



Child Protection Model Law

Best Practices:

**Protection of Children from Neglect, Abuse, Maltreatment, and
Exploitation**

January 2013

Chapter 1 – Principles and Definitions.	5
Article 1 – Objectives of the Law.	5
Article 2 – Definitions.	6
Article 3 – Scope of Protection.	7
Article 4 – Principles.	7
Article 5 – International Law.	9
Chapter 2 – Implementation and Application.	10
Article 6 – National Child Protection Policy and Highest Child Protection Agency.	10
Article 7 – Research, Prevention, Training Activities, and Technical Assistance.	11
Article 8 – Child Protection Committees.	12
Article 9 – Child Protection Service Providers.	12
Article 10 – Licensing and Training for Child Protection Service Providers.	13
Article 11 – Financial Responsibilities for HCPA and Child Protection Committees.	13
Article 12 – International Cooperation.	13
Chapter 3 – Child Protection Measures.	15
Article 13 – Formal Response System and National Child Helpline.	15
Article 14 – Reporting Obligations.	15
Article 15 – Investigation and Intervention Obligations; Order of Removal.	16
Article 16 – Safety Order and Supervision Order.	16
Article 17 – Right to Safe Accommodation and Alternative Care.	17
Article 18 – Administration and Monitoring of Alternative Care.	17
Article 19 – Principles of Alternative Care.	18
Article 20 – Adoption and its Functional Equivalents.	19
Article 21 – Medical and Psychological Assistance, Rehabilitation and Reintegration Measures.	19
Article 22 – Legal Assistance and Access to Justice.	20
Article 23 – Sanctions for Crimes against Children.	20
Article 24 – Right to Full Compensation.	21
Article 25 – Forfeiture of Assets.	22
Article 26 – Victim Compensation Fund.	22
Chapter 4 – Protection of Children in the Family and Community.	23
Article 27 – Family Responsibilities.	23
Article 28 – State Responsibilities.	23
Article 29 – Children Deprived of a Protective Family Environment.	24
Article 30 – School and Vocational Training.	24

Article 31 – Prohibition of Corporal Punishment.	25
Article 32 – Protection of the Right to Privacy.	25
Article 33 – Leisure and Play.	26
Article 34 – Harmful Customary Practices.	26
Article 35 – Health.	26
Article 36 – Narcotic Drugs and Other Harmful Substances.	27
Article 37 – Public Locations and Entertainment Events.	27
Article 38 – Media.	28
Article 39 – Children belonging to Minority Groups.	28
Article 40 – Children with Disabilities.	29
Article 41 – Prohibition of the Abduction, Sale of, and Trafficking in Children.	30
Chapter 5 – Protection of Children from Sexual Exploitation.	32
Article 42 – Protection of Children from Sexual Abuse and Sexual Exploitation.	32
Article 43 – Prohibition of the Use of Children in Prostitution.	32
Article 44 – Prohibition of Child Sex Tourism.	33
Article 45 – Prohibition of Child Pornography.	33
Article 46 – Dealing with Child Pornographic Contents and Materials.	34
Article 47 – The Principle of Non-Punishment of the Child Victim.	34
Article 48 – Jurisdiction, Extradition, Liability, and Cooperation.	35
Chapter 6 – Protection of Children from Economic Exploitation.	36
Article 49 – Principles of Children’s Work.	36
Article 50 – Minimum Age for Employment of Children.	36
Article 51 – Prohibition of Harmful, Hazardous, and Indecent Work.	37
Article 52 – Obligations of the Employer.	37
Article 53 – Regulation of Working Hours and Rest Periods.	38
Article 54 – Rights of Child Domestic Workers.	38
Chapter 7 – Protection of Children in Situations of Emergency.	40
Article 55 – Participation of Children in Armed Conflict.	40
Article 56 – Protection of Children Affected by Armed Conflict.	40
Article 57 – Protection of Children in an Occupied Territory.	41
Article 58 – Demobilization, Medical Assistance, and Reintegration.	41
Article 59 – Internally Displaced Children.	42
Article 60 – Refugee, Migrant, and Unaccompanied Immigrant Children.	42
Chapter 8 – Protection of Children in the Justice System.	44

Article 61 – Principles for Judicial Proceedings involving Children.	44
Article 62 – Protection of Child Victims and Child Witnesses.	44
Article 63 – Children in Conflict with the Law.	46
Article 64 – Sentencing Guidelines for Children in Conflict with the Law.	46
Article 65 – Protection of Children Deprived of their Liberty.	47

Chapter 1 – Principles and Definitions.

Article 1 – Objectives of the Law.

(1) *Emphasizing* the inherent value of children as individual, unique, dignified, self-determined, and full-rights bearing human beings, and the vital role of children for maintaining a well-functioning democratic and just society,

Reaffirming the fundamental human rights of children as proclaimed in the Universal Declaration of Human Rights and the Convention on the Rights of the Child without discrimination on the grounds of sex, race, religion, political or other opinion, national, ethnic or social origin, property, birth, disability, or other status and the right of children to take part in all actions affecting them,

Realizing the necessity of special care and assistance, guidance, and education for children to develop all of their inherent potential, to undergo a healthy transition into adulthood, and to become active members of society,

Acknowledging the family as primarily responsible to ensure the development and well-being of children growing up in an atmosphere of happiness, love, and understanding, and the State's role supporting and assisting families with this responsibility,

Recognizing the devastating effects of all forms of neglect, abuse, maltreatment, and exploitation on a child's physical, mental, emotional, and social development, and

Highlighting the importance of international co-operation to implement the provisions of this Law,

The objective of this Law is to protect children from all forms of neglect, abuse, maltreatment, and exploitation in the private and public sphere by –

- (a) Identifying the responsibilities of parents, families, society, and the state in children's upbringing, care, and protection;
- (b) Defining different acts and omissions that amount to neglect, abuse, maltreatment, and exploitation; and
- (c) Providing the relevant services for child victims, including medical, psychological, and legal assistance, rehabilitation and reintegration measures, and means of intervention and compensation.

(2) In order to give effect to this Law, all members of society are called upon to participate in the protection of children. Child protection shall be a primary objective in all governmental, legislative, judicial, and administrative proceedings. The private sector shall be encouraged to advance the protection of children by developing rules of corporate social responsibility and codes of conduct. All efforts aimed at protecting children shall bear in mind the growing importance of new technologies, especially the internet, and their benefits to a child's upbringing as well as their potential use to exploit children.

(3) The State shall allocate the necessary funds to ensure the proper, effective, and adequate implementation of this Law and express its commitment to constantly enhance the level of child protection.

Article 2 – Definitions.

- (1) A child under this Law is any person who has not attained 18 years of age. A different age may apply in the circumstances prescribed by this Law. In case of doubt about the majority or minority of a child, minority status shall be presumed. Ignorance regarding the age of the child shall be excluded as a defense.
- (2) For the purpose of this Law –
- (a) “Neglect” shall mean the intentional or involuntary non-exercising of duties and responsibilities to adequately care for and supervise a child and to provide for the child’s basic physical, mental, emotional, and social needs;
 - (b) “Abuse” shall mean any intentional or willful act or omission by a parent, guardian, care-giver, or other person in a position of trust or authority causing or likely to cause physical, mental, or emotional harm to the child;
 - (c) “Maltreatment” shall mean any intentional or willful act resulting in physical, mental, or emotional harm to the child or any omission by a parent, guardian, or care-giver to protect children from such harm, and in general all forms of violence, aggression, cruel, degrading, or humiliating treatment of a child;
 - (d) “Exploitation” shall mean –
 - (i) Sexual exploitation, including commercial sexual exploitation of children in the form of child prostitution, child sex tourism, child pornography, and child trafficking for these purposes;
 - (ii) Economic exploitation, including the worst forms of child labor, child begging, children’s work and child domestic work not in accordance with the regulations of this Law; and
 - (iii) Other forms of exploitation, including all forms of slavery or practices similar to slavery, debt bondage or servitude;
 - (e) “Sexual abuse” of children shall mean any –
 - (i) Engagement or incitement of a child under the age of consent to participate in sexual activities in violation of Article 42 of this Law;
 - (ii) Engagement in sexual activities with a child in abuse of a position of trust or authority such as that of parent, guardian or care-giver;
 - (f) “Sexual activities” shall mean sexual intercourse and any other act performed on, by, with, or in front of a child where the presence or participation of the child is for the purpose of the sexual gratification of another person;
 - (g) “Parents” shall mean the natural, adoptive, or foster parents of a child;
 - (h) “Guardians” shall mean any other person having legal responsibilities for the child;
 - (i) “Care-giver” shall mean anyone other than a parent or guardian who factually cares for a child, due to a professional or non-professional relationship, in a permanent or temporary manner.

Article 3 – Scope of Protection.

This Law aims to protect children from all acts or omissions constituting neglect, abuse, maltreatment, and exploitation such as –

- (a) Impairing the health, well-being, or physical integrity of a child, including the use or threat to use any form of violence or aggression;
- (b) Damaging the mental or emotional integrity of a child by threatening, frightening, intimidating, or humiliating the child;
- (c) Neglecting or acting in a negligent manner in respect of a child, particularly one lacking a stable and safe family environment;
- (d) Depriving a child of basic education or vocational training;
- (e) Abducting, selling, or trafficking of a child for any purpose in any form;
- (f) Committing or participating in the sexual abuse of a child, particularly by family members, guardians, care-givers, or any other person who has a close relationship with the child;
- (g) Causing the sexual exploitation of children, through producing or using sexual goods or services involving a child, including child pornography, child prostitution, child sex tourism, participation in sexually-oriented performances, child marriage, and trafficking in children for these purposes;
- (h) Causing the economic exploitation of children, especially the worst forms of child labor, children’s work not in accordance with the regulations of this Law, and disregard for a child’s right to play and engage in leisure;
- (i) Inducing the participation of a child in or the exposure to any exploitative activities or activities that are harmful to the child’s physical, mental, or educational development;
- (j) Failing to protect a child affected by armed conflict and other situations of unrest and instability, such as civilian children, child refugees, internally displaced children, or migrant children, or the recruitment of children in armed forces;
- (k) Failing to protect a child in judicial detention or involved with the justice system as a victim or witness.

