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ARTICLE 6 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS (RIGHT TO A FAIR TRIAL) IN JUVENILE CASES

Abstract

The purpose of the article is to determine whether the guarantees of Article 6 of the ECHR in the form of the right to a fair criminal trial are available in juvenile proceedings, including in the welfare model. In addition, the goal was to examine what impact international standards have had on Polish law in this regard. The article uses the formal-dogmatic method and, to a limited extent, the legal-comparative method. The article shows that the right to a fair criminal trial guaranteed by Article 6 of the ECHR also applies in juvenile proceedings. Even in legislatures that adopt a welfare model, if the Engel test leads to the conclusion that the case is criminal in nature, the guarantees apply. The impact of Article 6 of the ECHR on the criminal law of individual countries is shown on the example of Polish legislation, presenting changes in Polish law as a consequence of ECtHR judgments.

Keywords: *juveniles, procedural rights, ECtHR, ECHR, fair trial, criminal charge*

Introduction

The aim of the article is to determine whether the guarantees of Article 6 of the ECHR in the form of the right to a fair criminal trial are available in juvenile proceedings, including in the welfare model. In addition, the goal was to examine what impact international standards have had on Polish law in this regard. The article will use the formal-dogmatic method. To a small extent, the comparative method and the historical-legal method (in order to indicate the changes taking place) have been used. First, the basic models of juvenile law will be presented. Then, the guarantees of Article 6 of the ECHR in the criminal aspect will be briefly discussed. The basic question is whether the guarantees of Article 6 of the ECHR regarding a criminal case will apply to juvenile cases that have not been classified as *criminal* in the relevant legal system. The ECTHR jurisprudence will then be analyzed in terms of the criteria for establishing repressive liability. Finally, the article examines the impact of international standards on national juvenile justice systems using Poland as an example.

Models of juvenile law

At the turn of the 19th and 20th centuries, when juvenile law was separated from criminal law for adults, two basic models of juvenile law were developed: the welfare-oriented model and the justice-oriented model (Stańdo-Kawecka, 2007-2008, p. 418). Later, other models were also developed, such as the minimum intervention model, the restorative justice model, or the neo-correctionalist model, but in order to simplify matters I will make reference to the original dichotomous division.

The welfare-oriented model is based on a positivistic approach which assumes that juvenile delinquency is determined by social or environmental factors (Dignan, p. 3). Juvenile perpetrators of prohibited acts are perceived as victims of inappropriate educational conditions for which they are not responsible. Consequently, the aim of proceedings in juvenile cases is to provide them with appropriate assistance and education. When choosing appropriate measures applied to juveniles, the best interests of minors should be taken into account, but the type and gravity of the act committed are not important for the selection of appropriate measures (Stańdo-Kawecka, 2007-2008, p. 418). The proceedings are informal. Since the proceedings aim to protect the minor's good, they do not need procedural guarantees that may make it difficult to establish contact with a minor based on mutual trust. Juvenile courts or commissions have wide discretion to protect the best interests of the child. Measures applied to minors are individualized. The duration of application of the measure shall not be pre-determined, their execution ceases when the perpetrator reaches a certain age, and in the course of their execution they may be modified (Stańdo-Kawecka, 2007-2008, p. 419).

The justice-oriented system arises from the assumptions of the classical school of criminal law. Juvenile perpetrators of prohibited acts committed after exceeding the lower age limit of minors are treated, although with certain limitations, as persons capable of making decisions and responsible for their choices. Measures applied to minors are a reaction to the committed act, not the needs of the perpetrator. They are proportional to the gravity of the act and imposed for a specified period of time. These measures may resemble sanctions imposed on adults. In this regard, minors are provided with rights

and procedural guarantees to protect them from abuse by the judicial authorities (Stańdo-Kawecka, 2007-2008, p. 420).

