

Children and Justice

Implementing the CoE
guidelines on child-friendly
justice in the European Union



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

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
 - 574 professionals (completed)
 - Around 400 children (on-going)

EU Member States covered

BG

DE

EE

ES

FI

FR

HR

PL

RO

UK

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

Preliminary general findings

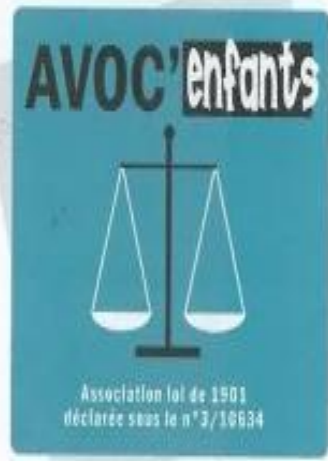
- Need for better and widespread provision of **child-friendly information and advice**
- **Effective protection measures to safeguard the child's safety** (e.g. preventive measures against repeated victimisation)
- Differences in treatment **between** and **within** MSs should not hinder the implementation of the CoE Guidelines
- Professionals, in particular judges and lawyers, must be **aware of the CoE guidelines** when interpreting and applying national regulations
- Professionals, e.g. police, judges and social workers, need **clear guidelines and responsibilities** to ensure a coherent approach to children's rights

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

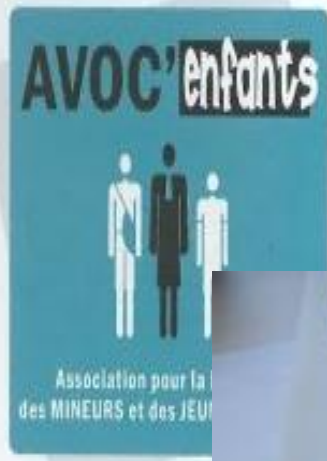
Avoc'Enfants est une association d'avocats ayant pour objet le conseil des mineurs, des jeunes majeurs et leur défense devant toutes les juridictions où leurs intérêts sont en jeu.



Pour obtenir immédiatement un rendez-vous
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Tu t'interroges sur TES DROITS.
Tu as besoin d'être entendu ...




In Bulgaria a simple drawing helps children understand courts



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

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

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

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



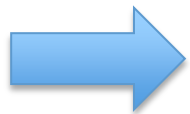
In Finland, special material is provided to children to facilitate interviewing

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



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

In brief – some other critical issues

- **Privacy** should be respected, especially regarding media
- **Protection measures** to safeguard the child's safety should always be in place
- **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

“... 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

In closing – many good practices identified

- **Pre-trial investigation**

- ✓ Specialized multi-disciplinary, medical units (**ES, FR, HR**)

- **Trial hearings**

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

- **During proceedings**

- ✓ Inter-disciplinary victim support (**ES, RO**)
- ✓ Formalized models of multi-disciplinary cooperation (**DE**)
- ✓ Tandem guardians (**FI, UK**)

Thank you for your attention
for any questions
please contact us at
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