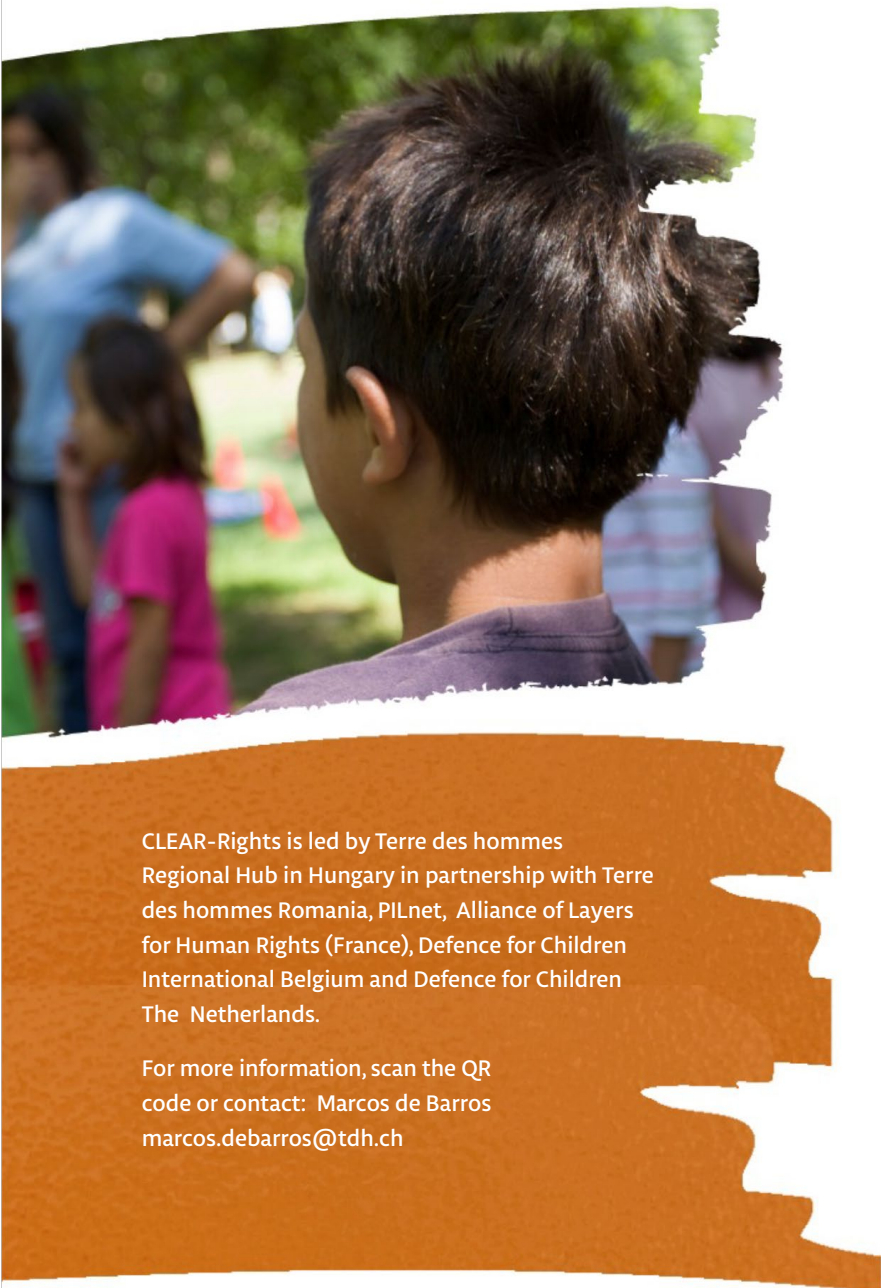
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## KEY POINTS ABOUT



CLEAR-Rights is led by Terre des hommes Regional Hub in Hungary in partnership with Terre des hommes Romania, PILnet, Alliance of Lawyers for Human Rights (France), Defence for Children International Belgium and Defence for Children The Netherlands.

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### WHY CLEAR-RIGHTS

For many children in Europe, criminal justice remains unjust. CLEAR-Rights aims to ensure that free, specialised legal aid is accessible to every child accused or suspected of crime.

### WHO WE INVOLVE

CLEAR-Rights supports practitioners from legal aid and pro bono systems, child justice stakeholders and children in conflict with the law.

### WHAT WE DO

We train legal practitioners on child-friendly legal assistance and strengthen collaboration among child-justice professionals. Child advisory boards evaluate and shape quality assessment tools, and lead advocacy events on children’s procedural rights.

### WHERE

The project focuses on Hungary, Romania, Belgium, France and The Netherlands. Its tools and materials will be disseminated across Europe.



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# INTRODUCTION

## Why this training guide?

When a child is accused, prosecuted or convicted of an offence, s/he will be confronted with a justice system that is very often insufficiently adapted to his/her specific needs as a child. In this context, the protection of their rights, particularly procedural rights, will depend to a large extent on whether or not they benefit from quality and adapted legal assistance.

However, for lawyers to provide appropriate assistance and representation to children in such situations requires not only specific legal skills and knowledge (e.g., regarding the procedures that apply to children or their special procedural rights), but also the capacity to mobilise knowledge from other disciplines (e.g. psychology) and soft skills (e.g. knowing how to communicate effectively with a child).

Many European and UN standards provide for the absolute necessity of legal aid providers to undergo specific training, both initial and ongoing, in order to be able to assist a child. International standards provide inter alia that training should be multidisciplinary and enable professionals to gain knowledge and practical skills regarding children's rights, communicating with children, adapting procedures for children, the psychology of the child and child development.

