

TECHNICAL REPORT



Child-friendly justice

Perspectives and experiences
of children involved in judicial
proceedings as victims,
witnesses or parties in nine
EU Member States

Annexes



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Annex 1: Methodology and interview questions

Background

The first phase of FRA's research on child-friendly justice focused on professionals' experiences and perspectives on child participation in judicial proceedings and was published in 2015.¹ To gain a comprehensive overview of the situation, FRA conducted interview-based fieldwork research in 10 EU Member States, selected to reflect the diversity of the EU's judicial systems and practices regarding the involvement of children in justice. The 10 Member States were Bulgaria, Croatia, Estonia, Finland, France (Bretagne, Franche-Comté, Île-de-France, Réunion, Nord-Pas de Calais, Poitou-Charentes, Provence-Alpes-Côte d'Azur and Rhône-Alpes), Germany (Bavaria, Berlin-Brandenburg, Brandenburg, Hamburg, Hessen, Lower Saxony, Mecklenburg-Vorpommern, North Rhine-Westphalia, Rhineland-Palatinate, Saarland and Thuringia), Poland, Romania, Spain (Andalusia, Catalonia and Madrid) and the United Kingdom (England, Wales and Scotland).

This report presents the findings of the second phase of FRA's fieldwork research on child-friendly justice. Children were interviewed on their perspectives on, and experiences with, being involved in judicial proceedings in nine EU Member States, acknowledging the child's right to participate in research and decision-making in all relevant fields (no group of researchers was available in Finland during the research period). The goal was to conduct research on children but also with them and for them, and through different perspectives and experiences to gain a comprehensive understanding of how children are treated in judicial proceedings, taking a holistic approach.

Researchers have justified the use of interview methods with children in terms of hearing the voice of the child, in keeping with an ongoing redefinition of the child from 'research subject' to competent informant and participant.² While a body of literature has developed around the techniques and justifications of forensic or investigative interviews,³ only a few national studies could be identified which elicit information from children about their experience of the judicial system beyond interviewing techniques. (For an overview of selected national studies, please see list in [Annex 4](#)).

The cross-national use of in-depth interview methods is hampered by various issues related to ensuring both methodological rigour and adequate researcher competency in various areas. The participation of

children adds further complexity. This is an important factor in the paucity of research that uses interview methods for cross-national research with children. The rare examples of cross-national, comparative interview studies are found mainly in the areas of the media⁴ and internet use.⁵

Research with children needs to be both justified and scientifically sound. Before FRA began to conduct interviews with children in 2014, an extensive preparatory phase was undertaken in 2013, which included consultations with children, parents and 'gatekeepers' (contact points between researchers and children), and pilot interviews with children. The pilot interviews identified necessary procedural safeguards for the field research, developed sound research methods and tested the relevance, appropriateness and comprehensibility of the interview questions, to ensure that the same type of questions had comparable meaning across Member States. During consultation on the research process and interview questions, children stated that one of their main motivations for sharing their experiences was that other children might benefit from their suggestions for improvements in the future. To also give something back to the children who participated in this research, they were provided with cards, leaflets and video clips during and after the interview process, to inform them of their rights and the relevant procedures.⁶

The research provides a picture of the diverse experiences and needs of children who have become victims, witnesses or parties to criminal and civil proceedings. Although this was not a representative sample of children involved in judicial proceedings generally, the core issues raised by the children interviewed, and the patterns identified, are of relevance for all children participating in judicial proceedings.

Methodology

This fieldwork research is the second phase of FRA's study on child-friendly justice. Research is based on consultations and interviews with 392 children who have been victims, witnesses or parties to judicial proceedings, primarily in cases of sexual abuse, domestic violence, neglect and custody conflicts.

1 FRA (2015a).

2 Livingstone, S. M. and Lemish, D. (2001).

3 Lamb, M. E. *et al.* (2007).

4 Livingstone, S. M. and Bovill, M. (2001).

5 See, for example, the London School of Economics and Political Science's webpage on the [EU Kids Online project](#).

6 The leaflets can be viewed on FRA's webpage aimed at [children](#). The videos are available on FRA's webpage dedicated to [videos on child rights](#).