Article 4 – Principles.

(1) The protection of the child’s life shall be the primary obligation for any person, institution, or other body dealing with children. The child’s right to survival and development, meaning the physical, mental, emotional, and social development and well-being of a child shall be protected to the maximum extent possible.

- (2) In all actions concerning children, whether undertaken by any person, private or public institution, or other body in application of this Law, the best interests of the child shall be a primary consideration. To ensure the best interests of the child the following principles shall be observed –
- (a) The protection of the child's right to life, development, health, and safety and the guarantee of the child's dignity, honor, and personality shall be the fundamental objective of any such act;
 - (b) The family shall be primarily responsible to care for and to protect children; the State shall assist families with this obligation and intervene only when the family is unfit, unwilling, or needs help to protect children from exploitation;
 - (c) Permanency shall be a key goal, choosing the least intrusive intervention in the life of the child to assure stability of the child's personal relationships and social environment and to guarantee the continuity of the child's education, training, or employment;
 - (d) Administrative and judicial decisions affecting a child and their implementation shall be taken promptly and without unreasonable delay;
 - (e) Parents, guardians, and the child shall participate in all stages of the proceedings unless it is contrary to the child's best interests; and
 - (f) All decisions and initiatives falling under the scope of this Law, shall be taken by the competent organizations, institutions, or individuals taking into account the individuality, age and maturity, native language, sex, sexual orientation and gender identity, health status and special abilities of the child and aiming to preserve the ethnic, racial, religious, and cultural identity of the child as the circumstances require.
- (3) Every child shall be entitled to the same rights and level of protection without discrimination on the grounds of her/his or of her/his parents' or guardians' age, race, sex, sexual orientation, gender identity, nationality, ethnic or social origin, language, religion, socio-economic position, family status, familial relations, health, disability status, or political, religious, or other opinion.
- (4) In all actions undertaken in application of this Law, specifically in administrative and judicial proceedings, the child's views and wishes, in accordance with the age and maturity of the child, shall be taken into consideration. This requires that –
- (a) The child receives adequate information about the proceedings and decisions, the right to express her/his views, and the importance and potential effect of her/his participation in a manner and language that the child can understand;
 - (b) The child is given an opportunity to express her/his views and wishes and receives the necessary assistance to do so in an enabling and encouraging environment;
 - (c) The child's views and wishes are given due weight when a case-by-case analysis indicates that the child is capable of forming her/his own views in a reasonable and independent manner; and
 - (d) The child is informed about the outcomes of the proceedings and given the opportunity to respond to the proceedings and decisions; and
 - (e) The child receives free legal assistance in accordance with Article 22 of this Law.

Article 5 – International Law.

The protection of children under this Law shall at a minimum guarantee the standard of protection provided by the Convention on the Rights of the Child and other international conventions ratified by this State. International law shall be used as a source of interpretation and application of this Law.

Chapter 2 – Implementation and Application.

Article 6 – National Child Protection Policy and Highest Child Protection Agency.

- (1) The Highest Child Protection Agency (HCPA) shall be established. It shall have the status of a legal person. Its overall function shall be to coordinate, monitor, supervise, and encourage the activities of the Child Protection Committees (CPCs) and all child protection service providers. The composition, organization, and mandate of the HCPA shall be determined by law/regulation. The state shall make sufficient funds available for the establishment and operation of the HCPA.
- (2) The HCPA shall direct all child protection measures and advice on formulating the national child protection policy, specifically by –
 - (a) Coordinating the implementation of all child protection policies by the competent agencies, organizations, and institutions;
 - (b) Proposing to the legislative/executive organs and taking part in the deliberations of draft legislative acts relating to child protection;
 - (c) Preparing and bringing into effect national, regional, and community-based child protection programs by providing the necessary financial resources, allocating them amongst the CPCs, and advising on the priorities in the implementation of these programs;
 - (d) Guaranteeing that all members of the HCPA and the CPCs possess the necessary expertise to perform tasks related to child protection and receive continuing education about recent developments in the area of child protection; and
 - (e) Informing the public about its activities and about incidents where children are at risk of neglect, abuse, maltreatment, and exploitation aiming to ensure the progressive advancement of children's rights and welfare in this State.
- (3) Throughout all its activities, the HCPA shall take into consideration the research carried out in accordance with Article 7 of this Law. It shall consult with the CPCs and with representatives from all subordinated governmental and non-governmental child protection service providers on a regular basis. It shall serve as a focal point for international cooperation in the area of child protection.
- (4) The HCPA shall be responsible for supervising the CPCs and monitoring their activities, specifically by assessing the reports submitted by the CPCs on a regular basis.
- (5) The HCPA shall be responsible for monitoring the implementation of this Law and the status of child protection in this state. The HCPA shall report on all its activities to the competent authorities on a regular basis. This report shall address cases where children are at risk of neglect, abuse, maltreatment, and exploitation, their root causes, and the appropriate responses in accordance with this Law, and the general child protection policies. It shall be made available to the general public.

Article 7 – Research, Prevention, Training Activities, and Technical Assistance.

The HCPA shall conduct and coordinate research and training activities and provide technical assistance as part of a preventive approach to guarantee the protection of children from all kinds of neglect, abuse, maltreatment, and exploitation. These activities shall create awareness of the issues, understanding and addressing their root causes. This approach shall include especially –

- (a) The execution, promotion, and coordination of research on national incidences of child neglect, abuse, maltreatment, and exploitation and the appropriate responses on an interdisciplinary and inter-institutional level;
- (b) The analysis of such research to better understand the economic, social, and/or cultural root causes of these incidents of child neglect, abuse, maltreatment, and exploitation and to develop policies to protect the children;
- (c) The establishment of a constructive dialogue between the HCPA, the CPCs, the child protection service providers, academia, experts in the field (including teachers, medical professionals, and child-care workers), and representatives from civil society on the issue of child protection;
- (d) The provision of technical assistance, such as administrative and logistical support, to such experts in order to effectively plan, improve, develop, and carry out programs and activities aimed at protecting children based on the research findings with a specific focus on the prevention of cases of child neglect, abuse, maltreatment, and exploitation;
- (e) The development and implementation of awareness-raising activities through national conferences and seminars, especially by integrating the mass media, including print media, television, radio, and online media in the process;
- (f) The carrying out of training activities, including on the provisions of this Law and its implementation, for professional and volunteer personnel in the fields of education, medicine, law enforcement, judiciary, social work, and other fields relevant to child protection to increase their knowledge about the various forms of child neglect, abuse, maltreatment, and exploitation, to facilitate the investigation of cases, and the identification of victims and offenders; this shall include the integration of such issues in the curricula of institutes of higher education in the fields of education, social work, medicine, and law and of police academies;
- (g) The encouragement of private-sector initiatives to prevent child neglect, abuse, maltreatment, and exploitation, including the enactment of codes of conduct;
- (h) The education of children and adults on the rights of children to be protected from neglect, abuse, maltreatment, and exploitation and on the available protection mechanisms for child victims and witnesses, such as the established formal response system; through the organization of special workshops in schools and community organizations and the development and dissemination of adequate training and information materials; and
- (i) The enactment of the required legislation to establish and carry out all relevant research, training activities, and technical assistance.

Article 8 – Child Protection Committees.

(1) Child Protection Committees (CPCs) shall be established on the regional level. Their establishment, organization, and competences shall be defined by law/regulation.

(2) The CPCs shall be responsible for the implementation of the national child protection policy and the child protection measures provided by this Law. In cooperation with governmental and non-governmental child protection service providers, the Committees shall establish an operating system of child protection measures as provided for in Chapter 3 of this Law to implement and coordinate all activities, including but not limited to:

- (a) Organizing a formal response system to receive and coordinate reported cases of child neglect, abuse, maltreatment, and exploitation, including through maintaining a helpline and/or website to advise and assist actual or potential child victims, and directing the investigation and intervention measures for the reported cases;
- (b) Managing programs of support and assistance to parents, other family members, and guardians who are unfit, unwilling, or need help to protect children from neglect, abuse, maltreatment, and exploitation or to exercise appropriate care;
- (c) Administering a system of safe accommodation for actual or potential child victims and directing the system of alternative care in accordance with Chapter 3 of this Law;
- (d) Operating centers of medical and psychological assistance for actual or potential child victims;
- (e) Coordinating with the system of free legal assistance available to children; and
- (f) Establishing programs of reintegration and rehabilitation for child victims.

(3) Means of regular coordination with the subordinate governmental and non-governmental child protection service providers in charge of carrying out the measures in accordance with paragraph (2) shall be set up. To this end, the CPCs shall administer a network of child protection service providers, including representatives from organizations offering safe accommodation and alternative care, guardianship and adoption, medical services, psychological counseling, and legal aid to children as well as social workers, specialized law enforcement officers, court personnel, and representatives from schools and other educational institutions.

(4) The CPCs shall report on all its activities to the HCPA on a regular basis.

Article 9 – Child Protection Service Providers.

(1) Child protection service providers shall carry out the system of child protection measures established by the CPCs in accordance with this Law on the sub-regional and municipal levels. Service providers shall include governmental and non-governmental child protection organizations and institutions, support families, and individuals.

(2) Law enforcement units specially trained in handling child protection cases and in dealing with children shall be established.

