



5 POLICE AND CHILDREN

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Cover photos:

From top: *Global Climate Strike in Kyiv; ICE agents conduct operations in the Little Village of Chicago; Refugee children take part in a protest on Nauru; Children interacting with City of London Police in Aldgate estate; Young female being arrested by female deputy sheriff, Saline County, Nebraska; Children participate in AI Senegal's launch of the Control Arms campaign, Dakar.*

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CONTENTS

1	BACKGROUND	3
2	POLICE INTERACTION WITH CHILDREN IN GENERAL	6
2.1	INTRODUCTION – THE CHILD’S BEST INTEREST	6
2.2	IMPLEMENTATION IN LAW ENFORCEMENT	11
2.3	CONCLUDING RECOMMENDATIONS ON THE GENERAL POLICING APPROACH TOWARDS CHILDREN	15
3	USE OF FORCE, INCL. MEANS OF RESTRAINTS, LESS LETHAL WEAPONS AND FIREARMS	16
3.1	GENERAL CONCEPTS	16
3.2	MEANS OF RESTRAINT	19
3.3	LESS LETHAL WEAPONS	20
3.4	LETHAL WEAPONS	23
3.5	CONCLUDING RECOMMENDATIONS	25
4	CHILDREN IN CONFLICT WITH THE LAW	27
4.1	GENERAL TREATMENT	27
4.2	ARREST	28
4.3	DETENTION	32
4.4	CONCLUDING RECOMMENDATIONS ON POLICE INTERACTION WITH CHILDREN IN CONFLICT WITH THE LAW	35
5	STOP AND SEARCH	36
5.1	CRITERIA AND WAYS TO CARRY OUT STOP AND SEARCH OF CHILDREN	36
5.2	CONCLUDING RECOMMENDATIONS ON STOP AND SEARCH OF CHILDREN	39
6	INTERVIEWING CHILDREN AS SUSPECTS, VICTIMS OR WITNESSES OF CRIME	40
6.1	DO NO HARM	40
6.2	THE RIGHTS OF CHILDREN AS SUSPECTS, VICTIMS OF WITNESSES OF CRIME	43
6.3	CONCLUDING RECOMMENDATIONS ON INTERVIEWING	48
7	FACILITATING ASSEMBLIES INVOLVING CHILDREN	49
7.1	GENERAL APPROACH	49
7.2	POLICE TACTICS	52
7.3	CONCLUDING RECOMMENDATIONS FOR THE FACILITATION OF ASSEMBLIES INVOLVING CHILDREN	54
8	ACCOUNTABILITY AND TRANSPARENCY	55
8.1	DATA COLLECTION OF INTERACTION WITH CHILDREN	55
8.2	POLICE OVERSIGHT AND COMPLAINTS SYSTEM	56
8.3	CONCLUDING RECOMMENDATIONS ON ACCOUNTABILITY AND TRANSPARENCY	59
9	SUMMARY OF RECOMMENDATIONS	60
	ANNEX: REFERENCES	66

LIST OF ACRONYMS	
ACHPR	African Commission on Human and Peoples Rights
AFP	Australian Federal Police
BPD	Baltimore Police Department
CCPR	Human Rights Committee
CERD	Committee on the Elimination of Racial Discrimination
CEW	Conducted energy weapons
CPU	Crime Prevention Unit
CRC	Committee on the Rights of the Child
DNI	National Identity Document
DOMILL	Defense Scientific Advisory Council Sub-Committee on the Medical Implications of Less-Lethal Weapons
ECOSOC	United Nations Economic and Social Council
ECtHR	European Court of Human Rights
GPA	Grade point average
GPS	Ghana Police Service
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
LEA	Law Enforcement Agencies
LEO	Law enforcement officer/official
LEP	Limited English Proficiency
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, and more
NIBRS	National Incident Based Reporting System
PACE	Police and Criminal Evidence Act 1984
PSNI	Police Service Northern Ireland
PPR	First responding police official (policía primer respondiente)
OHCHR	Office of the United Nations High Commissioner for Human Rights
RFPA	Right to Freedom of Peaceful Assembly
SFY	Strategies for Youth
UK	United Kingdom
UN	United Nations
UNCRC	UN Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
US	United States

 Information for the reader

 Country examples

 International legal standards

 Relevant publications

1 BACKGROUND

Police in their daily work mainly deal with adult people, which means that their policies, instructions, and manner in which they approach people, through words and actions, are designed in relation to adults. However, they also interact in many circumstances with children and are often not prepared, able or willing to take into account the specific situation and circumstances of children who are particularly at risk of suffering negative consequences to their mental and physical well-being as a result of their contact with the police.

§ Article 1 of the Convention of the Rights of the Child, defines a “child” as “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.”¹ For the purpose of this publication, we use the term “child” or “children” when referring to any person or people below the age of 18 years.

Discrimination, unnecessary and excessive use of force, threats and harassment – these are just a few of the violations we frequently observe in relation to children, for instance:

- In France, Black and Arab children are frequently subjected to unjustified stop and search, including in a humiliating and harassing manner, as a result of ethnic profiling.²
- Across Europe,³ young climate activists are subjected to unnecessary and excessive use of force, including with the use of unjustified pain-compliance-techniques or pepper spray amounting to cruel, inhuman treatment, to achieve compliance while they are merely passively resisting orders.
- In Thailand, children experienced criminalization, intimidation, surveillance, and other forms of violence due to their involvement in protests.⁴
- In many countries of the world, children are barred or at least restricted in the ability to exercise their right to freedom of peaceful assembly – merely because of their age being set as a limit in overprotective legislation.⁵
- In New Zealand, Maori children are disproportionately targeted for arrest and detention by police.⁶
- Children even get killed by law enforcement officials, for instance by police in the Philippines⁷ during the “war on drugs” which started in June 2016, or by security forces in Iran during the crack down on protests in 2022.⁸

1 United Nations General Assembly, [Convention on the Rights of the Child](#), 20 November 1989.

2 Human Rights Watch, [They Talk to Us Like We're Dogs](#), 2020.

3 Amnesty International, [Europe: Under Protected and Over Restricted: The State of the Right to Protest in 21 European Countries](#), 8 July 2024, EUR 01/8199/2024, p. 32, 183.

4 Amnesty International, [Thailand: “We are Reclaiming our Future”: Children’s Right to Peaceful Assembly in Thailand](#), ASA 39/6336/2023, 2023.

5 Amnesty International, [Europe: Under Protected and Over Restricted: The State of the Right to Protest in 21 European Countries](#), 8 July 2024, EUR 01/8199/2024, p. 178-179.

6 Amnesty International New Zealand, [UN Says NZ Justice System Failing Human Rights Standards](#), press release, 31 July 2023.

7 Amnesty International, [Philippines: ICC-Must-Examine-War-on-Drugs-Crimes](#), press release, 4 December 2017.

8 Amnesty International, [Iran: World Must Take Meaningful Action Against Bloody Crackdown as Death Toll Rises](#), press release, 23 September 2022.

Furthermore, recent human rights documents, such as the Mendez principles on investigative interviewing,⁹ fail to sufficiently uphold the specific interests of children. While mentioning children as a group in a heightened situation of vulnerability, the principles mainly consider the risk of obtaining possibly misleading or false information from the child and fail to include and provide for guidance on human rights related aspects such as child protection, best interests of the child and the child's right to be heard when being interviewed as suspects, witnesses or victims of crime.



Police questioning used to be referred to as “interrogation” and is still referred to as such in many contexts today. However, this terminology has problematic connotations, as it suggests inappropriate police practices and the exertion of undue pressure on the person being questioned (“interrogated”). To reflect the less coercive attitude that the police should adopt, we have opted for the general term “interview” throughout this publication (except when quoting other documents).

These situations clearly contradict the requirements established by the Convention on the Rights of the child, which states in its Article 3 (1) that:



“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

The present publication, that covers a wide range of areas of police work – use of force, arrest and detention, stop and search, policing assemblies, interviewing – seeks to explain the specific considerations that should apply in relation to children to ensure utmost respect for their human rights and well-being. It aims to inform human rights activists and the wider human rights community as well as to draw the attention of law enforcement agencies on how to fulfil their obligation to give utmost priority to a child's wellbeing when they interact with children.



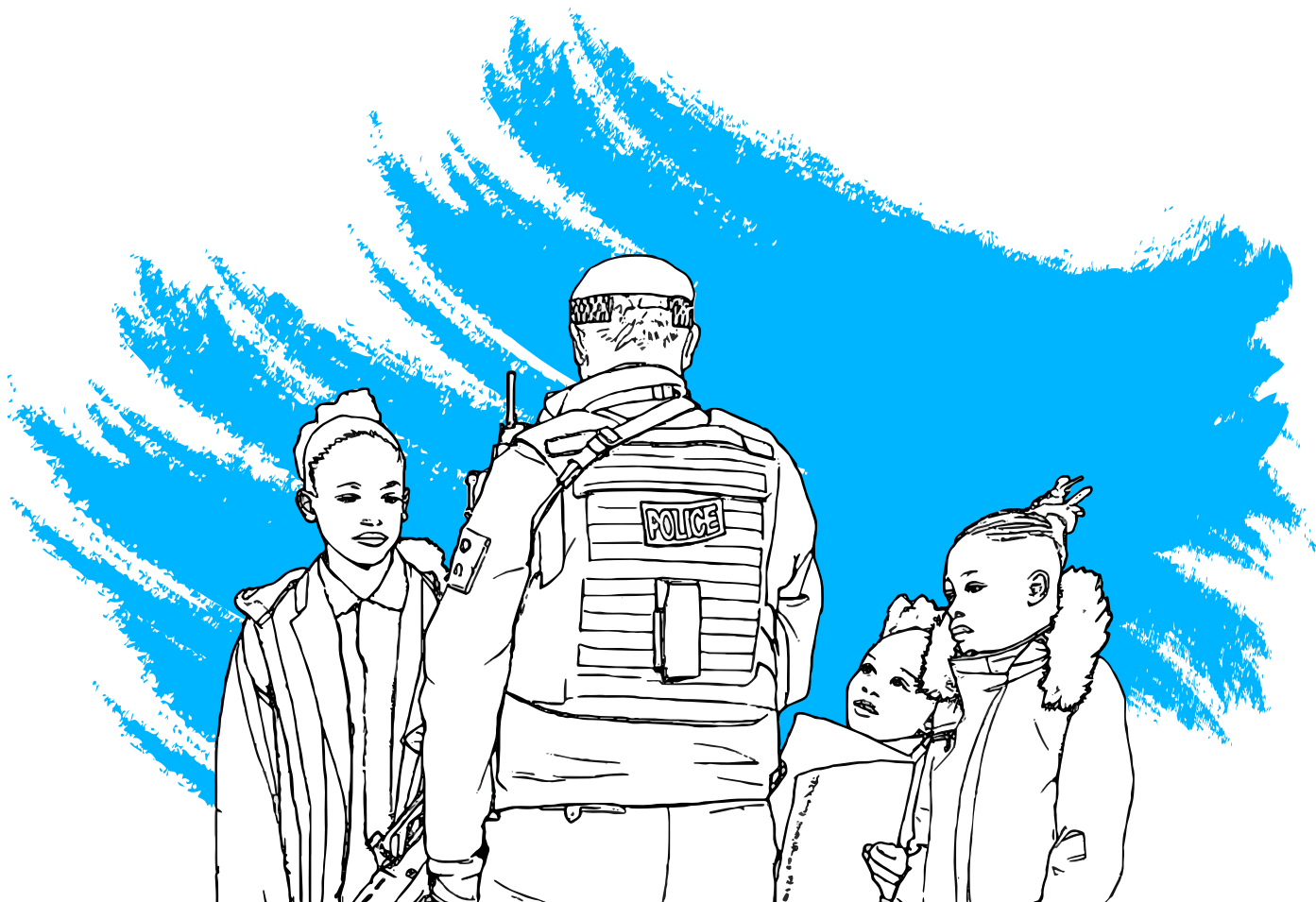
This publication is focussing on the direct personal interaction of police with children and the different human rights considerations that should apply at that occasion; it does not look into the wider issues of legal frameworks in the context of child criminal justice and strategies seeking to address child delinquency, nor into regulations and policies relating to child protection and safety, for instance in response to children victims of crime, or the prevention of crimes against children.

Using existing international human rights standards as a starting point , the publication focusses on police practice and how this should ideally be shaped to ensure police interaction with children takes place in compliance with human rights and the child's best interests. An important element will therefore be examples from specific countries  that illustrate how law enforcement agencies through policies, regulations, instructions and training seek to shape the interaction of their members with children with a view to respect and protect the child's human rights. Where relevant, these are complemented by other instructive guiding concepts drawn from relevant international publications .

⁹ Association for the Prevention of Torture, [The Méndez Principles on Effective Interviewing for Investigations and Information Gathering](#), 2021.



DISCLAIMER: The country examples are only provided as a concept. References to such domestic documents or approaches do not imply any statement as to how far the established regulations, policies and concepts are indeed implemented and whether or to which extent they are followed in practice or not by law enforcement agencies and individual officials. Unfortunately, effective implementation is a major challenge in many countries where child protection policies have been developed, and the same applies for actual respect of existing regulations by law enforcement officials – in particular in contexts where impunity is generally prevailing.



2 POLICE INTERACTION WITH CHILDREN IN GENERAL

2.1 INTRODUCTION – THE CHILD’S BEST INTEREST

In all their actions law enforcement officials need to comply with the human rights principles governing law enforcement:¹⁰

- Legality and legitimate aim: all law enforcement action, in particular the exercise of powers, must have a basis in law. They must also pursue a legitimate law enforcement purpose as established in law.
- Necessity: Any interference with human rights must be necessary to achieve a legitimate law enforcement purpose and law enforcement officials must resort to the least interfering option at their disposal.
- Proportionality: The interference with human rights must not outweigh the legitimate objective to be achieved.
- Non-discrimination: Law enforcement may not discriminate any persons in relation to their age, citizenship, sexual orientation or gender identity and/or expression, race, colour, gender, language, religion, political or other opinion, national or social origins, property, birth or other status.¹¹
- Precaution: Law enforcement officials should take all available precautionary measures to ensure they are able to respect the afore-mentioned principles and to minimize interference with human rights, for instance how to prevent the need to resort to the use of force, and when they have to use force, how to minimize harm.
- Accountability: Law enforcement officials must account for all their actions and omissions, in particular where they are interfering with human rights.¹²

All these principles apply in relation to all persons, including children. However, in light of the specific needs and vulnerabilities of children, international human rights law provides for additional safeguards and considerations.

¹⁰ See Human Rights Committee (CCPR), [General Comment No. 31](#), CCPR/C/21/Rev.1/Add.13, 2004, para. 6.

¹¹ United Nations, [International Convention on the Elimination of All Forms of Racial Discrimination](#), 21 December 1965, Art. 2; United Nations, [International Covenant on Civil and Political Rights](#), 16 December 1966, Art. 24; Office of the United Nations High Commissioner for Human Rights (OHCHR), [Human Rights Standards and Practice for the Police: Expanded Pocket Book on Human Rights for the Police](#), 2004, p. 7: “In protecting and serving the community, police shall not unlawfully discriminate on the basis of race, gender, religion, language, colour, political opinion, national origin, property, birth, or other status.”

¹² Office of the United Nations High Commissioner for Human Rights (OHCHR), [Human Rights Standards and Practice for the Police: Expanded Pocket Book on Human Rights for the Police](#), 2004, p.55 and 59: “Every law enforcement agency shall be representative of and responsive and accountable to the community as a whole”. Council of Europe, [European Code of Police Ethics](#), Recommendation Rec(2001)10, 19 September 2001, principle 15: “The police shall enjoy sufficient operational independence from other state bodies in carrying out its given police tasks, for which it should be fully accountable.” 16: “Police personnel, at all levels, shall be personally responsible and accountable for their own actions or omissions or for orders to subordinates.”



A general principle of child rights is the overarching concept of the “best interests of the child” as established in Art. 3 (1) of the Convention of the Rights of the Child:¹³

§ “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration.**”

This has a direct bearing on the application of all the human rights principles listed above.

For instance, in relation to the first principle of legality and legitimate objective: where the investigation and prosecution of a person who has committed an offence is the course of action established in law, specific considerations must apply in relation to children.

¹³ United Nations General Assembly, [Convention on the Rights of the Child](#), 20 November 1989. Similar concepts exist in different regional human rights frameworks: Inter-American Court of Human Rights, Advisory Opinion OC-17/2002, Requested by the Inter-American Commission on Human Rights: [Juridical Condition and Human Rights of the Child](#), 28 of August 2002, paras 56-59; Inter-American Commission on Human Rights, [Juvenile Justice and Human Rights in the Americas](#), 2009, (II) Section B; African Union and African Committee of Experts on the Rights and Welfare of the Child, [African Charter on the Rights and Welfare of the Child](#), 1990, Article 4; Council of Europe, [Guidelines of the Committee of Ministers of the Council of Europe on Child Friendly Justice](#), CM/Del/Dec(2010)1098/10.2abc-app6, adopted on 17 November 2010, p. 10.; European Union, [Charter of Fundamental Rights of the European Union](#), 2012/C 326/02, 2012, Article 24(2).