Table A1: Number of consultations in preparatory phase

Number of consultations	BG	DE	EE	ES	FR	HR	PL	RO	UK
With children	5	5	5	5	5	5	5	6	5
With adults	4	5	5	4	4	6	4	2	4
Total per country	9	10	10	9	9	11	9	8	9
Total	84								

Source: FRA, 2016

Table A2: Number of pilot interviews in preparatory phase

Number of pilot interviews	BG	DE	EE	ES	FR	HR	PL	RO	UK
	6	5	9	4	7	5	5	6	5
Total	52								

Source: FRA, 2016

As well as focusing on developing the research instrument, the extensive preparatory phase included examination of the requirements for the child-sensitive participation of children in research, identification of appropriate channels to reach and contact children, and the development of protection mechanisms and ethical approval procedures.

Development of research instrument

Semi-structured interview guidelines, with open-ended questions, were used in both research phases (interviews with professionals and with children). The goal was to allow interviewees to talk freely about their experiences and at the same time to gather information about various aspects of judicial proceedings, comparable across countries and interview groups. The key themes were selected in consultation with experts and stakeholders, and based on the Council of Europe *Guidelines on child-friendly justice* concerning the right to be heard, the right to information, the right to protection and privacy, the right to non-discrimination and the principle of the best interests of the child, among other key issues. In all phases of research (the first phase of interviews with professionals, the preparatory phase of interviews with children and the second phase of interviews with children), the interview guidelines went through several internal and external review rounds in all countries involved in the research, and were tested through pilot interviews.

FRA provided detailed instructions and interview schedules for national fieldwork teams. It also organised meetings prior to the beginning of the fieldwork to ensure a common approach regarding sample criteria, selection of respondents, interviews and data gathering. The consistent application of the interview guidelines

was further monitored throughout the data-gathering process by successive evaluation rounds, which were based on audio recordings and transcripts of interviews.

All questions for the interviews, as well as the informed consent forms, were first translated from English into the national language of each country involved in the research, and then translated back into English to check for equivalence, before finally being revised accordingly ('back and forth translation'). The FRA checked for quality and consistency between the original English-language version and the translations to ensure the comparability of results between countries.

Child participants were asked about their experiences before, during and after civil and criminal judicial proceedings, and about their perceptions of these experiences and the reasons behind these perceptions. The interviews gained insight into:

1. How children were treated, based on descriptions of their experiences (in as far as they remembered and were open to speaking about them). This helped to establish how well children have been informed and heard, how they have been informed of the outcome of the proceedings, and how they were provided with support/assistance before, during and after judicial proceedings.
2. What effects this treatment had on children, and how children perceived their experiences (e.g. how they had felt at the time and how they felt looking back, and what their specific involvement had meant to them).
3. How children would like to have been treated, and what they think would have made things better, based on how they assess and reflect upon their experience.

Protective measures (for researchers and children)

Throughout the whole fieldwork research (including a preparatory phase) and the interview process, great care was taken to ensure that child participants felt safe in sharing their experiences and perspectives, and that they were interested in participating on their own behalf and felt comfortable doing so.

In the preparation phase of the fieldwork research, mechanisms for referral to witness, victim or children support services had to be set up before starting the interview phase: support services were informed before interviews commenced, and the relevant contact information was given to the child participants. Interviewers were asked always to follow up with the gatekeepers and/or the children themselves, if they had agreed to be contacted directly, a few days after the interview. Interviewers were instructed to act immediately if they detected signals indicating the need for further support. Two countries (Hungary and Bulgaria) reported using protection mechanisms for both the child and the interviewer after consultations.

Interviews were conducted only where children had given their written consent for the interview in advance. If children were younger than 14 their parents or legal guardians were asked to give written consent (this minimum age was higher in certain Member States, because of legal requirements).

The translated consent forms were filled in, signed and returned to FRA after the completion of the research. All interviews were recorded in audio format and forwarded to FRA, along with the written consent of interviewees, and with appropriate data protection measures in place. National fieldwork teams destroyed any copies they held after fulfilling the contract. For the purpose of quality control, FRA reviewed the recordings, alongside a number of their transcriptions, at various stages of the project.

In addition to the preparatory meetings, the interviewers collected background information about the children from parents/gatekeepers/other relevant persons, if the child agreed to this at the preparatory meeting. This action was taken to help the research team put in place appropriate and individualised protection measures for each child interviewed, to contextualise information provided by the child and thus to avoid inappropriate questions. The interviewers were informed of the background of each case to ensure that unnecessary questions were avoided. Supportive material provided by the researchers and FRA facilitated the interview process and helped to protect the children from distress and repeat victimisation.