(3) Services shall include education and leisure activities, programs of support and assistance to parents, other family members, and guardians, measures of investigation and intervention in cases where children are at risk of neglect, abuse, maltreatment, and exploitation and in need of medical assistance, psychological counseling, legal aid, and safe accommodation and alternative care for actual or potential child victims.

Article 10 – Licensing and Training for Child Protection Service Providers.

(1) In order to establish a child protection institution or organization or to render individual child protection services, a license must be obtained from the CPCs in coordination with the HCPA. The requirements for the application to and the granting of licenses shall be specified by law/regulation.

(2) In order to obtain a license, service providers must abide by certain minimum standards of safety and hygiene as specified by law/regulation to protect the safety, health, development, and well-being of children.

(3) Any person to be employed by a child protection service provider shall provide documents showing that she/he has never been convicted of an offense of child sexual abuse, child sexual or economic exploitation, child trafficking, of violation of care and education obligations. Any person who committed an offence against a child in violation of this Law shall not be employed or retained in any way by a child protection organization or institution and may not offer services as part of a support family or as an individual.

(4) All persons offering child protection services shall receive adequate and continuous training to prepare them for their work with children.

Article 11 – Financial Responsibilities for HCPA and Child Protection Committees.

(1) The State shall allocate a sufficient amount of its budget to fund the activities of the HCPA and the CPCs.

(2) If a case of child protection requires the intervention of the CPCs, parents or guardians may be ordered to pay for the protection and maintenance of the child, specifically the costs of the child's stay in a place of safe accommodation or in alternative care, unless they do not have the necessary financial resources.

Article 12 – International Cooperation.

The HCPA shall coordinate with child protection authorities from other countries to achieve the objectives of this Law. They shall –

- (a) Share best practices of child protection;
- (b) Exchange information and cooperate in the implementation of laws regarding cases of child protection with a cross border aspect, such as inter-country adoption or its functional equivalents or guardianship, international child abduction, wrongful removal or retention of children, and child trafficking, regarding the identity and whereabouts of children and their parents, and data on organized crime;
- (c) Cooperate with international organizations and participate in international efforts to promote respect for children's rights.

Chapter 3 – Child Protection Measures.

Article 13 – Formal Response System and National Child Helpline.

- (1) A formal response system shall be established to receive and coordinate reported cases of child neglect, abuse, maltreatment, and exploitation. This response system shall include measures of emergency medical and psychological assistance and possibilities to place the child in a safe environment. The response system shall be operated by specially trained child protection service providers.
- (2) A national child helpline free-of-charge to which children can turn to ask for advice and support shall be established. Its existence shall be widely publicized. Through the national helpline, children shall be informed about the possibility to submit their case to the formal response system.
- (3) Alternative mechanisms such as websites and the use of social media can be established instead or in addition to the national child helpline.

Article 14 – Reporting Obligations.

- (1) Any person who becomes aware of a situation or act which may amount to child neglect, abuse, maltreatment, and exploitation in the course of exercising their care for or work with children, shall and any other person may immediately report the same to the police or any other competent domestic authority irrespective of any requirement of occupational secrecy. At request of the authority, any such person is obligated to communicate all information that is likely to facilitate the investigation and to identify perpetrators or victims.
- (2) Anyone providing such information in good faith shall be exempt from civil or criminal liability which may be linked to the act of reporting. They shall have the right to special protection if necessary for their personal safety and security.
- (3) The confidentiality of the information provided in accordance with paragraphs (1) and (2) of this Article shall be guaranteed. The identity and other personal details of the family member, care-giver, professional, or other person who provides the information and those of the affected child shall not be revealed. Reports may be made anonymously.
- (4) The failure to report of persons who are under an obligation to do so according to paragraph (1) shall be established as an offense punishable by law.

Article 15 – Investigation and Intervention Obligations; Order of Removal.

- (1) The CPCs shall have a duty to timely investigate reported cases of child neglect, abuse, maltreatment, and exploitation and promptly intervene guaranteeing the maximum safety and protection of the actual or potential child victim. Investigation and intervention shall be conducted in cooperation with the specially trained law enforcement units and after consultation with all child protection providers familiar with the case.
- (2) A CPC official who is entitled by law/regulation with an obligation to intervene and who is led to believe on reasonable grounds that a child is being or is at imminent risk of being neglected, abused, maltreated, or exploited may search the location in which the child may be staying to verify the circumstances.
- (3) If after the investigation the CPC official is led to believe on reasonable grounds that the child is being neglected, abused, maltreated, or exploited or that there is an imminent risk for such harm in the place the child is staying, she/he may order the child to be removed, to be placed in alternative care, and to be temporarily kept in such place of safety (order of removal).
- (4) The decision on whether or not to intervene and with which measures shall be made on a case-by-case basis after carefully considering all available information and balancing the risks for the child.

Article 16 – Safety Order and Supervision Order.

- (1) After an order of removal has been issued, the case shall be brought before a competent child court without undue delay. The court shall investigate the circumstances and issue a safety order. Pending further proceedings, this order shall decide whether or not the child be temporarily kept in the place of safety. The order shall also consider long-term solutions regarding the stay and custody of the child.
- (2) The court may order that parents or guardians pay for the accommodation of the child in the place of safety.
- (3) If the child is not ordered to stay in the place of safety, the court may issue a supervision order. The order shall place the child under the supervision of the CPC or a designated child protection service provider and it shall be aimed at preventing any significant harm being caused to a child whilst she/he remains at the family home in the custody of his parents or guardians.
- (4) Parents shall have the opportunity to respond to the charges. There shall be a full hearing about the issues in order to determine a long-term solution for the care of the child.

Article 17 – Right to Safe Accommodation and Alternative Care.

- (1) Child victims and children at risk of neglect, abuse, maltreatment, and exploitation shall be entitled to find accommodation in a place of safety. This right shall include temporary and long-term accommodation of the child in such a place of safety and the relevant aftercare.
- (2) To guarantee this right, various forms of alternative care shall be established by law/regulation. They shall be operated by governmental or non-governmental child protection service providers or in cooperation of both. Funding shall be allocated by the State in accordance with Article 11 of this Law.
- (3) Alternative care shall comprise –
 - (a) Informal care, meaning any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or other persons close to the child in their individual capacity, at the initiative of the child, her/his parents, or other person without this arrangement having been ordered by the competent CPC or child court;
 - (b) Formal care, meaning all care provided in a family environment which has been ordered by the competent CPC or child court, and all care provided in a residential environment whether or not as a result of administrative or judicial measures;
 - (c) Family-based care, meaning –
 - (i) kinship care within the child’s extended family or other persons close to the child, and
 - (ii) foster care, where children are placed by the competent CPC or child court in the domestic environment of a family other than the child’s that has been selected, qualified, approved, and supervised for providing such care;
 - (d) Residential care, meaning all residential care facilities and institutions, including emergency shelters and group homes; and
 - (e) Supervised independent living arrangements for children, which shall include child-headed households.

Article 18 – Administration and Monitoring of Alternative Care.

- (1) All care facilities, institutions, and private persons must receive authorization from the competent CPC to provide alternative care. The CPCs shall administer a registry of all authorized providers of alternative care. Rendering services without the required authorization and registration shall constitute an offence punishable by law. The authorization shall be regularly reviewed by the competent CPC.
- (2) Personnel working in the care facilities or institutions and private care-givers, shall be adequately trained to care for and educate children. Training shall include the children’s rights, including the

specific vulnerability of children to abuse, maltreatment, and exploitation and their rights to be protected therefrom.

(3) All facilities, institutions, and private homes providing alternative care shall abide by certain minimum standards of safety and hygiene as specified by law/regulation to protect the security and health of children. No authorization shall be granted to facilities, institutions, or private homes where personnel cannot guarantee the requirements set forth by Article 10 of this Law. In case of a violation of these requirements, an authorization previously granted shall be revoked.

(4) Comprehensive and up-to-date records shall be maintained and periodically reviewed regarding the administration of alternative care services, including detailed files on all children in their care.

(5) An independent inspection and monitoring mechanism for the operation of alternative care providers including regular on-site inspections, controlling the safety and hygiene standards and the staff performance, shall be established. A reporting procedure on allegations of misconduct by any staff member shall be in place.

(6) Children in alternative care shall have access to a mechanism where they can file complaints or concerns regarding their treatment or conditions of placement. This mechanism shall be accessible to parents and those responsible for children in alternative care.

Article 19 – Principles of Alternative Care.

(1) Removal of a child from the care of her/his family shall be seen as a measure of last resort and shall be temporary and for the shortest possible duration unless permanency is in the best interests of the child. Therefore –

(a) Multiple placements of the child shall be avoided as much as possible;

(b) Preference shall be given to placing the child in informal and family-based care over residential care; and

(c) Siblings shall preferably be placed together.

(2) Regular and continued contact with the child's family and other persons close to her/him shall be encouraged and facilitated unless it is not in the child's best interests such as in cases where a family member abused or exploited the child. This shall include communicating, visiting, and otherwise spending time with the families, guardians, and other close persons. Special attention shall be paid to facilitating the contact of children with their parents when the children are in alternative care due to parental imprisonment or prolonged hospitalization.

(3) In order to guard the principle of permanency and continuity, all decisions concerning alternative care shall aim to maintain the child as close as possible to her/his habitual place of residence in order to facilitate contact and potential reintegration with her/his family and to minimize disruption of her/his educational, cultural, and social life.

(4) In choosing the appropriate place of alternative care, the child's views and wishes shall be heard and respected; the child's immediate safety and well-being, as well as her/his long-term care and development shall be carefully taken into consideration.

