

Child-friendly justice – perspectives and experiences of children and professionals

Summary



The Charter of Fundamental Rights of the European Union sets out rights that are of particular relevance to the rights of children in judicial proceedings. The most important are human dignity (Article 1); the prohibition of torture and inhuman or degrading treatment or punishment (Article 4); the right to liberty and security (Article 6); respect for private and family life (Article 7); the protection of personal data (Article 8); non-discrimination (Article 21); the rights of the child (Article 24) and the right to an effective remedy (Article 47).

Children's effective participation in judicial proceedings is vital for improving the operation of justice. European and international human rights instruments recognise the importance of children's participation. They oblige European Union (EU) Member States to ensure that children's best interests are the primary consideration in any actions that affect them. Nevertheless, the treatment of children in justice systems across the EU remains a concern.

The European Commission has supported efforts to make justice more child-friendly in various ways. It prioritised child-friendly justice in its EU Agenda for the Rights of the Child (2011-2014), outlining diverse proposals for strengthening relevant procedural safeguards, carrying out pertinent research on

legislation and policy in the EU-28, and supporting EU Member States in improving protection. Following up on the European Union Agency for Fundamental Rights (FRA) 2015 report on child-friendly justice, the Commission issued a policy brief on children's involvement in criminal, civil and administrative judicial proceedings in the 28 EU Member States. The Commission also committed itself to publicising the Council of Europe's 2010 *Guidelines on child-friendly justice*, which promote children's rights to be heard, to be informed, to be protected and to non-discrimination, as well as the principle of the best interests of the child.

In cooperation with the European Commission, FRA collected and analysed data to determine to what extent these rights are fulfilled in practice. It did so by way of interviews with professionals and children who have been involved in judicial proceedings. FRA's first report on its research in 2015 centred on the perspective of professionals.

This summary presents the main findings of the second report. That report focuses on the perspectives of children, outlining their views on factors that impede their full participation and on efforts that can help overcome such barriers. Like the first report, it underscores that much remains to be done to make justice across the EU truly child-friendly.

Data collection and coverage

The European Commission's EU Agenda for the Rights of the Child noted that a lack of reliable and comparable data was obstructing the development and implementation of evidence-based policies. To address this, the Commission and FRA took stock of existing work in this area. The coordinated and systematic data collection included the child rights indicators that FRA developed in 2010 and further elaborated in 2012 with regard to family justice. The indicators follow the rights-based model – developed by the United Nations High Commissioner for Human Rights (OHCHR) – which is designed to measure:

- duty bearers' commitments (structural indicators);
- efforts (process indicators) to fulfil these standards;
- results (outcome indicators).

FRA also conducted interview-based fieldwork research in 10 EU Member States, selected to reflect diverse judicial systems and practices regarding the involvement of children in justice: Bulgaria, Croatia, Estonia, Finland, France, Germany, Poland, Romania, Spain and the United Kingdom.

The first part of FRA's work, presented in a main report and summary, focused on the perspectives of professionals. *Child-friendly justice: perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU Member States* was based on responses from 570 judges, prosecutors, lawyers, court staff, psychologists, social workers and police officers in daily contact with children during criminal and civil proceedings.

The second part centres on the perspectives of children. It is based on responses from 392 children involved in proceedings as victims, witnesses or parties, with a focus on sexual abuse, domestic violence, neglect and custody cases. The research did not cover children suspected or accused in criminal proceedings.

This work contributes to the population of process and outcome indicators with qualitative data for nine of the 10 EU Member States examined. FRA's opinions on child-friendly justice, outlined in this summary, are based on a combined analysis of the professionals' and children's interviews.

This research is part of FRA's broader work on the rights of the child, a core thematic area. That work is set out in FRA's Multiannual Framework and reflected in its development of child-rights indicators and collection of data on children in situations of particular vulnerability – trafficked children and separated, asylum-seeking children, women's experiences with violence during their childhoods, as well as violence against children with disabilities. It is also linked to FRA's work on access to justice and support for victims.

In parallel, the European Commission collected statistical data and information from all EU Member States, where available, on children's involvement in civil, administrative and criminal judicial proceedings. The data cover relevant legislation and policies in place as of 1 June 2012. A policy brief distilling the findings was published in 2015, including recommendations for Member States.

Key findings and evidence-based advice

Introducing specific measures to make judicial procedures more "child-friendly" facilitates children's access to justice and their effective participation in judicial proceedings, and so helps avoid restricting or violating the rights of children involved in such proceedings.

In their responses, professionals underlined the need for clear and consistent standards for all professionals involved, and systematic monitoring of their implementation. The research with children reinforces that conclusion. From their perspective, professionals' behaviour is key to making proceedings child-friendly and for them to feel safe and comfortable. When children feel that professionals treat them with respect, are open and friendly, listen to them and take their views seriously, they are more likely to

report being treated fairly and in line with their best interests. Professionals whose behaviour children assess positively are also more likely to use child-friendly hearing locations and provide age-appropriate and child-friendly information. The weight attached to how professionals treat children underscores the need for clear practical guidelines and training for all professionals in contact with children.

Interviewer: "And what do you think is the most important thing to do to ensure child-friendly conditions?"

Child: "These people who run the interviews. I think they are the most important – they should be calm and friendly. It is the key thing." (Poland, male, 16 years old, victim, domestic violence case)

It is also very important to children that they participate. Like the professionals, the children emphasised that they need information and support throughout proceedings, as well as well-implemented procedural safeguards to be able to participate effectively. Children and professionals also provided FRA with concrete suggestions on how to make proceedings more child-friendly and identified a number of promising practices – some of which are presented both in this summary and the main reports.

FRA Opinion 1

EU Member States need to ensure that justice systems are child-friendly, and that children's rights are respected regardless of where and how they come into contact with the justice system. Member States should therefore consider assessing their justice systems to identify policies and practices that prevent criminal and civil proceedings from being child-friendly. In their assessment, Member States should take into account relevant European Commission and FRA research, including the recommendations set out in the Commission's policy brief on children's involvement in criminal, civil and administrative judicial proceedings. Member States should then draft a working plan, considering other Member States' promising practices that can be shared among national and regional actors and at EU level. Member States and, as appropriate, the EU should consider promoting awareness about child-friendly justice among stakeholders.

Right to be heard

The right to be heard and express one's views is essential for effective participation in judicial proceedings. It is a right guaranteed to children by the EU, the Council of Europe and the UN.

Establishing procedural safeguards to ensure child participation

Although EU legislation accords specific rights and safeguards to children who become victims of crime and minimal safeguards for child witnesses of certain crimes, equivalent safeguards for children involved in civil proceedings are lacking. Similarly, EU law provides no safeguards for child witnesses of crimes not covered by theme-specific legislation – such as on trafficking and sexual exploitation. Various international instruments, including the Council of Europe's European Convention on the Exercise of

Children's Rights, do impose some obligations in such cases.