Researchers were protected by requirements for a maximum number of interviews per week, debriefing

meetings, psychological supervision and regular team meetings. Ethical approval procedure followed the legal requirements of each of the Member States concerned.

Selection, training and supervision of interviewers

FRA appointed interviewers with appropriate research experience of interviewing children and with experience of working with children (e.g. psychologists). Choosing interviewers who had been assessed positively during the previous phase of research was also recommended. After consultation with child participants, some further criteria for the interviewers were defined. Children suggested that interviewers should be young. For girls who had been abused, the interviewer should be a woman. The researcher should be empathetic and interested in the child's experiences and opinions. All researchers had to provide proof of not having a criminal record.

Researchers were asked to follow the guidelines on how to conduct research with and for children. These guidelines were developed by FRA and based on a review of international ethical codes of conduct on child participation in research, and on peer-reviewed articles on research with children in the fields of law, education, sociology, psychology, health and social work.

To ensure a consistent approach in all Member States, training sessions were provided for the interviewers. These sessions included issues of methodology, ethical considerations, findings of previous phases and protection measures. FRA organised a training meeting for all contractors. Local training for all interviewers was also organised. These local training sessions were organised to ensure that interviewers were familiar with the national context, outcomes of the previous phases, principles for conducting the interviews with children and protection measures.

As well as sharing the audio recordings and transcripts throughout the interview process, researchers were also asked to ensure and report on the supervision of interviewers, to conduct regular debriefings and team meetings as procedural safeguards for researchers and children, to improve the quality of interviews and to address challenges and necessary adaptations in the interview process and follow-ups.

Interview process

In the main phase of the research, children were interviewed on their experiences, feelings and reflections of having been involved in criminal and/or civil judicial proceedings.

Reaching out to children (via gatekeepers)

The selection phase of the interviews followed several criteria. First of all, the children who participated in the interviews were not the same as those who were consulted or interviewed in the preparatory phase. It was important to ensure that children who had been involved in proceedings as offenders were not included in the research sample, even if they were also involved as victims, witnesses or parties. Only children who had been involved in criminal and/or civil proceedings as victims, witnesses or parties to proceedings, or in a combination of those roles, were interviewed. The focus was on cases of sexual abuse, domestic violence, neglect and custody conflict. Additionally, cases of trafficking or institutional placement were included if shown to be particularly important within the context of a specific Member State (based on consultation with researchers and interviews with professionals during the first phase of research).

Researchers were asked to achieve a balanced mix of interviewees with regard to gender, geographic location, specific circumstances (children with disabilities, and those from migrant backgrounds or belonging to an ethnic minority), time passed since their involvement in judicial proceedings, relevant role in judicial proceedings and involvement in criminal and/or civil proceedings. After consultations and pilot interviews with children, it was decided that children should be 12 years of age or older at time of interview for the main interview phase. Children were grouped according to age at involvement in judicial proceedings: (1) younger than 10 years, (2) 10–14 years and (3) 14–18 years. Most had been between 10 and 14 years of age. Involvement in judicial proceedings needed to be recent enough that children could recall details sufficiently clearly to talk about them. On this basis, children whose hearings took place more than four years before the research period were not included.

To reach out to children, researchers were to involve various recruitment channels ('gatekeepers'), including professionals, parent associations, schools and public announcements, while ensuring that the quality standards of the research were applied throughout.

Child-centered research requires interaction with adult gatekeepers to find the right balance between protecting the child and giving her or him the opportunity to be heard and listened to if (s)he wishes to do so, ensuring that the views and opinions of the child will be taken seriously.

Informing children and gatekeepers about and preparing for interviews

All children and their parents/guardians/legal representatives/gatekeepers were informed of the consent procedure and interview process in written and oral form, adapted for various groups. Specific interview arrangements were made, for example notifying the child of the interview dates or providing additional background information for the child and a parent or legal guardian.

FRA suggested that informative meetings with contact persons (teachers, social workers or parents) should take place before the interview, conditional on having received the child's informed consent (and that of a parent, if applicable), and stressing the confidentiality of this information. The children were informed that the researchers had learned some key facts of their involvement in the judicial system. This was intended to develop a trusting relationship between child and interviewer, and to facilitate effective participation in the research.