For example, The Council of Europe Guidelines on child friendly justice state that *"All professionals working with and for children should receive necessary interdisciplinary training on the rights and needs of children of different age groups, and on proceedings that are adapted to them. Professionals having direct contact with children should also be trained in communicating with them at all ages and stages of development, and with children in situations of particular vulnerability"*.<sup>1</sup>

It is therefore recommended that authorities ensure specialised, advanced and free initial training for lawyers in relation to child law and youth-related issues. In addition, they should propose continuous specialised training that covers child justice matters.

This guide intends to join this effort to build the capacity of lawyers to carry out their work with children in the best possible way.

## Instructions for potential trainers

The present Guide included 7 modules: we invite trainers to combine and adapt them, or some of them, to the specific national or local context, in order to respond to specific training needs of lawyers in the field of child justice, and with the objective to ensure a targeted training offer to lawyers who represent or wish to represent children accused, suspected or convicted of an offence.

These modules have been developed considering what should be included in the training of children's lawyers according to international standards. This guide also takes into account that, across European countries, lawyers who wish to represent children do not have the same level of training, thus they have different needs in terms of ongoing training.

We invite trainers to compose the most appropriate training programme by selecting and combining the modules proposed in this guide, also shortening them according to the specific timing. For this purpose, trainers should always consider and first assess the specific training needs of the lawyers in their local context.

As an example, in France the AADH (Alliance des Avocats pour les Droits de l'Homme) is organising a one-day training for pro bono and legal aid lawyers with the following agenda: introduction of the day, Module 1, Module 5, Module 7, conclusion of the day.

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<sup>1</sup> Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, nov. 2010, page 23, available online: <https://rm.coe.int/16804b2cf3>



## How to read this Guide

Each module is presented with the following items:



**Specific objectives of the module:** In order to help the trainers choose the most appropriate modules for their training, and then present it to potential participants, for each module they will find an overview of what the trainees should know and/or will be able to do at the end of that specific module.



**Skills:** the skills acquired during these modules can be related to international law, national law but also to other disciplines such as psychology or soft skills.



**Duration:** Indicative timing for each session is included. However, the length of each exercise and presentation will depend on the local adaptation. We therefore advise the trainers to test the timings beforehand and not to rely entirely on the timings suggested in this guide.



**Why to choose this module and its added value:** this training guide was developed based on an analysis of the needs lawyers for children have in terms of training and what international standards says about it. In each module, this section present the added value of the module in light with these two elements.



**Trainer**

### Content

The main steps of the module are described in this section.



**Material needed for the module:** Under each module, the materials needed to cover the main contents will be listed. These materials generally include PowerPoint presentations (slides and their narrative in the comments section of each slide), exercises and reference to additional working documents.



**Additional resources:** For trainers, reading the supplementary materials will help to anticipate questions and find more specific information. Some of the modules offered in this Guide are an adaptation of existing materials on legal assistance for children, if so the material will be mentioned in additional resources.

Other icons are used to highlight the type of activity proposed:



**Co-develop or adapt with children:** integrating the voice of children in the training is very important and contribute to the implementation of article 12 of the Convention on the Rights of the Child. In some modules we specifically point out possibilities to include testimonies of children you interviewed during the process of adaptation to national context. However, we invite trainers to include voices of children in all modules.



**Presentation:** most of the materials used during the training are presentations made by the trainer/s and based on the PowerPoint presentation offered for each module in this Guide.



**Exercise / Case study:** various exercises in small groups are proposed for the different modules. Training is a great opportunity for professionals to share their views, the challenges they face and promising practices: these exercises in small groups foster this kind of interactions.



**Brainstorming:** trainees are experts in their work, hence brainstorming sessions allow them to share their thoughts and inputs on the various topics with all the other participants. In addition to these planned moments of exchange, trainers are encouraged to always foster the participation of participants (during every exercise and presentation).



**Role play:** trainees are encouraged and invited to step into the shoes of someone else (often the child). Hence, role plays are included in the modules, some of which are based on case studies.

## Trainings implemented in France, Belgium, Romania and Hungary

The present training guide has been used to develop the training at local level by the CLEAR-Rights project partners in France (AADH), in the French-speaking community in Belgium (DCI Belgium), Romania (Tdh Romania) and Hungary (PILnet).

## Ethic and approach of the trainer

Trainers who intend to organise training for lawyers using this guide are encouraged to:

- ✪ Establish and maintain a friendly and trustworthy environment, with positive interactions among participants, and between participants and trainers;
- ✪ Encourage participants' active participation;
- ✪ Recognise that participants are experts in their fields and encourage the sharing of experiences;
- ✪ Provide participants with knowledge based on children's rights (consistent with the Convention on the Rights of the Child);
- ✪ Plan appropriate breaks.

## Content of the Guide

This guide provides the following modules:

- INTRODUCTION OF THE TRAINING SESSION;
- MODULE 1 – Specifics of criminal proceedings for children in conflict with the law: Knowing it and explaining it to children;
- MODULE 2 – Child Friendly Justice – From theory to practice
- MODULE 3 – The role of the lawyer for children in conflict with the law: the spokesperson
- MODULE 4 – How to communicate with a child / adolescent in conflict with the law – conveying child friendly information
- MODULE 5 – Notions of psychology: childhood psychology, adolescence development and introduction to trauma-informed lawyering
- MODULE 6 – International mechanisms to defend children's rights
- MODULE 7 – Pro Bono 101 / Fundamentals and Good Practices
- CONCLUSION AND EVALUATION OF THE TRAINING SESSION

The content of each module – the exercises and theoretical presentations – is detailed in a PowerPoint, available on the website: <https://www.dei-belgique.be/index.php/projets/en-cours/clear-rights.html>

# INTRODUCTION OF THE TRAINING SESSION



Approx. 30 minutes

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## **Content** Welcome

Welcome the participants and, if you have time, arrange a short ice-breaking activity to start the session.

