



Guidelines for users of **Pro Bono Children Europe**

A European Child Justice Clearinghouse



**GUIDELINES FOR USERS OF
PRO BONO
CHILDREN EUROPE**

A EUROPEAN CHILD JUSTICE CLEARINGHOUSE



The Netherlands



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PURPOSE OF THE GUIDELINES

The purpose of these Guidelines is to define a safe and supportive work environment. They are intended to guide the activities of users of Pro Bono Children Europe (PBCE), a clearinghouse launched within the CLEAR-Rights project.¹ The guidelines are divided into three sections:

- a. General principles on Pro Bono Children Europe;
- b. NGOs user section;
- c. Pro bono lawyer users section.

These guidelines aims to ensure the proper conduct of activities as a clearinghouse in the best interests of the child and in the respect of international and national legislation.

What is a Clearinghouse?

A clearinghouse facilitates the efficient provision of pro bono legal advice. It acts as an intermediary between people or organizations needing legal assistance and lawyers prepared and able to assist. By acting as a hub for the skills and expertise of the legal world, a pro bono clearinghouse provides NGOs, governments and/or individuals with an identifiable mechanism through which they can find legal support. It provides access to an otherwise inaccessible service.²

¹ The project CLEAR-Rights: Enhancing legal assistance and access to justice for children in conflict with the law in Europe is co-funded by the European Union's Justice Programme (2014-2020). The content of this Guidelines represents the views of the authors only and their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains. CLEAR-Rights is a two-year project (January 2021 to December 2022) co-funded by the Justice Programme of the European Union. The CLEAR-Rights project is coordinated by the Regional Office of Terres des hommes for Europe in Hungary, in collaboration with 5 partners: PILnet in Hungary; Alliance of Lawyers for Human Rights (Alliance des Avocats pour les droits de l'homme) (AADH) in France; Defence for Children International (DCI) in Belgium; Terre des hommes Romania; and Defence for Children International - ECPAT in the Netherlands.

² PILnet and A4iD, 2011. Pro Bono Clearinghouse Manual. Available at: <https://www.pilnet.org/resource/pro-bono-clearinghouse-manual-resources-for-developing-pro-bono-legal-services/>

Purpose and scope of PBCE

The **PBCE** is a clearinghouse launched in the framework of the **CLEAR-Rights: enhancing legal assistance for children in conflict with the law in Europe**.

The aim of the PBCE is to:

- Improve access to justice for children;
- Strengthen the resilience of children's rights NGOs;
- Promote and support legal pro bono work in the field of children's rights across Europe;
- Support and enhance collaborations and exchange of good practices in the field of child justice across Europe.

PBCE should not be considered as a substitute for the obligation of the member states to provide access to law and justice and it is not in any way aiming at replacing State-funded legal aid.

PBCE supports the advancement of child-centered justice by:

1. Matching **cross-border requests for pro bono legal assistance related to children's rights** (including EU-wide legal research, operational legal needs, representation, legal drafting, legal translation, etc), via its clearinghouse mechanism;
2. Facilitating the organization of **capacity building** (such as workshops and training for legal practitioners and NGOs, especially in cross-border scenarios related to children's rights);
3. **Awareness-raising among stakeholders and information sharing** (particularly on transnational challenges and good practices recommendations);
4. **Convening and promoting cooperation and exchange** among clearinghouses, lawyers and NGOs (including facilitating long-term partnerships or collaborations on specific projects).

Structure of PBCE

PBCE is built as a Working Group of the European Pro Bono Alliance (EPBA), and it is comprised of volunteering organizations of the Alliance. Currently, its activities and operations are managed by PILnet and AADH.

PBCE activities will be implemented by tapping on PILnet and the AADH networks of pro bono lawyers and when needed with the support of the other members of the EPBA in a spirit of cooperation.

PBCE is also advised by an Advisory Board comprised of key stakeholders representatives (including law firms, in-house professionals, child justice experts, judges, NGOs, etc) who advise on ad hoc basis according to their expertise.

General Principles

The action carried out in the execution of these Guidelines and in relation to the work of the PBCE are inspired by and adhere to the following principles:

1. The best interest of the child by systematically integrating the best interests of the child in every decision and in the assessment of the consequences of conduct adopted with regard to a minor.
2. Impartiality, respect and inclusion by promoting diversity and inclusion in providing and accounting for the needs of children of every race, ethnicity, culture, nationality, ability, gender, sexuality, faith, and family background.



