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Child-friendly justice: Perspectives and experiences of children

1. Why was the research carried out?

This research from the EU Agency for Fundamental Rights (FRA) supports the European Commission's 2011 [EU Agenda for the Rights of the Child](#). The agenda pointed to the need to make justice systems more child-friendly. It also covers protection mechanisms established for children in the EU Victim's Directive.

2. What does the research cover?

It provides a comprehensive understanding of the situation of children up to the age of 18, as victims, witnesses or parties to civil or criminal judicial proceedings.

It looks at the treatment of children within existing national frameworks and policies. It complements [the European Commission's work](#) on statistical data, and national legal frameworks and policies.

The research asked children experiences and views of judicial proceedings. It accompanies the 2015 report on the [perspectives of professionals](#) - judges, prosecutors, lawyers, court staff, psychologists, social workers and police officers.

3. How was the research carried out?

The key thematic areas were selected after consulting with experts and stakeholders and in accordance with the fundamental principles and main elements the [Council of Europe guidelines](#) on child-friendly justice.

The data were drawn from interviews with 392 children in nine EU Member States (Bulgaria, Croatia, Estonia, France, Germany, Poland, Romania, Spain and the United Kingdom).

Prior to carrying out the interviews with children, there was a preparatory phase to identify appropriate ways to reach out to children including protective measures during the fieldwork. It involved consultations and pilot interviews with children.

4. Are the findings representative?

The numbers of children interviewed per country are not representative. However, the research allowed the Agency to identify clear patterns within and across Member States what is important for children and what can be improved. For example, if one third of children interviewed have come into direct contact with the defendant and all of them find this scary and intimidating, it is clear that justice systems are often not child-friendly.

The research captured the experiences of a diverse group of children within clearly specified types of cases. These included sexual abuse and exploitation, domestic violence, neglect and custody conflicts.

In addition, interviewing professionals and children provided a holistic and comprehensive picture of how children are being treated in judicial proceedings.

5. How many children are affected?

It is not possible to assess the precise number of children involved in civil and criminal judicial proceedings in the EU due to significant data gaps in Member States.

European Commission data from 11 Member States found 74,000 child victims of crime and 495,000 were affected by parental divorce in 2010. This means, that for an estimated population of 95 million children under the age of 18 in the EU28, approximately 2.5 million children may be in judicial proceedings in the EU every year.

6. For children, what is most important to make justice child-friendly?

Judicial proceedings are often stressful, particularly for children. How professionals interact with children was considered the most important factor in determining how child-friendly proceedings actually were. Their overall behaviour, empathy and understanding is key for children to feel comfortable and safe; it also helps build trust with the professionals involved in the hearings.

7. How can Member States make their practices more child-friendly?

Professional training on how to work with children, and clear rules and guidelines would go a long way to improving how professionals treat children during proceedings. It would help ensure children feel their right to be heard is being respected, enabling them to freely express their views and participate effectively.

Another major source of anxiety is meeting defendants or their families during proceedings when waiting for hearings, for example. Therefore, providing settings, specialised courts, panels and judges for children would put children at ease. Using video links or admitting pre-recorded evidence would also minimise risk of contact.

Proceedings which are often long and drawn out where the same questions can be asked repeatedly can be another source of frustration. It is therefore vital to keep children adequately abreast of what is happening. This includes using age-appropriate information about their rights and the latest developments throughout proceedings. Using a single point of contact who they trust also helps.

The report also contains checklists to help make proceedings more child-friendly.

8. What are countries doing to make justice more child-friendly?

The Agency has identified various promising practices across the countries covered by the research, such as:

- Child-friendly interview rooms in **Estonian** police stations come equipped with anatomical dolls that can be dressed and undressed to discuss sexual abuse cases, a tool that a number of countries use to

make it easier for children to communicate during hearings, while in **Finland**, social workers often use 'Teddy Bear Cards' to help children articulate their emotions.

- In **France**, contact points have been established in several cities where children can access specialised lawyers for information about their rights, and advice and support on civil or criminal legal matters. Children can meet the contact points for free and confidentially, during flexible times and without previous appointment, as well there are hotlines and awareness-raising sessions in schools.
- In **Poland**, children under 15 years are interviewed in the 'blue rooms', equipped with toys, child-friendly furniture, and one-way mirrors for conducting interviews without having all relevant actors present in the same room as the child.
- In the **United Kingdom**, children have access to a number of materials in order to understand what it means to talk to a court. The booklets address different age groups and use age-appropriate language, puzzles, games etc. In addition, they are also available in different languages to reach migrant children as well.

9. Are children treated different in criminal vs civil proceedings?

The research shows that child protection safeguards tend to be stronger in criminal proceedings than in civil proceedings. Most Member States have laws that stipulate safeguards in criminal proceedings such as controlled contact with defendants, physically adapting the setting where hearings take place, or the information provided to children.

In civil cases, hearing the child can be either mandatory or optional or not regulated at all, depending on the type of case. Mediation is often suggested as an alternative.

Professionals and children interviewed by the Agency consider the same safeguards should apply to criminal and civil proceedings.

10. Are there any other special considerations?

The EU's Victims Directive says that all victims should be treated without discrimination. However, it also says they should be recognised and treated in a tailored manner in all contact with victim support services or authorities during criminal proceedings. Therefore, the particular needs of ethnic minority children or children with disabilities, for example, should also be taken into consideration.

For further information:

Visit the child-friendly justice press pack or contact the FRA Media Team:
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Information on [FRA's work on child rights](#) can be found on the FRA website.