A suggestion for the ice-breaker is: finish the sentence « A youth lawyer is... » and write down on a post-it, then create a word cloud with the post-it or use Mentimeter.

### **Presentation of the trainers, the organisation and all participants – 15 minutes**

We recommend that trainers start by introducing themselves and the association or organisation hosting the training: this will help participants to situate the training and its content. Then, give the floor to the participants so that they can introduce themselves in a few words and say what they expect from this training: knowing a bit more about the participants is both important for the trainer – it will allow him/her to adapt the content to the participants – and for all the participants who will get to know each other better. This training programme asks them to work together on different exercises, so it is important to foster good communication between them. Moreover, representing a child sometimes requires the ability to collaborate with other professionals and/or to ask for advice to one minutes peers: the training must therefore also have the mission of being moments of encounter.

### **Presentation of the CLEAR-Rights project and agenda of the session – 15 minutes**

It is also essential to introduce the CLEAR-Rights project to the participants, given that the present training has been developed in the framework of this project. Using the PowerPoint entitled «Introduction to the session», take a few minutes to present the project (its objectives, the associations that implement it, the countries concerned, the funding by the European Commission and focus on the various resources developed within the framework of the project that can be of use to the participants afterwards). Then, using the same PowerPoint, present the agenda for the day.



- The PowerPoint presentation entitled “Introduction of the session”
  - The attendance list
-

# SPECIFICS OF CRIMINAL PROCEEDINGS FOR CHILDREN IN CONFLICT WITH THE LAW: KNOWING IT AND EXPLAINING IT TO CHILDREN



1. Know the specific proceedings applicable to children suspected or accused for an offence;
2. Know the procedural rights of children and possibilities of remedies;
3. Discover child friendly material to explain the procedure properly to the child client.



Legal, national law, procedural rights, international law (few), informing the child.



Approx. 4 hours



This module is mainly legal, and you might want to integrate it to your training if lawyers generally do not know the specific proceeding involving children or if the system was recently reformed in your country.

This module will be the opportunity to:

- Provide participants with precise legal information on applicable national law and procedures
- Develop a first reflection on content and implementation of international standards (does your national law comply with international requirements, to what extent?)
- Start to address the fact that in matters of justice for children, the implementation of these procedural rights will also require skills and attitudes that are not purely legal (e.g., the child has the right to be informed about his or her rights, which implies that they should be informed using a language appropriate to their age and circumstances).
- Give to the participants a child friendly material in order for them to use when presenting the proceeding to their future child clients (a scheme of the proceeding)

## Content

The proceedings are very different from one country to another and the level of knowledge of the participants will mainly depend on your target audience, therefore the following structure is a suggestion, you might want to remove some steps and/or modify the duration.



### **Presentation – Philosophy of the system of justice for children suspected, accused or convicted for an offence – 20-30 minutes**

The first part of this module is a presentation of the approach, the main component and standards of the system of justice for children suspected, accused or convicted for an offence.

You will start presenting the main international and European standards (UN, EU and Council of Europe), and then you will briefly give some basic information regarding the approach of the system in your country (the main law on child justice, the code of youth justice or even the preparatory documents of these laws can provide a good explanation of the philosophy and goals of the system of justice for children suspected or accused in your country).

This information is an important prerequisite for presenting the actual procedure to the lawyers, as it will enable them not only to know what the procedure is, but also to know what it should aim at, and what the general objectives should be.



### Presentation – From the infraction to the release, description of the different stages of the proceeding – 50 minutes

For lawyers who intend to represent a child suspected or accused of an offence, or who do so on an *ad hoc* basis, they need to know about the specific procedure that applies to children. For this purpose, in this second part of the module we propose the trainers to present the specificities of this procedure at national level, with a lecture of about 50 minutes.

In this lecture trainers are encouraged to include:

- The relevant national legal sources: article of the Constitution, laws, Code or any kind of regulation and, if relevant, guiding case-law;
- A definition of the child and the minimum age of criminal responsibility;
- A comprehensive description on the various phases of the proceeding (instruction, judgment, execution of the sentence/measure, appeal) and the institutions involved (is there specialised law enforcement for children? Is there a specialised prosecutor for children, youth judge, child protection services, etc...?);
- Emphasize the role of the lawyer according to national law and case-law (e.g., at which stages should the lawyer be (physically) present?);
- Overview of the different measures/sentences that can be taken to respond to a child who is suspected/accused of committing an offence



### Exercise – Who is who? – 30 minutes

The aim of this exercise, which focuses on actors and institutions, is to ensure that the participants integrate the information described in the previous session, but also that they are aware of all the actors and institutions that can intervene in the case of a child, e.g. institutions for the protection of children, psychologists, social workers, etc... It will be thus an opportunity for you to present the role and missions of each of them.

Create a diagram representing the different phases of the procedure (investigation, pre-trial, trial, execution of the sentence, appeal, etc...) in frames. Make a list of these stakeholders (police, victim, prosecutor, judge, jury, court of appeal, lawyer, mediation service, youth protection service, youth probation office, etc.). Split the trainees into groups of 3 to 4 people and ask them to discuss about the place each stakeholder has in what stage of the proceeding. After 15-20 minutes, the participants come back, present their reflections and discuss with the whole group: at the end of the discussion, the picture is complete with information on the role of each of these actors throughout the proceeding.

See an example for this exercise in the PowerPoint presentation of the module, part 3 “Who is who?”, slide 18.



### Brainstorming – Procedural rights for the child suspect at the police station – 20 minutes

It is fundamental for lawyers to ensure that their young clients’ rights are respected when they are in contact with the police. In addition, they have the duty to inform their clients about their rights. Check with a brainstorm if the participants have all these rights in mind and if they know how to react when these rights are not respected or violated. This discussion can be an opportunity for some participants to give evidence of practices they observe that are contrary to children’s rights (one time or systemic violations of children’s rights). If this is the case, allow other participants to suggest possible remedies/actions, and if they do not, the trainers should suggest them for the lawyer.