The Committee on the Rights of the Child has stated¹⁴ in that regard that it:

§ “acknowledges that preservation of public safety is a legitimate aim of the justice system, including the child justice system. However, States parties should serve this aim subject to their obligations to respect and implement the principles of child justice as enshrined in the Convention on the Rights of the Child. As the Convention clearly states in article 40, every child alleged as, accused of or recognized as having infringed criminal law should always be treated in a manner consistent with the promotion of the child’s sense of dignity and worth. Evidence shows that the prevalence of crime committed by children tends to decrease after the adoption of systems in line with these principles.”

In line with this consideration, it must also always be specifically assessed whether any interference in a child’s human rights is indeed necessary, or whether a situation can be addressed differently, with a less restrictive measure. Often, an interference that might be necessary in relation to an adult, can be avoided through other less restrictive measures when the concerned person is a child.

In terms of proportionality, the potential harm a human rights interference can cause to a child will often be greater than for an adult and thus the balancing exercise can more easily lead to the conclusion that this interference is outweighing the objective it is supposed to serve. In that case, these child specific considerations should lead law enforcement officials to refrain from such an excessive interference. Therefore, greater restraint is needed in all law enforcement actions when they are affecting children.

The principle of non-discrimination, in addition to all aspects applicable to adult persons and children alike, requires not to discriminate against children merely because of their age. While in many aspects children may be in need of additional protection and care because of their age, they must nevertheless be treated as rights holders with agency as established in the Convention on the Rights of the Child.¹⁵ The fact that a person has not reached the age of majority does not mean that human rights would apply to a lesser extent or can more easily be restricted than for adult persons. To the contrary: States are obliged to create an environment that is favourable for children to exercise their human rights to the greatest extent possible.¹⁶

Children are also at considerable risk of suffering from intersectional discrimination that occurs when multiple structural discriminations intersect, resulting in a unique and compounded experience of discrimination: Intersectionality acknowledges that discrimination cannot be understood or addressed in isolation, as different forms of discrimination can interact and mutually reinforce each other. In relation to children, this form of discrimination can easily occur in relation to children with disabilities, of a certain origin such as specific ethnic or religious groups or of families living in poverty, or because of their sexual orientation or gender identity. Law enforcement agencies need to ensure that all children are treated in a non-discriminating manner in relation to their age, citizenship, sexual orientation or gender identity and/or expression, race, colour, gender, language, religion, political or other opinion, national or social origins, property, birth or other status.

14 Committee on the Rights of the Child (CRC), [General comment No. 24 on Children’s Rights in the Child Justice System](#), CRC/C/GC/24, 2019, par. 3.

15 Committee on the Rights of the Child (CRC), [General comment No. 12 on the Right of the Child to be Heard](#), CRC/C/GC/12, 2009.

16 See for instance: Committee on the Rights of the Child (CRC), [General comment No. 20 on the Implementation of the Rights of the Child During Adolescence](#), CRC/C/GC/20, 2016, par. 16.

For instance, the fact that a person has not yet attained the age of majority does not deprive them of their right to their gender identity and sexual orientation. Children and adolescents must not be subjected to harassment or discrimination on the basis of their real or perceived sexual orientation or/and gender identity. While certain procedural or medical processes relating to affirming their gender identity may require the age of majority according to domestic legislation, police should nevertheless treat them with the same respect to be shown to any adult person.¹⁷



Argentina: Department of Security, [Protocolo de Actuación para las Fuerzas Policiales y de Seguridad Federales en Intervenciones con Niños, Niñas y Adolescentes](#), (in Spanish), 2021, p. 6:

ARTICLE 14: “Respect for gender identity

Respect for self-perceived gender identity, sexual orientation, and gender expression must be guaranteed in accordance with Law 26,743 in all actions and contacts involving police and security forces personnel, in accordance with Resolution 37/2020 of the Ministry of Security. This implies that, both in written records and in spoken communication, the identity of the person must be respected even if they have not rectified their National Identity Document (DNI).” (Translation by Amnesty International)

Finally, particular care is needed not to discriminate against children, regardless of who their parents are or what their parents are doing:



Art. 2 of the Convention on the Rights of the Child

“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

Fortunately, in many countries of the world, the importance of ensuring the child’s best interests as a primary consideration is contained in many policing regulations:



Costa Rica, Ministry of Public Security, [Reglamento de Procedimientos Policiales Aplicable a Personas Menores de Edad](#), N° 32429-MSP, 2005, (in Spanish):¹⁸

Article 2 – Principles: “In police procedures and actions involving minors, the following principles must be observed:

Best interests of the minor: The best interests of the minor shall always prevail, whether they are a suspect, victim or witness, and their status as a subject of rights and responsibilities, age, degree of maturity, capacity for discernment and other personal conditions, socioeconomic conditions, and the balance between individual and social interests shall be taken into account, guaranteeing respect for their rights.” (Translation by Amnesty International)

¹⁷ See for instance: Committee on the Rights of the Child (CRC), [General comment No. 20 on the Implementation of the Rights of the Child During Adolescence](#), CRC/C/GC/20, 2016, par. 34.

¹⁸ Similar recognition of the police duty to prioritize the child’s best interests can be found in many other domestic legislation and police regulations, for instance: Kenya: National council on the Administration of Justice – Special Taskforce on Children Matters, 2020, [Standard-Operating-Procedures-for-Child-Protection-Units.pdf](#); Mexico: [Protocolo General de Actuación Policial](#), 2024, (in Spanish): X. Best interest of the Child.



Ghana: Ghana Police Service, [Standard Operating Procedures for Child-Friendly Policing: Children in Conflict with the Law](#), 2016:

“1. Police Consideration of the Best Interest of the Child

In accordance with the 1992 Constitution (article 28), the Children’s Act, 1998 (Act 560) sec. 2 – Welfare Principle, and the Convention on the Rights of the Child, 1990 (Article 3), every child has the right to have his or her best interest given primary consideration when making decisions that may affect the child. Members of the GPS will ensure that they exercise their discretion in an appropriate, fair and professional manner when dealing with children. Police decisions regarding children must be transparent and able to be justified. In all actions taken in relation to a child accused of an offence, the Ghana Police Service must consider community safety and the needs of the victim, but ultimately make a decision based on what is best for the child.”

Furthermore, to implement this principle, many countries have established specific concepts on how to attend situations involving children, including specific units of officials especially trained to handle situations involving children.



India: [The Juvenile Justice \(Care and Protection of Children\) Act, 2015](#), Art. 107:¹⁹

(1) In every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation may be designated as the child welfare police officer to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and non-governmental organisations. (2) To co-ordinate all functions of police related to children, the State Government shall constitute Special Juvenile Police Units in each district and city, headed by a police officer not below the rank of a Deputy Superintendent of Police or above and consisting of all police officers designated under subsection (1) and two social workers having experience of working in the field of child welfare, of whom one shall be a woman. (3) All police officers of the Special Juvenile Police Units shall be provided special training, especially at induction as child welfare police officer, to enable them to perform their functions more effectively. (4) Special Juvenile Police Unit also includes Railway police dealing with children.



Kenya: [Children Act No. 29](#), 2022:²⁰

64. Establishment of child protection units

“(1) The Inspector-General shall establish child protection units in every police station for the purposes of providing, on a temporary basis, a safe and non-threatening environment for children in conflict with the law. [...]

(3) The child protection units established under subsection (1) shall be desegregated by gender with clear sections for boys, girls and intersex children.”

¹⁹ Similar approaches can be found for instance in Uganda (a child and family protection unit), Directorate of Public Prosecutions, Prosecuting Child-related Cases in [Uganda: A Handbook for Directorate of Public Prosecutions](#), 2017; or Turkey, [Child Protection Law, 2005](#), (Article 31: (1) “Law enforcement duties related to juveniles shall be carried out first of all by the juvenile units of the law enforcement)” and many other countries.

²⁰ See also: Kenya with the creation of a Child Protection Unit, National council on the Administration of Justice – Special Taskforce on Children Matters, [Standard-Operating-Procedures-for-Child-Protection-Units](#), 2020.

2.2 IMPLEMENTATION IN LAW ENFORCEMENT

Nevertheless, despite a general recognition of the police duty to act in the child's best interests, violation of children's human rights by police are equally widespread across the globe. Many of these violations are the result of a larger problem of blatant and rampant disrespect for human rights in many countries and law enforcement agencies around the world, and this in relation to adults and children alike. The present publication, however, looks into the specific situation of children where it differs from adults and how law enforcement agencies should live up to their obligation and commitment to always act in a child's best interests.

This actually requires very concrete considerations by law enforcement agencies when shaping regulations, policies, instructions and training to make the legal obligation to act in the child's best interests a reality in policing.



Beijing rules:²¹

"12. Specialization within the police

12.1 In order to best fulfil their functions, police officers who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile crime shall be specially instructed and trained. In large cities, special police units should be established for that purpose."



Argentina: Ministry of Security, Secretariat for Security and Criminal Policy, [Protección Integral de Derechos de Niños, Niñas y Adolescentes en la Intervención Policial: Orientaciones para la Enseñanza](#), 2022 (in Spanish), p.10.

The introduction to this teaching manual for police, covering a wide range of situations involving children, explains :

"In recent decades, advances made in relation to the recognition and guarantee of the exercise of rights by children and adolescents have become particularly relevant both in national and provincial legislation and in the actions of the State in general. In this regard, the document presented here is intended to be a conceptual and explanatory contribution aimed at promoting a comprehensive understanding of the development of the rights paradigm in the field of security.

The national government's commitment to the human rights enshrined in the Convention on the Rights of the Child – to which Argentina adheres in its Constitution – consists of adapting the perspective on the interventions by public agencies in situations involving children and adolescents, who are assumed to be full subjects of rights since the enactment of National Law 26,061 of 2005. [...]

On this basis, the actions of the police and security forces must ensure the exercise of human rights, especially the rights of children and adolescents, with the specific characteristics mentioned above. To this end, it is necessary to continuously discuss and update the issues that arise, as well as to seek better mechanisms for democratic resolution within the framework of the law.

Finally, it is important to note that the material presented below is the product of a public security policy committed to respecting and guaranteeing the human rights of children and adolescents, in the knowledge that the dignified development of their lives effectively builds a more just and equal society." (Translation by Amnesty International)

²¹ United Nations [Standard Minimum Rules for the Administration of Juvenile Justice](#) ("The Beijing Rules") Adopted by General Assembly resolution 40/33 on 29 November 1985.

As a starting point, law enforcement officials need to bear in mind that their function, appearance and equipment as well as the circumstances in which they interact with children may be very intimidating, generating confusion and fear in the child. The authoritative tone they often use with adults, when addressed to children, can aggravate this effect.



Beijing rules:²²

“10.3 Contacts between the law enforcement agencies and a juvenile offender shall be managed in such a way as to respect the legal status of the juvenile, promote the well-being of the juvenile and avoid harm to her or him, with due regard to the circumstances of the case.

Commentary

[...] Involvement in juvenile justice processes in itself can be “harmful” to juveniles; the term “avoid harm” should be broadly interpreted, therefore, as doing the least harm possible to the juvenile in the first instance, as well as any additional or undue harm. This is especially important in the initial contact with law enforcement agencies, which might profoundly influence the juvenile’s attitude towards the State and society. Moreover, the success of any further intervention is largely dependent on such initial contacts. Compassion and kind firmness are important in these situations.”

Hence, it is important for them to be instructed and trained to adopt an attitude and way of communication that respects the dignity of the child and mitigates the harmful effects of the circumstances in which they interact with a child.



“Law enforcement officers have a tendency over their careers to become desensitized to the effect that their professional presence can have on people they interact with, particularly children [...].

Commanders must ensure that all of their officers are exposed to training which focuses on their response to children encountered during their tour, as well as establishes a set of expectations for the officers.”²³



Office of the United Nations High Commissioner for Human Rights (OHCHR), [Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police](#) (Human Rights Handbook No. 5), 2004, p. 39: “Officials dealing with juveniles shall be specially trained and personally suited for that purpose.”



Strategies for Youth (SFY), 12 Model Law Enforcement Policies for Youth Interaction, [Policy 5: Use of Force with Youth](#), p.4:

“[...] Developmentally appropriate policing requires that officers understand the unique social, emotional, physical, neurological, behavioral, and moral aspects of development in a youth under 18 years of age and adjust their policing practices accordingly. This term reflects how youth experience transformative change and growth, particularly in the brain, during this phase of human development, and that these changes impact behaviors in ways that are often beyond a youth’s control. As a result of their developmental process, they often interpret information, directives, and commands differently from adults. Therefore, law enforcement officers must use different practices when interacting with youth. Because youth develop at different rates, it is necessary to focus on developmental characteristics instead of age.

22 United Nations [Standard Minimum Rules for the Administration of Juvenile Justice](#) (“The Beijing Rules”) Adopted by General Assembly resolution 40/33 on 29 November 1985.

23 In: Ryan Butler and Sarah M. Greene: The Officer’s role in responding to traumatized children - After you get who you came for, don’t forget who you leave behind, in: Yale Medicine Child Study Center and Office of Juvenile Justice and Delinquency Prevention, US department of Justice, Enhancing Police Responses to Children Exposed to Violence: [A Toolkit for Law Enforcement](#), 2017, p. 14 and 16.

[...] Developmentally appropriate language uses vocabulary, syntax, and speed and complexity of communication that matches an individual's developmental level and capacity for understanding. Developmentally appropriate language is necessary to ensure meaningful communication and increases the likelihood that youth are able to understand and assert their constitutional rights.”



Mexico: [Protocolo General de Actuación Policial](#), 2024, (in Spanish):

“4.2 Social interaction, assertive communication and differentiated attention [...]

III. Differentiated attention [...]

e) Children and adolescents

- i. In any interaction with children and adolescents, the personnel involved must seek to protect and safeguard their interests, rights and integrity to the greatest extent possible, in accordance with the principle of the best interests of children and adolescents.
- ii. Position themselves at the same level as the child, i.e. bend down or sit down, so that the child can better identify the expressions of the police officer speaking to them.
- iii. Use a measured tone of voice and deliver clear and specific messages, requests and questions.
- iv. Demonstrate attentive listening, without interruptions, maintaining two-way communication as much as possible.
- v. Avoid speaking in front of an accused person.
- vi. Ensure that the child identifies them as a person who is looking out for their well-being.” (Translation by Amnesty International)



The Netherlands:

The Dutch National Police Academy provides [training courses for Youth-agents](#) :

“In the course, you will learn about three main tasks of police work with young people: prevention, identification, referral and enforcement. For example, you will learn:

- How to recognise (risky) behaviour in young people
- How to refer young people to the appropriate support services and work with them
- The special position minors have in criminal proceedings
- What your role as a professional is in these processes

The course covers topics such as developmental psychology, behaviour, early detection, criminal law, youth groups, school safety, missing persons and network partners.”

This child-centred approach should inform all exercise of police powers and duties involving children and be included in the related instructions and training.



GENERAL CHILD PROTECTION AND SAFEGUARDING:

All professionals who interact with children in the course of their duties – such as teachers, doctors and police – have a duty to protect the welfare of the children they come into contact with. Their institutions should have a child safety framework in place that ensures the required protection and respect of children's rights in any circumstances, including the appropriate steps to take if a child discloses abuse. Cooperation between different agencies, including law enforcement agencies, needs to be clearly defined, to ensure the required measures – such as referrals, intervention of child specialists, protective services etc. - take into account the views of the child, are undertaken in a timely manner in and are in the best interests of the child. Law enforcement agencies should have safeguarding policies in place and instruct and train law enforcement officials in child protection.

**Australia:**

Australian Human Rights Commission, National Principles for Child Safe Organisations, 2018

- “1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.”



AFP [Australian Federal Police] Child Safe Handbook, 2023, p. 3:

“In response to the Royal Commission, the Australian Government introduced the Commonwealth Child Safe Framework (the Framework) as a whole-of-government policy that sets minimum standards for creating and embedding a child safe culture and practice in Commonwealth entities. The Framework mandates the requirement to provide an environment in which children and young people are safe, protected and respected, and where staff have the skills, confidence and knowledge to safeguard children. AFP appointees and volunteers must consider children’s rights and child safety requirements and obligations when developing and managing policies, programs and projects. The Handbook recognises that it is a corporate responsibility to safeguard the wellbeing of children and young people and that it is the responsibility of all AFP appointees and volunteers to safeguard children in conjunction with the AFP Commissioner’s Order on Professional Standards (CO2) and the AFP Code of Conduct. The Handbook supports the domestic operational environment including Australia’s international obligations under the Convention on the Rights of the Child.”

However, the explicit consideration for the needs and rights of children in policing regulations, instructions and training is often lacking: There are either no or only limited, often superficial, regulations, policies, and instructions governing specific areas of interaction between police and children. And concrete, practical training for law enforcement officials only rarely includes specific considerations to situations involving children. The present publication points towards the different areas of law enforcement that authorities should address to fill the current gaps in the overall approach towards children.