- (5) Care-givers shall ensure the safety, health, development, and well-being of the child and the child's rights to education and vocational training, to leisure and play, and to other means of protection in accordance with this Law.
- (6) Children in alternative care shall be prepared to assume an independent life and integrate fully into the community. The appropriate after-care and follow-up with children once they leave alternative care shall be ensured.
- (7) Appropriate measures shall be taken to ensure that children in alternative care are not stigmatized during or after their placement.
- (8) The State shall adopt an overall deinstitutionalization strategy which allows for the progressive elimination of large residential care facilities and the replacement by family-based care. Care standards ensuring the quality and conditions conducive to the child's development, such as individualized and small-group care, shall be established in residential care facilities and institutions.
- (9) Accommodation in a place of safety shall not involve the deprivation of liberty, meaning any form of detention or imprisonment or the placement of a child in a place of alternative care, from which this child is not permitted to leave at will.
- (10) Decisions to place a child in alternative care shall be periodically reviewed and the possibility of returning to the family shall be evaluated.

Article 20 – Adoption and its Functional Equivalents.

- (1) The State shall enact laws to provide for permanent legal care for children such as guardianship, adoption, and its functional equivalents.
- (2) The State shall provide for safeguards and standards that ensure the protection of the child whether through national or inter-country adoption.
- (3) In particular, the State shall provide laws/regulations for the accreditation of adoption agencies and the prohibition of improper financial gain in the adoption process.

Article 21 – Medical and Psychological Assistance, Rehabilitation and Reintegration Measures.

- (1) A child who has been victimized by a violation of this Law shall be provided with free medical assistance in order that the child regain physical and mental health and recover from the physical or mental trauma she/he may have experienced.
- (2) Medical assistance shall include the necessary physical emergency treatment and psychological counseling as well as long-term rehabilitative measures.

(3) The child shall receive continued assistance to reintegrate into society. Such reintegration measures shall be tailored to the specific needs of the child and the type of suffering experienced with the goal of enabling a dignified return of the child to her/his family, community, and social life. Such measures shall include medical and psychological care as well as educational and vocational consultation and training. The child shall be afforded continued mentoring and guidance to avoid revictimization and social exclusion.

(4) Measures as described in paragraphs (2) and (3) of this Article shall take place in an environment favorable to the safety, health, and well-being of a child and shall carefully guard the child's right to privacy. Measures shall include the protection of the child from confrontation with the alleged perpetrator, the accommodation of the child in a place of safety, and the psychological preparation for possible future encounters.

Article 22 – Legal Assistance and Access to Justice.

(1) A child who has been victimized by a violation of this Law shall be afforded legal assistance for the realization and protection of her/his rights. For the purpose of this Law, legal assistance shall include legal representation and advice on the rights of the child and on legal procedures in criminal and civil proceedings.

(2) In order to ensure the child's access to justice, it shall be provided that –

- (a) Professional legal assistance is free-of-charge if the child has no legal representation;
- (b) No consent of the parents or guardians is required to obtain such legal representation;
- (c) Legal assistance is afforded in a zealous and diligent manner and adheres to the principles of non-discrimination and the best interests of the child, including informing the child about the legal proceedings in a way that the child understands;
- (d) Legal advisors operate independently from the child protection system;
- (e) The privacy of the child is protected and the child's identity is not released to the public; and
- (f) Other necessary protective measures for child victims and child witnesses are established in accordance with Chapter 8 of this Law.

(3) Children accused of having violated the law shall have their cases heard by special children's courts and shall receive the required protection in accordance with Chapter 8 of this Law.

Article 23 – Sanctions for Crimes against Children.

(1) The penalties prescribed for any of the acts that are to be established as punishable offenses according to this Law shall be stringent and commensurate with those prescribed for comparably grave offenses.

- (2) The attempt to engage in any of the acts prohibited by this Law shall render the person so attempting subject to punishment under the law.
- (3) Participation in the form of procuring, facilitating, observing, allowing, or otherwise aiding or abetting any of the acts prohibited by this Law shall render a person doing the same subject to punishment under the law.
- (4) Enhanced penalties shall be applied in cases involving aggravated circumstances, including cases in which –
 - (a) The child suffers severe and/or long-lasting physical injury or psychological trauma as a consequence of the offense;
 - (b) The offense deliberately or by gross negligence endangers the life of the child or causes the death or suicide of the child;
 - (c) The child is especially vulnerable to the offense, such as immigrant children, very young children, and children with disabilities;
 - (d) The offense is committed on a regular basis or by an organized group or by a recidivist;
 - (e) The offense is committed by a person in a position of trust or authority in relation to the child or a person who is legally responsible for the child, such as a parent, guardian, or caregiver;
 - (f) The perpetration of any act prohibited by this Chapter is accomplished by means of threats, violence, other forms of coercion, or by taking advantage of a situation of necessity or other specific vulnerability of the child;
 - (g) The offense is transnational in nature;
 - (h) Weapons, drugs, or medication are used in the commission of the offense.

Article 24 – Right to Full Compensation.

- (1) A child who has been victimized by a violation of this Law has the right to be fully compensated for any damages suffered. This shall include fair and adequate compensation for –
 - (a) Moral damages, resulting from physical injury and psychological harm,
 - (b) Material damages, including expended work during the time of exploitation,
 - (c) Lost opportunities of education and vocational training, and
 - (d) Any other costs that the child may incur due to a violation of this Law such as for medical, physical, psychological, or psychiatric treatment, including long-term therapy or rehabilitation, for legal services, housing, and transportation.
- (2) A child whose rights have been violated according to this Law shall have the direct right to enforce her/his claims for compensation in criminal, civil, or administrative procedures.
- (3) The right of the child to full compensation shall not be subject to the statute of limitations when the child seeks compensation for a case involving sexual abuse or sexual exploitation.

- (4) A child victim shall be entitled to full compensation irrespective of her/his nationality and immigration status.
- (5) A child shall be informed about the right to full compensation in a manner and language that the child can understand.

Article 25 – Forfeiture of Assets.

- (1) Anyone who violates a provision of this Law shall forfeit all revenues and assets acquired through such acts and omissions. The possibility of forfeiture of revenues and confiscation of any assets resulting from acts which violate this Law shall be established.
- (2) The state shall disburse forfeited assets in a fund to be used for programs providing for reintegration and rehabilitation measures for child victims according to Article 26 of this Law.

Article 26 – Victim Compensation Fund.

If compensation is not fully available from the offender and assets forfeited, the State is responsible for guaranteeing full compensation for the child victim. For this purpose, a victim compensation fund shall be established and it shall be administered by the HCPA. The court shall inform a child victim, her/his parents or guardian, and her/his lawyer about the procedures for claiming compensation.

Chapter 4 – Protection of Children in the Family and Community.

Article 27 – Family Responsibilities.

- (1) The family, which shall include parents, siblings, all extended family members, and guardians, being the fundamental group of society and the natural environment for the growth, well-being, and protection of children, shall be primarily responsible for the care and upbringing of a child. The family shall ensure that children grow up in an atmosphere of happiness, love, and understanding which promotes the development of the child's full potential.
- (2) Parents, other family members, and guardians shall protect the child's life and development and respect the child's dignity, honor, and personality. Methods of upbringing shall value and protect the individuality of the child and the sex, sexual orientation and gender identity, health status and special abilities, and the ethnic, racial, religious, and cultural identity of the child. The views and wishes of the child shall be taken into account in accordance with her/his age and maturity and the child's evolving capacity to form decisions affecting her/his life.
- (3) Parents, other family members, and guardians are responsible for protecting children from all acts and situations that put the child at risk of neglect, abuse, maltreatment, and exploitation.
- (4) Parents, other family members, and guardians shall have the duty to –
 - (a) Provide good guidance, direction, and assistance for the child and prepare her/him for a self-dependent and responsible life in society;
 - (b) Respect and promote the child's right to education, health, and well-being;
 - (c) Defend the rights and interests of the child protected by law; and
 - (d) Ensure that in the temporary absence of a parent, the child shall be cared for by a competent person.

Article 28 – State Responsibilities.

- (1) The State shall ensure that families have access to forms of support in the care-giving role and inform them about available measures. Parents, other family members, or guardians who are unfit, unwilling, or need help to provide for the child's basic physical, mental, emotional, and social needs, or to exercise appropriate care, shall be afforded the necessary assistance.
- (2) Where the family puts the child at risk of being neglected, abused, maltreated, or exploited or of being exposed to acts of exploitation and abuse, the State shall be responsible for protecting the child and ensuring appropriate alternative care or permanent legal care in accordance with Articles 17 – 20 of this Law. Specifically, the State shall be responsible for protecting children from neglect, abuse, sexual abuse, maltreatment, economic and all other forms of exploitation, by parents, other family members, and guardians.

(3) Only where the supporting measures available to families under paragraph (1) prove to be insufficient to prevent the child from being neglected, abused, maltreated, or exploited or being in imminent risk thereof, the State shall be responsible to intervene with the measures provided by this Law.

Article 29 – Children Deprived of a Protective Family Environment.

(1) Children deprived of a stable and protective family environment shall be protected from neglect, abuse, maltreatment, and exploitation. This includes children whose parents or guardians cannot be found, are imprisoned or deprived of their liberty in any form, or are dead, and children living without the constant care of their parents or guardian, such as street children, children expelled from home, children who left their parental homes by their own choice, or unaccompanied migrant children.

(2) These children shall have the right to be placed in alternative care. Article 27 of this Law shall apply to any person exercising temporary care or custody over a child.

(3) Child protection services shall be provided to children irrespective of their nationality or immigration status.

Article 30 – School and Vocational Training.

(1) It shall be prohibited to deprive a child of her/his right to education.

(2) The HCPA and CPCs shall cooperate with the educational institutions to develop curricula that promote the harmonious physical, mental, emotional, and social development of the child to achieve her/his full potential through –

(a) An education based upon the individual child's interests and talents, which includes the creation of special conditions for the advancement of children with disabilities and children with unusual talents or outstanding abilities;

(b) An education which creates favorable conditions for the development of the child's personality and prepares her/him to lead a responsible life; and

(c) An education which develops respect for human rights and fundamental freedoms, for the child her/himself and for others, and for the natural environment.