It is also possible to identify a division into single-track and dual-track systems. The basis of the division is the organizational separation of custodial cases involving children and non-offending youth from cases of offenses committed by juveniles (Stańdo-Kawecka, 2007-2008, p. 420). In single-track systems, the same legal act and the same authorities also deal with children and youth in a situation of danger for reasons other than the committing of an act prohibited by criminal law. In dual-track systems, the application of measures to respond to criminal acts of minors is regulated separately, and the prevention of manifestations of social maladjustment of minors that do not find expression in the commission of criminal acts is regulated separately (Marek, 2007-2008, s. 384-385). For example, truancy, drinking alcohol, vagrancy are considered pre-criminal behavior. There is some correlation between the adoption of the welfare model and the criminal justice model and the one-track and two-track system, but these considerations are beyond the scope of this paper.

Article 6 of the ECHR in juvenile cases

There are many international documents setting standards of conduct in juvenile cases. These include both legal acts regulating human rights in general, as well as legal acts that specifically relate to the protection of children's rights. Moreover, acts of general application may also contain standards relating to children's rights (Mączyńska, 2017, p. 60). One of the most important documents regarding the protection of individual rights is the European Convention on Human Rights. It protects human rights in a special way, as it provides for the possibility of monitoring their compliance by state parties, and anyone who has been harmed by a violation of these rights is entitled to initiate such control by submitting an individual complaint to the European Court of Human Rights (Mączyńska, 2017, p. 63-64).

The European Convention on Human Rights explicitly refers to minors only in Article 5 § 1 (d) which permits the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose

of bringing him before the competent legal authority. When it comes to minors, the following also deserve special attention: Article 3 (providing the right to freedom from torture and inhumane or degrading treatment or punishment), Article 6 (the right to a fair trial), Article 8 (the right to respect for private and family life, home and correspondence). I would like to focus on Article 6 of the ECHR because it generates the most extensive case law of the ECtHR and it also has had a direct impact on Polish juvenile law.

It is worth noting that the right of a minor to fair trial was also emphasized in soft-law instruments, like Recommendation R(87)20 on social reactions to juvenile delinquency (at the beginning of this document, it is said that: *minors must be afforded the same procedural guarantees as adult*) or Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice of 17 November 2010 (Mączyńska, 2017, p. 91).

The right to a fair trial protected by Article 6 is the foundation of a democratic rule of law. Article 6 of the ECHR is also the subject of very rich case-law, although there are relatively few cases involving minors (Czyż, 2019, p. 18).

Article 6 (1) of the ECHR includes fair trial guarantees like: the right to a trial by an independent and impartial tribunal established by law, the right to a trial within reasonable time. Article 6 (2) of the ECHR includes guarantees, that everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law. According to Article 6 (3) everyone charged with a criminal offence has the following minimum rights: to be informed promptly of the nature and cause of the accusation against him in a language which he understands; to have adequate time and facilities for the preparation of his defence; to defend himself in person or through legal assistance; to examine or have examined witnesses against him; to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Although they are not specifically mentioned in Article 6, the ECtHR has developed guarantees like: the right to remain silent or effective participation. Issues that generate child-specifc case law concern mainly the right to effective participation and the right to access a lawyer.

An aspect concerning lack of effective participation may arise with regard to the children in trial proceedings. The examples might be the cases of both V. and T. against the United Kingdom (V. v. the United Kingdom [GC], 1999,

T. v. UK, No. 24724/94). Both defendants, when they were ten years old, had abducted a two-year-old boy and battered him to death and left him on a railway line to be run over. Their trial was conducted with the formality of an adult criminal trial, although the procedure was, modified in view of their age. Their parents and lawyers were seated nearby. The hearing times were shortened. During adjournments the defendants were allowed to spend time with their parents and social workers in a play area (V. v. the United Kingdom [GC], 1999, § 7, § 9) The trial was accompanied by massive publicity. In the courtroom, public gallery and the press benches and were full. The Court held that *it cannot be said that the trial on criminal charges of a child, even one as young as eleven, as such violates the fair trial guarantee under Article 6 § 1*. However the Court noted *that it is essential that a child charged with an offence is dealt with in a manner which takes full account of his age, level of maturity and intellectual and emotional capacities, and that steps are taken to promote his ability to understand and participate in the proceedings*. Also, *in respect of a young child charged with a grave offence attracting high levels of media and public interest, it would be necessary to conduct the hearing in such a way as to reduce as far as possible his or her feelings of intimidation and inhibition* (V. v. the United Kingdom [GC], 1999, § 87).