2.3 CONCLUDING RECOMMENDATIONS ON THE GENERAL POLICING APPROACH TOWARDS CHILDREN

Law enforcement agencies must ensure that all their policies, regulations and instructions include specific considerations for the interaction of their members with children. These considerations must be guided by the principles of the best interests of the child, non-discrimination, child protection and the right of the child to be heard.

All training activities for law enforcement agencies should include the development of skills for interaction with children including child appropriate communication. Specific attention should be given to:

- ☑ The ability to assess the child's mental stage, including developmental challenges or disabilities and to respond in an appropriate manner;
- ☑ The treatment of children with respect and empathy and to refrain from any form of discriminating behaviour or communication in any respect;
- ☑ The need to establish rapport and communicate in a child appropriate manner with a child;
- ☑ Avoiding intimidation and instilling fear in a child;
- ☑ The obligation to refer a child to the appropriate support services whenever needed.

3 USE OF FORCE, INCL. MEANS OF RESTRAINTS, LESS LETHAL WEAPONS AND FIREARMS

3.1 GENERAL CONCEPTS

Law enforcement officials may only resort to the use of force (incl. means of restraint, empty-hand techniques, less lethal weapons and firearms) to achieve a legitimate law enforcement objective and only when necessary and proportionate.



UN Basic Principles:²⁴

- “4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.
5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved”

When it comes to children, a particularly strict necessity and proportionality assessment is required:

1. The principle of necessity requires law enforcement officials to attempt all non-violent means before the use of force and, when these are not available and/or are unlikely to succeed, to resort to the least harmful means of force.²⁵ In most situations, law enforcement officials should be able to handle problematic situations with children without the use of force, and in particular without resorting to any weapon.
2. The principle of proportionality prohibits a use of force that causes greater harm than the harm it seeks to prevent.²⁶ The threat or danger a child might present will in most cases be very low and certainly lower than a similar threat posed by an adult person. Furthermore, due to their smaller and slimmer body stature and – compared to an adult person - their heightened vulnerability to suffer psychological trauma, the harm caused by any use of force and in particular the use of weapons, is likely to be greater than for an adult person.

²⁴ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

²⁵ Amnesty International, [Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) (Dutch Section), 2015, p. 18.

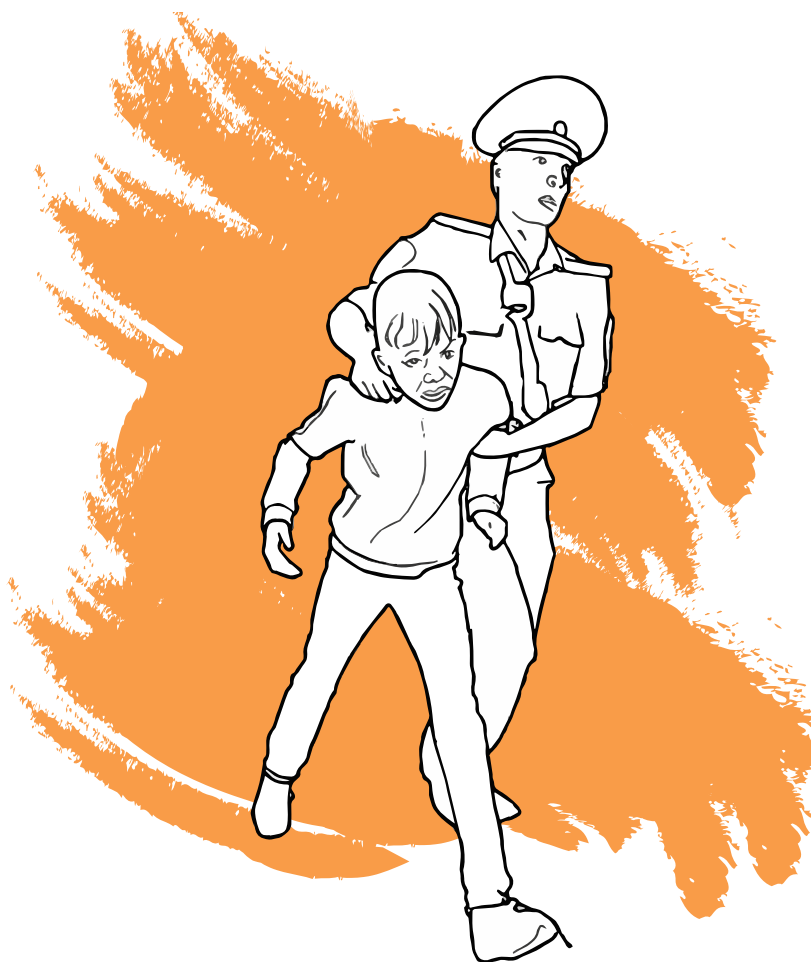
²⁶ Amnesty International, [Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) (Dutch Section), 2015, p. 18.



Strategies for Youth (SFY), 12 Model Law Enforcement Policies for Youth Interaction, [Policy 5: Use of Force with Youth](#), p. 3:

Youth who are subjected to force by law enforcement, or even witness it secondhand, often suffer long-term emotional trauma and psychological distress. For instance, one study found that “exposure to police violence leads to persistent decreases in GPA [grade point average], increased incidence of emotional disturbance and lower rates of high school completion and college enrollment for Black and Latino students.”

The likelihood for the use of force, in particular the use of weapons, being disproportionate is therefore much higher than when addressing threats by adults.



Domestic legislation, regulations, internal instructions and training of law enforcement officials must take these considerations into account.



The United Nations General Assembly, [United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice](#), A/RES/69/194, 18 December 2014, urges Member States to “to adopt measures and procedures that carefully limit and guide the use of force and instruments of restraint by the police while apprehending or arresting children”.



Argentina: Buenos Aires Force, Provincial directorate of gender policy and human rights, undersecretariat for professional training and development, Ministry of Security, [Pautas de Actuación Policial Respetto de Niñas, Niños y Adolescentes Presuntos/as Infractores/as de la Ley Penal](#), 2021,

(in Spanish).

“[child-appropriate communication to reduce tension]:

When apprehending children and adolescents, the following must be done: In accordance with the international criteria established in the Basic Principles on the Rational Use of Force: Legality, Opportunity, Proportionality, Moderation, and Responsibility.

=> Prioritise communication tools geared towards dealing with children and adolescents, which allow for a reduction in the levels of conflict during the intervention.”(Translation by Amnesty International)



Chile: The relevance of the principle of proportionality in relation to children is for instance highlighted in the instructions of the Home Office and Public Security Ministry, [Uso de la Fuerza: Actualiza Instrucciones al Respetto](#), Circular 1832 04-MAR-2019, p. 2 (in Spanish):

“This principle similarly implies that the use of force is limited in that no more harm can be inflicted than that which it is intended to prevent and, where appropriate, the particular characteristics of the person must be taken into account, such as whether they are a child, adolescent or elderly person.”(Translation by Amnesty International)

Law enforcement officials must be aware that children due to their level of maturity may respond differently to a law enforcement official than an adult. Being at an earlier stage of mental and physical development, coupled with stress, agitation and fear, can lead to different types of behaviour in children compared with adults. For example, a defiant attitude in a child must be judged differently than in the case of an adult and, more often than not, a completely different approach in how to de-escalate a situation to avoid the need to use force will be required. Particular attention must also be given to the specific needs of children with disabilities.



Strategies for Youth (SFY), 12 Model Law Enforcement Policies for Youth Interaction, [Policy 5: Use of Force with Youth](#), p. 3:

“Because youth are still developing, they tend to be more impulsive and have more difficulty exercising judgment than adults. Youth often interact with law enforcement in a heightened state of anxiety, due to their perception of officers, the circumstances resulting in law enforcement’s presence, and/or prior traumatic exposure. When officers lack youth-specific training and policy guidance for interactions with youth, they may unnecessarily escalate these interactions, including through the circumstances resulting in use of force.”

Therefore, it is particularly important for law enforcement officials to be instructed and trained on how to communicate with a child in a situation of stress and emotional tension.



UNICEF. [The Right to be Heard: Free and Safe Protest](#), 2023, 4.5, p. 40, recommendation viii: “States should: [...]”

Require that the training of LEOs explicitly emphasizes that any use of force against a child must be avoided and used only as a very last resort and that, within this context, LEOs must prioritize ‘scaling down’ the range of types of force available and always opt for the minimum force necessary.”



See also for instance **Strategies for Youth (SFY)**, 12 Model Law Enforcement Policies for Youth Interaction, [Policy 5: Use of Force with Youth](#), p. 7-9 the presentation of different ways how to avoid unnecessary escalation with young people and on communication strategies using developmentally appropriate, trauma-informed approaches.

3.2 MEANS OF RESTRAINT

The principle of necessity is particularly relevant in relation to means of restraint such as handcuffs. Their use can be very traumatizing for a child and it must be particularly carefully assessed whether there is a need for them to be used against a child. Therefore, law enforcement agencies should make clear that the use of means of restraints must be truly exceptional and request the careful assessment of a situation in light of the child's best interests.



Committee on the Rights of the Child (CRC), [General Comment No. 24 on Children's Rights in the Child Justice System](#), CRC/C/GC/24, 2019, par. 95:

“(f) Restraint or force can be used only when the child poses an imminent threat of injury to himself or herself or others, and only when all other means of control have been exhausted. Restraint should not be used to secure compliance and should never involve deliberate infliction of pain. It is never to be used as a means of punishment.”



United Nations Rules for the Protection of Juveniles Deprived of their Liberty, United Nations General Assembly, [A/RES/45/113](#), 14 December 1990, para. 64:

“Such methods should not cause humiliation or degradation and should be used restrictively and only for the shortest possible time.”



Office of the United Nations High Commissioner for Human Rights (OHCHR), [Human Rights Standards and Practice for the Police: Expanded Pocket Book on Human Rights for the Police](#), 2004, p. 39:

“The use of physical restraints and force on children shall be exceptional, employed only when all other control measures have been exhausted and failed, and shall be employed for the shortest possible time.”



Mexico: Commission on Youth at Risk and Council for the Social Prevention of Violence and Crime, [Protocolo de Actuación Policial para Casos en los que Niños, Niñas y Adolescentes se Encuentren en un Posible Conflicto con la Ley](#), 2020, (in Spanish), 5.3:

- “I. In the application of legitimate use of force, handcuffs shall not be used unless it is essential for their own safety and that of the PPR. [first responding police official]
- II. Detained adolescents shall not be handcuffed unless there is a real, imminent and well-founded risk that the person may cause harm to themselves or others.” (Translation by Amnesty International)

3.3 LESS LETHAL WEAPONS

Generally, children will present a much lower risk to law enforcement officials and other persons than adults. Law enforcement officials should also be able to overcome any resistance or threat by a child through less harmful means than through the use of weapons. It is important to bear in mind that less-lethal weapons are generally more harmful for children than for adult persons:

Due to their smaller and slimmer body stature, the impact by baton strikes, kinetic impact projectiles or water cannons are likely to cause a greater level of injury than to an adult person. Respiratory and cardiac problems caused by chemical irritants from tear gas canisters or handheld devices (for instance pepper spray) are likely to be more severe and last longer in children.



Office of the United Nations High Commissioner for Human Rights (OHCHR), [United Nations Human Rights Guidance on the Use of Less-Lethal Weapons in Law Enforcement](#), 2020,

“2.7 Law enforcement policies, instructions and operations must give special consideration to those who are particularly vulnerable to the harmful consequences of the use of force in general and to the effects of specific less-lethal weapons; such persons include children, pregnant women, the elderly, persons with disabilities, persons with mental health problems and persons under the influence of drugs or alcohol.”

“4.5.3 Training should include information on the particular vulnerabilities of certain individuals to the effects of a particular weapon, and on how to identify especially vulnerable individuals. Trainees shall be made aware not only of the primary risk of injury arising from use of any less-lethal weapons with which they may be equipped but also of the secondary injuries that may result (for example, if a person against whom the weapon is used falls from an elevated position or onto a hard surface). These effects and risks should also be reflected in standard operating procedures.”



UNICEF, [The Right to be Heard: Free and Safe Protest](#), 2023, 4.5, p. 41, recommendation xvi: [States should]

“Ensure that LEOs understand the greater harm of using batons and other similar blunt force weapons (including elements of LEOs’ equipment), on children compared to adults and that kinetic impact projectiles aimed at lower parts of the bodies of adults might still hit children in sensitive areas.”



Therefore, in most cases, the use of less lethal and lethal weapons against a child are likely to violate the principles of necessity and/or proportionality. **Hence, there is a presumption that the use of any weapon against a child is unlawful.**

Law enforcement officials should be instructed and trained to handle situations where children behave violently or present any sort of threat in full respect of the principles of necessity and proportionality. They must be cautioned that, the greater the risks involved in the use of a weapon, the more they are called to assess whether the threat or danger presented by a child actually justifies the use of the weapon. And they must be instructed and trained in effective de-escalation means and methods specifically in relation to children. Special attention in this regard should also be given to situations when children undergo a mental health crisis or are suffering from any developmental, intellectual or psycho-social disability, which makes them even more vulnerable to suffer serious physical and mental harm from any confrontation. And law enforcement agencies should assess the weapons they deploy for the particular risks and harmful consequences they may have for children:



United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association - Report: [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#), A/HRC/55/60, 31 January 2024:

“64. [...] Ensure that the procurement of any equipment, including digital technologies, is contingent on the successful completion of a rigorous human rights due diligence process. This should include an examination of the potential utility of the equipment and the potential human rights implications linked to their use in the context of protests, including for individuals in situations of vulnerability and for children.”



UNICEF, [The Right to be Heard: Free and Safe Protest](#), 2023, - section 3.9, p. 25, recommendation xxii: [States should]

“Ensure that all weapons, including less-lethal weapons, are subject to strict independent testing regarding their impact on children – taking into account the views of children and medical professionals. Ensure that the results are made publicly available, that LEOs deployed with them receive specific training, and that the impact of weapons on the rights of children continues to be monitored and evaluated.”

Some law enforcement agencies have established such rules – however mostly with regard to the most harmful less lethal weapons that anyhow have an extremely high threshold to be met in order to be used lawfully.



Canada: [Guidelines for the Use of Conducted Energy Weapons](#), 2016

“Where possible, CEW [conducted energy weapons] use should be avoided: [...]

- On a woman known to be pregnant, elderly person, young child or visibly frail person.”



In a similar vein in **Northern Ireland** the [PSNI Operational Guidance on the Use of Taser: Notes for Guidance on Police Use](#)”, Appendix 3, 2008, states:

“5.6 Medical evidence indicates that certain categories of persons may be at heightened risk from negative health effects resulting from Taser. While there is no definitive list of such categories [...] juveniles and children, persons of low body weight, [...] are generally considered to be more vulnerable to serious medical consequences as a result of Taser use. Current guidance relating to Taser states that: ‘until more research is undertaken to clarify the vulnerability of children to Taser currents, children and persons of small stature should be considered at possible greater risk than adults and this should be stated in the Guidance and training modules.’[...]

8.1 The most recent DOMILL statement reference DSTL/BSC/27/01/07 dated 30 May 2007 identifies that children and adults of smaller stature as being at potentially greater risk from the cardiac effects of Taser currents than normal adults of average or large stature. DOMILL recommends that officers should be particularly vigilant for any Taser-induced adverse responses in this subset of the population. [...]

10.7 Whilst the use of Taser represents an option, which is a less lethal alternative to conventional firearms, every effort should be made to ensure that children or members of other vulnerable groups are not placed at risk by its use.”



Chile: The Ministerio del Interior y Seguridad Pública, [Uso de la fuerza: Actualiza Instrucciones al Respeto](#), Circular núm. 1.832, 1 march 2019, p. 14. requests to particular consider the presence of children:

“Use of anti-riot shotguns (with less-lethal ammunition): Users must always take into account aspects such as the distance between the shooter and the crowd, the characteristics of the location [...] and whether there are children or teenagers in the crowd , [...]” (Translation by Amnesty International)

However, very specific and precise instructions for law enforcement officials should exist in a much more precise manner for each individual weapon deployed by the agency:

- ☑ They should explain the specific risk a weapon may present for a child, for instance because of the smaller or slimmer body stature.
- ☑ They should contain an explicit caution, that as a rule, the weapon may not be used against children given that this is likely to violate the principles of necessity and proportionality.
- ☑ For the exceptional situation when the use of a weapon is unavoidable, law enforcement officials should be instructed and trained of how to avoid unnecessary and/or excessive harm to a child.
- ☑ All weapon use against children must be continuously and rigorously monitored regarding their lawfulness as well as their harm and impact they have on children.

3.4 LETHAL WEAPONS

The above mentioned considerations apply even more when it comes to the use of firearms which are weapons designed to kill. According to Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials:



Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable to protect life.

It will be truly exceptional that law enforcement officials will encounter a situation where a child presents such a high level of threat to the life of another person and they do not have another option but to use their firearm. Hence, the presumption that the use of a firearm against a child is unnecessary and/or disproportionate is even greater than in the case of other – less lethal – weapons. This must be clearly spelled out in regulations, instructions and training.