(3) Children attending school, other educational or vocational facilities, kindergarten or nursery shall be protected against physical, mental, and emotional maltreatment, sexual abuse, violence, humiliation, and exploitation from school and school-related personnel and schoolmates. In particular –

(a) All school and school-related personnel may not use corporal punishment in violation of Article 31 of this Law and methods of maintaining discipline and order shall be based on a sense of mutual respect and justice;

- (b) Instruction shall not promote hate, violence, intolerance, or discrimination;
 - (c) All school and school-related personnel shall obviate hostile and unfriendly relations between schoolmates and any other condition which may hinder a child's ability to fully participate in the school or vocational training institution and to develop her/his specific talents; and
 - (d) A child shall not be forced or allowed to engage in any activity that is dangerous to her/his personal safety or health.
- (4) The principles established under this Article shall also apply to institutions of private education.

Article 31 – Prohibition of Corporal Punishment.

- (1) It shall be prohibited to subject a child to torture or other cruel, inhuman, or degrading treatment or punishment.
- (2) Corporal punishment and disciplinary measures that weaken the child's dignity, including all forms of physical and mental violence, and other behavior likely to humiliate the child, shall be prohibited. All disciplinary measures shall be reasonable and proportionate according to the age, physical and mental conditions, and maturity of the child.
- (3) The HCPA, in cooperation with the CPCs, shall ensure the promulgation of –
 - (a) Education and awareness-raising programs concerning the deleterious effects of corporal punishment; and
 - (b) Programs and parental training promoting non-violent ways of discipline at home and in schools.

Article 32 – Protection of the Right to Privacy.

- (1) The child's right to privacy shall be protected from malicious, arbitrary, or unlawful interference which is likely to harm the child's dignity, honor, or reputation.
- (2) Privacy shall include the child's right to maintain opinions, beliefs, and a religion without the undue influence of others, including parents or guardians. The child's written and oral correspondence, school records, and her/his medical records and health-status shall remain confidential unless disclosure of such information is in the best interests of the child.

Article 33 – Leisure and Play.

- (1) The child's right to leisure, recreation, and play, appropriate to her/his age, physical and mental development shall be protected. The child's participation in sports, cultural events, art, and other leisure activities shall be promoted.
- (2) Any forced or harmful involvement of children in political or religious activities, in social, cultural, and sporting events, and in contests in which the child's appearance is evaluated shall be prohibited. Details shall be regulated by law/regulation.

Article 34 – Harmful Customary Practices.

- (1) A child shall be protected against any social, cultural, ritual, or traditional practice that is harmful to the safety, health, development, or well-being of the child.
- (2) In particular, customs and practices discriminatory to the child on the grounds of sex or other status in violation of Article 4 (3) of this Law shall be prohibited.
- (3) The performance of all forms of female genital mutilation and the participation in or facilitation of it shall be prohibited and established as a punishable offense irrespective of whether or not consent has been given and whether or not it is performed by medical personnel.
- (4) A minimum age for marriage shall be established by law. Child marriage, including executing the marriage contract, giving away a child in marriage, and brokering or otherwise facilitating the marriage shall be established as a punishable offense. The prescribed penalties shall be stringent and commensurate with those prescribed for comparably grave offenses.
- (5) Every child who underwent such harmful customary practices shall have access to the measures available under Chapter 3.
- (6) Research and prevention activities conducted in accordance with Article 7 of this Law shall involve organizations at the community level to develop awareness-raising and training programs aimed at ending the performance of harmful customary practices and at providing healthy and positive alternatives to replace these practices.

Article 35 – Health.

- (1) The physical, mental, and emotional health of children shall be protected. Access to health, medical assistance, care, information, and treatment shall be guaranteed.
- (2) Parents and guardians shall not be allowed to intentionally refuse any required preventive or necessary medical exam and treatment for their child regardless of their religious and moral beliefs. A list of the required preventive or necessary medical exams and treatments shall be created by the HCPA and it shall at a minimum include the recommended immunizations and any essential

medical, surgical, or other remedial treatment that is necessary to prevent serious harm to the health of the child.

(3) In case of such refusal, a court may order the parents or guardians to provide the child with the required treatment. The court shall also be competent to order the child to be removed from the parents' or guardian's home and to be provided with the required treatment.

(4) The State shall make the exams and treatments required under paragraph (2) accessible and available to all children.

(5) Without prejudice to the progress of science, any type of scientific experimentation that is detrimental to the child's life, health, or personal development shall be prohibited even if the child and/or her/his parents or guardians consent to the procedure.

Article 36 – Narcotic Drugs and Other Harmful Substances.

(1) Children shall be protected from the use of narcotic drugs, alcohol, tobacco products, toxics, psychotropic substances, and other substances that are declared harmful by the HCPA.

(2) The use or engagement of children in the production, distribution, or trafficking of such substances, and the bringing of a child to places where such substances are sold, shall be prohibited.

(3) Prevention and training activities carried out in accordance with Article 7 of this Law shall include programs advocating a healthy way of living and discouraging any kind of substance abuse.

Article 37 – Public Locations and Entertainment Events.

(1) The circumstances and times at which children may be present in restaurants, bars, movie theaters, and similar public locations, when the presence may be harmful to children's safety, health, development, or well-being, for example, during night hours, shall be regulated by law/regulation.

(2) Children shall not be allowed to access night clubs and comparable entertainment establishments, gambling rooms and other gambling facilities, including online gambling, which may be harmful to children's safety, health, development, or well-being. Participation in public lotteries shall be restricted to fun-fairs, folklore festivals, community carnivals, and comparable events.

(3) The competent CPC may impose on an operator of a public event the requirement to restrict access for children in general, or for children below a certain age, if the event has the potential to negatively impact the physical, mental, or emotional well-being of children.

Article 38 – Media.

- (1) Children shall be protected from publications, films, video games, music, broadcasts, or other kinds of electronic or written media that are harmful to their safety, health, development, or well-being.
- (2) No individual or organization shall show, sell, rent, or disseminate by any other means to children books, newspapers, magazines, and other types of publications, including films and recordings of pornographic, erotic, or violent content, or which promote cruelty or discrimination, including racial, religious, sexual, national, and ethnic discrimination, unless it is for purely educative purposes, when such content is considered harmful to children's physical, mental, emotional, and social development by the HCPA.
- (3) The mass media, including print media, television, radio, and online media, as well as social media networks shall actively engage children to further their media literacy and healthy use of media and contribute to promoting the protection of children through awareness-raising activities in accordance with Article 7 of this Law and by advising the public on the potential negative impacts an exposure to media can have on children.

Article 39 – Children belonging to Minority Groups.

- (1) Children belonging to national, ethnic, religious, and linguistic minorities shall be protected from neglect, abuse, maltreatment, and exploitation. This requires *inter alia* –
 - (a) Promoting respect for all children irrespective of their origin and background and acceptance for their diversity;
 - (b) Allowing and facilitating the maintenance of a child's language, culture, religion, tradition, and customs, provided that this is not in violation of Article 34 of this Law; and
 - (c) Providing special assistance to children belonging to minority groups and their parents or guardians, enabling them to enjoy the same opportunities as other children regarding their social integration and personal development.
- (2) Any kind of stigmatization or discrimination of children belonging to a minority group shall be prohibited. In cooperation with the HCPA, the State shall promote the elimination of prejudices and stereotypes.
- (3) In particular, it shall be prohibited to –
 - (a) Restrict or exclude the child from full, active, and effective participation and inclusion in society; and
 - (b) Deny opportunities for education, development, health, and self-realization equal to those of children not belonging to a minority group.

Article 40 – Children with Disabilities.

(1) Children with disabilities shall be protected from neglect, abuse, maltreatment, and exploitation. This requires *inter alia* –

- (a) Promoting respect for differences and acceptance of persons with disabilities as part of human diversity and humanity, and for the evolving capacities of children with disabilities;
- (b) Guaranteeing the availability of free or affordable health care for children with disabilities of the same range, quality, and standard as other health care programs;
- (c) Assuring qualified medical assistance and treatment, including appropriate corrective and rehabilitative methods and devices;
- (d) Providing early identification and intervention programs, as well as services designed to minimize and prevent further disabilities;
- (e) Supplying treatments, devices, and programs enabling a child with disabilities to maintain her/his maximum personal mobility and independence;
- (f) Promoting alternative means of communication for children with disabilities;
- (g) Dismantling physical barriers that hinder the enjoyment of rights by children with disabilities in the public sphere; and
- (h) Providing special assistance and care in accordance with the child's specific needs to the child and her/his parents or guardians.

(2) Any kind of abuse, maltreatment, exploitation, stigmatization, or discrimination of children with disabilities shall be prohibited. In cooperation with the HCPA and the CPCs, the State shall promote the elimination of prejudices and stereotypes.

(3) In particular, it shall be prohibited to –

- (a) Restrict or exclude the child from full, active, and effective participation and inclusion in the society;
- (b) Restrict her/his right to live with her/his parents and in the community; or
- (c) Deny opportunities for education, development, health, and self-realization equal to children without disabilities.

(4) The education of children with disabilities shall be equal in quality, scope, and duration to the education of other children. Integration with other children shall be the primary goal. It shall be guaranteed that –

- (a) Children with disabilities are not excluded from free and compulsory primary education and from secondary education on the basis of disability;
- (b) Children with disabilities receive the adequate technical support to facilitate their communication and free mobility to ensure participation and inclusion in the school community;
 - (i) Forms of communication used shall include alternative scripts, Braille, sign language, and any other means of communication necessary for the child;

- (ii) Forms of mobility used shall include the use of crutches, wheelchair access in schools, or any apparatus which provides the child with the ability to move;
- (c) Effective individualized support measures are provided in an environment that maximizes academic and social development, consistent with the goal of full inclusion, such as assigning a trained professional to remain with one child or a group of children throughout the school day;
- (d) Children with disabilities have equal access with other children to participation in play, recreation, leisure, and sporting activities.