Preparatory meetings with children helped to establish a level of trust between the interviewer and child, to inform the child about the project (for example information about the location and time of the interview) and to consider the child's needs and wishes for the interview (whether they would be accompanied or unaccompanied, for example). During this preparatory phase, interviewers made sure that the child had understood the interview process and was able and willing to participate. Interviewers also secured the child's and parent's (if applicable) consent.

Before interviews with the children, interviewers ensured that children understood:

- their role in the research process and its outcome;
- that there was no obligation to participate;
- that they could opt out at any time;
- that they understood how the results would be used;
- that everything they said or did would be absolutely confidential.

Interviewers had to ensure use of the most appropriate and convenient tools to facilitate the interview process. These included games, drawings, artistic ice-breakers, videos, smiley figures, pictures, cue cards, projective methods and visual opt-out options. Interviews were not to take place too late in the day and their location had to be quiet, safe and child-friendly.



The interview took place after this preparatory meeting, preferably on a different day. If, because of the child's travel arrangements, the child preferred the same day, a substantial break needed to be provided. The interviewers provided the children with any further explanations and an appropriate range of possible modes of answering for the child to choose from.

Conducting interviews

While conducting the interviews with children, two main principles were always applied:

- confidentiality;
- informed consent.

Each interview with a child lasted no longer than 30–60 minutes, including breaks (offered and/or asked for by the child) and getting to know each other. Breaks were always guaranteed if the child asked for them.

Following the FRA guidelines on research with and for children and the interview instructions, the researchers were asked to assess each child's degree of maturity, competence, independence and autonomy across cultures, as well as specific sensitivities (e.g. in relation to trauma or disability), and to adapt accordingly.

The interviewers allowed children to recall their experiences and to speak freely, with all necessary support. The interview was closed by thanking the child, providing further information on the project and child-friendly justice, and handing over a thank-you certificate and a specifically designed T-shirt promoting children's rights.

Following up on interviews

Feedback about interviews could be requested immediately afterwards or when contacting the child again at a later stage (depending on consent). Contacting the child (or a contact person) after the interview helped to check on the child and give her or him information on the outcomes of the research. The FRA-produced videos on raising children's awareness of their rights were also shared with child participants.

Challenges and potential biases

Children interviewed for the research may have had negative experiences of hearings. Interviewers needed to be aware of the possibility of the child perceiving parallels between the two interview experiences, and

regarding the research interview as a repetition of an earlier negative experience. For example, it might have been a problem for a child to be recorded in a research interview, if (s)he had previous negative experiences with microphones and cameras. Appropriate information in the preparatory meetings was important to counteract this potential bias.

It was necessary to ensure that children in particularly vulnerable situations, including those with disabilities, Roma children, and migrant children who might not have received the necessary support during proceedings (e.g. translation services), received all necessary support in the research interviews. Interviewers also needed to take into account that children who are aware of their rights, who receive support and who are appropriately informed tend to talk more specifically about their experiences, and provide more concrete information.

The interview setting needed to be child-friendly and confidential; interruptions must not take place over the course of the conversation with the child. It was also important to gain enough background information to contextualise the interview findings.

Interviewers were to be assured that the child wished to participate of her or his own accord, and not due to pressure from a parent or guardian. The over-involvement of a parent or guardian needed to be avoided; it was important that child participants had the space to speak and respond to questions themselves. Interviewers were made aware that, unless the child requested their presence, parents or guardians should generally be nearby but not present during the interview. Children generally stated that they were happier and felt more comfortable with this arrangement.

Potential memory effects were taken into account in building the sample, as it was decided to include only children whose hearings took place less than four years before the interviews. Interviewers also needed to be aware of memory effects in ensuring that their questions were not leading and not to suggest that certain answers were 'correct'.

Annex 2: Sample composition and main quantitative findings

Respondents

Overall, 346 interviews were systematically analysed across the nine EU Member States. Two thirds of participants were girls (63 %). One in seven participants had a migrant background or belonged to an ethnic/minority group. Higher proportions of children with a migrant background were represented in Bulgaria (31 %), France (29 %) and Estonia (21 %). One in eight child participants interviewed had a physical impairment, an intellectual disability, mental health problems, multiple disabilities or another form of impairment. Particularly low numbers of children with disabilities were interviewed in Germany (one child) and Spain (none), whereas higher numbers of children with various forms of disability were interviewed in Bulgaria (eight children), Croatia (six) and Poland (five).

