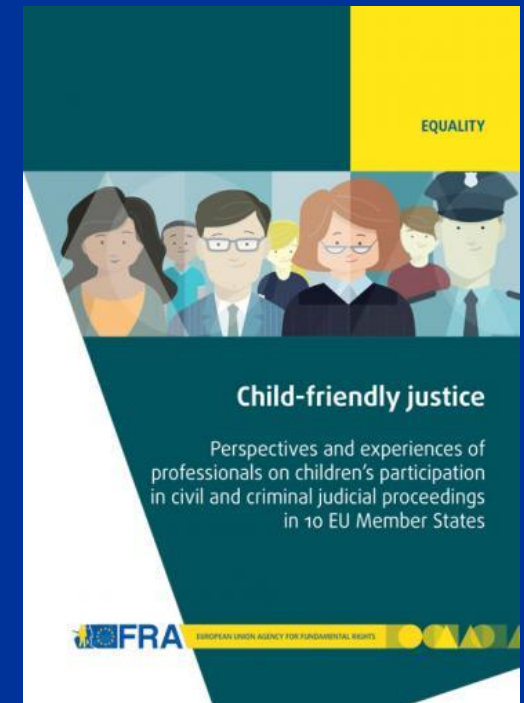


Children and justice

Key findings:
Professionals'
report



FRA's mission

Helping to make fundamental rights a reality for everyone in the EU by providing comparative data, evidence-based expertise and advice to EU Institutions and the Member States as well as raising awareness.

Key International Standards

United Nations
Convention on the
Rights of the Child
(CRC) Article 12

Charter of
Fundamental Rights
of the European
Union Article 24

EU Agenda for
Rights of the Child
(launched 2011)

Council of Europe
Guidelines on Child-
friendly Justice
(adopted 2010)

European instruments

Directive on combating sexual abuse and sexual exploitation of children and child pornography

- Article 20
- December 2011, 2 years transposition

Directive establishing minimum standards on the rights, support and protection of victims of crime

- Article 24
- October 2012, 3 years transposition

Directive on preventing and combating trafficking in human beings and protecting its victims

- Articles 14, 15
- April 2011
- 2 years of transposition

Council Regulation on matrimonial and parental responsibility matters

- Article 11.2
- 2003

Proposal for a Directive on procedural safeguards for children suspected or accused in criminal proceedings

- 2013, negotiations on-going

Judicial proceedings

How are children involved and treated

- The protection of the rights of children is an EU objective. The Treaty of Lisbon emphasises the promotion of child rights.
 - ➔ EU Agenda for the Rights of the Child identified lack of official data

In 18 EU MSs, where data is available, over 500,000 children had formal contact with the police or criminal justice system in 2010



How do judicial procedures respond to children's needs?

- ✓ **EC** (EU) – legal and policy provisions, statistical information
- ✓ **FRA** (10 MSs) – evidence on how legal and policy provisions are applied 'on the ground' to address children's needs, when they are involved as witnesses, victims and parties to criminal and civil proceedings

Key issues (CoE guidelines)

Non-discrimination

Right to be heard

Child's best interest

Weight given to child's views

Right to information

Training of professionals

Child-friendly environment & language

Protection and safety of children

FRA research on child-friendly justice

Assessing

- How are children's needs and rights addressed in judicial proceedings
- How are the CoE's Guidelines on child-friendly justice applied

Through

- Personal interviews, focus groups and consultations with
 - 570 professionals
 - 360 children

EU Member States covered

BG

DE

EE

ES

FI

FR

HR

PL

RO

UK

General findings

- There is **great variation of actual practices** not only across Member States but also within.
- This often depends on the **judgement of the individual professional.**
- **Concrete measures** on a child's right to be informed, to be heard and to be protected are **not standard practice.**
- A lot more needs to be done **to make justice more child-friendly** so that children feel safe and comfortable to be able to express their views freely and participate effectively.

Child's right to information - challenges

- ❖ Lack of clear and specific provisions and guidelines on
 - how to inform children
 - what to tell them regarding the proceedings/ their rights
 - when and who should inform them

- ❖ In many cases practices are not appropriate
 - Information is often minimal and not understandable
 - Responsibility often unclear and/or left to parents
 - Information material rarely child-friendly and adapted

Child-friendly information material used in Spain



Wall of leaflets in a family centre tailored to teenagers, children and families in the United Kingdom