Procedural safeguards for child victims come in many forms. For example, the Anti-Trafficking Directive (2011/36/EU), the Directive on combating sexual abuse and sexual exploitation of children and child pornography (2011/93/EU) and the more recent Victims' Rights Directive (2012/29/EU) include the following: interviews with child victims are limited in number, take place in specifically designed premises, and are carried out by trained professionals – if possible, by the same person; visual contact between children and offenders is avoided; children do not have to appear in court in person and are instead heard by testifying through communications technology or through the use of audio-visual records of interviews with them as evidence; hearings are closed to the public; and children are accompanied by a legal representative or adult of their choice.

Both professionals and children consider such procedural safeguards vital. Professionals emphasise that these reduce stress on children, facilitate their participation in judicial proceedings and help avoid secondary victimisation. Moreover, professionals from all 10 Member States researched gave examples illustrating that not implementing such safeguards very negatively affects both proceedings and the children themselves. Children agree that safeguards reduce their stress when testifying and help them participate more freely; safeguards that are not implemented systematically can be a major source of fear and anxiety.

"They shouldn't torture the child to tell the story so many times... Very torturous... But just tell it once, I guess, for example... directly to the psychologist to tell an investigator, tell someone, and then they should transfer all testimony to the judge and the child should not be called in again. And in the worst case, [the child should tell] the judge... but not in court." (Bulgaria, female, 14 years old, victim, sexual abuse case)

Specifically, children appreciate testifying in the absence of defendants and their families or friends or, when this is not possible, using screens to avoid visual contact. They feel stressed when they have to testify more than once, before numerous people, and in non-child-friendly environments. Children generally prefer having as few people as possible present during hearings and want to be informed about the present individuals' roles in the hearing. Some children involved in criminal proceedings place great importance on being able to make an informed decision about the available procedural safeguards, with an awareness of the possible consequences of choosing some measures over

others. They also value being able to choose the gender of professionals conducting the hearings, or whether and when a person of trust will accompany them – and sometimes prefer being alone with the professionals conducting hearings.

“I would prefer to do it [be cross-examined] behind the screen because it’s better to speak face-to-face than over a [video] link... We were speaking about it and I was asking questions, ‘if I was behind the screen who would be able to see me?’ and they said that only the jury and the judge and the people that asked me the questions would be able to see me. So instead of going into the video link I decided to do that.” (United Kingdom, female, 17 years old, victim, sexual abuse case)

Laws in the majority of Member States do stipulate procedural safeguards for criminal proceedings, such as the physical adaptation of the environment in which hearings take place and controlled contact with other parties, particularly the defendant. In general, criminal provisions appear more detailed than civil provisions in terms of the authority in charge of hearing the child, the setting in which the child is heard, and the extent of the information provided to the child. Civil provisions are more fragmented: depending on the type of case, hearing the child is either mandatory, optional or not regulated at all. Mediation is frequently suggested as an alternative to civil proceedings.

Professionals recommend applying procedural safeguards to all children equally in both criminal and civil proceedings. Similarly, children who are involved in both criminal and civil proceedings – such as in custody cases linked with domestic violence cases – complain that procedural safeguards available in criminal proceedings are unavailable in civil proceedings. This includes, for example, the possibility of avoiding all contact with defendants, who may happen to be their parents.

FRA Opinion 2

EU Member States should ensure that procedural safeguards guarantee children’s participation in judicial proceedings and effectively protect their right to be heard. This includes addressing gaps within the criminal legal frameworks of those countries that lack safeguards, especially for child witnesses. Safeguards similar to those available in criminal proceedings should be introduced in civil proceedings – with specific attention to children involved in multiple proceedings, such as in custody cases linked with domestic violence cases. Moreover, Member States should consider using child-adapted versions of mediation more often.

FRA Opinion 3

EU Member States should video-record hearings – including pre-trial hearings – and ensure that the recordings are legally admissible evidence to avoid unnecessary repetition, including during trial. Member States should use video recording as a standard practice in criminal proceedings and as an option in civil proceedings. Police stations, court houses and other interviewing locations should be equipped with functioning recording technology and professionals should be trained in its use.

FRA Opinion 4

EU Member States should ensure that all involved actors duly consider a child’s best interests when deciding who should be present during hearings. Professionals should consult children on whether people should be present during hearings and, if so, when and who. This includes the presence of support persons, such as social professionals, and adults of trust, such as parents, foster parents and care givers.

Maturity of the child

Assessing maturity

A child’s maturity is critical to determining how he or she should participate in judicial proceedings. Interviewed professionals state that maturity assessments are mostly based on individual judges’ opinions or determined by age group, without a clear set of criteria. Methods such as the ‘Gillick’ competency assessment in the United Kingdom are not consistently used across countries. In addition, many professionals underestimate children’s knowledge and capacity for understanding because they lack knowledge about, and awareness of, child-specific behaviour.

FRA Opinion 5

To ensure that the right to be heard is not subject to age limits or other arbitrary restrictions, either in law or practice, EU Member States should introduce in their legislation clear criteria for determining a child’s maturity and adopt methods to assess a child’s maturity. This could help determine more objectively how children participate best in judicial proceedings.

Adequately considering maturity

The right to be heard is a choice, not an obligation, and children point out that they should have a say in how they are heard. Professionals should acknowledge that children have clear opinions and make many suggestions on how they believe proceedings could be more child-friendly. For example, children suggest that it should be taken into consideration that they do not necessarily communicate in the same way as adults, particularly when younger.

Where children choose to participate in judicial proceedings, more needs to be done to facilitate their participation. Measures taken should be based on an individual assessment of the child and be adapted based on their age, maturity, level of understanding and possible communication difficulties, as well as the circumstances of the particular case.

"[T]he judge was very kind and explained again that I had nothing to be scared about, that she did not eat people – again speaking in a friendly, joking manner, and that whenever I felt the need to take a break in the course of the hearing, I could interrupt them and we would continue if I was willing to, or finish if I refused." (Bulgaria, female, 16 years old, party, custody case)

The interviewed children indicate that an open, attentive, respectful and friendly approach is key to getting them to better communicate their wishes and feelings.

FRA Opinion 6

To facilitate children's participation, EU Member States should make obligatory individual assessment procedures and ensure clear guidance for trained professionals to conduct individual assessments in a child-sensitive, age-appropriate way. Helping children in particularly vulnerable situations to express their views may require special measures, including the provision of interpretation/translation services.