Start the discussion asking the participants to answer the following question: What are the rights of child suspects when apprehended by the police?

Write on the blackboard/flipchart or on another slide of the PowerPoint the answers of the participants.

At the end of the discussion, make sure you have covered the following issues:

- Right of the child to call his/her parents, guardians or another person?
- Right to silence
- Right to be aware of the charges against them
- Right to a lawyer (before and during the hearing)
- Right to an interpreter
- Right to leave or to stay
- Maximum length of the detention
- Access to a doctor
- Reading and modification of the minute of the hearing
- Use of constraints from the police as *extrema ratio*



### Brainstorming – Procedural rights of the child during a hearing with a judge – 15 minutes

Hearings with judges are another very important stage of the proceeding for children in conflict with the law. Take 10 to 15 minutes for a new brainstorming with the participants. If some participants mention practices they observe that are contrary to children's rights (one time or systemic violations of children's rights), other participants can suggest possible remedies/actions, and if they do not, the trainers should suggest them for the lawyer.

Start the discussion asking the participants to answer the following question: What are the rights of children before and during a hearing with a judge?

Write on the blackboard/flipchart or on another slide of the PowerPoint the answers of the participants.

At the end of the discussion, make sure you have covered the following issues:

- (mandatory) attendance of the child
- Presence of the lawyer
- Information by the lawyer prior to the hearing
- Right to silence
- Right to be heard/participate
- Information after the trial hearing by the lawyer
- Interpretation
- Duration of the trial hearing
- Use of constraint/freedom restricting measures, etc.



### Presentation of child friendly support and Role play – Informing children about their rights and the procedure – 50 minutes

Lawyers for children have the very important role of properly informing children about their rights and the procedure. This last part of the module aims to:

- Provide participants with a child-friendly document they can use with their young clients to explain them the proceeding (the scheme entitled What can happen next?)
- Put the participants in the situation of informing children in a way that is adapted to the situation and their specific needs (game card/role play)
- Conclude with a list of advices regarding the information to give to the child



### Presentation – Scheme – What can happen next? – 15 minutes

Adapt the scheme of the procedure available [here](#) to your national procedure, and then present it to the lawyers so that they can use it in the future with their young clients.

You can find all information to adapt the scheme to your national context in this step-by-step manual <https://lachild.eu/wp-content/uploads/2021/11/Step-by-step-Manual-How-to-adapt-it.pdf> (you can even adapt the all Guide to your national context).

Hand out printed copies to the participants and briefly discuss with them the use of child-friendly support documentation to help with the information to provide the young clients with. Participants need also to be encouraged to share with the others any child friendly materials they use.



### Role play – Informing a child – 30 minutes

This role play offers the opportunity to the participants to practice the way they give information to young clients about their rights and the procedure. Each lawyer will have to fulfil the role of a lawyer and the role of a child.

Before the training: adapt the cards available on the PowerPoint of the module in Part 6 “*Informing young person on their rights and the procedure*” in national languages and/or to national context if needed. Print them.

Steps of the role play:

1. Ask participants to pair-up;
2. Give to each pair the 8 cards available in the PowerPoint, more precisely to participants A the “A-cards” and to participants B the “B-cards”;

3. Pairs have about 20 minutes to perform the 4 situations. Inform the participants that they do not receive the same information if they are a lawyer or a child. Participants playing lawyers have the mission to properly inform the child about their rights and the procedure. They have 4-5 minutes per situation, during which they should: read the situation, simulate the situation, take notes on their cards, finish the play and exchange with their pair about their impressions and what they wrote.
  4. Give 5 minutes to the whole group in order to let them return to their seats and to reflect on the main challenges they faced during the role play
- Emphasize with the participants that it is very important for them to step into the shoes of their character: while playing their roles, they should not talk using the third person but really embody the character they are assigned.



### Presentation – Wrap up – Advice – 5 minutes

Based on pages 41 to 43 of the *Guidelines for child-friendly legal aid for children in conflict with the law – Recommendations and inspiring practices aimed at legal aid providers and policy makers*, summarize all key information about how to inform a child. See information of this wrap-up on the PowerPoint, slide 28 and 29.



The PowerPoint presentation entitled “Module 1 – criminal proceedings for children in conflict with the law” and all the comments in it.

Printed diagram and list of institutions and actors for exercise Who is who?

Scheme of the procedure for children “What can happen next?” (from the Know your right guide) (1 printed version per participant)

Cards of the Role play



In order to prepare this module, consult and use the PowerPoint presentation provided. You can also find additional information in the following documents:

Guidelines for child-friendly Legal aid for children in conflict with the law – Recommendations and inspiring practices aimed at legal aid providers and policy makers: [https://lachild.eu/wp-content/uploads/2021/10/LA-CHILD\\_EN\\_LowRes.pdf](https://lachild.eu/wp-content/uploads/2021/10/LA-CHILD_EN_LowRes.pdf)

Defence for children international (DCI) – Belgium, Practical Guide for Lawyers – How to defend a child in conflict with the law?, My Lawyer, My Rights project, <https://lachild.eu/wp-content/uploads/2016/05/PRACTICAL-GUIDE-FOR-LAWYERS.pdf>

Guide for children in conflict with the law, *Know your Rights* <https://lachild.eu/wp-content/uploads/2021/11/Know-ur-rights-FinalBrochureEN.pdf>

The step-by-step manual to adapt the Guide to your national context <https://lachild.eu/wp-content/uploads/2021/11/Step-by-step-Manual-How-to-adapt-it.pdf>

UN Committee on the rights of the Child, General Comment n°24 on children’s rights in the child justice system CRC/G/GC/24

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/275/57/PDF/G1927557.pdf?OpenElement>

# CHILD FRIENDLY JUSTICE – FROM THEORY TO PRACTICE



1. Discover the Council of Europe Guidelines on child friendly justice, their principles and how to implement them during the proceeding (at the police station, before the proceeding, during the proceeding, after the proceeding);
2. Understand how to implement these principles in the daily practice with children in conflict with the law.