But this is the example of trial on criminal charges of a child. The question is whether the Article 6 in its criminal limb will apply to a system of treatment of minors similar to the welfare model? Could a case of minor not labelled as *criminal* under the relevant legal system, be regarded as criminal for the purpose of the guarantees afforded by the ECHR?

Several rights guaranteed by the ECHR are applicable in *criminal case*. In first paragraph of Article 6 of the Convention, there is the term *criminal charge* (*accusation en matière pénale* in the French version), and in paragraphs 2 and 3 the term *charged with a criminal offence* (*accusé d'une infraction* and *accusé*). There are more provisions in the ECHR that grant more guarantees if the case is of a criminal nature. For example Article 7 of the Convention, providing for the prohibition of punishment without legal basis, uses the terms *criminal offence*, as well as *held guilty* and *penalty*. In Article 4 of Protocol No. 7, introducing the principle *ne bis in idem*, the terms *criminal proceedings* and *offence* (as well as *penal procedure*) appear.

The rights guaranteed by the ECHR under Article 6 in criminal matters apply only if the case is of a criminal nature. This means that a minor will be covered by the Convention's guarantees if it is recognized that the case is criminal (Czarnecki, 2016, p. 47).

There is no definition of a *criminal case* in the Convention. A case not designated as *criminal* in the domestic legal order may be considered criminal within the meaning of the Convention and subject to its guarantees if the Engel standard is met. It is worth recalling that the applicants in this case were soldiers punished by disciplinary measures, including a few days' detention of minor gravity. The disciplinary case was not considered criminal under current national law. Nevertheless, the Court considered it a criminal offense (Engel and Others v. the Netherlands, June 8, 1976, Series A No. 22). The Court stressed that if States had the discretion to classify an offense as disciplinary rather than criminal, the application of the guarantees provided for in Articles 6 and 7 would be subject to their sovereign will, which could lead to results incompatible with the purpose and object of the Convention.

The autonomous understanding of the concept of a criminal case works one-way. The classification of an act as a crime in the domestic legal system is binding on the Court and entails the application of Articles 6 and 7 of the Convention. If the act is an administrative offence, the question of assessment under the ECHR remains open – the criteria of basing liability on the principle of guilt and severity of punishment then apply. The Court argued that: *The prominent place held in a democratic society by the right to a fair trial favours a „substantive*, rather than a *formal*, conception of the *charge* referred to by Article 6; it impels the Court to look behind the appearances and examine the realities of the procedure in question in order to determine whether there has been a *charge* within the meaning of Article 6 (…)" (Adolf v. Austria, 26 March 1982, series A no.49, § 30).

The autonomous interpretation of the concept of *criminal case* viewed through the Engel criteria has contributed to the gradual widening of the scope of criminal case-law to include matters outside traditional criminal law (Jussila v. Finland [GC], no.73053/01, ECHR 2006-XIV, § 43), including juvenile cases.

Engel's criteria are: the qualification of the act under domestic law, the nature of the act, and the nature and severity of the punishment that may be imposed (Engel and Others v. the Netherlands, 8 June 1976, Series A no.22, § 82). The first of these is relative and is the starting point for assessing a case as criminal (Gestur Jónsson and Ragnar Halldór Hall v. Iceland [GC], 2020, §§ 85; Theilen, 2021, pp. 288-289). If the act is criminal under domestic law, the case is considered criminal. This is usually easy to determine, although the location of the provision can sometimes be misleading. Examination of further criteria takes place when a case is not considered criminal under domestic law (Guran, 2019, p. 163).