Providing professionals with rules and guidelines on how to hear children

Both professionals and children say that using child-friendly communication is not standard practice. Moreover, rules and guidelines explicitly prescribing how professionals should conduct hearings are often missing, especially in civil proceedings. As a result, in almost all Member States, in both criminal and civil proceedings, hearing practices and the extent to which communication is adapted to children's needs depend on individual professionals' skills.

They also vary depending on the court and region. Interviewed professionals state that professionals, especially police officers and judges, generally lack specialisation in child hearings.

When more standardised and detailed rules or guidelines are provided – such as the guidelines used in Finland or the United Kingdom – the children's right to be heard is better protected. Professionals observe that the number of hearings decreases and professionals' behaviour becomes more child-friendly – making children feel safer and thus able to participate more effectively.

FRA Opinion 7

EU Member States and, as appropriate, the EU should ensure that professionals are provided with clear guidelines and detailed rules on how to hear children. This is to ensure that they properly use procedural safeguards required by national and EU law and that they use a consistent, child-friendly approach to hearings in criminal and civil proceedings. These should go hand in hand with a standardisation of procedures and coordination among different actors and professional groups to harmonise hearings. An exchange of guidelines and promising practices within and between Member States could help improve procedures.

Introducing specialised courts, panels or judges for children

Not all Member States have criminal or civil courts, divisions or panels, or judges that are specialised in working with children. Such specialised entities or judges are more likely to use specialised professionals with training in child psychology and development, specialised child hearing techniques, and child justice mandates. Such courts are also more likely to have child-friendly facilities and informational materials, as well as safeguarding tools – including communications technology, such as video links.

FRA Opinion 8

EU Member States should consider establishing specialised courts for children or specialised divisions/panels within ordinary courts with expertise in children's rights and child-friendly justice. This would help ensure that cases involving children are dealt with in child-sensitive settings. Specialised units of professionals working with children should also be developed, including within the police, the judiciary and legal professions.

Using child-friendly facilities to hear children

Secondary EU law requires interviewing child victims in criminal proceedings in premises designed or adapted for that purpose. However, child-friendly rooms – spaces where children are likely to feel comfortable and safe – are not available as standard practice. They are more often used for criminal than civil hearings – but even in criminal cases children often meet alleged offenders in corridors or waiting rooms. Where children are heard in normal offices or at court, rooms are rarely specifically designed for child hearings and it is left to the respective specialist to create a more child-friendly environment.

A number of countries have made efforts to make child-friendly hearing rooms available for criminal cases, including by equipping police stations with child-friendly interview rooms – usually containing toys, video recorders to tape hearings for later use in court and other tools for collecting evidence. Both interviewed professionals and children very positively assessed such specifically adapted rooms.

Although availability varies, Poland and Bulgaria have developed child-friendly “blue rooms”, which also contain a viewing space behind a two-way mirror for judges and other appropriate persons. Interviewees also referred to “children’s houses” in Iceland and Norway, which provide integrated inter-agency, multi-disciplinary services for child victims and witnesses in one location purposely situated away from courts. Such children’s houses are also used in Croatia, Denmark and Sweden; were recently introduced in Cyprus; and are being developed in England (United Kingdom), Estonia and Spain.

Children generally find court settings intimidating and frightening, and associate them with criminality. Thus, they prefer hearings conducted outside the court environment or in court-based hearing rooms with child-friendly features to those in court or in non-child-friendly settings – provided they also perceive the professionals’ approach to be child-friendly.

Across different EU Member States, children involved in both civil and criminal proceedings have consistent opinions about what a child-friendly setting should entail: it should be outside of the court environment, painted in bright colours, decorated with child-friendly features – such as paintings and drawings made by other children – and contain plants or flowers. Furthermore, like the interviewed professionals, children indicate that available toys or games should be appropriate for a range of age groups.

“In my opinion, [the courtroom] shouldn’t be so black and white because, I don’t know how to describe it, it was awful. Catastrophic! Maybe they should add some colours, for example green, so it would be a bit more cheerful. When I came in, they were all like ghosts. I was wondering where I came, they all just looked at me and then the judge came in and he also was in black and white and with a black tie... the chairs were white, black, white, black, black, white, white, black...” (Croatia, male, 15 years old, witness, domestic violence case)

FRA Opinion 9

EU Member States should ensure that hearings are conducted in child-friendly facilities, preferably outside the court environment, since these encourage children’s effective participation and help secure respect for their rights. The facilities should reflect children’s suggestions and be painted in bright colours and include child-friendly features, such as paintings made by other children, plants and a variety of toys and games appropriate for a range of age groups.

FRA Opinion 10

EU Member States should seek to systematically put in place child-friendly, separate hearing rooms and waiting rooms for use by different services, including in rural areas. Child-friendly interview rooms should be made available for both criminal and civil proceedings to allow children to freely and fully make use of their right to be heard in a space in which they feel comfortable and safe. Given that the most important factor for children is the professionals’ behaviour, the use of such rooms needs to go hand-in-hand with having hearings conducted by trained professionals.

Making free legal aid available, including free and easy access to legal representation

EU legislation in the area of criminal law grants child victims the right to legal counselling or legal representation, which shall be free of charge where the victim has insufficient financial resources. Child victims should also be provided with a special representative if the holders of parental responsibility are precluded from representing the child.

The 2012 United Nations (UN) *Guidelines on access to legal aid in criminal justice systems* stipulate that children should always be exempt from means tests. National legislation in six of the 10 researched countries accords child witnesses the right to legal aid; child

victims have this right in all states except for the United Kingdom, given its common law system. However, five countries in the sample require means testing. Moreover, respondents from all countries report that legal representation for children in civil law cases is lacking because children have to reach a certain age to be considered legally capable. In family law proceedings, the parents often have a lawyer but not the child itself. However, in five of the countries researched legal counsel or guardians can be appointed to represent the child's interests.

Professionals raised a number of issues regarding access to legal aid, including the lack of guidelines on how to request free legal assistance; the training and availability of specialised child lawyers; and the timely and systematic appointment of legal representatives. However, promising practices exist in several countries. For example, in France, contact points have been established in several cities, at which children can access specialised lawyers for information about their rights, advice, and support in civil or criminal matters.

For all types of proceedings, interviewed children rarely report receiving legal support. Findings highlight that the provision of legal support is not institutionalised in most of the countries. Some children do not recognise lawyers or legal counsellors as sources of support because they believe that they fail to inform them about proceedings and their roles and responsibilities. Some children involved in custody cases report benefiting from their parents' legal representation, rather than having their own lawyer. In many cases, these children view the support provided negatively because they believe that these professionals prioritise their parents' interests over their own feelings and wishes.