The sample of interviewees had a balanced mix in terms of gender, geographic location, specific circumstances, time passed since involvement in judicial proceedings, the role of the child in proceedings, and involvement in criminal and/or civil proceedings. The sample was weighted in favour of children involved in custody conflicts and cases of sexual abuse, domestic violence and neglect.

Children’s age at the time of involvement in judicial proceedings was divided into the following categories:

(1) younger than 10 years; (2) 10–14 years; and (3) 14–18 years. The majority of the children were aged between 10 and 14 years old at the time of their involvement in judicial proceedings, because of various legalities which come into force during that age range. Based on the first phase of research, the most critical age is between 10 and 14 years old.

Based on the pilot phase and in consultation with child participants, persons of trust and experts, we decided that children should be at least 12 years of age at the time of interview.

Children were recruited via various channels (‘gatekeepers’), which included professionals, parental associations and schools, as well as public announcements via social media, flyers in NGO publicity and newspapers. One challenge in building our sample was also to reach children who had not yet received any form of support. Another was facing gatekeepers’ assessment of children’s abilities and willingness to participate. To manage this, a preparatory meeting with the child and gatekeeper/person of trust was arranged. Depending on the requirements of relevant national legislation, the consent of the parent or legal guardian was also needed for children up to the age of 14.

Table A3: Number of children, gender, ethnicity/migration background and type of disability by EU Member State

EU Member State	Number of children	Number of children by gender		Ethnicity/migration background		Type of disability					
		Female	Male	Yes	No	Physical impairment	Intellectual	Multiple	Mental health	Other	None
BG	36	20	16	11	25	1	0	0	1	6	22
DE	33	20	13	5	28	0	0	1	0	0	27
EE	39*	16	22	8	30	0	1	0	1	1	26
ES	35	25	10	5	30	0	0	0	0	0	31
FR	42	30	12	12	30	0	0	0	0	2	32
HR	35	24	11	1	33	0	0	3	0	3	24
PL	47	30	17	1	46	1	3	0	0	2	36
RO	47	27	20	0	6	0	1	0	1	1	38
UK	32	25	7	4	28	2	1	0	0	0	24
Total	346	217	128	47	256	4	6	4	3	15	260

Note: *Overall sum differs due to missing values.

Source: FRA, 2016

More children had been part of civil than of criminal proceedings (164 versus 122 cases). France and Romania had particularly high proportions of civil proceedings, whereas Croatia, Spain and the United Kingdom had high proportions of criminal proceedings. Estonia, Germany and Poland were quite balanced. One in six child participants (58 cases) were involved in both civil and criminal proceedings. One third of the children interviewed were involved in multiple proceedings.

One quarter of the children (26 %) were involved in three or more hearings. Most proceedings were closed; two thirds of the ongoing proceedings were single proceedings. Most single ongoing proceedings were in Bulgaria, France and Poland.

Most often, children were parties to proceedings (49 %), followed by involvement in the role of victim (19 %) or

both victim and witness (12 %). Fewer children were heard as victim, witness and party or as only witness. High proportions of parties to proceedings were found in Romania and France. Poland and Germany had quite a balanced distribution between the proportions of children interviewed who were parties and victims/witnesses.

Most cases involved serious crimes (106), followed by custody conflicts (84), alternative family or residential care (45), serious crimes and custody conflicts (28) or other crimes (24). In Romania a particularly high number of cases were related to residential care; in Poland, Croatia and Bulgaria to serious crimes; in Estonia, Germany, Poland and Croatia to custody conflicts; and in France to other crimes. Girls were particularly strongly involved in serious crimes, as well as serious crimes and custody conflicts.

Table A4: Involvement of children in multiple proceedings and type of the proceedings by EU Member State

EU Member State	Involved in multiple proceedings	Not involved in multiple proceedings	Civil proceedings	Criminal proceedings	Civil and criminal proceedings
BG	14	22	18	11	7
DE	11	22	14	15	4
EE	13	25	16	13	9
ES	5	17	8	18	9
FR	10	32	32	2	8
HR	6	29	12	18	5
PL	12	35	20	23	4
RO	19	28	31	4	12
UK	7	22	13	18	0
Total*	97	232	164	122	58

Note: *Overall sum differs due to missing values.