The second criterion (nature of the act) is more important. In analysing it, the Court for example examines whether the norm is addressed to the general public (Bendenoun v. France, 24 February 1994, Series A no.284, § 47), whether the regulation has a repressive or deterrent purpose (Lauko v. Slovakia, 2 September 1998, § 58; Bendenoun v. France, 24 February 1994, Series A no.284, § 47), whether the legal norm is intended to protect the general interests of society, usually protected by criminal law (Produkcija Plus Storitveno podjetje d.o.o. v. Slovenia, 2018, § 42).

The third criterion is the nature and severity of the punishment that may be imposed (Demicoli v. Malta, 27 August 1991, Series A no.210, § 34). As a general rule, sanctions consisting of imprisonment or subject to conversion to imprisonment in the event of non-enforcement are criminal in nature (Hofmański, Wróbel, nb 78). The Court has confirmed many times, that *in a society subscribing to the rule of law, where the penalty liable to be and actually imposed on an applicant involves the loss of liberty, there is a presumption that the charges against the applicant are criminal, a presumption which can be rebutted entirely exceptionally, and only if the deprivation of liberty cannot be considered appreciably detrimental given their nature, duration or manner of execution* (Zolotukhin v. Russia, § 56; Ezeh and Connors, § 126).

As a rule, the second and third criteria are used alternatively. The cumulative use of criteria is not excluded if a separate analysis of each criterion does not give clear results (Kasparov and Others v. Russia, § 40).

Article 6 of the ECHR in its criminal limb has been applied to several youth justice cases (Leenknecht; Put., 2020, p. 155). In Blokhin v. Russia [GC],

2016 (§§ 179-182) a juvenile was questioned by the police without adequate legal guarantees and then placed in a temporary detention centre for juvenile offenders for thirty days. The domestic authorities refused to institute criminal proceedings against the applicant because he was under the statutory age of criminal responsibility and the proceedings against him were not classified as criminal under domestic law. The Court found Article 6 to be applicable in the proceedings. The Court found that the placement in a temporary detention centre for juvenile offenders amounted to a deprivation of the applicant's liberty and there is therefore a presumption that the proceedings against the applicant were *criminal* within the meaning of Article 6, a presumption which was rebuttable only in entirely exceptional circumstances and only if the deprivation of liberty could not be considered *appreciably detrimental* given its nature, duration or manner of execution.

The Court has explained that *On no account may a child be deprived of important procedural safeguards solely because the proceedings that may result in his deprivation of liberty are deemed under domestic law to be protective of his interests as a child and juvenile delinquent, rather than penal* (Blokhin v. Russia [GC], 2016 , § 196).

To sum up, *The ECtHR thus even considers the more welfare-oriented and protection-oriented youth justice systems as criminal, because their educative and correctional measures can also consist of a deprivation of liberty in closed settings, sometimes even for an indeterminate period of time and can therefore be as afflictive as a criminal penalty. In that way, any division between youth justice systems based on national labels is removed, which is essential to allowing everyone to invoke the rights on a fair trial provided for by art 6 ECHR in the same way* (Leenknecht, Put, 2020, p. 155).

The impact of article 6 of ECHR on the juvenile law on the example of Polish law

The juvenile justice system in Poland is an example of a paternalistic and welfare approach to juvenile justice. *This does not mean necessarily that the welfare-oriented Polish system of juvenile justice is a nonpunitive one* (Krajewski, 2014, p. 1).