Strategies for Youth (SFY), 12 Model Law Enforcement Policies for Youth Interaction, [Policy 5: Use of Force with Youth](#), p. 14-15:

- The use of a firearm – drawn or pointed – at a youth is permitted only in the extremely rare and unlikely event that deadly force is used because no other alternative or less lethal option exists.
- Pointing is limited to situations where there is reasonable articulable suspicion for safely obtaining compliance and protection from youth reaching for a weapon.
- Where feasible, officers must:
 - de-escalate the situation;
 - assess the totality of the circumstances and determine whether the use of the firearm is reasonable, necessary and proportional,
 - assess whether the risk of use of the weapon in the situation (e.g. playground) puts others at risk.

3.5 CONCLUDING RECOMMENDATIONS

Despite the different examples provided in the previous sections, overall there is a need for greater attention by law makers and law enforcement agencies to the specific issue of use of force against children. This must go beyond merely copying and applying the same standards, concepts and considerations applicable to adult persons. Domestic legislation, police regulations and instructions as well as skills oriented, scenario based practical training should include specific considerations for the resort to force by police against children, including:

- ☑ The careful assessment whether force is needed at all when interacting with a child.
- ☑ The understanding that, since children generally pose a lower threat level than adults and are at risk of greater harm as a result of any force used, a necessity and proportionality assessment in relation to children will be different from a similar assessment where adults are involved.
- ☑ The duty to avoid as much as possible the use of force through communication and de-escalation, child-appropriate language, body posture and obtaining support through the intervention of child specialists (for instance in a crisis situation).
- ☑ The understanding that non-compliance with a police order by a child should be judged differently, considering the child's level of maturity in terms of appropriately understanding a situation, assessing risks and consequences and making decisions accordingly.
- ☑ The existence of rules on the application of means of restraints (such as handcuffs) that differ from those applicable to adults.
- ☑ Where unavoidable, a use of force that is balanced and careful to avoid unnecessary or excessive harm – and this should include due considerations for the psychological impact of the use of force on a child.
- ☑ The establishment of specific, particularly restrictive rules for the use of less-lethal weapons in relation to children: if, when and how to use them – or not - to avoid unnecessary and excessive harm as well as specific precautions required when confronting a child, in particular on how to minimize harm. Instructions must be weapon specific, explaining the risks a weapon may present for a child, for instance because of the smaller or slimmer body stature.
- ☑ Regulations should contain an explicit caution, that as a rule, weapons may not be used against children given that this is likely to violate the principles of necessity and proportionality.

- ☑ For the exceptional situation when the use of a weapon is unavoidable, law enforcement officials should be instructed and trained of how to avoid unnecessary and/or excessive harm to a child.
- ☑ Regarding the use of firearms, it must be made clear that it is generally highly unlikely that a child will present a level of risk that can justify the use of a lethal weapon.
- ☑ The continuous and rigorous monitoring of the use of force and weapons against children, regarding lawfulness and the harms this causes to children to ensure full accountability and – where required – adaptation of policies, instructions, equipment and training.

4 CHILDREN IN CONFLICT WITH THE LAW

Most aspects on how to handle situations with children in conflict with the law will be addressed in the legislation governing the child criminal justice system and its child protective provisions (for instance on limitations regarding arrest, preventive or pre-trial detention, diversion and related proceedings). The established age for criminal responsibility in law varies a lot across countries as does the type of treatment suspected young offenders are supposed to receive – sometimes also depending on the seriousness of the offence. Governments must ensure that such a legal framework is established in conformity with Art. 37 and 40 of the Convention on the Rights of the Child, with a focus on the child's best interest and in full compliance with the international human rights standards established to that end (for instance the [Beijing Rules](#); see reference list with additional legal documents at the end of this publication).

Law enforcement officials will have to comply with this framework which lies outside the scope of this publication. **The present section of this publication on children in conflict with the law looks at practical issues in the direct interaction with children that need to be addressed by law enforcement agencies irrespective of the existing domestic legal framework governing child criminal justice.**

4.1 GENERAL TREATMENT

When law enforcement officials come into contact with children who are in conflict with the law, they should not treat them simply as (suspected) offenders. Even if in conflict with the law, a child needs special care and protection and the best interest of a child must be a primary consideration when determining how law enforcement agencies respond.



Finland: Ministry of Justice, [Criminal Investigation Act 805/2011](#) (in English), 2011, Chapter 4 – Criminal investigation principles and the rights of persons participating in the criminal investigation – Section 7: “(1) In the criminal investigation, a person under the age of 18 years shall be treated in the manner required by his or her age and level of development. Particular care shall be taken so that criminal investigation measures do not cause him or her unnecessary inconvenience at school, at work or in other environments important to him or her. (2) To the extent possible, investigation measures directed at persons under the age of 18 years shall be assigned to investigators particularly trained in this function. When necessary, the criminal investigation authority shall consult with a physician or other expert on whether investigation measures may be directed at a person under the age of 18 years.”



Kenya: [Children Act \(Act. No. 29 of 2022\)](#)”, Part XII:

Section 144. When a child is in need of care and protection

“For the purposes of this Act, a child in need of care and protection includes a child— [...] (bb) who is in conflict with the law or is a witness to, or a victim of, a crime;[...]”



South Africa: [National instruction 2 of 2010: Children in Conflict with the Law](#), 2010

“Section 6: Treatment of children (1) Background

a) Children are different from adults and do not have the same knowledge, experience and insight normally expected from an adult. A child should therefore be treated differently from an adult. Accordingly, a child, who is suspected of having committed an offence, should be treated differently from an adult suspected of having committed the same offence.”

4.2 ARREST

To arrest and to detain a person are typical powers of law enforcement. The possibility to arrest a person requires both – a ground and a reason for the arrest. A ground for arrest is the reasonable suspicion that a person has committed an offence. The reason to arrest that person relates to the justification not just to carry out an investigation of the suspected offence, but to have control over the person suspected of the offence. This can be justified by the likelihood of the person trying to evade the investigation and prosecution, by a risk that the person might attempt to obstruct the investigation by way of destroying evidence or influencing witnesses, or by the risk that the person might commit yet another offence. This means that generally, law enforcement officials have a degree of discretion whether or not to arrest a person suspected of an offence. Only rarely will the situation and the applicable legal provision imply an obligation to arrest a person. In any case, arbitrary arrest and detention are prohibited at all times.²⁷

When it comes to children, this means in the first place that there is no reason nor justification to arrest a child that has not reached the age of criminal responsibility.

South Africa: [Child Justice Act 75 of 2008](#):

“9. Manner of dealing with child under the age of 12 years

(1) Where a police official has reason to believe that a child suspected of having committed an offence is under the age of 12 years, he or she may not arrest the child, and must, in the prescribed manner, immediately hand the child over –

(a) to his or her parents or an appropriate person or a guardian; or

(b) if no parent, appropriate person or a guardian is available or if it is not in the best interests of the child to be handed over to the parent, an appropriate person or a guardian, to a suitable child and youth care centre, and must notify a probation officer.”

²⁷ United Nations General Assembly, [International Covenant on Civil and Political Rights](#), 16 December 1966, Article 9(1); African Union, [African Charter on Human and Peoples' Rights](#), 1 June 1981, Article 6; Council of Europe, [European Convention on Human Rights](#), 4 November 1950, Article 5(1); Organization of American States, [American Convention on Human Rights](#), 22 November 1969, Article 7(3); League of Arab States, [Arab Charter on Human Rights](#), 22 May 2004, Article 14(1).



For a child who has attained the age of criminal responsibility extra caution is required for law enforcement officials to determine whether it is indeed necessary to arrest a child: the above mentioned risks that would justify the arrest of an adult person will generally be much lower in case of a child.



South Africa, [National instruction 2 of 2010 Children in Conflict with the Law, 2010](#) Section 6

“(4): Arrest and detention of children (a) A child should only be arrested as a last resort and, if arrested, should only be detained for the shortest possible time. (b) A member, who is authorised to arrest a child in terms of the Act and this Instruction, may decide not to arrest the child, but rather to have the investigation completed and the docket referred to the prosecutor to decide whether the child should be prosecuted or not, and if so, to have a summons issued to secure the attendance of the child at a preliminary inquiry.”

Law enforcement instruction, policies and training should ensure the appropriate exercise of this discretion.



Costa Rica: Ministry of Public Security, [Reglamento de Procedimientos Policiales Aplicable a Personas Menores de Edad](#), N° 32429-MSP, 2005, (in Spanish)²⁸

“Article 9-Apprehension. Apprehension is only applicable to minors between the ages of twelve and eighteen, by virtue of a court order or when caught red-handed committing a criminal offence, and exceptionally when caught red-handed committing a misdemeanour, within the limits established by the jurisprudence of the Constitutional Chamber. When applying this measure, the police officer shall take the necessary precautions to protect his or her own integrity and the physical, sexual and emotional integrity of the minor, shall inform him or her in a clear and simple manner of the reason for the apprehension and his or her rights, and shall immediately place him or her at the disposal of the Juvenile Criminal Prosecutor’s Office of the corresponding locality, with the respective police report. During the apprehension, under no circumstances may the minor be held incommunicado or interrogated by the administrative police, nor have physical or verbal contact with detained adults. The police officer shall comply with all guidelines issued by the Juvenile Criminal Prosecutor in this regard.” (Translation by Amnesty International)



In **The Netherlands**, the Twente region has reportedly²⁹ been experimenting for a year with giving minors who commit minor offences a stern talking-to instead of locking them up in a cell. According to the police, the approach has been successful. Of the approximately 120 minors who were stopped and given a stern talking-to, not a single one has been arrested again for an offence.



Malawi: [Child Care, Protection and Justice Act](#), 2014, Article 94 – Police powers to caution and release: “(1) A police officer of the rank of sub-inspector and above may caution a child offender against the repetition of the crime and release the child with or without conditions if – (a) the offence alleged to have been committed is not a serious offence; (b) there is enough evidence to warrant prosecution in the case; and (c) the child voluntarily admits responsibility for the offence. (2) A police officer imposing a condition under this section shall take into account the best interests of the child and the condition shall not be penal in nature. (3) The caution and release of a child shall be administered in the presence of a parent or guardian, or an appropriate adult or a probation officer, unless the police officer considers it to be in the best interests of the child to dispense with this requirement.”



Switzerland (documents available with Amnesty International):

Police Neuchâteloise Directive n° 2.125 Procédure de rappel à la loi pour des auteurs mineurs

“Convinced that for certain minors who have committed offences, traditional justice is not the best solution, it has been agreed with the juvenile court judges of the canton of Neuchâtel to provide a more appropriate response, particularly for the following offences: [...] It is proposed that in such cases, the police should be able to carry out educational work to prevent reoffending without necessarily filing a report. This approach is applicable provided that the offences committed are not serious. This is particularly the case when the offender’s guilt and the consequences of the act are minor.”

Reminder of the law – explanatory note provided by the Neuchâtel police:

“When a young person commits a minor offence, the police have the option of implementing a legal warning procedure. This measure is an alternative to criminal proceedings in the juvenile justice system. It usually takes place in the presence of the young person, their parents and sometimes representatives from their school, and involves reminding them of the legal rules and the possible consequences of criminal behaviour. The aim is to raise awareness without stigmatising the young person by placing them on a criminal record. This approach favours education and accountability over formal punishment, allowing the young person to start afresh on a clear basis and continue their journey without unnecessary obstacles.”

²⁸ Similar provisions can be found for instance in: Argentina, Ministry of Security, Government of the City of Buenos Aires [Protocolo de Actuación para las Fuerzas Policiales y de Seguridad Federales en intervenciones con Niños, Niñas y Adolescentes](#), 2021, (in Spanish) [Official Gazette No 79](#), p. 6, Article 33 (in Spanish).

²⁹ <https://www.nji.nl/nieuws/geen-cel-maar-stevig-gesprek-bij-klein-eerste-delic>

The arrest should be carried out in a way that prevents instilling unnecessary fear and trauma to the child. This requires careful explanation of the reasons for the arrest, what this means for the child and the procedures that will follow. And it means taking care of any existing needs for psychological or medical assistance, depending on the level of stress the arrest creates for the child.



Argentina: Provincial directorate of gender policy and human rights, Ministry of Security, [Pautas de Actuación Policial Respecto de Niñas, Niños y Adolescentes Presuntos/as Infractores/as de la Ley Penal](#), 2021, p. 3-4 (in Spanish):

“Prioritise communication tools geared towards dealing with minors, that can help reduce the level of conflict during the intervention. Communicate clearly and precisely the meaning of the procedures being carried out, repeating them until the child or adolescent understands (Law 13,634).” (Translation by Amnesty International)



South Africa: [National instruction 2 of 2010 Children in Conflict with the Law](#), 2010, Section 6 (2):

“Treatment of a child suspected of having committed an offence (a) During the first contact with a child suspected of having committed an offence, the member must, if circumstances permit, introduce himself or herself to the child and, if a parent, guardian or an appropriate person is present, to such person. (b) The member must explain to the child that he or she is being suspected of having committed the offence. The member must explain this to the child in a language that he or she understands, preferably in the mother tongue of the child, using plain and simple vocabulary to assist the child to have a better understanding of the child justice system and the procedure that will be followed in his or her case. The child must understand that this is a very serious matter. (c) The member must realise that the child may be overwhelmed and scared in the presence of the Police and must therefore patiently explain the nature of the offence and the procedure that will be followed in his or her case. The member must give enough detail about the matters and allow sufficient time so that the child can absorb the information. The member must encourage the child to ask questions and respond to the questions and satisfy himself or herself that the child understands the information and explanation given. The member may elicit responses from the child by asking questions in order to ensure that he or she understands the information.”

Where the decision is made to arrest a child, their parent/guardian or child protection services must be informed of the arrest as soon as possible.



Ghana: [Juvenile Justice Act](#), 2003, Section 11 – Information of Arrest.

“(1) At least one parent, a guardian or a close relative of a juvenile shall be informed of the arrest of the juvenile by the police as soon as possible after the arrest and the juvenile shall have right of access to legal advice. (2) Where the police are unable to inform a parent, guardian or a close relative of the juvenile of the arrest of the juvenile, the police shall inform the probation officer responsible for the district. (3) It is the duty of the probation officer with responsibility for the district to trace the parents, guardian or close relative of the juvenile.”

4.3 DETENTION

Taking a child into custody must be the absolute exception:

§ Convention of the Rights of the Child, Article 37: “States Parties shall ensure that: [...] (b) [...] The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;”

📖 Committee on the Rights of the Child (CRC), [General Comment No. 24 on Children’s Rights in the Child Justice System](#), CRC/C/GC/24, 2019:

“85. The leading principles for the use of deprivation of liberty are: (a) the arrest, detention or imprisonment of a child is to be used only in conformity with the law, only as a measure of last resort and for the shortest appropriate period of time; and (b) no child is to be deprived of his or her liberty unlawfully or arbitrarily. Arrest is often the starting point of pretrial detention, and States should ensure that the law places clear obligations on law enforcement officers to apply article 37 in the context of arrest. States should further ensure that children are not held in transportation or in police cells, except as a measure of last resort and for the shortest period of time, and that they are not held with adults, except where that is in their best interests. Mechanisms for swift release to parents or appropriate adults should be prioritized.”



As far as possible this should take place in separate institutions:



Beijing rules:³⁰

“13. Detention pending trial

13.1 Detention pending trial shall be used only as a measure of last resort and for the shortest possible period of time. 13.2 Whenever possible, detention pending trial shall be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home.”



Ghana: Ghana Police Service, [Standard Operating Procedures for Child-Friendly Policing: Children in Conflict with the Law](#), 2016:

“5. Arrest, Custody and Remand as a Last Resort

Because of their young age and vulnerability, subjecting children to arrest, police custody and remand can have very negative consequences. It separates children from their families, exposes them to abuse and criminal contamination from fellow inmates, disrupts their education and can adversely impact their health and nutrition. Under the Children’s Act and the Convention on the Rights of the Child, children have the right to survive and develop healthily. No person shall deprive a child access to education, immunisation, adequate diet, clothing, shelter, medical attention or any other thing required for his or her development. The GPS [Ghana Police Service] is committed to ensuring that children are only arrested and held in police custody as a measure of last resort and for the shortest possible period.”



India, National Commission for Protection of Child Rights, [Guidelines for Establishment of Child Friendly Police Stations](#), 2017, p. 19:

“Keeping in view the gravity and nature of the offence, wherever possible, the child in conflict with law should be given bail at the police station level itself.”

“It should be ensured that the child is not kept at the police station overnight under any circumstances.”

A police station is generally not an appropriate place for a child. For instance, the Ombudsman for Children in Sweden has clearly highlighted the detrimental and traumatizing effects on children when being detained in a police cell.³¹



United Kingdom, Home Office, [Concordat on Children in Custody](#), 2017, Introduction, p. 3:

“Children brought into police custody are in a particularly vulnerable position; not only by virtue of their age, but also because of the circumstances which brought them into contact with the police.