NGO Users Guidance

2.1 Eligibility

Those who are eligible to obtain legal assistance through PBCE are:

- NGOs with a mission to support the rights of children, child friendly justice, children with disabilities, unaccompanied minors, child victims of trafficking in persons, child victims of violence, and any other forms of children's rights protection.
- Organizations not specialized in children's rights if they are requesting assistance for a matter related to child justice. For example, a women's rights organization might seek assistance for a client in need of legal support related to her child's custody.
- Non-registered organizations aiming at working in favor of children's rights that seek assistance to register their activities

The PBCE clearinghouse primarily serves the legal needs of children's rights NGOs. However, in particular cases, the EU-CJCH can be used to access legal support for individuals, including minors, who are assisted by a specialized NGO. In order to access legal support for individual clients, the requesting NGO should submit an intake form for its clients and will commit to support the client and pro bono lawyer throughout the entire process.

In order to verify the existence of the eligibility criteria, PBCE might ask the NGO for any of the following:

- Registration records;
- Latest financial report;
- Governance documents;
- List of trustees, directors and/or staff;

PBCE reserves the right to reject requests from any organisation that does not satisfy the above eligibility the criteria.

2.3 Types of assistance

PBCE will seek the support of pro bono lawyers for the following types of assistance:

- a. Multijurisdictional or cross-border legal matters coming from children's rights organizations or covering multiple European jurisdictions. These matters could cover, for example:
 - I. Multijurisdictional legal research projects;
 - II. Complex cross-border operational legal needs;
 - III. Multijurisdictional legal drafting;
 - IV. Multi-lingual legal translation, etc.
- b. Requests for legal assistance for individual minors, when such requests are submitted by children's rights organizations, which will be actively involved in the pro bono relationship by supporting the psychosocial needs of such minors and assisting the pro bono lawyer(s);
- c. Legal capacity building in the field of child justice, such as:
 - I. Workshops and training for legal practitioners and NGOs, with special attention to cross-border scenarios;
 - II. Roundtables and good practices exchange on specific child justice issues.
- d. Convening of and promoting cooperation and exchange among clearinghouses, lawyers and NGOs (including facilitation of long-term partnerships or collaborations on specific projects).

2.3 Legal needs assessment & Intake procedure

In order to better understand the legal needs of your NGO, you can write to us or fill the intake form and we will help you in defining more clearly the type of legal support you might need.



1



Fill out the intake form on our website



Work with us to finalise the request

2



PBCE circulates your request



We identify and put you in contact with the most suitable lawyer(s)

4

GET YOUR FREE LEGAL ASSISTANCE!

5



Share your feedback with us!

6

Tips for NGOs seeking pro bono assistance³

- It may take anywhere from one day to a few months to find the right volunteers for your pro bono matter depending on the subject matter, scale, and complexity of the request and time of the year. If it takes a while, it is important that you let us know if you have found an alternative source of support in the meantime.
- Before a firm agrees to take your organization on as a pro bono client, they will need to run a “conflict check” to make sure that it would not conflict with any of their pre-existing clients or business. They may ask for details of trustees of your organization, your most recent accounts and your organizational statutes. Usually, EU-CJCH will not formally assign a project to a firm until this process is complete.
- You may be asked to sign a client engagement agreement with the law firm. This is standard practice and lays out the terms on which they will provide your organization with assistance, including exactly what assistance they will provide, the deadline, confidentiality terms and confirming that the work will be provided free of cost. Pay attention to whether outlays or expenses incurred in the course of providing this assistance will be covered by the firm, or if the NGO will be expected to cover them.
- Manage your relationship with pro bono lawyers as you would a consultant that you are paying: don’t accept a lower standard of work because the work is pro bono. Lawyers should adhere to deadlines and produce work to a high standard of quality, that is in line with what has been agreed.
- Be responsive. Once they start working on your request the pro bono lawyers may have questions, or need feedback from you on a draft. Please be mindful of their time and respond in a timely manner.
- If during the course of the pro bono project you realize that you need additional assistance, or a brand new pro bono need has arisen, please contact us.

³ PILnet and A4Id, 2011, Pro Bono Clearinghouse Manual, Resources for Developing Pro Bono Legal Systems. Available at: <https://www.pilnet.org/wp-content/uploads/2020/04/PILnet-ProBono-Manual-11-01-2011-final-WEB.pdf>

2.4 NGOs obligations

As an NGO accessing the PBCE services you are expected:

1. To respect the guidelines along with the safeguarding policy published on our webpage;
2. Not to use the PBCE or its name to personally receive payment or profit of any kind;
3. Not to use the PBCE for personal ends contrary to the PBCE's social mission;
4. Not to use the name and/or logo of PBCE without authorisation from its legal representative or for ends contrary to its purpose;
5. Not to use the logo and/or the name of any one of the law firms or companies, users of the PBCE and, for whatever reason, without prior authorisation from them;
6. To mention PBCE during media coverage of the files obtained through PBCE, subject to the latter's prior authorisation;
7. Not to directly request individual lawyers, law firms or in-house counsels users of the PBCE for the processing of new files (if you have new files, please reach out and we can match you again or facilitate a long term collaboration);
8. To cooperate with PBCE and its users in a loyal and transparent manner;
9. To regularly keep PBCE informed about progress on the files, potential issues that were faced and when the file is finalised;
10. To fill out a satisfaction survey after every file closing directed at the relevant lawyer working on the file.