FRA Opinion 11

EU Member States should provide legal aid unconditionally to all children, including free access to legal representation throughout the proceedings. In addition, all Member States should ensure that the provision of legal aid is institutionalised and that clear guidelines on accessing legal aid are provided to all children and their parents or guardians. Specialised child lawyers should be available to represent children in both civil and criminal proceedings. Bureaucratic hurdles, such as lengthy proceedings or economic means tests, should be identified and avoided.

Reducing the length of proceedings

Seven of the 10 EU Member States examined have specific legislation to prevent undue delay in child justice cases in the criminal field. Some limit the length of trials, whereas others mandate that speed

be a priority in such cases. Similarly, EU legislation establishes, for example, that interviews with child victims shall take place without unjustified delay. In civil proceedings, however, only three countries fast-track cases when children are involved and only in very specific cases.

The judicial process is reportedly lengthy in all Member States, both because of delays between hearings at different procedural stages and the number of hearings. Professionals note that formal and informal multidisciplinary cooperation helps reduce the number of hearings and the proceedings' length.

Children frequently report lengthy proceedings – both criminal and civil – and state that these negatively affect their daily lives. They criticise the delay between hearings at different procedural stages, the multiple – often repetitive – hearings faced with numerous professionals, and the very nature of judicial systems. They suggest having to provide statements only once and prioritising children's cases. Many children also noted that the hearings themselves were long, often partly due to long waiting times before providing testimony. Similarly, some children involved in civil proceedings spoke critically about the long assessments faced in hearings conducted by social professionals, particularly in custody-related cases.

“There were three persons and I was only asked one question: ‘Do you like it there, meaning, the centre you are at now?’ and I replied: ‘Yes, I am ok now, I am ok’. But in no way was I asked whether I wanted to be adopted by someone or to move elsewhere than where I was staying.... It was not ok because I was asked a simple question and it was as if I had been sworn at, I mean a simple question and... Two minutes I was there, that's it... I also know that a child should be there for more than two minutes.” (Romania, male, 17 years old, party, institutional protection measure case)

By contrast, children involved in institutional placement measure cases complain that the hearings are so short that they are unable to express their wishes and feelings about important life decisions affecting their futures.

FRA Opinion 12

EU Member States should ensure that the length of criminal and civil proceedings is commensurate with children's best interests by introducing effective safeguards to avoid undue delays and unnecessary multiple hearings of children. Clear rules should limit the overall number of child interviews and hearings in both civil and criminal cases. Member States should encourage stronger cooperation between professionals from different disciplines to reduce the number of hearings. Video recording of hearings should become standard practice to reduce the number of child hearings.

FRA Opinion 13

EU Member States should ensure that the length of hearings themselves in both criminal and civil proceedings is commensurate with children's best interests. Professionals should ensure suitable court arrangements to avoid unnecessarily long waiting times and have available trained professionals who are sensitive to children's needs. Professionals should also make sure that enough time is allocated for children to participate fully in proceedings, i.e. that they are able to express their wishes and feelings.

Right to information

FRA research shows that most Member States lack clear requirements, rules and established practices, leaving up to the judgment of the individuals providing the information when, about what, and how to inform children. Particularly in civil proceedings, most EU Member States have only quite generic legislation on the obligation to inform, which applies to both children and adults; and children and professionals reported much fewer informing practices in civil proceedings than in criminal proceedings.

EU secondary law establishes a right to information in proceedings for victims of crime. The Victims' Rights Directive specifies that child victims and holders of parental responsibility or other legal representatives shall be informed of any measures or rights specifically focused on the child. It provides for victims' general right to information at different stages of procedures and on specific matters.

Mandatory procedures on how to inform children when, on what and by whom

In both criminal and civil law, professionals usually consider national frameworks too general. They lack details on where, when, on what, by whom and how children should be informed. The information provided thus varies, leaving many children inadequately informed.

The provision of information is reportedly weak both during and after proceedings, and particularly on court decisions. Only two of the countries researched require that children receive information in a child-friendly manner about the judgment and consequences of criminal proceedings in which they

are involved. The obligation to provide information to children involved in civil proceedings is even less prominent. In the majority of cases, due to their lack of legal capacity, children are informed by their parents or legal representatives.

Children say that when information is provided it is crucial to helping them understand proceedings. They often complain that they do not receive updates and information about their cases' development during proceedings – for example, about the defendants' whereabouts in criminal proceedings or the presence of parents or relatives in civil proceedings. Children suggest that information should be provided early enough for them to prepare for hearings and then consistently throughout the proceedings at regular intervals. They would also like to receive information on possible waiting times before hearings, the length of proceedings, and the verdict and its consequences within a reasonable timeframe.

"I think it's important to inform a child, so they can understand. What the place is for: for the child to feel more comfortable going there. So they know where they are going and why." (France, female, 17 years old, party, inadequate parenting case)

Children further recommend that professionals provide guidelines for their behaviour during hearings and feedback afterwards, so that children are aware of how they performed in court and how their testimony influences the process.

Availability of child-friendly information

EU legislation obliges Member States to ensure that communications with crime victims, including children, use simple and accessible language, orally or in writing. A number of countries have developed child-friendly materials to explain the legal process, child rights and what children will experience in court. More informational material exists for child victims and witnesses in criminal justice proceedings than for those involved in civil proceedings. Sometimes the material used to inform adults is simply given to children, without being adapted to their level of language and understanding.

In the United Kingdom (England, Scotland and Wales), a variety of booklets on both civil and criminal proceedings have been published for different age groups. Booklets for younger children are highly pictorial and use puzzles and games to engage their interest, while booklets for older children use fewer and more realistic images or diagrams and provide greater detail. However, such material is often only available through individual organisations or non-governmental organisations (NGOs) and not systematically available throughout

the country. Even when general child-friendly informational material is available, notifications or legal summons often use legal terminology and do not include child-friendly language, or are addressed directly to parents.

Children rarely report being provided with child-friendly materials, but, across countries, recommend using such materials. However, from their perspective, it is more important to complement the written material with a verbal explanation from a trusted adult to make sure they understood it correctly. Children in several countries were highly critical of summons, which are usually delivered by the police. When these are delivered without explanation by uniformed police officers in service vehicles, children say they feel scared and like defendants rather than victims or witnesses.

FRA Opinion 14

EU Member States and, as appropriate, the EU should ensure that statutory provisions guarantee all children's right to information, so that it is consistently applied during all phases and types of proceedings. These should clearly delineate by whom, where, when, how and about what children should be informed. They should establish the authority responsible for informing children, increase the role of psychologists and relevant social professionals in informing them, and extend the scope of information provided to children to all phases of the proceedings, using multiple formats.