Article 41 – Prohibition of the Abduction, Sale of, and Trafficking in Children.

(1) The abduction, sale of, and trafficking in children for any purpose or in any form shall be prohibited and established as punishable offenses. The prescribed penalties shall be stringent and commensurate with those prescribed for comparably grave offenses.

(2) Abduction of children shall mean –

- (a) Unlawfully removing a child from her/his place of residence by means of force, threat, deception, abuse of power, or enticement to a place under the actor's or a third person's control, or
- (b) Unlawfully taking a child away from the legal custody of the child's parents, guardian or care-giver,

whether committed, facilitated, or coordinated inside the territory of the State or involving transit to or through the State. This includes cases of abduction in which one of the actors is a parent of the child.

(3) Sale of children shall mean any act or transaction, including the offering, delivering, or accepting of a child by whatever means, whereby the custody over the child is transferred by a person or group of persons to another for remuneration or any other consideration for the purposes named under paragraph (4).

(4) Trafficking in children shall mean the recruitment, transportation, transfer, harboring or receipt of children, whether or not by means of threat or use of force, other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of the parents, guardian, care-giver or any other person having control over the child, for the purpose of exploitation, including for the purpose of –

- (i) Economic exploitation and forced or compulsory labor, including the worst forms of child labor, children's work not in accordance with the regulations of this Law, child begging, child domestic work, and exploitative participation in sporting events;
- (ii) Sexual exploitation, child prostitution, child sex tourism, child pornography, and participation in sexually oriented performances and establishments;
- (iii) Organ removal;
- (iv) Child marriage;

- (v) Illegal adoption;
- (vi) Illegal drug production and distribution;
- (vii) Illegal scientific experiments; and
- (viii) Any other illicit purpose.

(5) Article 23 of this Law shall apply regarding attempt and aggravated circumstances of these offences. Jurisdiction for these offenses shall be established in accordance with Articles 48 of this Law.

(6) Child victims of abduction, sale, or trafficking shall have access to the means of protection established in Chapter 3 of this Law. Prevention activities carried out in accordance with Article 7 of this Law shall include conducting research into the root causes of child abduction, sale, and trafficking and raising awareness on the issue.

Chapter 5 – Protection of Children from Sexual Exploitation.

Article 42 – Protection of Children from Sexual Abuse and Sexual Exploitation.

(1) Children shall be protected from all forms of sexual abuse and sexual exploitation. All forms of sexual abuse and sexual exploitation of children shall be established as punishable offenses in accordance with this Chapter. This shall include but not be limited to the following acts –

- (a) Engaging in sexual activities with a child under the age established by law as the age at which a child is understood to be able to consent to sexual activities (age of consent);
- (b) Enticing a child under the age of consent to undertake or participate in sexual activities;
- (c) Intentionally exposing a child under the age of consent to sexual activities or pornography, such as engaging in sexual activity in the presence of a child or causing a child to watch sexual activities for the purpose of the sexual gratification of another person;
- (d) Engaging in sexual activities with a child in abuse of a position of trust or authority, such as that of parent, guardian, or care-giver;
- (e) Using a child for the purpose of commercial sexual exploitation in the form of child prostitution, child sex tourism, child pornography, child trafficking for these purposes, or participation in sexually-oriented performances and establishments.

(2) The competent domestic authorities shall establish the age at which children may consent to sexual activities.

(3) The intentional proposal, through information and communication technologies, of an adult to meet a child for the purpose of committing any of the offences established in accordance with this Chapter shall be prohibited.

(4) In addition to the cases in accordance with Article 23 of this Law, enhanced penalties shall be applied when at the time the offense is committed the child has not reached the age of consent.

(5) Education, training, and awareness-raising activities in accordance with Article 7 of this Law shall be carried out in cooperation with schools and other service providers to provide children with education on a healthy sexual development according to their age and capacity. Prevention activities on sexual abuse and sexual exploitation shall be conducted and corresponding informational material shall be developed.

Article 43 – Prohibition of the Use of Children in Prostitution.

(1) Child prostitution shall mean the use of a child in sexual activities accomplished by the giving or promising of financial remuneration or any other form of compensation, irrespective of whether that reward is claimed by, given to or shared with the child, the procurer or any other person who intermediates sexual activities with the child, or the parent, guardian or care-giver of the child.

(2) It shall be prohibited to engage in child prostitution and to receive any benefits therefrom. This shall include but not be limited to the following acts –

- (a) Patronizing a child for prostitution;
- (b) Offering, procuring, or providing a child for prostitution;
- (c) Soliciting or advertising a child for prostitution; or
- (d) Inciting, encouraging, or facilitating the prostitution of children.

Article 44 – Prohibition of Child Sex Tourism.

(1) It shall be a punishable offense –

- (a) To travel and engage in child prostitution or in sexual activities with a child; and
- (b) To travel with the intent to engage in child prostitution or in sexual activities with a child.

(2) Any engagement in sexual activities with a child under the age of consent outside the territory of this State shall be a punishable offense in this State. Liability of a person for any act committed in violation of paragraph (1) shall be imposed regardless of whether such offense is punishable in the state where the act has been committed.

(3) The organizing, advertising, or facilitating of travels that include the patronization of child prostitution or the engagement in sexual activities with children under the age of consent shall be a punishable offense. In application of Article 23 of this Law, any participation in or facilitation of such acts shall be a punishable offense. In application of Article 48 (2) of this Law, the legal person organizing, advertising, or facilitating such travels shall be liable in addition to the natural person.

(4) Activities conducted in accordance with Article 7 of this Law shall aim to involve companies working in the tourism and travel industry to raise awareness among their customers about the issue of child sex tourism.

Article 45 – Prohibition of Child Pornography.

(1) Child pornography shall mean any representation of a child engaged in real or simulated sexual activities or any representation of the sexual parts of a child for the purpose of sexual gratification recorded by any means including but not limited to print publications, films, audio recordings, games, electronic data, digital images, internet broadcasts, and photographs. This shall include pictures, drawings, and computer-generated images that are indistinguishable from that of a child.

(2) It shall be prohibited to produce, consume, or participate in child pornography, or to receive any benefits therefrom. This shall include but not be limited to the following acts –

- (a) Producing, reproducing, distributing, disseminating, offering or selling;
- (b) Facilitating or assisting with the production of;

- (c) Possessing, intentionally watching or downloading, or in any other form consuming; and
 - (d) Trading, importing, exporting, or transporting
- child pornography.

Article 46 – Dealing with Child Pornographic Contents and Materials.

- (1) Supplementing the obligations under Article 14 of this Law, a mechanism for the public to report child pornography on the internet shall be established.
- (2) Supplementing the obligations under Article 14 of this Law, an electronic service provider which is aware that the service provided has been or is being used to access and/or distribute child pornography material shall report to the police or any other competent domestic authority. The data shall be used to identify victims and offenders.
- (3) A system to remove child pornography content at the source shall be established. The system shall be aimed at facilitating the disruption of access to child pornographic content and the deregistration of domain names dedicated to the distribution of such content.
- (4) Supplementing the obligations under Article 15 of this Law, the competent domestic authorities shall have the duty to search and seize computer data containing child pornography. They shall be provided with the necessary technical means to do so. Law enforcement officials acting in the course of investigation shall not be liable for committing any of the acts sanctioned by Article 45 of this Law.
- (5) Adequate measures enabling the destruction of the child pornographic material irrespective of the format in which it is presented shall be implemented with full respect to the affected child's right to privacy.

Article 47 – The Principle of Non-Punishment of the Child Victim.

- (1) A child which became victim of sexual exploitation, including –
 - (a) A child in prostitution,
 - (b) A child victim of sex tourism,
 - (c) A child victim of the production, distribution, or consumption of child pornography, and
 - (d) A child victim of trafficking

shall not be criminalized for any unlawful act committed as a direct result of being a child victim of exploitation, such as engaging in prostitution, using false documents, or entering the country without documentation, and no punishment may be inflicted on her/him.

(2) Such children shall be provided with assistance, rehabilitation and reintegration measures as provided in Chapter 3 of this Law. They shall be informed of their right to full compensation. Prevention activities carried out in accordance with Article 7 of this Law shall include conducting research into the root causes of child sexual exploitation and raising awareness on the issue.

Article 48 – Jurisdiction, Extradition, Liability, and Cooperation.

(1) Jurisdiction of domestic courts for the offenses in this Chapter shall include extraterritorial jurisdiction and shall thus be established –

- (a) If the offences are committed in the territory of, or on board a ship or aircraft registered in, this State; or
- (b) If the perpetrator or the victim is a national of this State, wheresoever the crime is committed.

(2) In addition to the liability of natural persons, the liability of a legal person for committing any of the offenses under this Chapter shall be established.

(3) The offenses under this Chapter shall be included as an extraditable offence in all extradition treaties by which this State is bound. In cases where the alleged offender cannot be extradited, the domestic courts shall have jurisdiction.

(4) Regarding the offenses under this Chapter, the research and training activities conducted in accordance with Article 7 of this Law shall include trans-border cooperation between domestic, foreign, and international law enforcement agencies. Special programs to facilitate investigations, the detection and identification of perpetrators and victims through data exchange and technical cooperation shall be developed and implemented.

(5) Measures of national and international cooperation shall involve the HCPA and the CPCs, academia, experts in the field, and representatives from civil society, and the private sector, specifically the tourism and travel industry, to conduct awareness-raising and other preventive and protective activities.