Pro Bono Lawyers Guidance

3.1 Types of pro bono lawyers

Individual lawyers, in-house lawyers, lawyers working for international law firms and national law firms and properly supervised trainees are all welcome to provide support to PBCE by providing their legal skills in support to the requests received by the clearinghouse.

In order to receive requests for legal assistance from the EU-CJCH we encourage you to subscribe to each national clearinghouse of the [European Pro Bono Alliance](#) and to share with us your interest, background and expertise by filling out [this form](#) aimed at collecting expressions of interest in taking part in activities related to children's rights.

3.2 Types of pro bono matters

The matter you might be asked to support or to take part in will range from:

- e. Multijurisdictional legal matters coming from children's rights organizations or covering European jurisdictions. For example:
 - I. Multijurisdictional legal research projects;
 - II. Complex, cross-border operational legal needs;
 - III. Multijurisdictional legal drafting;
 - IV. Multi-lingual legal translation, etc.
- f. Requests for legal assistance for individual minors, submitted by children's rights organizations, which will be involved in the pro bono relationship by supporting the psychosocial needs of such minors and assisting you;
- g. Participate or, if relevant, facilitate legal capacity building sessions in the field of child justice, such as:
 - I. Workshops and training for legal practitioners and NGOs, with special attention to cross-border scenarios;

- II. Roundtables and good practices exchange on specific child justice issues.
- h. Participating in convening of and promotion of cooperation and exchange among clearinghouses, lawyers and NGOs (including long-term partnerships or collaborations on specific projects).

3.3 Legal expertise and capacity building

In order to be assigned to specific legal requests, there might be a need for specific expertise or skill. To ensure as much as possible that the requests for legal assistance (particularly those related to the individual representation of minors) are assigned to lawyers equipped with the appropriate skill set and with the necessary support, PBCE might ask for proof for specialisations or might ask the lawyer to undertake a capacity building session. PBCE will regularly organize online and in-person sessions to build the capacity of pro bono lawyers around child-friendly justice and child-centered approaches.

3.4 Procedure

As a lawyer you will receive requests for legal assistance related to the PBCE in three ways:

1. Via email by adding your details, specialisation and availability in the [expression of interest form](#) on our webpage;
2. Through your subscriptions to existing European Clearinghouses members of the [European Pro Bono Alliance](#), including the PILnet Global Clearinghouse and the AADH;
3. Through direct outreach from PBCE if our staff thinks a specific request might be of interest or suitable for you.

If you are interested in supporting with a specific request, you can let PBCE know by sending an email indicating interested in the matter.

PBCE will assign the matter using several criteria (expertise, location, language skills, gender, rotation among firms, etc.).

If PBCE deem you suitable for a request, you will be asked to run a conflict check before being introduced to the NGO requesting support.

Once the conflict of interest check is cleared, PBCE will formally match the lawyer/law firms and the NGOs.

Following the match with the NGOs, the assigned lawyer/law firms will sign a pro bono engagement letter with the requesting organisation. From then on, between the lawyer/law firms and the NGO a formal client-lawyer relationship is established and the lawyer will provide the required legal support on a pro bono basis.

Assigned lawyers are expected to read and agree with our Safeguarding Policies as published in our webpage.

3.5 Individual lawyers, law firms and in-house counsels' obligations

As a lawyer, law firm and in-house counsel accessing the PBCE services you are expected:

1. To respect these guidelines along with the safeguarding policy as published on the webpage;
2. Not to use PBCE or its name to personally receive payment or profit of any kind;
3. Not to use PBCE for personal ends contrary to PBCE's social mission;
4. To respect principles of honor, loyalty, lack of self-interest, collegiality, sensitivity, moderation and courtesy along with confidentiality;
5. To spend the necessary amount of time on files given to them by PBCE and use the same diligence and care you would provide to paying clients;
6. Not to directly accept or offer new files coming from an PBCE NGO user when the latter has been introduced by PBCE. Reach out to PBCE to facilitate a long term collaboration instead;
7. To mention PBCE during media coverage of the files obtained through PBCE, subject to the latter's prior authorisation;
8. Not to use the logo and/or the name of any one of the law firms or companies, users of the PBCE and, for whatever reason, without prior authorisation from them;

9. Not to request any payment from the NGO'user or child on any occasion (except for fees related to transport or inherently linked to a file, if such arrangement is previously agreed in the engagement letter);
10. To cooperate with representatives at PBCE by:
 - keeping them informed about progress on the files and potential issues that were faced;
 - filling, on the closing of each file, the systematic report questionnaire shared with you by PBCE staff.

For more information on Pro Bono Children Europe visit our webpage or write to us!



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