International law, children's rights, procedural rights



Approx. 2 hours



This module is an introduction to child friendly justice, its principles (participation, best interests, dignity, protection against discrimination, rule of law) and how to implement it. The aforementioned Guidelines on child friendly justice of the Council of Europe are particularly helpful to understand the specificities of working with children and how to implement children's rights in justice proceedings, as they give both general orientations and very practical advice to implement children's rights.

## Content

This module is an adaptation in English of the training created and regularly organized by DCI Belgium for lawyers and other professionals working with children in Belgium.



### **Brainstorming – what does “child-friendly justice” mean to you? Co-construction of a definition – 15 minutes**

During this brainstorming, participants will be asked to co-construct in small groups of 4 – 5 participants a definition of “child-friendly justice”.



### **Presentation – What is Child friendly Justice? Content of the Guidelines of the Council of Europe – 60 minutes**

The PowerPoint presentation provided for this Module includes the main elements covered in the Child-friendly Justice Guidelines of the Council of Europe: the definition of child-friendly justice, the scope, the goal, fundamental principles and what they provide for at each stage of the procedure (at the police stage, during the trial, afterwards, etc...).



### **Case study – How to implement child-friendly justice principles? – 45 minutes**

In small groups of 4 – 5 people, participants will be asked to analyse a situation of a child facing justice and to analyse how to implement the principles of child friendly justice in this situation.



- PowerPoint entitled “Module 2 – Child Friendly Justice – From theory to practice”

- Printed case study



Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice



# THE ROLE OF THE LAWYER FOR CHILDREN IN CONFLICT WITH THE LAW: THE SPOKESPERSON



This module aims at discussing the role of the lawyer for children in conflict with the law. According to international law, the lawyer has to be the spokesperson of the child at all times and has specific duties, inter alia of being present at each step of the procedure, informing the child and protecting the child when s/he is deprived of liberty. However, not all lawyers know exactly what their role according to international standards is whereas it is an important requirement so that they provide an adapted legal assistance to children. In order to really understand what the role of the lawyer for children is and how to fulfil it, it is important to see it through the eyes of children and of other professionals.

This is what this module offers: analysing and understanding the role of the lawyer for children and how to fully embrace it, thanks to inputs from international standards, children and other professionals, and exchanges among participants.



Soft skills, international law



Approx. 2 hours and 10 minutes



In addition to learning from international standards, participants will have the opportunity to enrich their practice thanks to testimonies from children and from other professionals. The exercise proposed in this module (a role play) and the testimonies will give the participants concrete examples of how to implement the international standards and recommendations (e.g., Listening a testimony where a young person explains how their lawyer have built trust (or not)).

## Content



### Role play with a case – In the shoes of a young person – 45 minutes

Participants are split into small groups and they are asked to step into the shoes of a young person suspected or accused, to describe what they are expecting from their lawyer.

Find the 5 cases in the PowerPoint of the module, entitled “Module 3 – The role of the lawyer for children.” Create groups and explain the exercise to participants.

→ Emphasise with the participants that it is very important for them to step into the shoes of their character: while playing their roles, they should speak in the first person (“I am ...” – name of the youth in the situation – or “I expect...” )

→ Also emphasise that a lot of what they can expect rely on the soft skills and attitude of the lawyer.

Give one case study to each group, let them work on the case study for 10 to 15 minutes and ask each group to share their reflections with all participants during a second phase of the exercise (15 – 20 minutes).



### Let’s hear what young people have to say – 25 minutes

Each young person is different and will have different understanding and expectations of a situation and their lawyer. After trying to step into the shoes of a young person, listen with the participants to the testimonies of young people who have been in conflict with the law and who disclose what they appreciated or did not appreciate in their relationship with their lawyer.

Before the training, the trainer should interview one or more youths who have had experience of the justice system and ask them:

- Did you have a lawyer?
- Did you trust your lawyer?
- If you did, what made you trust him/her?
- If you didn’t, why didn’t you trust him/her?

The trainer should interview these young people respecting the principles of ethics, confidentiality and the rights of the child.

Screen one recording and ask participants to share their thoughts on it. Screen the other and ask again participants to share their thoughts on it.

Finally, a video developed by the Children Advisory Board in Hungary is screened. The young members of the CAB speak from a different perspective than the previous testimonies as they do not have the experience of being in conflict with the law. They answer two questions:

- Who is the ideal lawyer according to you?
- How does a safe environment look like according to me?

Screen the video and ask participants to share their thoughts on it.



### **Presentation – What do other professionals say? – Testimonies of other professionals - 15 minutes**

This time, it is from the point of view of other professionals involved in youth justice proceedings that we propose to (re)discover the role of the children lawyer. You will find in the PowerPoint presentation of module 3 the testimonies of these professionals, which were collected in Belgium during the LA Child project and then during the CLEAR Rights project.<sup>2</sup> When adapting it to the national level, we invite you to integrate the testimonies collected in your country from various professionals.

In order to carry out their mission, children’s lawyers must also be able to collaborate with other professionals, and this part of the module will address this issue.

Read (or screen) the testimonies of the other professionals on the PowerPoint and invite participants to react.



### **Presentation – What do European and international standards say? – 30 minutes**

Using the PowerPoint presentation (based on the LA Child *Guidelines for child-friendly legal aid for children in conflict with the law, Recommendations and inspiring practices aimed at legal aid providers and policy makers*), present what is the role and mission of the lawyer of children in conflict with the law according to international standards.