On September 1, 2022, the Act of June 9, 2022, on supporting and rehabilitating minors entered into force[1]. It replaced the Act on the treatment of juveniles, which was in force in Poland for over 39 years. The Act on the treatment of juveniles of 26 October 1982 entered into force on 13 May l983.[2] New act maintains the current caring model of treating minors. Both acts adopt a single-track approach to minors showing signs of demoralization and committing criminal acts. According to V. Konarska-Wrzosek, it demonstrated *the system's focus on minors in danger, and not on minors guilty of violations of the legal order, and on proper care and upbringing, and not on punishing or applying other means of retribution for reprehensible act* (Konarska-Wrzosek, 2017, p. 177). In both acts, the primacy of the educational function is clearly visible, but it is also possible to notice significant interference in the personal sphere of a minor, and therefore some repressive elements (Czarnecki, 2016, p. 51).

The Act of August 30, 2013 significantly amended the entire Act on the treatment of juveniles[3]. The direct cause of changing the Act was the judgment of ECtHR in Adamkiewicz v. Poland (Mączyńska, 2007, p. 64).

It should be noted that this is not the only ECtHR ruling issued in a Polish juvenile case. In another ruling, in Grabowski (Application No. 57722/12 of 2015) v. Poland, the Court considered the lack of periodic control over the legitimacy of a juvenile's detention in a juvenile shelter. The case concerns Article 5 ECHR 5.1 lit. d., therefore it will be omitted here.

In the case of Adamkiewicz v. Poland (application no. 54729/00 of 2010) the applicant, 15-year-old P.A. was detained and interrogated by the police in connection with the murder of M.S., a 12-year-old boy whose body had been found that day near the block where he lived. During a 5-hour interrogation without a lawyer, he first denied any involvement in the murder and later admitted to it. He was placed in a shelter for minors for the duration

of the investigation. Both the lawyer and the parents had limited contact with the minor. The complainant alleged a violation of Art. 6 of the Convention (right to a fair trial) in connection with, among others, limited access to a lawyer and the fact that the same judge conducted the preliminary proceedings in the applicant's case investigation also set on the panel of judges in the family court which heard the case at a later stage.

The Court took into account that the applicant had not been informed by his lawyer of his right to remain silent until six weeks after the proceedings had begun and he had been placed in a in a shelter for minors. Due to his age, the applicant was not aware of his right to appoint a defense lawyer. The Court therefore held that the considerable restrictions on the applicant's defence rights had amounted to a violation of Article 6 § 3 (c) taken in conjunction with Article 6 § 1.

This case contributed to the amendment of the Act on the treatment of juveniles. According to the justification for the draft amending act of August 30, 2013, the aim of the project was to adapt the juvenile law to the case law of the European Court of Human Rights.

The changes have attracted some criticism (see Korcyl-Wolska, 2013). Previously, there were opinions in the doctrine that in cases of criminal acts, the provisions of the Act of June 6, 1997 – Code of Criminal Procedure should be appropriately applied, in particular because they would provide minors with the necessary procedural guarantees (Mierzwińska-Lorencka, 2023, p. 611). Meanwhile, the amendment to the Act excluded the criminal aspect of the Act and the proceedings were based on civil procedure (P. Górecki, 2022, p. 90-100).

At the same time, however, taking into account the need to implement international guarantees, the legislator decided to expand some provisions in order to strengthen the protection of the minor's fundamental rights (Mierzwińska-Lorencka, 2023, p. 613). The legislator decided on a solution consisting in granting rights to the minor, especially in the field of the right to defense. The provisions of the Act on the treatment of juveniles clearly mention the rights of minors in order to implement international standards resulting from the case law of the ECtHR (Czarnecki, 2016, p. 57).