Child's right to information – what could be done

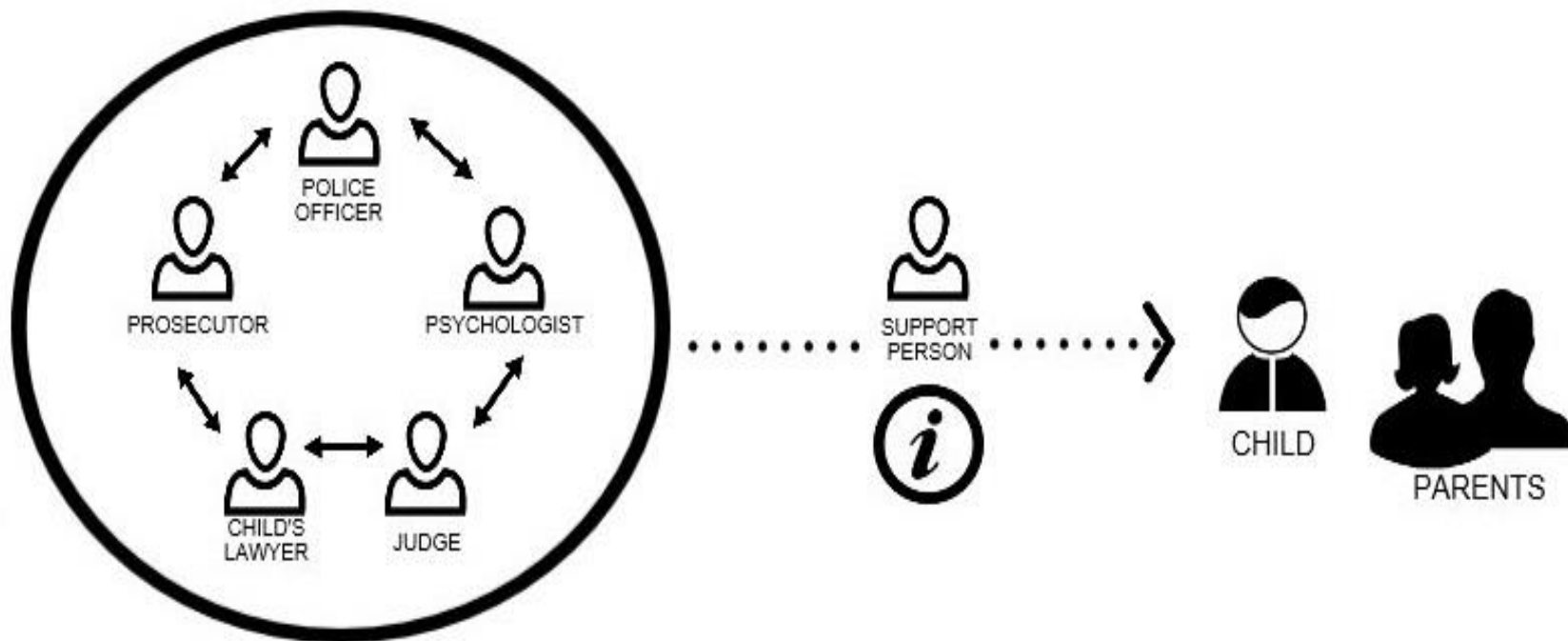
- Clear guidelines on how children should be informed
- Clear responsibility: who provides this information
- Social - psychological support and guidance



Well informed children are more likely to provide good evidence that is taken into account by police and courts

- Professionals suggest one contact point/support person who is responsible for informing children (and their parents) throughout the proceedings

Coordinated provision of information



Child's right to be heard - challenges

“... usually the child is already overcoming the situation and trauma, time has passed, and then the case gets finally to court and it all starts over again...”

Victim Support officer in Estonia

- ❖ Length of proceedings and number of hearings
- ❖ Inappropriate ways of questioning children
- ❖ Hearing environments not child-friendly

In Estonia, police have a special video-linked room for interviewing children



In Finland, special material is provided to children to facilitate interviewing

Child's right to be heard – what could be done

- Clear guidelines on how children should be interviewed
- Technical provisions as safeguards