This theoretical presentation of the lawyer’s role through the prism of international standards will allow us to summarise the main elements that emerged during the discussions and to give them a new perspective: that of international law.



### **Presentation – The specific role of the Pro Bono Lawyer (facultative activity depending on the participants) – 15 minutes**

Using the PowerPoint presentation, present what is pro bono and how it can be organised for lawyers for children.



- PowerPoint presentation entitled “Module 3 – The role of the lawyer for children ...”
- Printed case studies for the first part of the module “In the shoes of a young person – role play with a case” (available in the PowerPoint)
- Speakers to screen a video and audio recordings
- Recordings of 1 or 2 young people having the experience of being in conflict with the law testifying about their experience with their lawyer



LA Child *Guidelines for child-friendly legal aid for children in conflict with the law, Recommendations and inspiring practices aimed at legal aid providers and policy makers*

<sup>2</sup> The LA Child project was coordinated by the Law Institute of the Lithuanian Center for Social Sciences and led in Belgium by DCI Belgium and in Albania by the Center for Integrated Laws and Practices. More information on the project: <https://lachild.eu/the-projects/la-child/presentation-of-the-project/>

# HOW TO COMMUNICATE WITH A CHILD / ADOLESCENT IN CONFLICT WITH THE LAW – CONVEYING CHILD FRIENDLY INFORMATION



By alternating theoretical presentations and practical exercises, this module aims to improve participants' skills in child-friendly communication. More specifically, how to inform and listen in an appropriate way to a young client.



Soft skills, adapted communication.



Approx. 2 hours and 30 minutes

Adapted communication is key in the work of child lawyers, but child friendly communication is rarely (or never) included in the initial training of lawyers. Usually, the faculties of law at universities even teach students quite the contrary: law students are trained to use very technical jargon and how to communicate in the justice system. These communication skills are quite the opposite to what child friendly communication is. Across Europe, it is rare to find continuous training on child friendly communication for justice professionals.

This module is one of the key modules, and we strongly encourage trainers to include it in their training. Most of us are often not conscious of the 'mistakes' we make in our communication styles, and many lawyers may not be aware of these gaps either, and consequently may not find it so interesting... which is maybe the reason why they should attend a training about that!



For this module we recommend that you hire a co-trainer specialised in communicating with children.

## Content



### Role play – 60 minutes

By placing the participants in or in front of common situations of interaction between a child and their lawyer, participants will be able to identify obstacles in the communication with young client and are encouraged to exchange on good practices and solutions to overcome these obstacles. The role play contains two situations: in the PowerPoint presentation trainers can find the overall instructions for the role-play, description of the situations and character's sheets.



### Presentation with short exercises – Focus on communication – 1h30

The Role Play enabled the participants to identify some important barriers to meaningful communication with their young clients. Together, the participants were able to share possible solutions and inspiring practices. This theoretical presentation now aims to summarise these obstacles, to present new ones and to discuss approaches and techniques in order to improve communication with their young clients.

This PowerPoint presentation is an adaptation of various practical guides and tools developed by organisations working for children's rights (all listed in "Other resources"). However, the Manual: Advancing the Defence Rights of Children Manual for Practitioners is the main source of this presentation, particularly its chapter 5 on Communication. This Manual is one of the outputs of a project coordinated by Fair Trials in partnership with the International Juvenile Justice Observatory, APADOR-CH Comitetul Helsinki, the Hungarian Helsinki Committee and Leiden University and funded by the Rights, Equality and Citizenship (REC) Programme of the European Union (2016-2018).



- The PowerPoint presentation entitled “Module 4 – Communication”
- Printed situation and role sheets for the role play (available in the PowerPoint presentation)



*Advancing the Defence Rights of Children Manual for Practitioners* coordinated by Fair Trials and developed in coordination with the International Juvenile Justice Observatory, APADOR-CH Comitetul Helsinki, the Hungarian Helsinki Committee and Leiden University, Chapter 5 “Communication”

*Quality Standards for legal assistance for children suspected and/or accused – A Step-by-Step Guide*, part 5 “Effective Client Communication”, CLEAR-Rights project, DCI Belgium, Terre des Hommes Hungary, Terre des Hommes Romania, Alliance des Avocats pour les Droits de l’Homme and DCI ECPAT The Netherlands.

*Guidelines for child friendly legal aid for children in conflict with the law*, LA Child project, Law Institute of Lithuania, Defence for Children International Belgium, Centre for Integrated Law and Practices (Albania).

*How to convey child-friendly information to children in migration – A handbook for frontline professionals (2019)*, Council of Europe

*Can anyone hear me? Participation of children in juvenile justice: A manual on how to make European juvenile justice systems child-friendly*, International Juvenile Justice Observatory

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# NOTIONS OF PSYCHOLOGY: CHILDHOOD PSYCHOLOGY, ADOLESCENCE DEVELOPMENT AND INTRODUCTION TO TRAUMA-INFORMED LAWYERING



1. Learn about adolescent psychology and development (cognitive and psychosocial) and how it can affect a child in conflict with the law.
2. Receive an introduction to trauma-informed lawyering.



Childhood psychology, adolescence development, trauma-informed lawyering



Approx. 2 hours and 30 minutes



It is not expected from lawyers that they become psychologists. However, having some basic knowledge on child and adolescent psychology and development can help lawyers to better understand their young clients, the way they behave and their understanding of situations. All this will help lawyers providing legal assistance tailored to their young clients and to communicate with them in a much more child-friendly and effective way.



For this specific module, you should hire a psychologist, specialised in child and adolescent development and child justice

## Content



### **Presentation – Adolescent psychology and specificities related to children in conflict with the law – 60 minutes**

In the first part of this module, trainers should present the key elements on adolescent psychology while making the necessary links to offending behaviour and emphasising the impact that certain aspects of the child development may have on the understanding of situations, including court proceedings.