FRA Opinion 15

EU Member States should ensure that professionals avoid providing excessive details about a case's background, without compromising on substance. Important information should be repeated throughout the proceedings. In addition to information on procedures and rights, information should include behavioral guidelines and how children's testimony affects proceedings. Court rulings and their implications should be explained to children within a reasonable timeframe. Post-trial information should include clear reference to the child's rights, the outcome of the proceedings, and the options available to them and their families, including appellate rights and aftercare services.

The lack of systematic, standardised provision of child-friendly information and adapted information services makes it more difficult for children to fully understand the procedures, their rights and the consequences of their statements. This hinders them from making informed decisions and participating fully.

Interviewer: "What is the best way to inform a child?"

Child: "It depends on the age. For 6-7 years old, you can explain to them with pictures, photos, [special] texts... I would have liked something like that. When you're young, you can play. You could act out the meeting the judge before meeting him. Help them understand in their own words, words that are not words of adults. It would be good if the child is not told three days before. I think at least a month." (France, female, 17 years old, party, inadequate parenting case)

FRA Opinion 16

EU Member States should ensure that legal requirements are in place to inform children in a child-friendly manner prior to, during and after hearings. This information should cover both content and format, as appropriate for the children's age and maturity. Child-friendly information should be available in oral and written formats throughout proceedings. All information given to children should be adapted to their level of understanding, age and maturity, and take their specific needs into account. Member States should establish clear rules and guidelines to mainstream the implementation of this right in both criminal and civil proceedings to ensure the availability of appropriate information about the children's proceedings and their rights in a standardised, co-ordinated format.

FRA Opinion 17

EU Member States and, as appropriate, the EU should ensure that written material explaining the child's rights, the judicial process and the roles of various professionals is systematically developed, tailored to children's needs and disseminated throughout Member States. Different channels and formats should be used, including brochures and leaflets available online, print-outs, and audio-visual material – such as films or TV shows. Legal documentation, such as a child's letter of summons or legal notifications, should also be child-friendly in content and format. In particular, as children recommend, materials should be accompanied by a verbal explanation from an adult, ideally a professional with adequate background and knowledge. Existing child-friendly material should be widely shared and used, including that developed by international institutions such as the Council of Europe.

Availability of support services to properly inform children and parents

The Anti-Trafficking Directive and the Directive on combating sexual abuse and sexual exploitation of children and child pornography both refer to the need to provide assistance, support and protection for child victims – and, when needed, their families – through several measures, including individual assessments of each child’s needs. Support should be granted before, during and after criminal proceedings. The Victims’ Rights Directive requires victim support services to at minimum provide information, advice and support on their role in criminal proceedings, including preparation for attendance at trial; and be adapted to the specific needs of the victim. It also provides for family members to have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim.

Support services, especially those for victims and witnesses, are particularly vital for providing information to children and their parents, preparing children for hearings and accompanying them throughout proceedings, e.g. via home visits and pre-trial familiarisation visits to court. Professionals also regard these services as vital to children’s overall protection. Children highly appreciate receiving information in advance in a child-friendly environment and by professionals whose behaviour they assess as child-friendly. Without exception, they assess positively both home and pre-trial visits as well as the use of child-friendly measures and materials. Children also appreciate developing trusting and consistent relationships with professionals and being able to contact them with questions at any point in proceedings.

While support services are offered in most Member States, there is a shared perception that much more should be done. In Member States where no mandatory requirements exist, support programmes appear to focus mainly on very severe cases, specific types of crimes, such as trafficking or sexual abuse, and victims, not necessarily witnesses. Children believe that they and their parents are often unable to take advantage of available support services because they are not given sufficient information about them. Children involved in both criminal and civil proceedings believe they were better informed and prepared through support services in criminal proceedings, particularly during the pre-trial phase. Children complain that, in civil proceedings, they lack information about the hearings’ purpose and the consequences of their statements and the judgements rendered.

FRA Opinion 18

EU Member States and, as appropriate, the EU should ensure that support services are made available to all children who participate in criminal and civil proceedings, at all stages of proceedings. Children and their families need be informed about the services offered. Support services should take into account the important roles parents and persons of trust play when informing and supporting children.

“I think they need to make it clearer to the kids that are going to it [the hearing] why they [the panel] are making the decisions they are making, and what they have taken into account when they are making those decisions... They [children] don’t understand that, and it’s just going to lead to resentment.” (UK, male, 18 years old (heard regularly since age 6), subject to care supervision order)

Single professional contact person to support children during proceedings

National legal frameworks – both criminal and civil – are usually too general and do not specify whose role it is to inform children. Thus who fulfils this role varies greatly. In some countries, professionals contradicted each other when indicating who is responsible for informing children. In others, legal ambiguity leads to the involvement of several professionals. The task is reportedly quite often left to parents, regardless of whether they are well-informed or are neutral parties. For civil proceedings, little data are available on the link between support and information or on existing rules and guidelines for professionals.

Children report a wide variety of experiences with being informed. They believe both parents and professionals should inform children. They usually prefer their parents, but sometimes feel they lack sufficient knowledge. Children informed by professionals in a child-friendly format and with child-friendly content assess this positively. To a lesser extent, children noted other sources of information that can be used complementarily – including websites and TV court shows.

Having a continuous support person monitoring the child ensures that the child – and the parents – are adequately informed, particularly during lengthy trials. This also ensures that the child receives continuous emotional support by an appropriately trained person. When a single professional is not assigned, the tendency is to under-inform children. By contrast, where a support person accompanies the child, they often prepare the child and provide

them with information or ensure that the appropriate actors do so. This removes pressure on parents who may not be in the best position to inform children appropriately.

Responses from professionals as well as children are overwhelmingly positive when a single support person follows a child throughout proceedings. Intermediaries in the United Kingdom, legal counsels in Germany, and victim support specialists in various other Member States are examples of promising practices in this regard.

“They [charitable organisation] were there all the way through the whole thing. They were the ones that kept coming back and forward to see me all the way through the year when I was waiting... Yeah, they were great support.”
(UK, female, 19 years old, victim, sexual abuse case)

FRA Opinion 19

EU Member States should ensure that a person of trust supports the child during all stages of judicial proceedings. A single professional contact person should be appointed and made responsible for:

- 1) *providing emotional support throughout proceedings;*
- 2) *preparing the child for different stages of the proceedings;*
- 3) *providing the necessary information in a child-friendly manner (including checking the child's understanding of rights and procedures);*
- 4) *guaranteeing the availability of special formats and measures for children with special needs, such as foreign unaccompanied children, children living in foster or state care, child victims of domestic violence and children with disabilities.*

This contact person should use a child-friendly approach; be sufficiently trained and available regularly at all stages of proceedings; develop a trusting, continuous relationship with the child; and liaise and coordinate with any other groups involved – such as support and child protection services, police officers, judges, prosecutors, lawyers and parents or guardians. This person should also ensure that parents, foster parents and placement centre staff are sufficiently informed about the proceedings' most important phases and issues so that they can provide children with adequate information and support.