Source: FRA, 2016

Table A5: Role of the child in the proceedings, by EU Member State

EU Member State	Victim	Witness	Party	Victim and witness	Victim and party	Witness and party	Victim, witness and party
BG	7	4	15	7	3	0	0
DE	1	0	14	14	0	0	4
EE	5	5	18	2	4	4	0
ES	17	7	4	0	6	0	1
FR	2	0	33	0	5	2	0
HR	7	3	17	4	1	0	3
PL	5	4	20	14	0	1	3
RO	4	0	34	0	9	0	0
UK	17	1	13	0	0	0	0
Total*	65	24	168	41	28	7	11

Note: *Overall sum differs due to missing values.

Source: FRA, 2016



Table A6: Type of cases children were involved in by each EU Member State

EU Member State	Serious crimes	Other crimes	Custody conflicts	Alternative family care	Residential care	Serious crime and custody conflict
BG	13	2	6	2	3	3
DE	11	1	14	0	0	1
EE	6	2	15	0	0	6
ES	16	1	6	0	0	8
FR	6	16	9	0	0	3
HR	15	0	11	0	0	4
PL	19	0	13	4	3	3
RO	7	0	1	1	32	0
UK	13	2	9	0	0	0
Total*	106	24	84	7	38	28
Female	78	15	51	3	19	20
Male	28	9	33	4	19	8

Note: *Overall sum is higher due to missing values.

Source: FRA, 2016

More than two thirds of children interviewed (67 %) lived in urban areas. An equal distribution between urban and rural areas was found in Bulgaria and Germany. Those interviewed in Romania (83 %), Spain (83 %) and France (81 %) overrepresented urban areas.

Table A7: Place of residence of the child

EU Member State	Rural	Urban
BG	16	16
DE	18	15
EE	12	23
ES	7	28
FR	8	34
HR	14	21
PL	14	31
RO	8	39
UK	8	24
Total*	105	231

Note: *Overall sum is higher due to missing values.

Source: FRA, 2016

Table A8: Main quantitative findings as presented in the report

Contact with other parties/defendant		
	<i>Contact</i>	<i>No contact</i>
Number of children (%)	114 (37)	193 (63)
Total	307^a	

Length of procedure								
	<i>Up to 1 year and 6 months</i>	<i>Up to 3 months</i>	<i>Up to 6 months</i>	<i>Up to 9 months</i>	<i>Up to 1 year</i>	<i>Up to 2 years</i>	<i>Up to 3 years</i>	<i>Longer than 3 years</i>
Number of children (%)	20 (10)	22 (11)	25 (12)	15 (8)	46 (23)	18 (9)	17 (9)	38 (19)
Total	201^b							

Assessment of child-friendliness of proceedings by the length of procedure									
	<i>Up to 3 months</i>	<i>Up to 6 months</i>	<i>Up to 9 months</i>	<i>Up to 1 year</i>	<i>Up to 1 year and 6 months</i>	<i>Up to 2 years</i>	<i>Up to 3 years</i>	<i>Longer than 3 years</i>	<i>Total</i>
Positive (%)	6 (32)	3 (14)	3 (23)	5 (12)	7 (35)	2 (11)	1 (6)	5 (15)	32 (17)
Ambivalent (%)	8 (42)	10 (46)	5 (39)	26 (62)	7 (35)	11 (61)	6 (38)	15 (44)	88 (48)
Negative (%)	5 (26)	9 (41)	5 (39)	11 (26)	6 (30)	5 (28)	9 (56)	14 (41)	64 (35)
Total	19	22	13	42	20	18	16	34	184^c

Involvement in multiple proceedings		
	<i>Involved</i>	<i>Not involved</i>
Number of children (%)	97 (29)	232 (71)
Total	329^d	

General assessment by involvement in multiple proceedings			
	<i>Multiple</i>		<i>Total</i>
	<i>Yes</i>	<i>No</i>	
Positive (%)	15 (18)	46 (21)	61 (20)
Ambivalent (%)	34 (38)	108 (50)	142 (46)
Negative (%)	41 (46)	64 (29)	105 (34)
Total	90	218	308^e