These regulations were continued in the new Act of June 9, 2022, on supporting and rehabilitating minors. For example, Article 36 of the Act on supporting and rehabilitating minors (similar to Article 18a of the Act on the treatment

of juveniles) imposes an obligation on the authority to inform the minor about his defense rights, including: the right to use the assistance of a public defender and the right to submit an application for the appointment of a public defender in the event of financial difficulties and inability to incurring the costs of defense by choice or due to other circumstances, the right to provide explanations or answers to individual questions, the right to refuse to provide explanations or answers to individual questions, and the right to use the free assistance of an interpreter and a sign language interpreter if the minor does not speak sufficient Polish language. The Act also requires that the instruction be given immediately after the detention of the minor and before the first interrogation or hearing (Article 48(3) and Article 36(2) of the Act on supporting and rehabilitating minors). According to Article 36 section 2 *in fine* the lack of such an instruction or an incorrect instruction may not result in any adverse consequences to the minor (Mierzwińska-Lorencka, 2023, p.615).

Conclusions

It is necessary to agree with the thesis that any European system of dealing with minors, regardless of whether it will be welfare or criminal in nature, should take into account the specific standards of the European Convention on Human Rights, and the case law of the ECHR can be regarded as good guidance and guidelines to help interpret the Convention principles (Czyż, 2019, p. 32).

There is no doubt that the jurisprudence of the ECHR, which is binding on the parties to the Convention, plays an important role in shaping the domestic law of the signatory states, including Poland, as evidenced, for example, by the amendment of the 2013 of the Act on the treatment of juveniles and the increase in guarantees for juveniles. The provisions of the Polish law explicitly list the rights of the juvenile, implementing international standards and those arising from ECHR case law.

References

Czarnecki, P. (2016). *Status nieletniego w postępowaniu w sprawach nieletnich*, 9, Przegląd Sądowy.

Czyż, E. (2019). *Case-law of the European Court of Human Rights in juvenile cases. Selected cases*, 584(9). 18-32, Issues in Childhood Care and Education, https://doi.org/10.5604/01.3001.0013.6018

Dignan, J. (2004). *Juvenile Justice Systems: A Comparative Analysis*, https://www.oijj.org/sites/default/files/documentos/documental_1263_en.pdf

Górecki, P. (2022). *Pokrzywdzony w postępowaniu w sprawach nieletnich. Uwagi na tle decyzji Europejskiego Trybunału Praw Człowieka z 10.03.2020 r., 58558/13, Waresiakowie przeciwko Polsce*, nr 1, Przegląd Sądowy.

Guran, M. (2019). *Short Considerations on the Scope of the Right to a Fair Trial Provided by Art. 6 of the ECHR – The Concept of Criminal Charge*, 2, pp. 157–165, Law Review

Hofmański, P., Wróbel, A. (2019). *Komentarz do art. 6 Konwencji o Ochronie Praw Człowieka i Podstawowych Wolności* (w:) L. Garlicki (red.) Konwencja o Ochronie Praw Człowieka i Podstawowych Wolności. Komentarz, t. 1, Legalis/el.

Konarska-Wrzosek, V. (2017). *Odpowiedzialność/nieodpowiedzialność nieletnich* (w:) R. Dębski (red.) *System Prawa Karnego*, t. 3, *Nauka o przestępstwie. Zasady odpowiedzialności*, Warszawa.

Korcyl-Wolska, M. (2013). *Opinia z 8.04.2013 r. w przedmiocie projektu ustawy o zmianie ustawy o postępowaniu w sprawach nieletnich oraz ustawy – Prawo o ustroju sądów powszechnych*, http://orka.sejm.gov.pl/RexDomk7.nsf/0/E5CBE2E94F7B4AB0C1257B2C003F4EC4/$file/i595-13.rtf (dostęp: 30.06.2024)

Krajewski, K. (2014). *Juvenile Justice in Poland*, (pp. 1–17). https://doi.org/10.1093/oxfordhb/9780199935383.013.012

Leenknecht, J., & Put, J. (2020). *The position of youth justice in EU criminal law: No game for kids*, 11(2). 135-160, New Journal of European Criminal Law, https://doi.org/10.1177/2032284420911093

Marek, A. (2007-2008). *Uwagi o reformie prawa dotyczącego nieletnich*, tom XXIX-XXX, Archiwum Kryminologii.