They may be under the influence of drugs or alcohol, recovering from a recent trauma or coming to terms with events that may have a lasting impact on their lives. Judged even against the reduced capability of a child, they will not be in a strong position to cope with the stressful and demanding nature of a night in police custody.

The law already recognises that police cells are not a suitable place for children. The Police and Criminal Evidence Act 1984 requires the transfer of children who have been charged and denied bail to more appropriate Local Authority accommodation, with a related duty in the Children Act 1989 for Local Authorities to accept these transfers.”

Principles and practice, p. 11:

30 [United Nations Standard Minimum Rules for the Administration of Juvenile Justice \(“The Beijing Rules”\)](#) : Adopted by General Assembly resolution 40/33 on 29 November 1985.

31 Ombudsman for Children in Sweden, [From the inside: Children and Young People on Life in Police Cells and in Remand Prisons](#), 2013.

“After a child has been charged, there is a presumption that they will be granted bail. Bail is by far the most preferable option for most children charged with an offence. It ensures that they spend as little time as possible in police custody and, in ideal circumstances, will allow the child to return home in advance of their court appearance.

[...]

After a child is charged with an offence, custody officers have a duty under section 38(6) of the Police and Criminal Evidence Act 1984 (PACE) to secure the transfer of the arrested child to Local Authority accommodation; Local Authorities have a duty to accommodate the child under section 21 of the Children Act 1989. However, one of the circumstances where PACE allows police to retain a child in custody is where a transfer is impracticable.

In this context, the term ‘impracticable’, is often misunderstood. It does not: a) relate to the availability of Local Authority accommodation or transport; b) relate to the nature of the accommodation offered by the Local Authority; c) relate to the child’s behaviour or the nature of the offence, or; d) mean ‘difficult’ or ‘inconvenient’. Rather, ‘impracticable’ should be taken to mean that exceptional circumstances render movement of the child impossible or that the child is due at court in such a short space of time that transfer would deprive them of rest or cause them to miss a court appearance. This must be judged on a case-by-case basis, and a decision of no transfer due to impracticability should be cleared by a duty inspector.”

There should be alternatives available for detention in police custody and where this is unavoidable, law enforcement agencies must ensure a child appropriate environment that prevents traumatization and other harm to the child and ensure the child is protected from any forms of abuse.



Indonesia: Chief of the Indonesian National Police, [Regulation Regarding Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police](#), 2009, [Article 25](#):

“In performing detention of a child, the officer must take into account:

- a. the detention should be exercised in pressing circumstances and only as a last resort;
- b. the right of the child to receive education opportunity and to grow/develop during custody;
- c. segregation from adult detainees; and
- d. application of special procedures for the juvenile protection and court proceedings.”



South Africa, [Child Justice Act 75 of 2008](#)

“28. Protection of children detained in police custody (1) A child who is in detention in police custody must be – (a) detained separately from adults, and boys must be held separately from girls; (b) detained in conditions which take into account their particular vulnerability and will reduce the risk of harm to that child, including the risk of harm caused by other children; (c) permitted visits by parents, appropriate persons, guardians, legal representatives, registered social workers, probation officers, assistant probation officers, health workers, religious counsellors and any other person who, in terms of any law, is entitled to visit; and (d) cared for in a manner consistent with the special needs of children, including the provision of – (i) immediate and appropriate health care in the event of any illness, injury or severe psychological trauma; and (ii) adequate food, water, blankets and bedding. [...]

89. Establishment and jurisdiction of One-Stop Child Justice Centres (1) The Cabinet member responsible for the administration of justice, in consultation with the Cabinet members responsible for social development, safety and security and correctional services, may establish centres to be known as One-Stop Child Justice Centres. [...] (4) A One-Stop Child Justice Centre must have a child justice court and may include – (a) offices for use by members of the South African Police Service; (b) offices for use by probation officers; (c) facilities to accommodate children temporarily, pending the conclusion of a preliminary inquiry; [...]"



Thailand: Baker McKenzie and the Global Initiative on Justice with Children, [Real Rights: Young People Engaging with Law Enforcement](#), 2025, p.3:

"During this investigation phase, there may be a detention request. The law gives the investigating officer the right to detain the arrested child for not more than 24 hours and will then have to speedily send the child to an Observation and Protection Centre where the child will be provided with appropriate accommodation, food, education and vocational training on a case-by-case basis. ..." [Chapter 3 of the Juvenile and [Family Court and Juvenile and Family Case Procedure Act](#), B.E. 2553 (2010) – overview in English, with reference to the document in Thai Language]

4.4 CONCLUDING RECOMMENDATIONS ON POLICE INTERACTION WITH CHILDREN IN CONFLICT WITH THE LAW

Irrespective of the legal framework governing child criminal justice, law enforcement agencies need to establish an operational framework on how law enforcement officials should interact with children in conflict with the law. This operational framework includes internal regulations, policies and instructions as well as teaching and training on how to implement them effectively in practice. This should include:

- ☑ Law enforcement officials should as much as possible avoid arresting a child and they should be given objective criteria at hand to make an appropriate decision in that regard.
- ☑ Where unavoidable, they should be instructed to talk to a child in an appropriate manner with a view to prevent instilling unnecessary fear or trauma to the child as a result of the arrest. Law enforcement officials should receive training on how to communicate with the child in such a situation.
- ☑ They must be held accountable for following all legal provisions established to safeguard the child's best interests and well-being.
- ☑ As a rule, children should not be detained in police stations and provisions need to be made where to place a child in the case of an arrest. Where there are no other external facilities, law enforcement agencies must ensure that the location where a child is detained is child appropriate and does not exacerbate the mental suffering of the child already caused by the arrest.

5 STOP AND SEARCH

Law enforcement officials in the fulfilment of their duties can carry out stops for the purpose of checking the identity of a person and searching the person and their belongings. However, this may only happen when there are individualized and objectively verifiable reasons to suspect a person is involved in an offence.



In many countries, law enforcement agencies are empowered to carry out suspicion-less stops – in general, in certain areas considered high-crime areas, or during certain time frames. Amnesty International³² and other international actors³³ are opposed to such suspicion-less stops and searches: They are conducive to arbitrary stops, that are often discriminating against specific groups through the widespread practice of ethnic profiling. They are arbitrarily interfering with the rights to privacy and security of person. And they are unduly impacting on the presumption of innocence: For a person to be subject to investigative police powers, there should at least be an objective, individualized reasonable suspicion justifying this. Carrying out stops and searches without such a justification is depriving the presumption of innocence of its meaning and relevance.

5.1 CRITERIA AND WAYS TO CARRY OUT STOP AND SEARCH OF CHILDREN

Stop and search activities by police can have a serious impact on children. They may instil in them fear and trauma – including long lasting. Hence, when it comes to children, law enforcement officials should assess with great care whether there is a reasonable suspicion, and whether the situation is such that it indeed warrants a stop, an identity check and/or a search. And they must be particularly careful in the manner how they carry out this activity.



Argentina, Department of Security, [Protocolo de Actuación para las Fuerzas Policiales y de Seguridad Federales en Intervenciones con Niños, Niñas y Adolescentes](#), (in Spanish), 2021, p.6:

“ARTICLE 38. Security search: Security searches of children or adolescents apprehended or detained shall be carried out with absolute respect for their rights and dignity, and always as a measure for their own safety and that of third parties involved. Only those objects that could endanger their physical integrity, their safety or that of those guarding them shall be removed. Humiliating and offensive searches are prohibited, and non-invasive mechanisms shall be used as a matter of priority. As far as possible, the use of technological equipment shall be preferred over tactile searches. The search must guarantee respect for self-

32 Amnesty International, [UK Police Must End Stop and Search Without Suspicion](#), press release, 12 January 2010.

33 European Commission against Racism and Intolerance (ECRI), [Preventing and Combating Racism and Intolerance within Law Enforcement Agencies – Factsheet](#), 2023, para. 10; Committee on the Elimination of Racial Discrimination (CERD), [Concluding Observations on the Combined Twenty-Fourth to Twenty-Sixth Periodic Reports of the United Kingdom of Great Britain and Northern Ireland*](#), CERD/C/GBR/CO/24-26, 2024, para. 32 (a); Human Rights Watch, [France: End Systemic Police Discrimination](#), 27 January 2021.

perceived gender identity, in accordance with general human rights principles, especially those of equality and non-discrimination towards LGBTIQ+ persons, as established in Law 26,743. Actions must be taken in accordance with the provisions of Article 14 herein.” (Translation by Amnesty International)



Costa Rica, Ministry of Public Security, [Reglamento de Procedimientos Policiales Aplicable a Personas Menores de Edad](#), N° 32429-MSP, 2005, (in Spanish):

“Article 12.-Superficial inspection. During the apprehension of a minor, a superficial body search may be conducted in search of weapons or any dangerous objects, with the aim of protecting their physical integrity and that of the officers involved. This procedure must be carried out in the presence of a witness and by an officer of the same sex as the apprehended person, respecting the dignity of the minor, and shall not require any formalities as it is a security measure.

Article 13.-Search. A minor may be searched provided that there are sufficient grounds to presume that they are concealing objects in their clothing or carrying them attached to their body, and that these objects are directly related to a crime that has been committed or to the opportunity to commit such a crime. Prior to carrying out this measure, the minor must be informed, in a clear and respectful manner, of the reasons for its use, and they shall be invited to voluntarily produce the objects being sought. The above actions shall be carried out in a private room by a police officer of the same sex as the minor, in the presence of a witness from outside the police institution, respecting at all times the physical integrity, dignity, and other emotional aspects of the minor. If several minors are apprehended, the searches shall be carried out separately. The police officer shall draw up the respective report, recording in detail the actions taken, as well as the objects found, or the fact that no objects were found.” (Translation by Amnesty International)





Spain: Ministry of the Interior, Secretary of State for Security, [Instrucción n.º 1/2017 de la Secretaría de Estado de Seguridad, por la que se actualiza el “Protocolo de actuación policial con menores”](#), 2017:

“6.1.6. When necessary, in accordance with the law, request the identity of a minor on public roads, in public places or establishments and, where appropriate, carry out a superficial check of their personal belongings to verify that they are not carrying prohibited or dangerous substances or instruments:

- a. They shall be clearly informed of the reasons for the intervention and what it will consist of.
- b. As far as possible, a spectacle, the use of harsh language, violence or the display of weapons should be avoided.
- c. When circumstances permit, choose a discreet location out of sight of third parties.
- d. Those exercising parental authority, guardianship or de facto custody shall be informed as soon as possible, provided that the circumstances of the environment or the events giving rise to the intervention indicate that there is a risk to the minor.” (Translation by Amnesty International)

Strip searches are even more problematic and likely to inflict serious trauma on children – potentially even long lasting. Therefore, as a rule, they should not be done with children. Only in truly exceptional circumstances and when authorized by a superior officer may they be carried out and it must be ensured that this is done in the most careful manner as possible.



England and Wales, Children’s Commissioner for England, [Strip Search of Children in England and Wales](#), 2024, p. 41-43:

- “**Recommendation:** Children should only ever be strip searched in exceptional circumstances where it is necessary to protect them or others from significant harm, and sufficient evidence is obtained to provide a case for conducting a search. If a search is required, this should occur in a safe, controlled and appropriate environment in accordance with strict and transparent procedures that are subject to scrutiny. [...]”
 - “**Recommendation:** [...]
 - The threshold for strip searching of children should be increased, to be considered a last resort action for police officers. Strip searches should only be conducted when there is a clear and immediate risk to the child or people around them. In all cases, this threshold should recognise the likely traumatic impact of these searches on children. [...]
 - An appropriate adult must always be present for strip searches of children in custody and under stop and search, except in the most exceptional situations where there is serious risk to the child’s life or welfare. Urgency should be removed as an exception to this requirement and constant supervision should be recommended; ...
 - Strip searches in custody or under stop and search should not be conducted in front of officers of another sex to the child; and
 - A safeguarding referral should be made whenever a strip or intimate search of a child is conducted. Where a child refuses to provide information under stop and search, this should be recorded.”
- p. 45: Recommendation: “Police forces should commit to training for frontline officers, who may conduct stop and searches in the course of their regular duties, on safeguarding children and trauma-informed practice.”

5.2 CONCLUDING RECOMMENDATIONS ON STOP AND SEARCH OF CHILDREN

Law enforcement agencies should establish clear rules on the stop and search of children.

- ☑ They should only be allowed in case of a reasonable suspicion and only if unavoidable given the harmful impact of such interventions on the psychological wellbeing of the child.
- ☑ The reasons for the stop and the search should be carefully explained to the child and the tone should be non-threatening.
- ☑ They must be non-discriminating in terms of reasons for the stop as well as in the manner the stop and searches are carried out.
- ☑ They should as much as possible be carried out in a way that the child is protected from the views of the public to prevent unnecessary embarrassment.
- ☑ Searches should be carried out by a person of the same self-identified gender of the minor.
- ☑ Strip searches should generally be prohibited. In the exceptional case that such a search is unavoidable, it should be authorized by a superior official, only be conducted inside a building, protecting the child from the view of any other people, by a person specifically trained to carry out such a search in a manner that reduces to a maximum its humiliating impact and without causing any pain or avoidable discomfort.

6 INTERVIEWING CHILDREN AS SUSPECTS, VICTIMS* OR WITNESSES OF CRIME

6.1 DO NO HARM



NOTE: The focus in this section is on how to conduct interviewing. More general aspects of how to protect children from becoming a victim of a crime or interventions to stop any such situation (e.g. in case of domestic violence or child abuse) will not be addressed as these will to a large extent involve child care services and related systems, including foster care, with law enforcement being only one of a number of actors involved in such a situation.

*People who are “victims of crime”, in particular in case of violent crime, are nowadays very rightly considered and called “survivors of crime”, to emphasize their strength, rights and ability as active rights holders, rather than merely being the object of someone else’s wrongdoing. However, through this article, the term “victim” is used to ensure consistency with the terminology used in the international legal documents and other publications used as references for the positions presented here.

Interviewing children must take into consideration the developmental stage of the child and the potentially emotional and stressful situation for the child, affecting how they retrieve memory and give their testimony. Law enforcement officials need to know and understand how to ask questions to a child. However, this should not simply be guided by the interest of obtaining the best information possible. It is even more important to take into consideration that children’s limited maturity makes them particularly vulnerable to suffer physical and psychological harm, and even trauma, when interacting with law enforcement officials.



Malawi, [Child protection Case Management](#), training manual, 2015, p. 91:

“Why trauma victims and survivors are difficult to interview: • They may still be in a state of shock, denial or under pressure to protect the perpetrator. • They have suffer from depression, anger, sadness, lethargy, or suspicion. In severe cases they may be in a state of disassociation and may need psychiatric attention. • It is easy to re-victimize the victim/survivor through incorrect interview methods. • If there is a court case coming up there may be legal requirements for conducting the interview to preserve the evidence. • For all of these reasons it is best for highly trained professionals to interview children in acute stages of trauma, whether through abuse, disaster, or sudden loss of a loved one.”

The first thought that must guide law enforcement officials should therefore not be how to retrieve the maximum and most reliable information from the child, but rather by the duty not to harm the child and to carry out an interview in a way that is giving due consideration to the child's best interest.

 The **ECOSOC Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime** adopted by Resolution 2005/20 on 22 July 2005, provides for important standards to be respected in relation to child victims and witness of crime, recognizing that: “[...] children who are victims and witnesses are particularly vulnerable and need special protection, assistance and support appropriate to their age, level of maturity and unique needs in order to prevent further hardship and trauma that may result from their participation in the criminal justice process, [...]”

Therefore, interviewing children must be subject to specialist procedures and undertaken by specially-trained interviewers, and these procedures need to be clearly formulated in regulations, instructions and law enforcement training.

 **African Commission on Human and Peoples Rights (ACHPR), [Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa](#)**, adopted on 29 May 2003, Section O: “c) States must ensure that law enforcement and judicial officials are adequately trained to deal sensitively and professionally with children who interact with the criminal justice system whether as suspects, accused, complainants or witnesses [...].
f) Law enforcement officials must ensure that all contacts with children are conducted in a manner that respects their legal status, avoids harm and promotes the well-being of the child. [...]
m) States shall establish separate or specialized procedures and institutions for dealing with cases in which children are accused of or found responsible for having committed criminal offences. The establishment of such procedures and institutions shall be based on respect for the rights of the child, shall take into account the vulnerability of children and shall promote the child's rehabilitation.”

 **Council of Europe, [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#)**, CM/Del/Dec(2010)1098/10.2abc-app6, adopted on 17 November 2010, p. 9: [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 [...]. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.

 **An example for a comprehensive, child-friendly approach is the Barnahus model:**
[Barnahus – A Scandinavian word for “children's house”](#)
“Sometimes, Barnahus is thought to be a place where children stay, but that is seldom the case.
Barnahus works rather as a child-friendly office, under one roof, where law enforcement, criminal justice, child protective services, and medical and mental health workers cooperate and assess together the situation of the child and decide upon the follow-up. [...]
The Barnahus model refers to multidisciplinary and interagency interventions organised in a child-friendly setting fulfilling the following criteria:

Offers multidisciplinary and interagency interventions (Barnahus Quality Standard 5), organised under one roof in a child-friendly setting (Barnahus Quality Standard 4), placing the best interests of the child (UNCRC article 3, Barnahus Quality Standard 1.1) at the centre.