Think about making the presentation interactive enough for the participants by including questions, discussions, polls or short exercises. Consider also the possibility to invite an expert on child psychology that can give a 20-30-minute lecture to the participants and respond to all the questions the participants may have.



### **Presentation – Trauma related to offending – 30 minutes**

A child in conflict with the law may have experienced various traumas that will influence his or her behaviour. The trauma may have occurred before the offence, at the time of the offence or afterwards (e.g., at the time of arrest).

An expert should present to the participants what trauma-informed lawyering is and how they can better understand and represent their young clients, specifically by being better able to identify trauma.



### **Presentation – The window of tolerance – Trauma/anxiety related responses and Introduction to “Trauma-informed lawyering” – 15 minutes**

Present the content of the CLEAR-Rights Quality Standards for legal assistance for children suspected and/or accused – A Step-by-Step Guide parts on The window of tolerance (scheme page 33) and on Trauma-informed lawyering (page 33).



**Case study – When should the lawyer refer his/her young client to another professional? List for mental health assessment (CLEAR Rights Guidelines) – 15 minutes**

Write a case study involving a child who is in conflict with the law (max. 1 page) and split the participants into groups of 3 – 4, to read the situation and complete the “List for mental health assessment” from the CLEAR-Rights Quality Standards for legal assistance for children suspected and/or accused – A Step-by-Step Guide (page 31). When they have completed it, present a short result of the case and discuss on the possibilities for a referral to other mental health professionals.

Use any other exercise you think would be interesting to discover the “List for mental health assessment”, a role play maybe?



**Presentation – Elements of self-care and secondary traumatization of lawyers – 20 minutes**

Children’s lawyers are on the front line and are confronted on a daily basis with serious situations of violence against children or themselves. Therefore, the psychological pressure can be very high, and they can suffer from secondary trauma. Although this is not the main focus of the module, we consider that for a child to be well represented properly, their lawyer must have the means to protect him or herself psychologically. Take about 20 minutes with the participants to give them a presentation or exercise on self-care and secondary traumatization.



CLEAR Rights, *Quality Standards for legal assistance for children suspected and/or accused – A Step-by-Step Guide*, “Assessment of mental health and vulnerabilities”, page 28 to 31.

Fair Trials, *Advancing the Defence Rights of Children Manual for Practitioners*, Chapter 3: Juvenile Justice and Adolescent Development p. 43 – 51, available online: <https://www.fairtrials.org/articles/information-and-toolkits/advancing-the-defence-rights-of-children/>

# INTERNATIONAL MECHANISMS TO DEFEND CHILDREN'S RIGHTS



1. Know international mechanisms to defend children's rights, their advantages and challenges;
2. Be able to choose the most suitable mechanism according to the situation;
3. Receive practical guidance on how to use these international mechanisms.



International law



Approx. 2h



When national remedies do not allow lawyers to appropriately protect and defend the rights of their young clients properly, many international mechanisms and instruments are accessible. However, lawyers are not always very familiar with these mechanisms and how to use them. This module will enable them to become more familiar with these mechanisms and thus add a new string to their bow. Globally, more regular use of international mechanisms by children's lawyers allows for better implementation of international standards at national level.

## Content

This module is an adaptation in English of the training created and regularly organized by DCI Belgium for lawyers and other professionals working with children in Belgium.



### Presentation – UN and European mechanisms – 60 minutes

This PowerPoint presentation covers UN and European mechanisms that can be useful for lawyers who work with children in conflict with the law.

See the PowerPoint presentation entitled "Module 7 – International mechanisms to defend children's rights" and the comments. Adapt it to your national context and translate it.



### Exercise – Analyse advantages and disadvantages of these mechanisms – 20 minutes

All these mechanisms are slightly different, they have advantages and disadvantages that lawyers should bear in mind when they will choose which mechanism is the most suitable in one given situation.

This exercise will also enable the participants to process the information learned during the previous presentation, to remember it and to question it.

Split the participants into groups of 3 – 4 people and ask them to analyse advantages and disadvantages of the mechanisms based on their knowledge and the previous presentation (10 minutes).

Result: after the discussion in small groups, each group is asked to present for one mechanism what they have listed as advantages and disadvantages, and this information is complemented by the other groups and the trainers present with the additional information on the PowerPoint.



### Case study – Which mechanism should I use to defend the rights of my young client? 30 minutes

In the vast majority of cases, lawyers will have to choose the best international mechanism for each case, given that the same case cannot be introduced to more than one international body (some exceptions exist but the length of the proceedings implies that the lawyer make the best choice from the beginning).

Write two short case studies, adapted to your national context, to present the situation of two children in conflict with the law. Ask participants to choose the most suitable international mechanism for these two cases. Participants should do this case study in small groups of 3 – 4 people. After that, all groups will share their reflections in the discussion with the whole group and the trainers.

See on the PowerPoint presentation of the module the technical information to develop the case study.



### Brainstorming – Ethical considerations – 10 minutes

In all actions that the lawyer undertakes when representing a child in conflict with the law, they must act ethically, with respect for the rights of the child and keeping in mind their role in promoting the best interests of the child as a primary consideration. This consideration of ethics is also essential when considering whether to use an international mechanism. Start the activity with a brainstorm: ask participants what ethical considerations a lawyer should take into account when assessing whether to use international remedies.

Then, present the recommendations regarding ethics that are on the PowerPoint presentation.



- PowerPoint presentation;
- Printed tables of advantages/disadvantages of mechanisms, in sufficient number for each groups of 3 – 4 participants;
- Printed Case study.