Assessment of child-friendliness of proceedings and age of the child at the hearing in years				
	<i>Positive (%)</i>	<i>Negative (%)</i>	<i>Ambivalent (%)</i>	<i>Total</i>
2 year old	0 (0)	0 (0)	1 (100)	1
3 year old	0 (0)	1 (50)	1 (50)	2
4 year old	0 (0)	0 (0)	1 (100)	1
5 year old	0 (0)	1 (33)	2 (67)	3
6 year old	0 (0)	1 (25)	3 (75)	4
7 year old	0 (0)	4 (57)	3 (43)	7
8 year old	2 (14)	4 (29)	8 (57)	14
9 year old	2 (14)	7 (50)	5 (36)	14
10 year old	7 (41)	6 (35)	4 (24)	17
11 year old	5 (23)	7 (32)	10 (46)	22
12 year old	7 (20)	13 (37)	15 (43)	35
13 year old	8 (20)	13 (33)	19 (48)	40
14 year old	6 (18)	13 (39)	14 (42)	33
15 year old	6 (20)	8 (26)	16 (53)	30
16 year old	1 (4)	9 (36)	15 (60)	25
17 year old	2 (14)	5 (36)	7 (50)	14
18 year old	0 (0)	1 (100)	0 (0)	1
Total	46 (18)	93 (35)	124 (47)	263^f

Professionals who heard the child by the type of proceedings					
	<i>Police officer (%)</i>	<i>Judge (%)</i>	<i>Psychologist/ social worker (%)</i>	<i>Other legal (%)</i>	<i>Total</i>
Criminal	18 (44)	12 (29)	6 (15)	5 (12)	41
Civil	2 (2)	73 (67)	29 (27)	5 (5)	109
Both	3 (16)	13 (68)	3 (16)	0 (0)	19
Total	23 (14)	98 (58)	38 (23)	10 (6)	169⁹

Assessment of the hearing location in criminal proceedings				
	<i>Negative (%)</i>	<i>Ambivalent (%)</i>	<i>Positive (%)</i>	<i>Total</i>
Court, courtroom	5 (56)	2 (22)	2 (22)	9
Office of court personnel	1 (50)	0 (0)	1 (50)	2
Police station	3 (75)	0 (0)	1 (25)	4
Child-friendly room	16 (89)	0 (0)	2 (11)	18
Public institution	1 (50)	0 (0)	1 (50)	2
Court via video-link	5 (71)	0 (0)	2 (29)	7
Total	16 (39)	2 (5)	23 (56)	41

Assessment of the hearing location in civil proceedings				
	<i>Negative (%)</i>	<i>Ambivalent (%)</i>	<i>Positive (%)</i>	<i>Total</i>
Court, courtroom	9 (36)	5 (20)	11 (44)	25
Office of court personnel	15 (52)	5 (17)	9 (31)	29
Police station	0 (0)	0 (0)	1 (100)	1
Child-friendly room	4 (27)	0 (0)	11 (73)	15
Public institution	2 (67)	1 (33)	0 (0)	3
Office of the psychologist	2 (40)	1 (20)	2 (40)	5
Total	32 (41)	12 (15)	34 (44)	78



Type of cases in which children were involved						
	<i>Serious crime</i>	<i>Other crime</i>	<i>Custody conflict</i>	<i>Alternative family care</i>	<i>Residential care</i>	<i>Serious crime and custody conflict</i>
Number of children (%)	106 (37)	24 (8)	84 (29)	7 (2)	38 (13)	28 (10)
Total	287^h					

Type of support							
	<i>Legal support</i>	<i>Psychological support</i>	<i>Social support</i>	<i>Foster parent/ care giver</i>	<i>Relative</i>	<i>Other</i>	<i>Multiple</i>
Number of children (%)	14 (6)	59 (23)	46 (18)	6 (2)	6 (2)	3 (1)	122 (48)
Total	256ⁱ						

General assessment of support provided							
	<i>Legal support</i>	<i>Psychological support</i>	<i>Social support</i>	<i>Foster parent/ care giver</i>	<i>Relative</i>	<i>Other</i>	<i>Total</i>
Positive (%)	2 (14)	12 (21)	5 (12)	2 (33)	1 (17)	0 (0)	22 (17)
Ambivalent (%)	7 (50)	26 (45)	19 (44)	0 (0)	4 (67)	3 100	59 45
Negative (%)	5 (36)	20 (35)	19 (44)	4 (67)	1 (17)	0 (0)	49 (38)
Total	130^j						

Note: The total number of interviews with children is 346; however, sums may differ due to missing values or inapplicable categories.

^a For 39 children, not applicable (n/a).