Chapter 6 – Protection of Children from Economic Exploitation.

Article 49 – Principles of Children’s Work.

- (1) Children shall have the right to decent work. Children’s work shall not jeopardize any of the rights established in this Law, including the right to physical and mental well-being, the right to education, and the right to leisure and play.
- (2) Children who are employed in accordance with this Law shall have the right to receive adequate and fair remuneration for their work.
- (3) The CPCs shall be responsible for monitoring the employment of children to guarantee the decency and safety of their work and working conditions. The HCPA shall advise on the formulation of policies to promote such working conditions for children.
- (4) This Chapter shall be applicable to private employment agencies. Private employment agencies as defined by Article 1 of Convention 181 of the International Labor Organization shall be held liable as legal persons for any violation of this Law.
- (5) Any violation of the provisions of this Chapter shall be established as a punishable offense in accordance with Article 23 of this Law. Any employer who has been convicted of violating this Chapter is liable to pay compensation to the child victim in accordance with Article 24 of this Law.
- (6) Research activities carried out in accordance with Article 7 of this Law shall examine –
 - (a) Means to protect children from exploitative work and to prevent harmful, hazardous, and indecent work of children; and
 - (b) Ways to promote children’s right to work without negatively interfering with their right to education and the extent to which children’s work may have beneficial effects on their mental, emotional, and social development.

Article 50 – Minimum Age for Employment of Children.

- (1) A minimum age for employment shall be established by law taking into consideration the time necessary for children to gain the adequate physical and mental maturity and to complete their basic education. Children below the minimum age for employment shall not engage in any employment relationship, remunerated or not.
- (2) A minimum age for an apprenticeship below the age established in accordance with paragraph (1) of this Article may be established by law. This shall apply to work done by children in a program of vocational or technical training or in a comparable training institution serving the purpose of occupational training, education, guidance, or orientation. Such program must be approved by the CPCs. The CPCs establish the conditions of the program in cooperation with organizations of employers and workers concerned.

(3) A minimum age for light employment below the age established in accordance with paragraph (2) of this Article may be established by law. The CPCs shall determine the activities that constitute light employment and shall prescribe the conditions in which such employment may be undertaken. Children may engage in light employment if –

- (a) It does not affect their attendance at school or other vocational training as defined under paragraph (3) and their capacity to benefit therefrom; and
- (b) It is not likely to be harmful to their health or development.

(4) The minimum age for employment in a specific sector may depend on the nature of the work. Exceptions for certain areas of work where a child under the minimum age for employment may be employed shall be established by law in accordance with the principles of Article 49 of this Law.

Article 51 – Prohibition of Harmful, Hazardous, and Indecent Work.

(1) The employment of children in dangerous occupations or the performance of hazardous processes that are likely to be harmful to the child's health and physical well-being shall be prohibited. The employment of children in areas of work likely to harm their physical, mental, emotional, or social development shall be prohibited.

(2) The exposure of children to materials and fumes likely to damage their health and the handling and manufacturing of toxic or inflammable substances and explosives shall be prohibited.

(3) The worst forms of child labor shall be prohibited, particularly all forms of slavery or practices similar to slavery. These include but are not limited to forced or compulsory labor, debt bondage, serfdom, the sale and trafficking of children for the purpose of economic exploitation and for the purpose of sexual exploitation.

(4) Article 48 of this Law shall be applicable regarding the jurisdiction for offenses committed under paragraph (3).

(5) Child victims who have been subjected to child labor or children's work not in accordance with this Law shall be provided with medical and psychological assistance, rehabilitation and reintegration measures, legal assistance, and the right to compensation as provided in Chapter 3 of this Law.

Article 52 – Obligations of the Employer.

(1) The employer, whether an individual or a corporate entity, shall be responsible for assuring the health and safety of the child employee. This includes guaranteeing –

- (a) Cleanliness of the workplace and premises;
- (b) Availability of adequate nutrition and water;
- (c) Non-exposure of child employees to harmful substances;
- (d) Security of the machinery, appropriate for the use by children;

- (e) Security of the buildings according to the relevant laws;
 - (f) Provision of the necessary protective gear and protective equipment; and
 - (g) Workers' rights including the child's freedom of movement and freedom of association.
- (2) The employer shall be required to maintain a register identifying all child employees, their date of birth, job description and periods of work to be provided to the CPCs for monitoring purposes.
- (3) The employer shall pay fair and equal wages to child employees including their social security benefits.
- (4) The employer shall encourage the adoption of rules of corporate social responsibility to prevent the exploitation of child employees and to improve the conditions in which children are working.
- (5) The employer shall take the necessary steps to ensure that any sub-contractor, supplier, recruiter, etc., domestic or international, whom she/he deals with abides by the safeguards and standards that ensure the protection of children.

Article 53 – Regulation of Working Hours and Rest Periods.

- (1) The maximum number of hours a child may work per day and per week and the maximum number of days a child may work per week shall be prescribed by law/regulation taking into consideration the nature of the work and if applicable, the requirement that work shall not negatively affect the child's attendance at school or other vocational training and the possibilities to benefit therefrom. The law/regulation shall provide for adequate rest periods and for time off of work.
- (2) Employment of children for night work shall be regulated by a law/regulation.

Article 54 – Rights of Child Domestic Workers.

- (1) Child domestic workers shall be guaranteed the same rights as children working in a contractual relationship, specifically the requirements on the minimum age for employment, safe and healthy work conditions, work hours, and rest periods, ensuring the respect of their human rights and the safety of their work place.
- (2) Child domestic workers who reside in the household shall not be required to remain in the household during periods of rest. Their freedom of movement shall be guaranteed.
- (3) Domestic work shall not infringe on a child's right to education and opportunity to participate in further vocational training.
- (4) Child domestic workers shall be protected from exploitation, specifically from sexual abuse and sexual exploitation.

(5) When formulating the national child protection policy in accordance with Article 6 of this Law, the HCPA shall take into consideration measures aimed at substantially decreasing or eliminating the use of children as domestic workers.

Chapter 7 – Protection of Children in Situations of Emergency.

Article 55 – Participation of Children in Armed Conflict.

- (1) A child under the age of eighteen shall be protected from directly taking part in hostilities. This shall include the protection of any child –
 - (a) Who is part of any kind of a regular or irregular, state or non-state armed group in any capacity;
 - (b) Who is not actively participating in combat but providing military activities and direct support functions including but not limited to scouts, spies, cooks, porters, messengers, and anyone accompanying such groups, other than family members; and
 - (c) Who is recruited for sexual purposes and for forced marriage.
- (2) A child who has not attained the age of eighteen years shall not be recruited into the State's armed forces.
- (3) A child between the age of fifteen and eighteen years may voluntarily be recruited to join the State's armed forces if –
 - (a) Such recruitment is genuinely voluntary;
 - (b) Such recruitment is done with the informed consent of the person's parents or guardians;
 - (c) The child is fully informed of the duties involved in such military service; and
 - (d) The child provides reliable proof of age prior to acceptance into national military service.
- (4) Paragraph (3) shall not apply to schools operated by or under the control of the State's armed forces while safeguarding the child's right to education according to this Law.
- (5) Armed groups that are distinct from the State's armed forces shall not, under any circumstances, recruit a child or use a child in hostilities.

Article 56 – Protection of Children Affected by Armed Conflict.

- (1) In accordance with all obligations under international humanitarian law and international human rights law, it shall be ensured that children affected by hostilities receive special protection to guarantee their safety and well-being. Children shall be afforded all special protection measures irrespective of their nationality and irrespective of whether or not they directly took part in hostilities.
- (2) In particular –

- (a) No war crimes or crimes against humanity shall be committed against children, and specifically children shall not become victims of sexual abuse, sexual exploitation, forced or compulsory labor, economic exploitation, abduction, human trafficking, or internal displacement;
 - (b) Children shall receive essential food and clothing;
 - (c) Children shall be removed from the area in which hostilities are taking place to a safer area, accompanied by persons responsible for their safety and well-being and when possible with the consent of their parents or guardians;
 - (d) Children shall have continued access to educational and vocational institutions and programs; and
 - (e) All appropriate steps shall be taken to facilitate the reunion of families temporarily separated.
- (3) The death penalty and life sentence without parole for an offence related to armed conflict shall not be imposed or executed on a person who was a child at the time of the offence.

Article 57 – Protection of Children in an Occupied Territory.

- (1) Children living in an occupied territory shall be afforded special protection to guarantee their safety and well-being.
- (2) Occupying and occupied powers shall facilitate the functioning of all institutions devoted to the protection, education, and training of children.
- (3) Occupying and occupied powers shall protect children from becoming victims of sexual abuse, sexual exploitation, forced or compulsory labor, economic exploitation, abduction, or human trafficking and from becoming internally displaced.
- (4) The death penalty and life sentence without parole for an offence related to the status of occupation shall not be imposed or executed on a person who was a child at the time of the offence.

Article 58 – Demobilization, Medical Assistance, and Reintegration.

- (1) Children that are or were involved in hostilities contrary to the provisions of this Law shall be demobilized or otherwise released from service. In cooperation with child protection service providers working in the region affected by armed conflict, the HCPA shall design programs to guarantee a quick and effective demobilization of child soldiers.
- (2) Former child soldiers shall receive appropriate medical assistance for their physical and psychological recovery and assistance for social reintegration under the principles established for child victims in Chapter 3 of this Law. In cooperation with child protection service providers

working in the region affected by armed conflict, the HCPA shall design programs to provide child soldiers with medical assistance, rehabilitation and reintegration measures.

(3) Former child soldiers shall have a right to compensation for moral and material damages and for lost opportunities in accordance with Article 24 of this Law.