Offers each child a balanced multidisciplinary, professional and child friendly intervention, managed through joint case management and review.

Professionals from the different disciplines collaborate to provide a carefully balanced intervention that responds to the needs of each child:

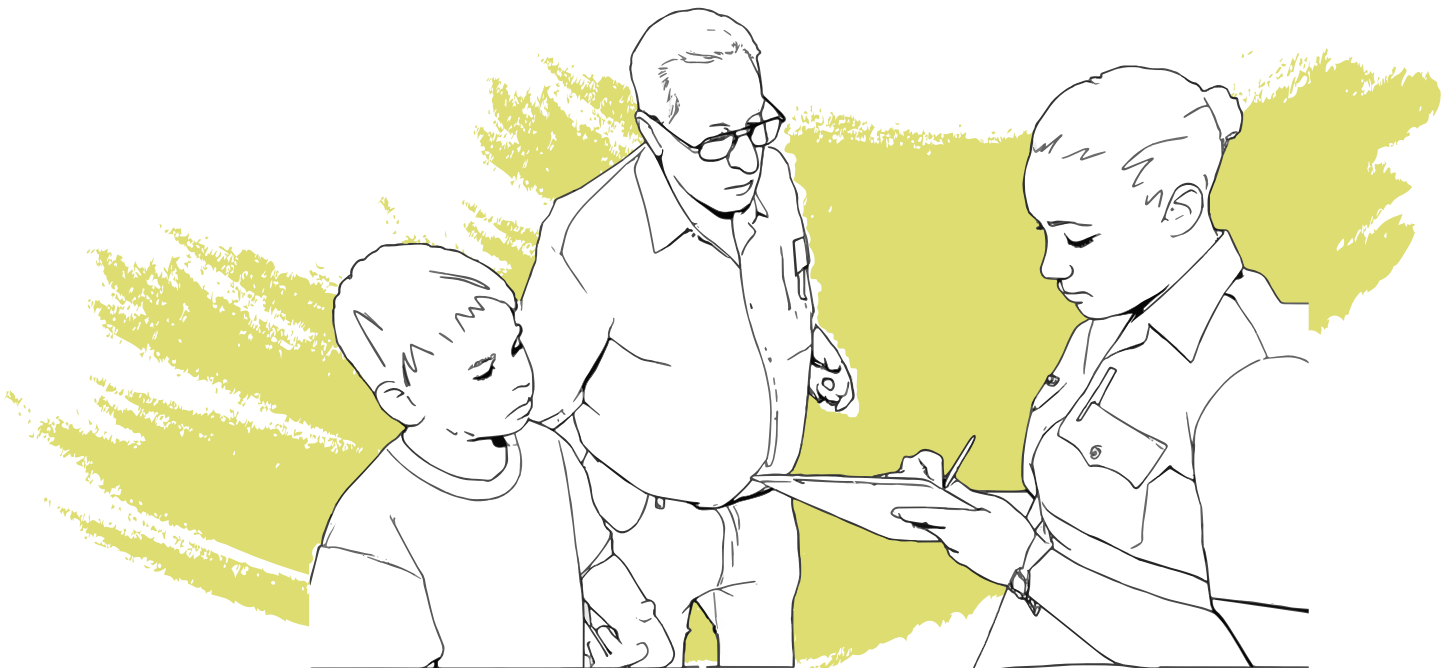
Child Protection: The Barnahus contributes to the assessment of protection needs and supports follow up concerning the child victim and siblings in the family.

Criminal justice investigation and proceedings: The criminal investigation in Barnahus, including the forensic interview, respects the procedural safeguards of both the child and the defendant. A child-friendly forensic interview is carried out according to an evidence-based protocol by a specialised forensic interviewer to secure the best possible evidence and to protect the child from (re)traumatisation. The interview is recorded and represents admissible evidence in Court.

Medical examination and treatment: A child friendly medical evaluation is carried out by specialised and highly competent staff both for forensic investigative purposes and to ensure the child's physical well-being and recovery by the appropriate remedy.

Mental health examination and treatment: All children are offered a mental health assessment and appropriate support by specialised and highly competent staff, including crisis support, short and long-term therapeutic services addressing the trauma of the child and non-offending family members and caretakers.

Barnahus are formally embedded in national systems, for example the judicial system, law enforcement, health or child protection systems. Each Barnahus should be an integral part of – and contribute to – national justice and child protection systems.”



6.2 THE RIGHTS OF CHILDREN AS SUSPECTS, VICTIMS OR WITNESSES OF CRIME

The rights of the child as a suspect, victim or witness of crime must be respected at all times. In that regard, it must be born in mind that, in accordance with their evolving capacities, children may be more easily misled to provide answers/information that can harm their well-being (directly for themselves or because this will have negative consequences for a parent). In particular, children may be led to confess or incriminate themselves because of their lack of understanding or as a result of the interview circumstances: being deprived of liberty, length of the interview, fear of unknown consequences or of imprisonment, or the promise of lighter sanctions or release.³⁴

 **Committee on the Rights of the Child (CRC), [General Comment No. 24 on Children's Rights in the Child Justice System](#), CRC/C/GC/24, 2019:**

“59. Coercion leading a child to a confession or self-incriminatory testimony is impermissible. The term ‘compelled’ should be interpreted broadly and not be limited to physical force. The risk of false confession is increased by the child’s age and development, lack of understanding, and fear of unknown consequences, including a suggested possibility of imprisonment, as well as by the length and circumstances of the questioning.”

Therefore the presence of a person during interviewing such as a parent, legal guardian or counsel – who is responsible to ensure that the child best interests are respected and protected should be obligatory.³⁵ This has also been made clear by the European Court:

 **ECtHR, [Panovits v Cyprus](#) Application No. 4268/04, 11 December 2008:**

“74. [...] The Court notes that in accordance with domestic law the applicant was told that he was not obliged to say anything unless he wished to do so and that what he said could be put into writing and given in evidence in subsequent proceedings (see paragraph 44 above). The Court finds, given the circumstances of the present case, in which the applicant had been underage and was taken for questioning without his legal guardian and without being informed of his right to seek and obtain legal representation before he was questioned, that it was unlikely that a mere caution in the words provided for in the domestic law would be enough to enable him to sufficiently comprehend the nature of his rights.”



The Ombudsman for children in **Sweden**, [From the inside: Children and young people on life in police cells and in remand prisons](#), 2013, p. 88, recommends that there should be no possibility for a child to waive the right to a legal counsel.

Any issues that may affect the child’s best interest – for instance as suspects or as the child or other close relative of a suspect – should be discussed beforehand to ensure the child does not inadvertently answers such questions in a way that might incriminate themselves or their parents (or other close relatives).

³⁴ Amnesty International, [Fair Trial Manual](#), 2nd edition, POL 30/002/2014, 2014, chapter 27.6.4, p. 199.

³⁵ [United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#), 2013, Guideline 10 §53(b). ACHPR, [Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa](#), 2003, Section O(l)(vi).



UNICEF Europe and Central Asia Regional Office, [Guidelines on Child-Friendly Legal Aid](#), October 2018

Guideline 3, p. 17: “Legal professionals play a crucial role in enabling children’s right to participate in justice systems: [They should]

- provide children with all the information they need to enable them to participate meaningfully (see Guideline 6);
- [...] enable children to make informed decisions, give clear explanations of the long-term and short-term consequences of their decisions (see Guideline 6);
- **adequately prepare the child before any hearing** [emphasis added], providing explanations as to how, when and where the hearing will take place, who the participants will be, and how the child’s views will be taken into account;
- ensure that children’s interests, views and feelings are communicated as clearly as possible to relevant bodies, such as courts and social services.”
- Guideline 7, p.27, furthermore states that it “**may not always be in a child’s best interests to participate directly in formal legal proceedings** [emphasis added] such as trials or custody hearings. For a child victim or witness this can involve reliving traumatic events and exposure to persons who have harmed them. It can also expose a child caught up in family proceedings to inappropriate and harmful information about their family circumstances. A legal professional will have to weigh up the advantages and disadvantages in each case when deciding the best course of action.”

For instance, where a child’s testimony can incriminate a parent or other close relative, this presents a clear conflict of interests – including on the side of the child: they might be a victim of the relative’s crimes and want protection, while at the same time have feelings of guilt if the relative ends up in prison. Where the testimony of the child is essential for the proceedings – in particular where the child itself is the victim of the crime – it must be established beforehand by competent, specifically trained personnel what would be in the best interest of the child.



The **ECOSOC [Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime](#)** adopted by Resolution 2005/20 on 22 July 2005 provide for important standards to be respected in relation to child victims and witness of crime, including: [...]

Guideline 7: “(d) Reaffirming that every effort must be made to prevent victimization of children [...]

(e) Cognizant that children who are victims and witnesses may suffer additional hardship if mistakenly viewed as offenders when they are in fact victims and witnesses; [...]”

Section VII of the Guidelines provides details about how to proceed from their first contact with the justice process.

Section XI. further elaborates on the measures to be taken to protect a child victim or witness of crime from hardship during the justice process, in particular:

Guideline 42: “This training should include: (a) Relevant human rights norms, standards and principles, including the rights of the child; [...] (d) Crisis assessment skills and techniques, especially for making referrals, with an emphasis placed on the need for confidentiality; (e) Impact, consequences, including negative physical and psychological effects, and trauma of crimes against children; [...] (i) **Interviewing and assessment techniques that minimize any trauma to the child while maximizing the quality of information received from the child** [emphasis added]; (j) Skills to deal with child victims and witnesses in a sensitive, understanding, constructive and reassuring manner; [...]”



Council of Europe, [Guidelines of the Committee of Ministers of the Council of Europe on Child Friendly Justice](#), CM/Del/Dec(2010)1098/10.2abc-app6, adopted on 17 November 2010, p. 42:

“71. In cases involving children, judges and other legal professionals should benefit from support and advice from other professionals of different disciplines when taking decisions which will impact directly or indirectly on the present or future well-being of the child, for example, assessment of the best interests of the child, possible harmful effects of the procedure on the child, etc.

72. A multidisciplinary approach to children in conflict with the law is particularly necessary. The existing and growing understanding of children’s psychology, needs, behaviour and development is not always sufficiently shared with professionals in the law enforcement fields. In Iceland, Norway and Sweden, cases of abuse and violence can be dealt with in so-called ‘children’s houses’. Professionals from social services, forensic medical experts, paediatricians, the police and prosecutors’ offices work together, primarily in the initial stages of a police or social services investigation. They organise and allocate the different tasks to be carried out. Interviews with the children concerned take place in these houses, with the possibility of a third party listening in by video link in an adjacent room. There are also rooms for medical examination and counselling [...]”.



Costa Rica: Ministry of Public Security, [Reglamento de Procedimientos Policiales Aplicable a Personas Menores de Edad](#), N° 32429-MSP, 2005, (in Spanish):

“Article 15.-General aspects. In any police action involving a minor as a victim, the police officer shall request the minimum necessary identification details of the minor and a brief account of the facts, avoiding unnecessary questions that could harm the victim’s emotional stability, and shall immediately refer the minor to the competent judicial authority or the National Children’s Trust, as appropriate.”

“Article 20.-Witnesses. In any police action involving a minor as a witness, the police officer shall ensure the best interests of the minor, ensuring that the police action does not harm their physical or emotional integrity. The minor shall only be interviewed if it is considered that their statement may be significant and necessary for the investigation of the incident in question; otherwise, only their details shall be recorded in the police report. Clear and easily understandable language shall be used, avoiding gestures, attitudes or comments that may intimidate the minor or cause any kind of negative impact. If the minor does not wish to discuss the matter, they should not be pressed, but the relevant authority should be informed and this should be noted in the report.”
(Translation by Amnesty International)



Kenya: National council on the Administration of Justice – Special Taskforce on Children Matters, [Standard Operating Procedures for Child Protection Units](#), 2020, 1.4 j: “The officers shall ensure adequate and efficient child friendly methods of data collection and evidence gathering so as to minimise trauma to child victims.”



United Kingdom, National Police Chief’s Council, [Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures](#), 2022:

“2.26 Interview strategies and plans in investigations where trauma is likely should be developed and implemented in conjunction with a victim/witness care strategy that sets out the options for access to support and therapy and a safeguarding policy that makes it clear that the safety and welfare of victims and witnesses takes primacy over the needs of the investigation. [...]”

2.51 When coming to a view about how a child’s evidence should be obtained interviewers should take

account of the following: • The child's needs assessment that the police must conduct by virtue of Right 4 of the statutory [Code of Practice](#) for Victims of Crime (Ministry of Justice 2020) and the [Witness Charter](#) (Ministry of Justice 2013); • The views of the child and their carer (unless it is inappropriate to do so); [...]

2.53 The consent of the child is necessary if they are able to understand the implications of participating in the interview. The interviewers are responsible for ensuring that, as far as possible, the child is freely participating in the interview, and not merely complying with a request from adult authority figures."

There should be rules about where an interview should take place, by whom and how questions should be asked, that repeated interviews should be avoided.

 **Committee on the Rights of the Child (CRC), [General Comment No. 24 on Children's Rights in the Child Justice System](#)**, CRC/C/GC/24, 2019, par. 46:

"Developments in child-friendly justice provide an impetus towards child-friendly language at all stages, child-friendly layouts of interviewing spaces and courts, support by appropriate adults, removal of intimidating legal attire and adaptation of proceedings, including accommodation for children with disabilities."

Law enforcement officials should be trained accordingly to such regulations:

 **United Nations General Assembly, [United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice](#)**, A/RES/69/194, 18 December 2014:

"21 (d) To ensure that professionals who are responsible for assisting child victims make every effort to coordinate support to avoid unnecessary procedures and limit the number of interviews. [...]

24 (i) To provide for the use of child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated within the same location, modified court environments that take child witnesses into consideration, recesses during a child's testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an appropriate notification system to ensure that the child goes to court only when necessary and other appropriate measures to facilitate the child's testimony; [...]"



Finland: Police of Finland, [Lapsi poliisitoiminnassa ja esitutkinnassa](#) (Guidelines on Children in Police Work and Preliminary Investigations), 2019, 6.4: "The interview with the child should take place in a room with suitable equipment for recording the interview, with the possibility to observe the interview from another room and otherwise suitable for working with the child. However, the interview room should be free of toys or other stimuli that would capture the child's imagination and attention." (Translation by Amnesty International)



United States – Baltimore Police Department, [Policy 1207 Youth Interrogations 1-10](#) (2022):

- “4. Members should be aware of the developmental research that suggests Youth have a lower capacity for self-regulation in emotionally charged contexts, such as interviews or Interrogations, and are more susceptible than adults to Custodial Interrogation pressures. Youth may have difficulty in anticipating the consequences of their actions, and be more susceptible to immediate rewards and peer influence. Members shall refer to departmental training on special considerations for Youth Interrogations. [...]
6. A member who observes any signs that the Youth is experiencing a behavioral health disability, an intellectual disability, or is in crisis shall ask information about the Youth’s mental ability, including learning and/or emotional disabilities, as a way to assess how to appropriately proceed with the Interrogation.
- NOTE: If a member encounters Youth of any age displaying signs that their ability to understand is impaired by a behavioral health or intellectual disability (including use of alcohol or other drug use, suicidal ideation, mental illness, or a developmental disability), the member shall stop the Interrogation immediately. Members shall document the reason for terminating the Interrogation, and consult with their supervisor in order to determine whether the Interrogation may resume at a later time. [...]
8. The member should create an Interrogation plan, develop strategies for establishing rapport, develop age-appropriate questions, and utilize strategies that take into account the Youth’s age, education, and prior experience with the justice system. [...]
28. The use of any form of deception during the Interrogation of any Youth is prohibited. [...]
29. A Youth shall not be Interrogated by more than two sworn members at the same time. The members shall not be armed during the Interrogation.
30. Normally, the Interrogation of a Youth should not go beyond a two-hour session, and a reasonable amount of breaks should be taken. [...]
31. Youth shall not be shackled or otherwise restrained during Interrogations unless the Youth is engaging in behavior likely to cause injury to themselves or others. The member should consider whether the Youth may be experiencing a behavioral health crisis and consult Policy 712, Crisis Intervention Program. If the Youth is experiencing a behavioral health crisis, the Interrogation shall not proceed.
32. Members conducting Custodial Interrogations of Youth should provide the Youth with a brief overview of the procedures that will be followed by BPD [Baltimore Police Department] during the course of the investigation and the possible subsequent prosecutorial phase of the case. Members shall provide this explanation in simple, clear, age-appropriate language.
33. Youth can often misunderstand questions. Members should tailor their questions to their knowledge or reasonable assessment of the following characteristics: the Youth’s age, maturity, level of education, apparent mental ability, and other information known to the member at the time of the Interrogation questions.”