If a single contact person is not made available, EU Member States should ensure that the different actors responsible for informing children coordinate their efforts efficiently.

Right to protection and privacy

International standards clearly prioritise protecting children involved in judicial proceedings, while also encouraging their participation. A protective and safe environment is necessary for children to participate fully and effectively and to avoid harm and re-traumatisation. This includes ensuring a child's right to privacy and confidentiality.

Protective support for children

In most countries, more children reported receiving protective support in criminal proceedings than in civil proceedings. In some, children find that extensive support is available in terms of both time and content in criminal proceedings. In others, children in both criminal and civil proceedings complain that support is not provided continuously or at all stages of the proceedings, and is often dependent on their parents' initiative.

FRA Opinion 20

EU Member States and, as appropriate, the EU must ensure that children are always treated as people in need of special protection, taking into account their age, maturity, level of understanding and any possible communication difficulties.

Member States should ensure that protective support is institutionalised, available at all stages of proceedings and equally easy to access for all children in different locations, including rural areas. Special support should be available to children in particularly vulnerable situations, such as those with disabilities, migrant status or living in foster or alternative care. This would include making available interpretation and translation services, psychological counselling and support, and trained professionals able to identify children's specific needs and respond to them.

FRA Opinion 21

EU Member States and, as appropriate, the EU should ensure that child protection systems are based on an integrated and targeted approach that bears in mind not only children's special needs in general but also any other vulnerabilities, such as of victims or witnesses of sexual abuse or domestic violence, children with disabilities or those with migrant status.

Establishing procedural safeguards to ensure child protection

National legal frameworks include a variety of protective measures for use during court hearings. These include removing defendants from the courtroom and using video-recorded pre-trial hearings, video links to testify, and screens to visually separate children from defendants. However, in practice these measures are often underutilised and generally left to the judges' discretion. Children described serious cases where their protection and safety were not ensured.

Member States' legislation on safeguards to protect child victims – for example, the use of video recordings or a support person during proceedings – does not necessarily extend to child witnesses. In several Member States, these safeguards are also only available to witnesses up to a certain age. For example, in Finland, children aged 15 years or younger are generally only questioned in pre-trial interviews in child-friendly hearing facilities. However, children aged 15 years and older are heard in normal courtrooms – even when they turn 15 during the judicial process.

Children clearly indicated how to increase their sense of protection. Professionals should take these suggestions into consideration when choosing protection measures. These include providing them with information about the presence of the defendant and other elements of the proceedings; offering them the possibility of choosing whether someone – and who – accompanies them during hearings; establishing child-friendly environments; applying child-sensitive interviewing techniques; and taking children's opinions into consideration in the information-sharing process.

FRA Opinion 22

EU Member States and, as appropriate, the EU should establish procedural safeguards and monitor their implementation to ensure that all children involved in judicial proceedings are protected from harm, potential re-traumatization, secondary victimisation and identification before, during and after proceedings. Professionals should take children's suggestions into consideration when using protection measures. Equal access to procedural safeguards to all children regardless of age and role in the proceedings should be ensured. Existing procedural safeguards for child victims should be extended to child witnesses in criminal proceedings and children involved in civil proceedings.

Numerous children report encountering the defendants in both criminal and civil proceedings, due to insufficient procedural safeguards. Such unwanted encounters with defendants and their relatives – which often take place before or after hearings due to a lack of child-friendly waiting facilities – are children's main source of fear. In addition, children's sense of security is undermined by the lack of separate entrances and/or poor court security arrangements, such as the failure to coordinate parties' arrival and departure times so that children do not encounter defendants. Children are also frightened by professionals' inappropriate behaviour, intimidating environments, a general lack of confidentiality, and information sharing to which they have not consented.

"I saw him in court, a few times. Sometimes I stood frozen in place and felt I couldn't take a step forward because I was terrified." (Poland, female, 18 years old, witness and victim, sexual abuse case)

"I had to wait outside the hearing room on a bench. During the whole time, you were afraid that someone could exit the court room. All of them may leave it anytime. That's why I often went to some corner or was walking around... My biological father came with his allegiance, with all his people and they stood in the hallway, here and there stood some of them. I had to – the judge took me through there, I had to go through the midst of all these people and that was really – Until we reached the hearing room. The judge thought also that this was not okay." (Germany, female, 14 years old, party, custody case)

Ensuring a child's right to privacy and confidentiality

EU legislation requires Member States to protect the privacy, identity and image of child victims, and to prevent the public dissemination of any information that could lead to their identification. The General Data Protection Regulation requires parental approval for children younger than 16 and the children's approval from 16 onwards to receive children's personal data. National legal frameworks therefore require measures to protect the identity and privacy of children involved in criminal law proceedings. In civil proceedings, the extent of privacy protection differs depending on the area of civil law involved and the child's role in the proceedings. In three countries, self-regulatory measures help ensure that children's personal data remain confidential and are kept from the media and the general public.



FRA Opinion 23

EU Member States should introduce measures to prevent any contact between children and defendants and any other parties who the child may perceive as threatening. Such measures include live video links, screens to shield children from defendants, or excluding defendants from courtrooms during child hearings. Member States and, as appropriate, the EU should ensure a child-friendly environment for all stages of proceedings, and that all courts and police stations are equipped with appropriate, child-friendly waiting rooms and separate entrances. These should be systematically used to protect children from meeting alleged perpetrators or family members with whom they are in conflict, and from being put into a harsh environment while waiting to be heard or when involved in multiple proceedings.

Children convey being scared and stressed about insufficient confidentiality and data protection when they participate in legal proceedings. They are afraid that details of their cases and the proceedings may become public. Several children complained about details of their judicial cases becoming known in their schools, communities or neighbourhoods. Children reported feeling distressed when people in their environment knew about their role in proceedings, their family situation or the court's decisions. Sometimes children also reported being bullied or stigmatised by their peers or in the local community due to information revealed by teachers, parents, relatives, professionals, or through the media.

However, in line with professionals' experiences, few children reported breaches of personal data resulting from the media publishing information about their judicial cases. A few children reported that their parents participated in TV shows and so made public details about their cases, which related to sexual abuse. Children did also mention cases in which the media made some information public and disclosed the children's identities without their consent. However, some children also suggested that media publicity and greater knowledge about cases amongst the public could positively affect children's experiences by raising awareness in the community.