Article 59 – Internally Displaced Children.

(1) The human rights of children who are internally displaced shall be ensured, respected, and protected. This requires realizing the child's specific vulnerability, and –

- (a) Ensuring humane treatment and satisfactory conditions of safety and security;
- (b) Taking the necessary steps to establish the child's identity and nationality;
- (c) Providing humanitarian assistance, which shall include adequate food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services; and
- (d) If the child is unaccompanied, inquiring about the child's parents, providing the parents, the child, or if appropriate another family member with the obtained information concerning their whereabouts, and, if not detrimental to the well-being of the child, taking the necessary measures to reunify the child with her/his family.

(2) It shall be prohibited to –

- (a) Arbitrarily displace children;
- (b) Stigmatize or discriminate against internally displaced children;
- (c) Take advantage of the vulnerable situation of internally displaced children to exploit them physically, psychologically, or sexually.

Article 60 – Refugee, Migrant, and Unaccompanied Immigrant Children.

(1) The rights of refugee and migrant children, including unaccompanied immigrant children, shall be protected. This requires –

- (a) Providing protection and rendering appropriate humanitarian assistance, which shall include adequate food, water, shelter, medical care, psychological assistance, and other health services, sanitation, education, and any other necessary social services, irrespective of whether the child is accompanied by parents or is unaccompanied;
- (b) If the child is unaccompanied, inquiring about the child's parents, providing the parents, the child, or other family member with the obtained information concerning their whereabouts, and, if not detrimental to the well-being of the child, taking the necessary measures to reunify the child with her/his family;

- (c) Providing the child with the appropriate protection measures in accordance with Chapter 3 of this Law.
- (2) Any kind of stigmatization or discrimination of refugee, migrant, and immigrant children shall be prohibited.

Chapter 8 – Protection of Children in the Justice System.

Article 61 – Principles for Judicial Proceedings involving Children.

- (1) Before participating in any judicial proceeding affecting the rights and interests of a child, including as party, accused, victim, or witness, the child shall be provided with all information necessary for her/him to make a confident and educated decision about the kind of participation in the proceedings and the possible consequences thereof. The information shall be provided in a child-friendly manner respecting the child's age, maturity, and capacity.
- (2) All judicial proceedings shall be heard and conducted by specially trained law enforcement officials, judges, prosecutors, and lawyers. These persons shall receive continuous training on the rights of children and the protection of the best interests of children. The proceedings shall be conducted in accordance with the child's age, maturity, and capacity.
- (3) Alternatives to the formal and traditional judicial forum, such as mediation and other forms of alternative dispute resolution, shall be encouraged whenever these serve the child's best interests and whenever these guarantee the same level of legal safeguards.
- (4) In any proceedings affecting a child's rights or interests, the child has a right to free legal assistance and counseling as described in Article 22 of this Law independent from her/his parents or other parties involved in the proceedings.
- (5) Experts able to assess the maturity, capacity, and wishes of the child shall be encouraged to participate in the proceedings and their views shall be taken into account when determining the child's best interests.
- (6) Judges shall be obliged to take the child's views and wishes into account.
- (7) These principles shall be applicable in the stages before and leading up to the judicial proceedings.

Article 62 – Protection of Child Victims and Child Witnesses.

- (1) Child victims and child witnesses participating in judicial proceedings, their parents, guardians, or care-givers shall be provided with information on –
 - (a) The availability of medical and psychological assistance and other child protection services;
 - (b) The procedures for the justice process, including the role of child victims and witnesses;
 - (c) The importance, timing, and manner of testimony and ways in which questioning will be conducted during the investigation and trial;

- (d) The progress and disposition of the specific case, including the apprehension, arrest, and custodial status of the accused and any pending changes to that status;
 - (e) The prosecutorial decision, relevant post-trial developments, and the outcome of the case; and
 - (f) The existing opportunities to obtain reparation from the offender or from the State through the justice process, through alternative civil proceedings, or through other processes.
- (2) Unless the child's participation in the proceedings is against the best interests of the child, it shall be encouraged through –
- (a) Using appropriate surroundings and alternative out-of-court venues;
 - (b) Excluding the public from the proceedings;
 - (c) Clearing the courtroom or excluding certain individuals whose presence is likely to intimidate or humiliate the child or have an adverse effect on the child's participation;
 - (d) Allowing the support and/or presence of social workers, psychologists, or other people close to the child whose presence the child desires;
 - (e) Using one-way screens, closed-circuit television, or other forms of remote participation;
 - (f) Strictly limiting the use of irrelevant and intimidating cross-examinations of the child; and
 - (g) Admitting statements of the child given prior to the trial, such as statements to social workers or law enforcement officers.

In order to avoid continued questioning of the child, it shall be possible to record the hearing of the child by electronic means or video and use the material at the subsequent proceedings in court.

- (3) Parents, other family members, or guardians of a child victim or witness shall accompany the child and attend all stages of the proceedings. The court shall decide otherwise if it deems the attendance of the parents or guardians to be contrary to the best interests of the child and thus prefers to hear the child alone.
- (4) Direct contact, confrontation, and interaction between a child victim or child witness with an offender or alleged offender shall be avoided, unless at the request of the child when is not contrary to her/his best interests. Special protective measures shall be taken when the alleged offender is a parent, a family member, guardian, or care-giver.
- (5) The child's name, identity, home, school, current or last place of residence shall not be published or revealed. No photograph or depiction of the child shall be made public. No identifying details of the child's parents, family members, or guardians, shall be published or revealed. These safeguards shall also apply during the pre-trial stage.
- (6) There shall be a presumption that a child is a capable witness subject to examination. The child's testimonies shall not be presumed invalid or untrustworthy by reason of the child's age alone.
- (7) A child victim or witness may at any point in the proceedings withdraw her/his statement, report, or testimony without jeopardizing the trial of an alleged offender. A report or accusation of a child shall not be a prerequisite for the prosecution of an alleged offender.

Article 63 – Children in Conflict with the Law.

- (1) A minimum age below which children shall be presumed not to have the capacity to infringe the penal law shall be established by law (age of criminal responsibility).
- (2) Any child who is accused of having violated the law shall –
 - (a) Be informed promptly and directly of the charges against her/him;
 - (b) Have prompt access to free legal assistance;
 - (c) Have the matter determined without undue delay;
 - (d) Be presumed innocent; and
 - (e) Be neither compelled to give testimony nor to confess guilt.
- (3) Special child units shall be established at police offices to deal with children accused of having violated the law.
- (4) Any charges against children accused of having violated the law shall be heard by a special child court. Such child courts shall be established in each judicial district. They shall be staffed with specially trained law enforcement officials, judges, prosecutors, and lawyers. Their establishment and areas of jurisdiction shall be determined by law/regulation.
- (5) A child under the age of criminal responsibility accused of having infringed the penal law shall not be referred to a court but to the competent child protection service provider so as to assist with her/his education and social environment to prevent future commission of criminal acts.
- (6) Research activities conducted in accordance with Article 7 of this Law shall include measures to promote and implement a child-friendly justice system.

Article 64 – Sentencing Guidelines for Children in Conflict with the Law.

- (1) The sentences for children convicted under the law shall prioritize their rehabilitation, education, and reintegration in society rather than punishment or retaliation.
- (2) Criminal punishment, particularly imprisonment, shall be used only as a measure of last resort and shall be avoided whenever possible. It shall be prohibited to subject a child to capital punishment or life imprisonment without the possibility of release, or to inflict any other cruel or degrading penalties.
- (3) In lieu of criminal punishment, or in addition to a sentence, the child court may order counseling, probation, reconciliation between perpetrator and victim, mentoring, educational programs for the prevention of future legal offences, and/or other measures appropriate to facilitate the child's development as a responsible member of society. These measures should be constructive and individualized responses to the child's offense and behavior and to her/his character.
- (4) A child shall have the right to challenge the legality of her/his conviction before a competent and impartial authority. Prison sentences shall be subject to periodic review to determine the continued need for incarceration and the possibility of a release on parole.

(5) Children shall be afforded the opportunity to clear or close their criminal record. Where the child court judge has been convinced that a child sentenced to penalty has proved her/himself to be a law-abiding individual based on irreproachable conduct, the judge shall declare on her/his own motion or on application filed by the convicted person, the parent, guardian, or legal representative, that the entry be struck from the criminal record.

Article 65 – Protection of Children Deprived of their Liberty.

(1) Children who are restricted in or deprived of their liberty shall be held in a manner that avoids harm to their dignity and is appropriate to their age. Those responsible for the care and guard of child detainees must protect them from physical, psychological, and sexual violence, respect their human rights, and ensure decent, humane, and just treatment.

(2) Parents, guardians, or care-givers of a child, shall promptly be informed about the child's detention, arrest, and any other form of restriction or deprivation of liberty. The notification shall also include the nature of the offence in respect of which the child has been arrested and shall inform that the child is entitled to legal assistance and counseling.

(3) Child detainees shall be kept separate from adult detainees.

(4) Children shall be able to maintain contact with parents, family members, and other persons close to the child through regular visits and correspondence.

(5) The child's rights to health, safety, and development, as provided by this law shall be respected in detention settings. Discipline at detention places shall preclude torture, cruel, and degrading treatment. It shall be prohibited to subject a child detainee to additional punishment. The use of restraint or force shall only be allowed when the child poses an imminent threat of injury to her/himself or others, but never as punishment.

(6) The detention shall include educational and vocational programs to help the child overcome difficulties that contributed to her/his commission of the criminal offence and prepare for the return to her/his community, family life, education, or employment after release.

(7) The relevant after care shall be provided to the child, including reintegration measures, such as continued mentoring and guidance tailored to the specific needs of the child with the goal of enabling a dignified return of the child to her/his family, community, and social life and to prevent future commission of criminal acts.