6.3 CONCLUDING RECOMMENDATIONS ON INTERVIEWING

- ☑ Interviewing in the best interest of the child requires law enforcement officials not to prioritize the information gathering, including how to retrieve the maximum and most reliable information from the child, but rather by the duty not to harm the child – irrespective whether it is a suspect, victim or witness interview.
- ☑ Interviewing children must be subject to specialist procedures and undertaken by specially-trained interviewers, and these procedures need to be clearly formulated in regulations, instructions and law enforcement training
- ☑ The rights of the child as a suspect or victim of crime must be respected at all times.
- ☑ The presence of a person during interviewing, such as a parent, legal guardian or counsel, who is responsible to ensure that the child's rights and best interests are respected and protected, should be obligatory.
- ☑ Law enforcement officials need to be instructed and trained how to ask questions to a child, taking into consideration the child's limited maturity and particular vulnerability to suffer physical and psychological harm, and even trauma, when interacting with law enforcement officials.
- ☑ There should be rules about where an interview should take place, by whom and how questions should be asked, and that repeated interviews should be avoided.
- ☑ Law enforcement officials should be trained accordingly to such regulations.

7 FACILITATING ASSEMBLIES INVOLVING CHILDREN

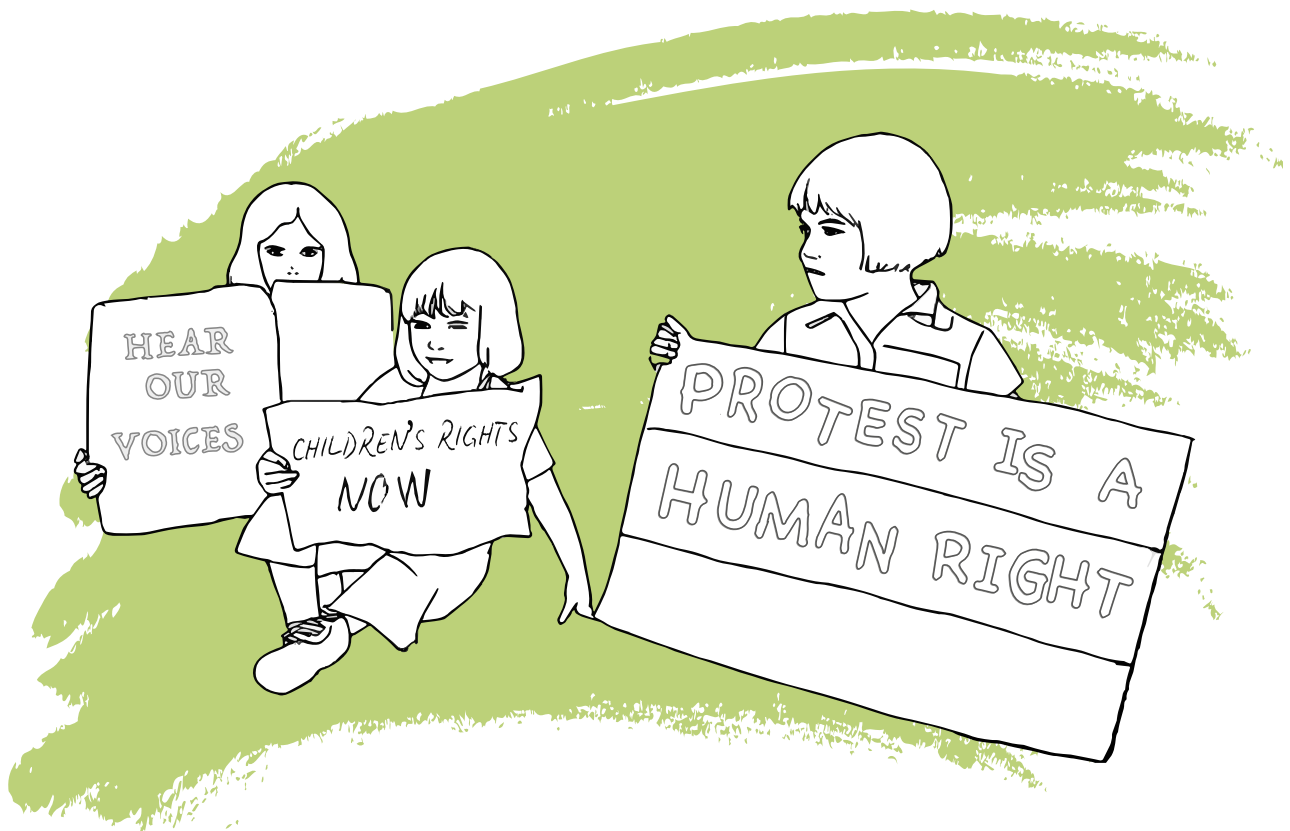
7.1 GENERAL APPROACH

All children have the right for freedom of peaceful assembly. Under the obligation to fulfil this right States should establish an enabling environment for children's full enjoyment of the right to freedom of peaceful assembly. This includes active facilitation, for example, provision or facilitation of education for children and adults about this right.

§ Convention of the Rights of the Child, Article 15

"1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."



Hence, all the considerations that should guide a policing of assemblies that is respectful and protective of this human right also apply to children.³⁶ However, to duly comply with the duty to facilitate the exercise of this right by children, law enforcement agencies should take into account for the presence of children in assemblies and adopt a child friendly approach. This means that they should assess their general approach towards public assemblies in light of the children's rights to peaceful assemblies, as well as all other relevant child rights and more generally the children's best interest.



Special Rapporteur on the rights to freedom of peaceful assembly and of association: [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#), A/HRC/55/60, 31 January 2024:

"16. Measures tailored to the specific needs and rights of children should be planned and implemented to facilitate the right of children to take part in and organise peaceful protests. [...]

65. To protect and facilitate the right to freedom of peaceful assembly of individuals and groups in situations of vulnerability, which may include, women, children, indigenous peoples, migrants, persons of African descent, persons belonging to minorities, LGBTQI+ persons, persons with disabilities and others, law enforcement should:

- b) Foster communication with relevant stakeholders, including civil society organisations and community leaders, to understand the specific protection needs of such individuals and groups. Law enforcement officers should try to involve, as appropriate, representatives from the identified groups in the planning stages of a protest to ensure their perspectives are considered, including through voluntary engagement with children when a protest is organized by children and/or when children are expected to take part.
- c) Ensure that information about a protest and communication during a protest is available in multiple languages, including disability-inclusive language and child-friendly language, as appropriate.
- d) Ensure that deployed officers are trained to mitigate and respond to the specific protection needs of these groups, and dedicated rapid response teams are available to provide assistance, whenever required.
- e) Consider establishing specific complaint mechanisms within independent investigation units or oversight bodies, including the development of separate mechanisms for children and for victims of sexual and gender-based violence."



UNICEF, [The Right to be Heard: Free and Safe Protest](#), 2023, p. 25 (3.9, recommendation xii): [States should]: "Develop 'generic' plans and training protocols for the policing of assemblies involving children, as well as specific plans and risk assessments for each particular assembly."



In **Colombia**, according to the Presidential decree 003 of 2021, [Estatuto de Reacción, Uso y Verificación de la Fuerza Legítima del Estado y Protección del Derecho a la Protesta Pacífica Ciudadana](#), in the planning and preparation for public assemblies a United Command Post (PMU) has to be formed with representatives of different public bodies. Art. 8 establishes that :

"[...] Representatives from the following entities may be invited to this Unified Command Post (PMU): [...] the Colombian Institute of Family Welfare dealing with cases involving children and adolescents, and other entities which, due to the situation in question, may be considered relevant." (Translation by Amnesty International)

³⁶ See the details in: Amnesty International, [Guidelines on the Right to Freedom of Peaceful Assembly](#), ACT 30/8426/2024, 2024, in particular: Guideline 7 to 15.

Where an assembly is organized by young people, law enforcement agencies should establish child-friendly rules in the run-up to an assembly (for instance regarding notification process, helping with the preparation, or safety issues relating to children).



UNICEF, [The Right to be Heard: Free and Safe Protest](#), 2023, 3.7, p. 23: [Training content should include: ...]

“How to communicate with children respectfully and in ways they understand, bearing in mind children’s evolving capacities, children with disabilities, minority languages, and children in marginalized situations, including children in street situations.

3.9, p. 25, recommendation xvii: States should: [...]

Ensure that LEOs communicate respectfully with or about children exercising their RFPA and encourage LEOs, especially high-ranking LEOs, to promote a positive image of these children.”

In their engagement with children during an assembly, law enforcement officials must be aware how their verbal and non-verbal communication as well as their overall appearance can impact on children and instructions and training must sensitize them in that regard and enable them to adapt a child-friendly form of interaction:



UNICEF, [The Right to be Heard: Free and Safe Protest](#), 2023, 3.7, p. 23: “[Training content should include...]

- Understanding the impact of non-verbal communication and how children’s reactions and fears may be different and/or greater than adults’
- Understanding the potentially more serious impact of the ‘chilling effect’ and the use of force on children (linked to physical injury and psychological consequences, including trauma)
- How to care for children when they are in need of assistance [...]

3.9, p. 25, recommendation xxi: [States should]:

“Ensure that LEOs are trained on the possible impact on children of non-verbal communication such as their body language and the presence or use of certain equipment which may be perceived as intimidating or have a ‘chilling effect’. Maintain a balance between the amount and type of protective equipment LEOs need, to avoid resorting to force and weapons, and portraying an unnecessarily confrontational appearance.”

7.2 POLICE TACTICS

Law enforcement agencies also need to adapt their policing tactics to situations involving the presence of children. For instance, the policing practice of containment (“kettling”) – containing a group of participants to an assembly and preventing them from leaving the area and participating in the assembly – is highly problematic and should anyhow be applied only as a last resort with a view to avoid having to disperse the entire assembly.³⁷ However, the containment of children is particularly problematic in view of the fear, or even panic this may instil on children. Wherever containment is unavoidable, children should be allowed to leave the contained area and this should be loudly communicated to the contained people.



United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association: [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#), A/HRC/55/60, 31 January 2024

“75: Law enforcement should:

c) Ensure that containment tactics, such as “kettling”, are used only when it is necessary and proportionate to do so to address actual violence or an imminent threat while avoiding disproportionate restriction of protestors’ rights. In such cases, law enforcement must ensure that every effort is made to identify those in need of access to food or medicine, monitors and other observers, medical personnel, individuals or groups in situations of vulnerability, including children, and those who are not violent, to help them move outside the containment area.”



UNICEF, [The Right to be Heard: Free and Safe Protest](#), 2023, 4.5, p. 40, recommendation xi: [States should]: [...]

“Make it clear in policy and practice that containment (‘kettling’) must apply only to people linked directly to violence, be limited to the minimum necessary time, and not be used indiscriminately or punitively. Build the capacity of LEOs to identify children who may be caught in the containment ‘net’ as non-violent protesters and help them to move outside the containment area.”

The duty of law enforcement agencies to protect requires specific considerations for the need to protect children in assemblies and to enable them to exercise their right to freedom of peaceful assembly in an un-interfered, unthreatened manner, in particular in the presence of a counter-protest or otherwise hostile audience: For instance young climate activists protesting on a street may require to be protected against aggression or attacks by angry car drivers caught in the traffic jam. Where assemblies turn into situations where there is violence or whether otherwise the use of force could become justified, children require particular care and protection:



Amnesty International, [“Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries”](#), 8 July 2024, EUR 01/8199/2024, p. 174

“They may be more easily intimidated, hence the use of force, in addition to posing a risk to their physical and psychological integrity, may have a chilling effect making them refrain

³⁷ Amnesty International, Dutch section, [Guidelines on the Right to Freedom of Peaceful Assembly](#), ACT 30/8426/2024, 2024, section 11.5.

from exercising their right of peaceful assembly. They are by nature less likely to present a serious threat and are more likely to suffer more serious consequences from the use of force. Children are also likely to suffer more serious physical and psychological harm than adults in cases of violence by others or the use of force by law enforcement officials. These consequences will more quickly outweigh the legitimate objective and render the use of force disproportionate (principle of proportionality). Hence, law enforcement officials should exercise particular care in the policing of assemblies and in the use of force. They should be more wary of presenting an intimidating appearance and should take precautions to avoid or minimize the use of force. Law enforcement agencies should instruct and train police officers in addressing children in a child-appropriate manner, avoiding the use of force, and exercising particular restraint in the use of any weapons and coercive policing tactics.”



Mexico: [Protocolo General de Actuación Policial](#), 2024, 4.9 Police action in the context of demonstrations and assemblies, p. 56:

“I. Guidelines for police personnel

In demonstrations involving children, adolescents, pregnant women, and elderly persons, the use of force beyond verbal persuasion or dissuasion is prohibited, except in cases where their lives or physical integrity are in danger.” (Translation by Amnesty International)

The dispersal of an assembly must always be a last resort. In such a situation, particular consideration must be given to appropriate communication with and protection of children.



United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association: [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#), A/HRC/55/60, 31 January 2024:

“77. Law enforcement should: [...]

a) Inform participants of the decision to disperse a protest in a clear, audible and understandable manner by providing specific reasons for dispersal, instructions on how to disperse safely, and reasonable timing for voluntary dispersal. Officers need to ensure that instructions are adapted to and accessible for individuals and groups in situations of vulnerability, including for children. [...]

d) Take measures to facilitate a safe and peaceful dispersal of the protest, with particular attention to the individuals and groups in situations of vulnerability, including children, providing them with additional assistance, when required.”

Where violence occurs, law enforcement must prioritize the protection of children against such violence as well as from the harmful effects of their use of force.³⁸ In the use of weapons in response to violence all considerations mentioned above in section 2.3 apply, in particular regarding the greater harm that certain weapons may cause in children than in adults.

38 UNICEF, [The Right to be Heard: Free and Safe Protest](#), 2023, section 4.3, p. 34.

7.3 CONCLUDING RECOMMENDATIONS FOR THE FACILITATION OF ASSEMBLIES INVOLVING CHILDREN

- ☑ Law enforcement agencies should implement a child-friendly approach in the planning, preparation and facilitation of assemblies.
- ☑ Appearance and communication should not be intimidating to children.
- ☑ The exceptional practice of containment should be avoided in assemblies with a large number of children present. Where the practice is unavoidable due to the level of violence prevailing, children inadvertently caught in the containment should be given assistance and be allowed to leave the area.
- ☑ Particular care is required to protect children in case of violence and when law enforcement officials have to resort to the use of force, including less lethal weapons, to avoid unnecessary or excessive harm to children (see above section 2 of this publication).
- ☑ Instructions and training must enable law enforcement officials to implement this approach in practice.
- ☑ Law enforcement agencies should use the approaches presented and recommendations made in UNICEF - [The Right to be Heard: Free and Safe Protest](#), 2023 as a benchmark and authoritative guidance.

8 ACCOUNTABILITY AND TRANSPARENCY

In view of the high level of responsibility and the great powers granted to them, law enforcement officials must at all times be accountable for the way they carry out their duties and how they exercise their powers.



United Nations Office on Drugs and Crime (UNODC), [Handbook on Police Accountability, Oversight and Integrity](#) (Criminal Justice Handbook Series), 2011, p. iv:

“Accountability is defined as a system of internal and external checks and balances aimed at ensuring that police carry out their duties properly and are held responsible if they fail to do so. Such a system is meant to uphold police integrity and deter misconduct and to restore or enhance public confidence in policing. Police integrity refers to normative and other safeguards that keep police from misusing their powers and abusing their rights and privileges.”

This accountability needs also to be ensured in relation to police interaction with children. Specific consideration should be given to the following areas:

- Accounting for their interaction through recordings, reports and data collection.
- Allowing external control and oversight of how they interact with children.
- Having child friendly proceedings in place for complaints by children and investigating all complaints thoroughly.

8.1 DATA COLLECTION OF INTERACTION WITH CHILDREN

Law enforcement agencies should establish a thorough system of recording their interaction with children. This would allow to identify any areas in need of attention and improvement. This applies in particular to the need to collect data on child stop and search, arrest and detention and use of force. Such data should be collected in an aggregated manner to also identify any discriminatory patterns for instance in relation to specific ethnic or other backgrounds of children. Having such data available would allow law enforcement agencies to assess whether in their work they sufficiently give attention to the child’s best interest in line with the standards set out in the previous chapters of this publication.



This is for instance recommended by the organisation **Strategies for Youth (SFY)**, 12 Model Law Enforcement Policies for Youth Interaction, [Model Policy 11: Data Collection](#), November 2023³⁹

“PURPOSE

Guide law enforcement agencies (LEAs or Agencies) in collecting data that informs them of interactions with youth, including for policy and training purposes. In addition, as discussed in more detail in Policy 12: Transparency and Accountability, LEAs should publicly post data on the reasons for and the frequency of law enforcement interactions with youth, to promote better understanding and to encourage public involvement.

POLICY: The first part of this policy promotes the regular and routine collection of accurate juvenile incident and arrest information using the standard National Incident Based Reporting System (NIBRS). To better understand the context of law enforcement interactions with youth, this policy directs agencies to create a records management system that includes:

- Data for all arrests of youth, including data on uses of force with youth;
- Calls for service involving youth;
- Calls for service to youth-serving organizations and facilities, including but not limited to schools and detention centers;
- Complaints by and on behalf of youth involved in officer-youth interactions; and
- Documenting of data on reported or observed youth characteristics, where available, including age (or approximation), race, ethnicity, gender, disability, and limited English proficiency (LEP).”