FRA Opinion 24

EU Member States and, as appropriate, the EU must ensure that appropriate legislation and measures protect the identity and privacy of children involved in court proceedings – for example, by excluding the public from the court room or using live video links or pre-recorded testimony in hearings. Steps need to be taken to ensure that children's personal data remain strictly confidential and are kept from the media and the general public. Recordings need to be safely stored and children's identities protected online, in all areas of law and independent of the child's role in proceedings. Personal data should only be accessed and transferred when absolutely necessary, and always take the child's best interests and opinions into account.

Right to non-discrimination

The Victims' Rights Directive provides that the rights of victims shall apply in a non-discriminatory manner, but also that victims shall be recognised and treated in a "tailored manner" in all contacts with victim support services or competent authorities in criminal proceedings. Professionals interviewed showed different levels of awareness and understanding of the need to provide specialised services to children that take into account their ethnic or national backgrounds, gender, or any disabilities, among others. In some of the Member States researched, professionals focused more on discrimination against Roma children involved in judicial proceedings, while others focused on children with disabilities, foreign children or international victims of trafficking. Professionals expressed concern that their lack of expertise rendered services less accessible to certain groups. In some Member States, several positive initiatives were identified. For example, in the United Kingdom, these include translating child-friendly informational material into different languages; using female police officers to interview girls who have been victims of sexual abuse; and providing interpreters, including for sign language, and guidelines on how to interview persons with intellectual disabilities to prosecutors.

Children did not emphasise the issue of discrimination. Instead, many stated that they were treated fairly and respectfully. Moreover, numerous children described experiencing 'positive discrimination' and being treated better because they were children. However, where discrimination was more widely reported, it concerned age. Children who complained about being treated unfairly based on age were mainly involved in civil proceedings.

“I realized that when growing up my choices were granted a bit more importance, and it’s a thing I regretted, a child who is 5, 10 or 15 years old, her or his choices are just as important.” (France, female, 17 years old (heard between ages 6 and 17), party, inadequate parenting case)

A critical cut-off point is around the age of 14. Children under 14 reported being treated differently due to their age; they believe that professionals did not take them seriously enough and did not take their statements, opinions, wishes or feelings into account. They found that adults have better access to justice and can participate more freely in its processes because they are better able to convey their opinions. Some children substantiated this by comparing their participation when they were younger with their experience as they grew older, concluding that their participation improved when they were older because they were better able to express their feeling and professionals then listened to them more. However, many children – including those above 14 – complained that professionals either treated them like adults or treated them too childishly, without taking their maturity into account. To a lesser extent, children reported being discriminated against based on their social background, gender, role within proceedings or ethnic origin. For example, Roma children reported unfair treatment in Spain and Bulgaria, as did Russian-speaking children in Estonia, as well as French children of non-majority races or ethnicities.

Interviewer: “Was there anyone there who could speak your language?”

Child: “No, there wasn’t. They were Bulgarian.” (Bulgaria, male, 14 years old, witness, murder case)

FRA Opinion 25

EU Member States and, as appropriate, the EU should make sure that procedural safeguards include non-discrimination measures and ensure that services are adapted to children’s specific needs and vulnerabilities. Information needs to be provided in a language children can understand, adapted – for example – to their native language or to the language barriers encountered by children with a disability. Professionals should receive enough support, guidance and training to accommodate children’s different needs or, where this is not possible, should refer children to specialised services.

FRA Opinion 26

EU Member States should pay particular attention to facilitating access to justice and providing the necessary legal aid, legal representation and support for children in especially vulnerable situations, also taking into account potential interpretation and translations needs or barriers like physical or other impairments. Efforts should be made to facilitate access to justice for children in vulnerable situations, such as children living in poverty, Roma children and refugee, asylum-seeking or separated migrant children, also paying particular attention to children who were victims of discrimination, such as victims of hate crime. Data on children’s access to justice should be made available for all children, broken down by groups.

Principle of the best interests of the child

Both the EU Charter of Fundamental Rights and EU secondary law identify the best interests of the child as a primary consideration, and the concept is embedded in most EU Member States’ normative frameworks. However, the majority of respondents across countries perceive it as a complex and vague term, highly subject to interpretation. They also note that they lack tools to identify, assess and report on how the best interests may be met.

The interviewed children appeared to have difficulties understanding the concept of best interests; some were only able to discuss it after explanation. Half of the children, in both criminal and civil proceedings, stated that their best interests were met. With this, they generally meant that the judgment was in line with their expectations or that they perceived judicial proceedings to have been overall fair, clear and child-friendly. In criminal proceedings, this mostly meant that defendants were punished with prison sentences; that sentences were not too lenient; and that the children did not have the feeling that the defendant’s or an accused child’s rights had priority over their own. In civil proceedings, elements children found not to serve their best interests included the weight of the parents’ rights in custody cases and the feeling of not being heard by professionals concerning foster care or institutional placement measures. Children involved in child-placement cases indicated that outcomes were in their best interests when they were not separated from their parents. However, in these latter cases, children also acknowledged that, when professionals explain the decisions to them and why they meet their best



interests, their perceptions could change and they might agree that their best interests were served.

Interviewer: "Was the court's decision about where you should stay, with whom you should live taken in your best interests?"

Child: "Yes, because it sometimes happens that children want to come back home but they can't because they parents abuse alcohol, beat children. In this case it's better for them to stay at a centre because no one drinks there and beats them." (Poland, male, 11 years old, party, institutional placement measure case)

FRA Opinion 27

To ensure the best interests of the child, EU Member States and, as appropriate, the EU need to ensure clear criteria in legislation for identifying and assessing children's best interests – taking into account their views, identity, protection, safety and any situations of vulnerability. The best interests principle needs to be widely implemented. Determining a child's best interests needs to involve a multidisciplinary process. The legal provisions should also require reporting on how a child's best interests were assessed. Rules, guidelines and protocols for the assessment should be developed. Professionals should ensure that children understand the concept of best interests, particularly when explaining the process and outcomes of the proceedings.

Training of professionals

The need to train officials who work with victims or potential victims is established in EU secondary criminal law. The Victims' Rights Directive extends the need for training to different groups of practitioners, including police officers, legal professionals, and victim support services – to enable them to recognise victims and treat them in a respectful, professional and non-discriminatory manner.

The research shows that professionals across all areas of the child justice system lack adequate specialisation and training to work with children. They report that legal professionals would benefit from training on how to interact with children, while social professionals should be trained on legislation related to children. Professionals perceive training to be of limited availability and mostly available on a voluntary basis. Furthermore, time constraints and a lack of resources commonly prevent consistent participation in training programmes. Budgets for training have been cut and, in many cases, participation depends on whether it is free of charge.