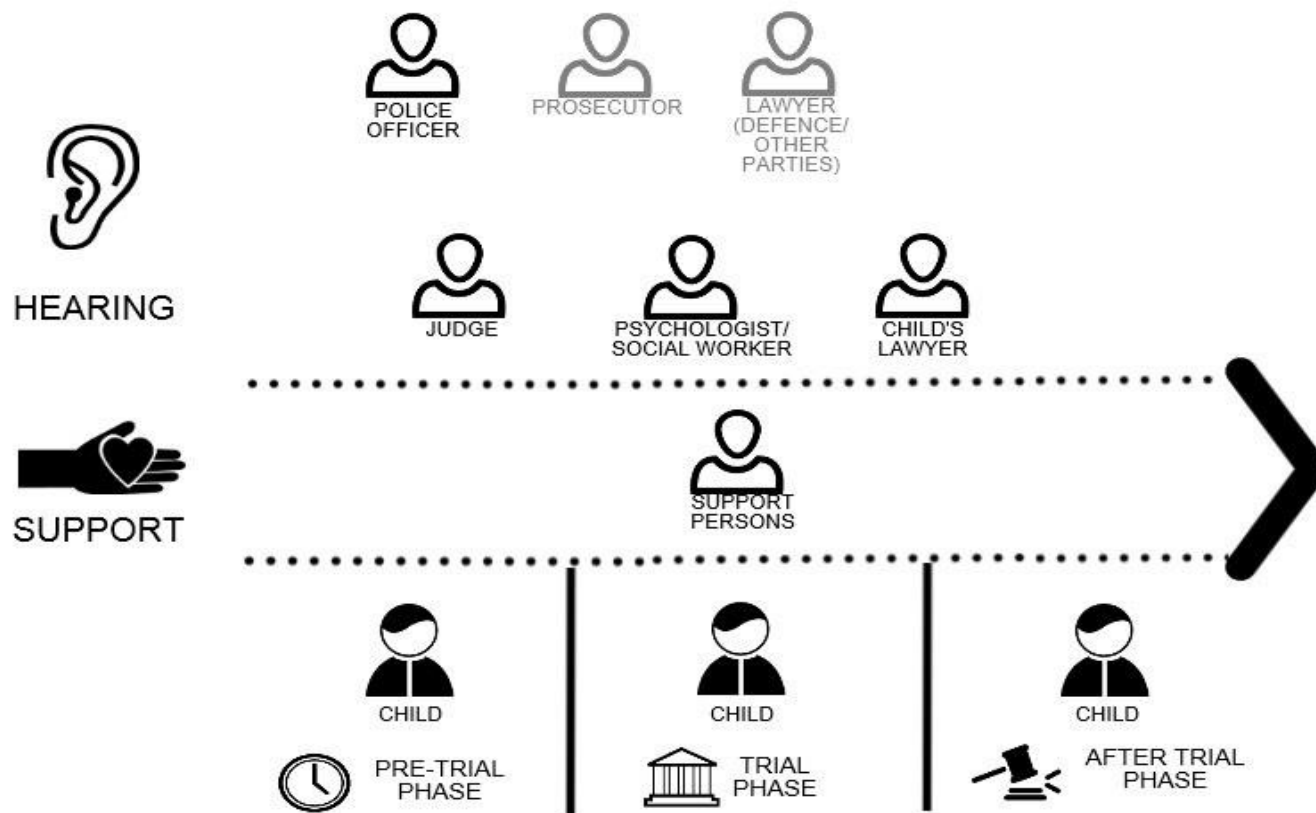
Examples:

- ✓ Child-friendly interview rooms & material
- ✓ Video and/or video-links to avoid facing people that can re-traumatise
- ✓ Familiarisation with court and judge before starting formal proceedings
- ✓ Simplify judges appearance, e.g. avoid formal wigs and/or gowns
- ✓ Co-operation between professionals to avoid repetitions and confusion



When children feel **safe** they can contribute better to the process

Protective support throughout proceedings



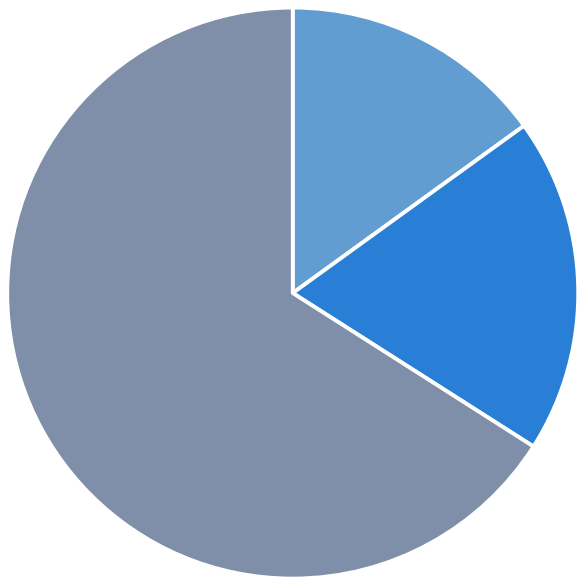
Professional behaviour is a key to ensure child-friendly justice