### UN mechanisms

[OHCHR website](#)

[OHCHR website's page on treaty bodies](#)

[OHCHR website's page on state of ratification Factsheet n°7, Individual Complaint Procedures under the United Nations Human Rights Treaties](#)

[OHCHR Database of case law of treaty body](#)

### European Court of Human Rights

[European Court of Human Rights, Questions & Answers](#)

[Case law of ECtHR \( HUDOC database\)](#)

[Admissibility guide](#)

[Factsheets on various topics](#)

[Guides on articles](#)

### European Committee of Social Rights

[Website of the Committee](#)



# PRO BONO 101 / FUNDAMENTALS AND GOOD PRACTICES



1. Learn the basic of pro bono publico and how legal professionals can be engaged with it
2. Receive an introduction to pro bono in the children's rights space.



Capacity building, types of pro bono, benefits of practices, good practices in pro bono, pro bono lawyering for children's rights



Approx. 1 hour



Participants will have some basic knowledge of pro bono and how start developing a pro bono practice in their law firms.



For this specific module, you should hire a pro bono lawyer at local or international level to share practical experiences and provide some examples.

## Content



### **Presentation – What is pro bono and what it is not – 15 minutes**

In the first part of this module, trainers should present the key elements of pro bono while highlighting the positive impacts that the developing a pro bono practice can have.

Consider making the presentation interactive enough for participants by including examples, questions, discussions, surveys, or short exercises.



### **Presentation – How to find pro bono matters – 15 minutes**

In the second part of this module, trainers should present three kinds of ways to identify pro bono matters: clearinghouses, partnerships, and roundtables. They will learn about the procedural aspects of clearinghouses and why pro bono lawyers should use such services.



### **Presentation – Good practices – 30 minutes**

The third part of this module will provide examples of good practices for a most effective and impactful pro bono practice. In the last part, trainers should introduce pro bono in the field of children's rights and stress the need for lawyers to build their capacity in this field by giving examples such as CLEAR-Rights trainings on child friendly legal assistance.



PowerPoint entitled "Module 8 – Pro Bono 101 – Fundamentals and Good Practices"



PILnet, A4Id 2011. Pro Bono Clearinghouse Manual Resources for developing pro bono legal services: <https://www.pilnet.org/resource/pro-bono-clearinghouse-manual-resources-for-developing-pro-bono-legal-services/>

PILnet, 2020. Pro Bono Legal Assistance for Your Organization: <https://www.pilnet.org/wp-content/uploads/2020/07/Pro-Bono-Legal-Assistance.pdf>

DLA Piper and PILnet 2021. European BARs and Pro Bono: <https://www.pilnet.org/resource/european-bars-and-pro-bono/>

PILnet 2015. Pro Bono Handbook: <https://www.pilnet.org/resource/pro-bono-handbook/>

# CONCLUSION AND EVALUATION OF THE TRAINING



Approx. 30 minutes

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## **Content** **Wrap up – 15 minutes**

Summarise briefly the main learnings from the training, highlighting both the key messages you wanted to convey and the key elements mentioned by the participants. Give the participants the time to share a final thought. .

## **Evaluation forms – 10 minutes**

All participants should complete an evaluation form. It will allow you to measure their progress during the training and collect their general feedbacks on the training. Afterward, their feedback will help you adapting and improving the content of the training for future purposes. We recommend you use an online platform such as Survey Monkey as it provides an overall analysis of the results.



Prepare in advance your evaluation form (preferably using an online platform such as Survey Monkey).

Certificates of attendance.

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# GENERAL CONCLUSION

We strongly believe that access to multidisciplinary training for professionals working with children is key for a better implementation of children's rights in all areas.

For justice systems to be truly child-friendly, it is essential that «all professionals working with and for children should receive necessary interdisciplinary training on the rights and needs of children of different age groups, and on proceedings that are adapted to them» (Guidelines of the Council of Europe on Child Friendly Justice).

We therefore invite you to share, implement and disseminate this training guide and all the modules with all professionals working with children suspected, accused or convicted, such as police officers, prosecutors, judges, lawyers, mediation services, youth protection services, probation officers, etc.

# BIBLIOGRAPHY AND OTHER USEFUL TOOLS FOR TRAINERS

*Advancing the Defence Rights of Children Manual for Practitioners* coordinated by Fair Trials and developed in coordination with the International Juvenile Justice Observatory, APADOR-CH Comitetul Helsinki, the Hungarian Helsinki Committee and Leyden University, Chapter 5 “Communication”

*Quality Standards for legal assistance for children suspected and/or accused – A Step-by-Step Guide*, part 5 “Effective Client Communication”, CLEAR-Rights project, DCI Belgium, Terre des Hommes Hungary, Terre des Hommes Romania, Alliance des Avocats pour les Droits de l’Homme and DCI ECPAT The Netherlands.

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*How to convey child-friendly information to children in migration – A handbook for frontline professionals (2019)*, Council of Europe

*Can anyone hear me? Participation of children in juvenile justice*: A manual on how to make European juvenile justice systems child-friendly, International Juvenile Justice Observatory

Defence for children international (DCI) – Belgium, Practical Guide for Lawyers – How to defend a child in conflict with the law?, My Lawyer, My Rights project, <https://lachild.eu/wp-content/uploads/2016/05/PRACTICAL-GUIDE-FOR-LAWYERS.pdf>

Guide for minors in conflict with the law, Know your Rights <https://lachild.eu/wp-content/uploads/2021/11/Know-ur-rights-FinalBrochureEN.pdf>

And the this step-by-step manual to adapt the Guide to your national context <https://lachild.eu/wp-content/uploads/2021/11/Step-by-step-Manual-How-to-adapt-it.pdf>

UN Committee on the rights of the Child, General Comment n°24 on children’s rights in the child justice system CRC/G/GC/24 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/275/57/PDF/G1927557.pdf?OpenElement>

## **UN mechanisms**

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