Mączyńska, M. (2017). *Prawo nieletniego sprawcy czynu zabronionego do rzetelnego procesu sądowego na tle obowiązujących i projektowanych przepisów prawa polskiego oraz standardów międzynarodowych*. Rozprawa doktorska, Kraków, https://repozytorium.ka.edu.pl/handle/11315/28073, dostęp: 30.06.2024.

Mierzwińska-Lorencka, J. (2023). *Kilka uwag na temat gwarancji procesowych nieletnich w postępowaniach sądowych* (w:) J. Bojarski, N. Daśko, J. Lachowski, T. Oczkowski, A. Ziółkowska (red.) *Współczesne oblicze prawa karnego, prawa wykroczeń, kryminologii i polityki kryminalnej. Księga jubileuszowa dedykowana Profesor Violetcie Konarskiej-Wrzosek*, Warszawa.

Stańdo-Kawecka, B. (2007-2008). *Założenia modelowe i standardy międzynarodowe dotyczące nieletnich sprawców przestępstw*, t. XXIX–XXX, Archiwum Kryminologii.

Theilen, J. T. (2021). *European consensus between strategy and principle. The Uses of Vertically Comparative Legal Reasoning in Regional Human Rights Adjudication*, pp. 288-289, Nomos, https://www.echr.coe.int/documents/d/echr/THEILEN-2020-European_consensus_between_strategy_and_principle

Jugements

Adolf v. Austria, 26 March 1982, series A no.49.
Bendenoun v. France, 24 February 1994, Series A no.284.
Blokhin v. Russia [GC], no. 47152/06, 23 March 2016.
Demicoli v. Malta, 27 August 1991, Series A no.210.
Engel and Others v. the Netherlands, 8 June 1976, Series A no.22.
Gestur Jónsson and Ragnar Halldór Hall v. Iceland [GC], 2020.
Grabowski v. Poland, complaint no. 57722/12 of 2015.
Jussila v. Finland [GC], no.73053/01, ECHR 2006-XIV.
Kasparov v. Russia, no. 53659/07, 11 October 2016.
Lauko v. Slovakia, 2 September 1998.
Produkcija Plus Storitveno podjetje d.o.o. v. Slovenia, 2018.
Sergey Zolotukhin v. Russia [GC], no.14939/03, ECHR 2009.
T. v. UK, No. 24724/94, judgment of 16 December 1999.
V. v. the United Kingdom [GC], 1999, European Court of Human Rights (Grand Chamber), judg-ment of 16 December 1999.

Legal acts

Ustawa z 26 października 1982 r. o postępowaniu w sprawach nieletnich (t.j. Dz. U. z 2018 r. poz. 969, z 2022 r. poz. 1700).
Ustawa z 30 sierpnia 2013 r. o zmianie ustawy o postępowaniu w sprawach nieletnich oraz niektórych innych ustaw (Dz. U. 2013 poz. 1165).
Ustawa z 9 czerwca 2022 r. o wspieraniu i resocjalizacji nieletnich (Dz. U. 2022 poz. 1700).

Other

Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice of 17 November 2010, https://rm.coe.int/16804b2cf3, dostęp: 30.06.2024
Recommendation R(87)20 on social reactions to juvenile delinquency, https://rm.coe.int/16804e313d, dostęp: 30.06.2024

Endnotes

[1] Ustawa z 9 czerwca 2022 r. o wspieraniu i resocjalizacji nieletnich (Dz. U. 2022 poz. 1700).
[2] Ustawa z 26 października 1982 r. o postępowaniu w sprawach nieletnich (t.j. Dz. U. z 2018 r. poz. 969, z 2022 r. poz. 1700).
[3] Ustawa z 30 sierpnia 2013 r. o zmianie ustawy o postępowaniu w sprawach nieletnich oraz niektórych innych ustaw (Dz. U. 2013 poz. 1165).