- **Training** on legal and psychological aspects is essential for all professionals, in particular judges, prosecutors and police
- **Cooperation** between professionals of different disciplines, should be facilitated through specific measures
- **Guidelines** should be developed to ensure standard practices on how to hear, inform and support children

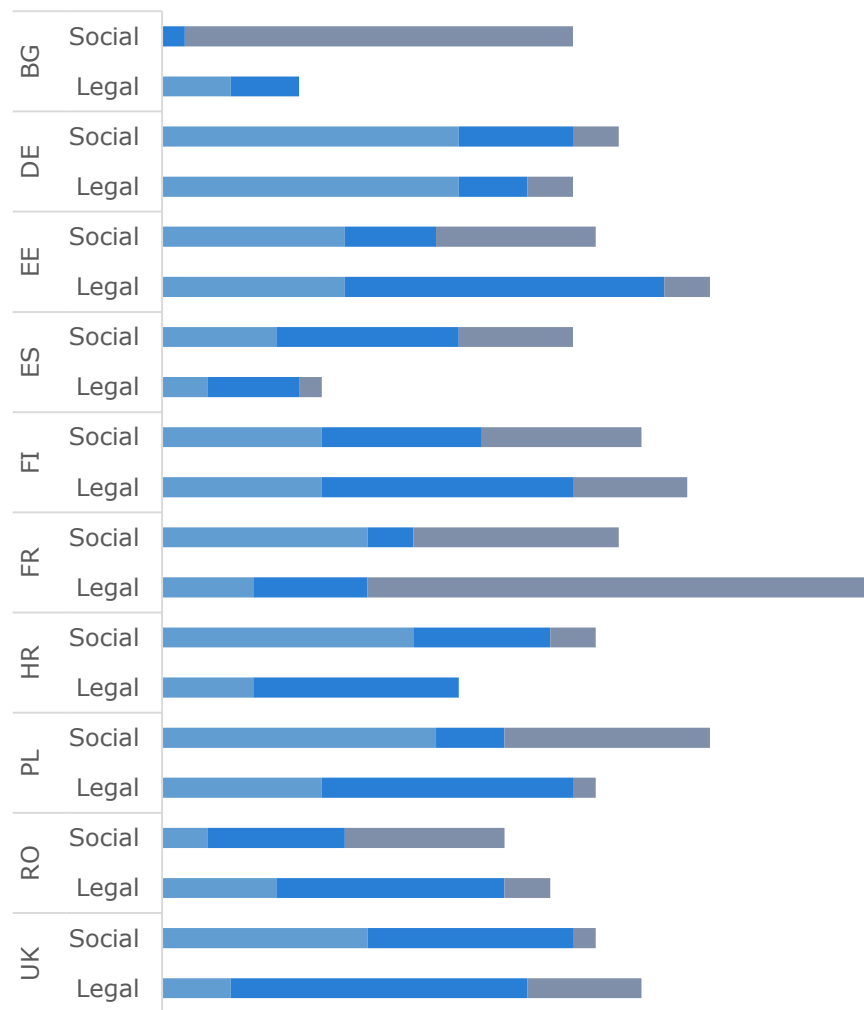
“... as a judge I was never trained how to talk with children, so I can only use my private knowledge. That is a dangerous zone in my opinion.”

Croatia, Judge

Awareness of Council of Europe Guidelines and Training Participation



■ Familiar ■ Somewhat familiar ■ Never heard of



■ Civil ■ Criminal ■ Both areas

Exchange of good practices should be promoted

- **Pre-trial investigation**

- ✓ Specialized multi-disciplinary, medical units (**ES, FR, HR**)
- ✓ Separate entrances to police stations (**EE, FI**)

- **Trial hearings**

- ✓ Preparation via mandatory cooperation/intermediaries (**PL, UK**)
- ✓ Use of “blue rooms” (**BG, PL**)

- **During proceedings**

- ✓ Availability of legal aid (**EE, FR**)
- ✓ Formalized models of multi-disciplinary cooperation (**DE**)
- ✓ Tandem guardians and guidelines (**FI, UK**)

Raising children's awareness of their rights

- Please have a look at **FRA videos** for children that are based on the key messages
 - Right to be heard
 - Right to information
 - Right to protection and safety and respective support

[Video for children on their right to be heard](#)