The policy also requires agencies to make data publicly available on their website.

8.2 POLICE OVERSIGHT AND COMPLAINTS SYSTEM

External oversight mechanisms should also be mandated and tasked to look into the way law enforcement agencies interact with children.



Sweden

For instance, for a number of years, the Ombudsman for Children in Sweden has been systematically listening to children and young people in vulnerable situations. To learn about how authorities apply the rights of children and young people on the basis of the UN Convention on the Rights of the Child (CRC), the Ombudsman for Children has visited a total of 13 police cell blocks and remand prisons around the country, asking questions about what happens and what a child thinks when he/she is deprived of liberty. In his report [From the inside: Children and young people on life in police cells and in remand prisons](#), 2013 he recommended a wide range of measures that should be taken to ensure compliance with the UN Convention of the Rights of the Child.

³⁹ In a similar vein the National Police Chiefs’ Council (UK), [Child Centred Policing: Best Practice Framework](#), requires law enforcement to monitor and scrutinise stop search data for under 18’s with particular emphasis on conversion rates, recognition of vulnerability and disproportionality.

In **Kenya**, the [Children Act No. 29](#), 2022, explicitly allows inspection of child protection units:

Section 64. Establishment of child protection units

“(1) The Inspector-General shall establish child protection units in every police station for the purposes of providing, on a temporary basis, a safe and non-threatening environment for children in conflict with the law. (2) The [Office of the] Secretary [of children services] may inspect children protection units established under subsection (1) to ascertain their compliance with the general standards prescribed for children’s institutions under this Act or any other written law.”

Child appropriate mechanisms should be established to facilitate complaints by children about interactions with police.



United Nations General Assembly, [United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice](#), A/RES/69/194, 18 December 2014, para. 34: [Member States are urged to....]

“(i) To establish accessible, child-appropriate and safe procedures for children to complain about incidents of violence during their arrest or interrogation or while in police custody; (j) To ensure that alleged incidents of violence against children during their contact with the police are independently, promptly and effectively investigated and that those alleged to have been implicated in violence against children are removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation”.



United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association: [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#), A/HRC/55/60, 31 January 2024:

“65: To protect and facilitate the right to freedom of peaceful assembly of individuals and groups in situations of vulnerability, which may include, women, children, indigenous peoples, migrants, persons of African descent, persons belonging to minorities, LGBTQI+ persons, persons with disabilities and others, law enforcement should: [...] e) Consider establishing specific complaint mechanisms within independent investigation units or oversight bodies, including the development of separate mechanisms for children and for victims of sexual and gender-based violence.”

Every complaint must be scrupulously investigated and be dealt with through appropriate responses and eventually sanctions.



South Africa, [Child Justice Act 75 of 2008](#), 2008, Article 28: Protection of children detained in police custody:

“(2) (a) If any complaint is received from a child or any other person during an arrest or while the child is in detention in police custody relating to any injury sustained or severe psychological trauma suffered by the child or if a police official observes that a child has been injured or is severely traumatised, that complaint or observation must, in the prescribed manner, be recorded and reported to the station commissioner, who must ensure that the child receives immediate and appropriate medical treatment if he or she is satisfied that any of the following circumstances exist – (i) There is evidence of physical injury or severe psychological trauma; (ii) the child appears to be in pain as a result of an injury; (iii) there is an allegation that a sexual offence as defined in section 1 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), has been committed against the child; or (iv) there are other circumstances which warrant medical treatment. (b) In the event of a report being made as referred to in paragraph (a), that report must, in the prescribed manner, as soon as is reasonably possible, be submitted to the Provincial Commissioner of Police concerned and a copy of

the report must be submitted simultaneously to the National Commissioner of Police, indicating (i) the nature of the injury sustained or severe psychological trauma suffered by the child; (ii) an explanation of the circumstances surrounding the injury or trauma; and (iii) a recommendation as to whether any further action is required. (c) A copy of the medical report, if applicable, must accompany the report by the station commissioner referred to in paragraph (b), and a further copy must be filed in the docket. (3) The station commissioner of each police station must keep a register in which prescribed details regarding the detention of all children in police cells or lock-ups must be recorded in a manner that entries regarding the detention of children are clearly distinguishable from those of adults. (4) The register may be examined by any person, as may be prescribed.”



Kenya: National council on the Administration of Justice – Special Taskforce on Children Matters, [Standard Operating Procedures for Child Protection Units](#), 2020, Section 2.5: Procedure for Complaints at a CPU:

“Every CPU shall have a complaints mechanism. The officer in charge of the CPU shall -

- a) ensure that there is a complaints process in place;
- b) inform the child of the process; and
- c) ensure that officers engaged at the CPU follow the process.

A child who wishes to present a complaint at a CPU may report orally to any of the following persons (if available) who shall record the complaint -

- a) the Officer Commanding Station;
- b) the Children’s Officer;
- c) any Police officer;
- d) the Director of Public Prosecutions;
- e) the Court;
- f) a Parent or Guardian;
- g) through the designated Child helpline (116); or



- h) an individual or officer of an agency involved in child welfare, or child protection services at the CPU. On receiving the complaint (if made to him or her), the officer in charge or other officer deployed at the CPU shall
- a) interview the child and record the complaint;
 - b) investigate the complaint with a view of resolution in the best interest of the child;
 - c) take such steps as may be necessary to address the issues raised in the complaint to the child's satisfaction;
 - d) record the action taken or decision made and inform the child accordingly; and
 - e) if necessary, refer the complaint to the appropriate child protection agency with the consent of the child, his or her parents or guardian; or
 - f) in any other case where the complaint is not adequately resolved at the station, escalate the complaint to the sub-county level."

8.3 CONCLUDING RECOMMENDATIONS ON ACCOUNTABILITY AND TRANSPARENCY

Law enforcement agencies should ensure full accountability and transparency in relation to their interaction with children. This should include:

- ☒ Accounting for their interaction through recordings, reports and data collection, in particular in relation to the use of force, stop and search, arrest and detention as well as investigations involving children as suspects, victims or witnesses of crime. Data should be disaggregated to allow to determine any potential discriminating patterns regarding the ethnic, religious or any other specific background of children.
- ☒ Independent external control and oversight mechanisms should be mandated and enabled to assess police interaction with children and issue recommendations whenever necessary.
- ☒ Law enforcement agencies should establish child friendly proceedings in place for complaints by children.
- ☒ All complaints about police interactions with children must be investigated independently, thoroughly and be followed by appropriate corrective measures and, where appropriate, sanctions.

9 SUMMARY OF RECOMMENDATIONS

In all their actions law enforcement officials need to comply with the fundamental human rights principles governing law enforcement:

- ☑ Legality and legitimate aim: all law enforcement action, in particular the exercise of powers, must have a basis in law. They must also pursue a legitimate law enforcement purpose as established in law.
- ☑ Necessity: Any interference with human rights must be necessary to achieve a legitimate law enforcement purpose and law enforcement officials must resort to the least interfering option at their disposal.
- ☑ Proportionality: The interference with human rights must not outweigh the legitimate objective to be achieved.
- ☑ Non-discrimination: Law enforcement may not discriminate any persons in relation to their age, citizenship, sexual orientation or gender identity and/or expression, race, colour, gender, language, religion, political or other opinion, national or social origins, property, birth or other status.
- ☑ Precaution: Law enforcement officials should take all available precautionary measures to ensure they are able to respect the afore-mentioned principles and to minimize interference with human rights, for instance how to prevent the need to resort to the use of force, and when they have to use force, how to minimize harm.
- ☑ Accountability: Law enforcement officials must account for all their actions and omissions, in particular where they are interfering with human rights.

All these principles apply in relation to all persons, including children. However, in light of the specific needs and vulnerabilities of children, international human rights law provides for additional safeguards and considerations. There must be a general recognition by law enforcement agencies of the duty to give utmost consideration for the vulnerabilities and best interest of the child (even if a child in conflict with the law) and very specifically in relation to the exercise of police powers and other forms of direct personal interaction – it is not sufficient just to apply the same concepts as for adults, even if this is with the generally understanding that the genuine application of the principles of necessity and proportionality may lead to different decisions being taken because the concerned person is a child.

In their overall approach towards children, law enforcement agencies must ensure that all their policies, regulations and instructions include specific considerations for the interaction of their members with children. These considerations must be guided by the principles of the best interests of the child, non-discrimination, child protection and the right of the child to be heard.

All training activities for law enforcement agencies should include the development of skills for interaction with children including child appropriate communication. Specific attention should be given to:

- ☑ The ability to assess the child's mental stage, including developmental challenges or disabilities and to respond in an appropriate manner;
- ☑ To the treatment of children with respect and empathy and to refrain from any form of discriminating behaviour or communication in any respect;
- ☑ The need to establish rapport and communicate in a child appropriate manner with a child;
- ☑ Avoiding intimidation and instilling fear in a child;
- ☑ The obligation to refer a child to the appropriate support services whenever needed.

In relation to the use of force regulations, instructions and training of law enforcement officials law enforcement agencies should emphasize the following aspects:

Domestic legislation, police regulations and instructions as well as skills oriented, scenario based practical training must go beyond merely copying and applying the same standards, concepts and considerations applicable to adult persons. They should include specific considerations for the resort to force by police against children, including:

- ☑ The careful assessment whether force is needed at all when interacting with a child.
- ☑ The understanding that since children generally pose a lower threat level than adults, a necessity and proportionality assessment in relation to children will be different from a similar assessment where adults are involved.
- ☑ The duty to avoid as much as possible the use of force through communication and de-escalation, child-appropriate language, body posture and obtaining support through the intervention of child specialists (for instance in a crisis situation).
- ☑ The understanding that non-compliance with a police order by a child should be judged differently, considering the child's level of maturity in terms of appropriately understanding a situation, assessing risks and consequences and making decisions accordingly.

- ☑ The existence of rules on the application of means of restraints (such as handcuffs) that differ from those applicable to adults. Bearing in mind the potentially traumatizing impact of their use this must be truly exceptional.
- ☑ Where unavoidable, a use of force that is balanced and careful to avoid unnecessary or excessive harm – and this should include due considerations for the psychological impact of the use of force on a child.
- ☑ The establishment of specific, particularly restrictive rules for the use of less-lethal weapons in relation to children: if, when and how to use them – or not - to avoid unnecessary and excessive harm as well as specific precautions required when confronting a child, in particular on how to minimize harm. Instructions must be weapon specific, explaining the risks a weapon may present for a child, for instance because of the smaller or slimmer body stature.
- ☑ Regulations should contain an explicit caution, that as a rule, weapons may not be used against children given that this is likely to violate the principles of necessity and proportionality.
- ☑ For the exceptional situation when the use of a weapon is unavoidable, law enforcement officials should be instructed and trained on how to avoid unnecessary and/or excessive harm to a child.
- ☑ Regarding the use of firearms, it must be made clear that it is generally highly unlikely that a child will present a level of risk that can justify the use of a lethal weapon.
- ☑ The continuous and rigorous monitoring of the use of force and weapons against children must be ensured to allow for full accountability and – where required – adaptation of policies, instructions, equipment and training.

In relation to the children in conflict with the law, irrespective of the legal framework governing child criminal justice, law enforcement agencies need to establish an operational framework on how law enforcement officials should interact with such children.

Such an operational framework should consist of regulations, policies and instructions as well as teaching and training on how to implement them effectively in practice. This should include:

- ☑ Law enforcement officials should as much as possible avoid arresting a child and they should be given objective criteria at hand to make an appropriate decision in that regard.
- ☑ Where unavoidable, they should be instructed to talk to a child in an appropriate manner with a view to prevent instilling unnecessary fear or trauma to the child as a result of the arrest. Law enforcement officials should receive training on how to communicate with the child in such a situation.

- ☑ They must be held accountable for following all legal provisions established to safeguard the child's best interests and well-being.
- ☑ As a rule, children should not be detained in police stations and provisions need to be made where to place a child in the case of an arrest. Where there are no other external facilities, law enforcement agencies must ensure that the location where a child is detained is child appropriate and does not exacerbate the mental suffering of the child already caused by the arrest.

Law enforcement agencies should establish clear rules on the stop and search of children.

- ☑ Stop and search should only be allowed in case of a reasonable suspicion and only if unavoidable given the harmful impact of such interventions on the psychological wellbeing of the child.
- ☑ The reasons for the stop and the search should be carefully explained to the child and the tone should be non-threatening.
- ☑ They must be non-discriminating in terms of reasons for the stop as well as in the manner the stop and searches are carried out.
- ☑ They should as much as possible be carried out in a way that the child is protected from the views of the public to prevent unnecessary embarrassment.
- ☑ Searches should be carried out by a person of the same self-identified gender of the minor.
- ☑ Strip searches should generally be prohibited. In the exceptional case that such a search is unavoidable, it should be authorized by a superior official, only be conducted inside a building, protecting the child from the view of any other people, by a person specifically trained to carry out such a search in a manner that reduces to a maximum its humiliating impact and without causing any pain or avoidable discomfort.

The interviewing of children requires specific regulations and guidance for law enforcement officials:

- ☑ Interviewing in the best interest of the child requires law enforcement officials not to prioritize the information gathering, including how to retrieve the maximum and most reliable information from the child, but rather by the duty not to harm the child – irrespective whether it is a suspect, victim or witness interview.
- ☑ Interviewing children must be subject to specialist procedures and undertaken by specially-trained interviewers, and these procedures need to be clearly formulated in regulations, instructions and law enforcement training

- ☑ The rights of the child as a suspect or victim of crime must be respected at all times.
- ☑ The presence of a person during interviewing, such as a parent, legal guardian or counsel during interviewing, who is responsible to ensure that the child's rights and best interests are respected and protected, should be obligatory.
- ☑ Law enforcement officials need to be instructed and trained how to ask questions to a child, taking into consideration the child's limited maturity and particular vulnerability to suffer physical and psychological harm, and even trauma, when interacting with law enforcement officials.
- ☑ There should be rules about where an interview should take place, by whom and how questions should be asked, and that repeated interviews should be avoided.
- ☑ Law enforcement officials should be trained accordingly to such regulations.

Concluding recommendations for facilitation of assemblies involving children:

- ☑ Law enforcement agencies should implement a child-friendly approach in the planning, preparation and facilitation of assemblies.
- ☑ Appearance and communication should not be intimidating to children.
- ☑ The exceptional practice of containment should be avoided in assemblies with a large number of children present. Where the practice is unavoidable due to the level of violence prevailing, children inadvertently caught in the containment should be given assistance and be allowed to leave the area.
- ☑ Particular care is required to protect children in case of violence and when law enforcement officials have to resort to the use of force, including less lethal weapons, to avoid unnecessary or excessive harm to children.
- ☑ Instructions and training must enable law enforcement officials to implement this approach in practice.
- ☑ Law enforcement agencies should use the approaches presented and recommendations made in UNICEF - [The Right to be Heard: Free and Safe Protest](#), 2023 as a benchmark and authoritative guidance.

Law enforcement agencies should ensure full accountability and transparency in relation to their interaction with children. This should include:

- ☑ Accounting for their interaction through recordings, reports and data collection, in particular in relation to the use of force, stop and search, arrest and detention as well as investigations involving children as suspects, victims or witnesses of crime. Data should be disaggregated to allow to determine any potential discriminating patterns regarding the ethnic, religious or any other specific background of children.
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- ☑ All complaints about police interactions with children must be investigated independently, thoroughly and be followed by appropriate corrective measures and, eventually, sanctions.

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POLICE AND CHILDREN

AMNESTY INTERNATIONAL NETHERLANDS

POLICE AND HUMAN RIGHTS PROGRAMME THEMATIC (SHORT) PAPER NO. 5

Police in their daily work mainly deal with adult people, which means that their policies, instructions, and manner in which they approach people, through words and actions, are designed in relation to adults. However, they also interact in many circumstances with children and are often not prepared, able or willing to take into account the specific situation and circumstances of children who are particularly at risk of suffering negative consequences to their mental and physical well-being as a result of their contact with the police.

Discrimination, unnecessary and excessive use of force, threats and harassment – these are just a few of the violations we frequently observe in relation to children

The present publication, that covers a wide range of areas of police work – use of force, arrest and detention, stop and search, policing assemblies, interviewing – seeks to explain the specific considerations that should apply in relation to children to ensure utmost respect for their human rights and well-being. It aims to inform human rights activists and the wider human rights community as well as to draw the attention of law enforcement agencies on how to fulfil their obligation to give utmost priority to a child's wellbeing when they interact with children.

The Police and Human Rights Programme aims to enhance knowledge and understanding of the police & policing within the Amnesty International movement – and the wider human rights community – in order to become more effective when targeting the police or police related issues. We also offer training to human rights advocates on Police and Human Rights and facilitate strategy workshops.

For more information, please consult the website of the Police and Human Rights Programme: www.amnesty.nl/policeandhumanrights