Even with other safeguards in place, a lack of specialisation and training of professionals working with children often results in bad practices and may cause children emotional and physical harm. It also affects how children's rights are considered throughout proceedings. Respondents assess professionals' behaviour towards children much more positively when they have taken part in targeted training. For example, social professionals found police in Finland who underwent mandatory child hearing training to be highly competent in child interviews. Professionals also indicated that training can reinforce their existing skills and knowledge of techniques. Similarly, children more positively assess professionals who belong to groups that receive more systematic training. For example, children more positively assess social professionals, who are more likely to have the adequate professional background and experience, than legal professionals, who often lack experience in working with children.

Overall, professionals should be trained to be sensitive to children's needs, as well as to understand their feelings and wishes. Professionals should enable and allow children to make informed choices between available procedural safeguards.

FRA Opinion 28

EU Member States should ensure that all professionals in contact with children receive training in child rights, child-friendly verbal and non-verbal communication and language, child development and child-related criminal and civil legislation. Professionals should be trained to identify the varying needs of children in different age groups so that they can address these and communicate with children appropriately. General and specialist training for judges and prosecutors should be promoted. Training should be obligatory for front-line practitioners, such as police officers and court staff. Specific training modules should be developed, targeting different professionals in relation to their function.

FRA Opinion 29

EU Member States should ensure that only trained professionals carry out child hearings and that training on child hearings is mandatory and continuous for professionals. This entails increasing opportunities for training, the number of professionals trained in hearing children and the presence of specialised, trained professionals during hearings. Professionals hearing children need to be specifically trained in appropriate questioning techniques, on existing guidelines on hearing children, and on the relevant legal basis.

FRA Opinion 30

EU Member States should ensure that all professionals in contact with children are trained to inform children appropriately both in terms of content and format, to explain all elements of proceedings in a child-friendly manner, and to check the children's understanding. This should also allow children to make informed decisions about their involvement in the judicial proceedings.

FRA Opinion 31

EU Member States should ensure that training is organised at a national level to provide equal opportunities for all professionals to participate, and so help avoid the unequal treatment of children based on where they live. Training should be complemented by supervision and multi-disciplinary exchanges of practices among professionals. This should go hand in hand with the EU providing incentives for Member States to train professionals, and encouraging the exchange of promising practices within and between Member States as well as the development of EU training modules.

Multidisciplinary cooperation

Professionals state that, to ensure child-friendly justice, it is crucial for the different professionals involved to co-ordinate their efforts and co-operate – throughout all stages of proceedings. When professionals cooperate on a case, they assess children as better prepared, informed and supported, meaning that the children's participation is facilitated and their protection better ensured.

Respondents believe that coordination mechanisms among professionals are lacking. This results in delayed proceedings and practices not being harmonised. The general perception is that developing operational procedures could improve coordination. In this regard, professionals positively assessed practices such as the use of tandem guardians in Finland and the United Kingdom; specialised multi-disciplinary medical units in Croatia, France and Spain; and formal models of multidisciplinary cooperation, such as the Munich Model in Germany.

The children's responses confirm professionals' recommendations about promoting coordination to reduce possible negative effects for children – such

as repetitions of hearings and a lack of procedural safeguards and information.

FRA Opinion 32

EU Member States and, as appropriate, the EU should ensure that professional associations and other relevant actors promote institutional co-operation and a multidisciplinary approach. Standard operating procedures among professionals should also be promoted to foster co-operation.

Availability of resources

Professionals repeatedly noted that the allocated human and financial resources are insufficient. Judges and social professionals face heavy workloads and are understaffed. The resources allocated do not correspond to case loads or to the needs of children involved in proceedings. Even in countries with national legislative frameworks that are deemed robust, austerity measures are seen as potentially jeopardising their implementation or the measures that underlie existing good practices. The need for adequate resources – and the lack thereof – is underscored by the low numbers of children who indicate that they received child-friendly informational material or were heard in child-friendly hearing locations. The importance of child-sensitive professional behaviour to ensure child-friendly proceedings should not be underestimated.

FRA Opinion 33

EU Member States and, as appropriate, the EU should ensure that adequate resources are in place to meet children's needs in all types of judicial proceeding and in terms of both content and time. Human and financial resources need to be appropriately allocated so that interview locations are equipped with functioning recording technology and that guidelines and protocols as well as child-friendly informational material are developed and disseminated. Costs involved can be lowered via regional exchanges of developed material or the multiple use of hearing locations by different actors. Further financial resources should be provided to make support services available and to promote both training with a multi-disciplinary approach and coordination among professionals.



Around 2.5 million children participate in judicial proceedings across the European Union (EU) every year, affected by parental divorce or as victims of, or witnesses to, crime. Although their effective participation in such proceedings is vital for improving the operation of justice, the treatment of children in justice systems remains a concern. The EU Agency for Fundamental Rights (FRA) investigated to what extent children's rights to be heard, to be informed, to be protected, and to non-discrimination are fulfilled in practice. This included extensive interviews with both professionals and children involved in judicial proceedings. The first report presented professionals' views. The current report focuses on the perspectives of children, outlining their views on factors that impede their full participation and on efforts that can help overcome such barriers. Like the first report, it underscores that much remains to be done to make justice across the EU truly child-friendly.

Further information:

For the full report on *Child-friendly justice – Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States* – see: <http://fra.europa.eu/en/publication/2017/child-friendly-justice-childrens-view>

Other relevant FRA publications include:

- FRA (2015), *Child-friendly justice – Perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU Member States*, Luxembourg, Publications Office, <http://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-childrens>, and its summary, <http://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-summary> (available in 24 languages)
- FRA-ECtHR (2016), *Handbook on European law relating to the rights of the child*, Luxembourg, Publications Office, <http://fra.europa.eu/en/publication/2015/handbook-european-law-child-rights> (available in 22 languages)
- FRA (2015), *Victims of crime in the EU: the extent and nature of support for victims*, Luxembourg, Publications Office, <http://fra.europa.eu/en/publication/2014/victims-crime-eu-extent-and-nature-support-victims>
- FRA (2015), *Violence against children with disabilities: legislation, policies and programmes in the EU*, Luxembourg, Publications Office, <http://fra.europa.eu/en/publication/2015/children-disabilities-violence>, and its summary, <http://fra.europa.eu/en/violence-children-disabilities-eu-summary> (available in 24 languages)
- FRA (2014), *Guardianship for children deprived of parental care – A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*, Luxembourg, Publications Office, <http://fra.europa.eu/en/publication/2014/guardianship-children-deprived-parental-care-handbook-reinforce-guardianship> (available in 23 languages)
- FRA (2013), *Child rights indicators in the field of family justice*, background paper, <http://fra.europa.eu/sites/default/files/child-friendly-justice-indicators-v1-0.pdf>

For an overview of FRA activities on the rights of the child, see: <http://fra.europa.eu/en/theme/rights-child>.



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