<http://fra.europa.eu/en/publication/2015/child-friendly-justice-professionals>

Please feel free to communicate those to children and relevant gatekeepers

EQUALITY



Child-friendly justice

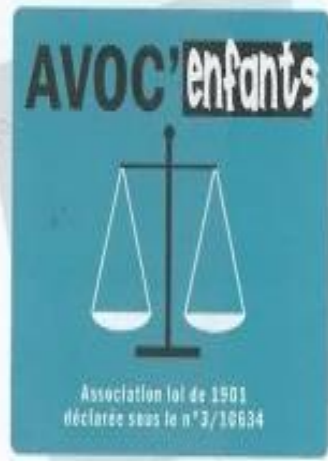
Perspectives and experiences of professionals on children's participation in civil and criminal judicial proceedings in 10 EU Member States

For more information or publications
<http://fra.europa.eu/en/publication/2015/child-friendly-justice-professionals>

or contact us

childrights@fra.europa.eu

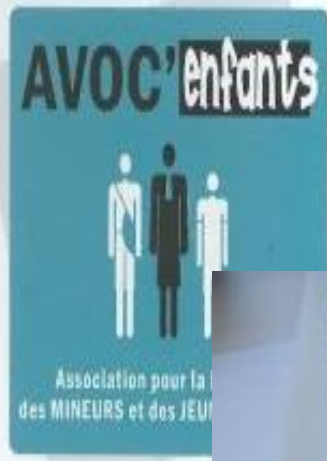
Avoc'Enfants est une association d'avocats ayant pour objet le conseil des mineurs, des jeunes majeurs et leur défense devant toutes les juridictions où leurs intérêts sont en jeu.



Pour obtenir Immédiatement un rendez-vous
Tél : 05 49 88 77 38

Maison de l'Avocat - 12 rue Gambetta - BP 378 - 63009 POITIERS cedex
 Néa : avocenfants@avocats-poitiers.com - Site : www.avocats-poitiers.com

Tu t'interroges sur TES DROITS.
 Tu as besoin d'être entendu ...



Tu ne sais pas...



In Bulgaria a simple drawing helps children understand courts



In France **Avoc'enfants** helps children find a lawyer and get advice

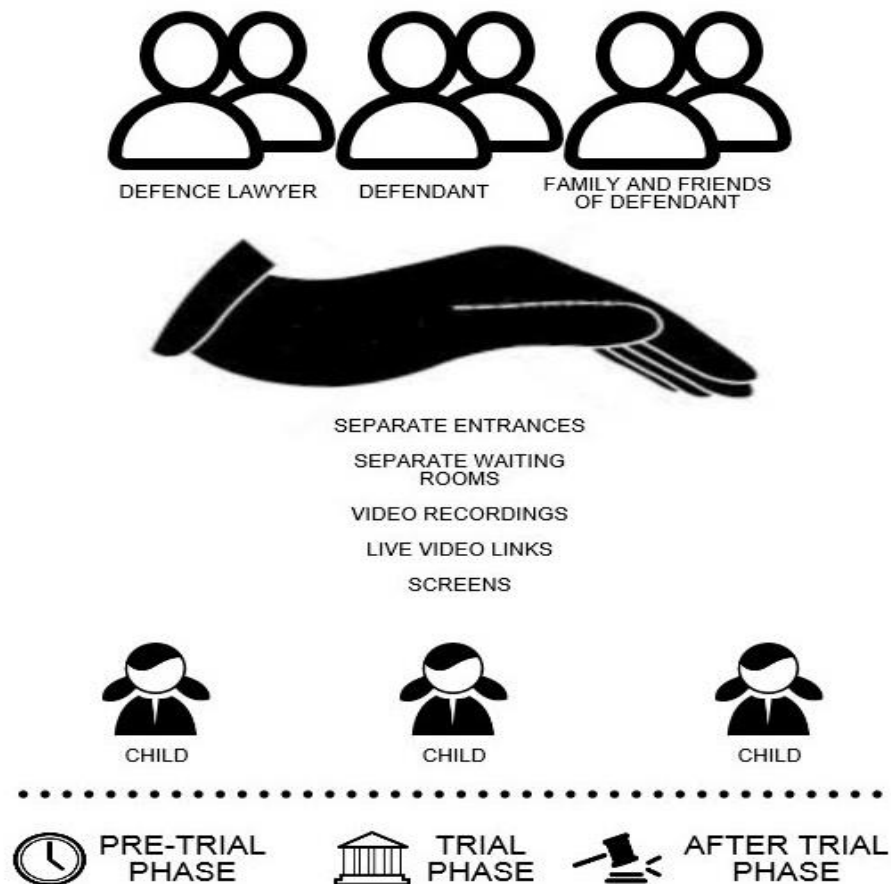
In Poland, 'blue rooms' create safe spaces to host hearings



In Estonia, dolls are used to facilitate child hearings



Protection measures in criminal proceedings



Targeted and horizontal training for professionals