^b For 145 children, not applicable (n/a).

^c For 62 children, not applicable (n/a).

^d For 157 children, not applicable (n/a).

^e For 386 children, not applicable (n/a).

^f For 101 children, not applicable (n/a).

^g For 107 children, not applicable (n/a).

^h For 59 children, not applicable (n/a).

ⁱ For 90 children, not applicable (n/a).

^j For 216 children, not applicable (n/a).

Source: FRA, 2016

Annex 3: Data analysis

FRA chose a team-based approach to analyse the data systematically, following an iterative-inductive process aimed at exploring the responses comprehensively. At least two FRA team members, acting as Member State experts, independently read and analysed country-level results, cross-checked them with each other and then held several rounds of team meetings to cross-validate the country-specific notes for all countries.

Of the 392 interviews and consultations overall, we were able to use 346 of our interviews with children for quantitative analysis, given that all children were asked the same questions, which were documented in the reporting templates. When data were missing in the reporting templates, we always asked for clarification of the reason for this and for the reporting templates to be systematically filled in.

We created a data assessment table to quantify the specific type of data and the respective variables (Table A9).

This table included factual information, including how many times a child was heard, how long the proceedings lasted, whether or not the child was informed about

the procedure, whether or not they had received child-friendly treatment, whether or not the child was heard in a separate room specifically for children, and whether or not the child had received psychological support.

The child's assessment of the treatment they had received was also included. For example, the child assessed the behaviour of the professional who heard them positively, negatively or ambivalently. For this we used an ordinal scale of 1 (positive), 2 (ambivalent) or 3 (negative). When unable to identify this clearly in the reporting table, we rated the assessment as a missing value. However, in most cases children were very clear about their assessments.

The data assessment tables for each interview were filled in by two independent researchers, based on the information provided by children and gatekeepers in the reporting templates, which were in turn based on the interview transcripts and audio files. This also included back-up questions by the researchers to the interviewees, for clarification.

A quantitative analysis of factual information and respective child's assessments complemented the

Table A9: Example of data assessment table

Variable	Label		
Key points repeated by the child	<i>Positive points</i>	<i>Negative points</i>	-
Support	<i>Yes</i>	<i>No</i>	<i>Who</i>
Assessment of the support received	<i>Positive</i>	<i>Negative</i>	<i>Ambivalent</i>
Feeling of safety	<i>Yes</i>	<i>No</i>	<i>Ambivalent</i>
Respect for privacy	<i>Yes</i>	<i>No</i>	<i>Ambivalent</i>
Feeling of fair treatment	<i>Yes</i>	<i>No</i>	<i>Ambivalent</i>
Contact with other parties/defendant	<i>Yes</i>	<i>No</i>	<i>Where</i>
Location of the hearing and assessment	<i>Where</i>	<i>Positive</i>	<i>Negative</i>
Professional(s) who heard the child	<i>Who</i>	<i>Positive</i>	<i>Negative</i>
General assessment	<i>Positive</i>	<i>Negative</i>	<i>Ambivalent</i>
Assessment of importance to participate	<i>Positive</i>	<i>Negative</i>	<i>Ambivalent</i>
Assessment of best interest	<i>Yes</i>	<i>No</i>	<i>Cannot say</i>
Assessment of child-friendliness of proceedings	<i>Positive</i>	<i>Negative</i>	<i>Ambivalent</i>
Content with outcome	<i>Yes</i>	<i>Ongoing</i>	<i>No</i>
Information received	<i>Yes</i>	<i>No</i>	
Assessment of the information	<i>Sufficient</i>	<i>Not sufficient</i>	
Who provided the information			
Child-friendliness of information	<i>Yes</i>	<i>No</i>	<i>Ambivalent</i>
Evaluator's assessment of child's understanding of proceedings	<i>Positive</i>	<i>Negative</i>	<i>Ambivalent</i>

qualitative analysis to identify patterns within the group of children interviewed.

Finally, the quantitative analysis was presented in three formats in the report: firstly as distributions in percentages across the relevant Member States, in so-called

'practices in number' boxes, secondly as populating the outcome indicators and thirdly as correlations drawn out between different factors in children's experiences of judicial proceedings. The significance was tested using a Spearman-Brown correlation test for ordinal-scaled variables for $p \leq 0.001$ ($n = 346$).



Annex 4: Interview schedule

Interview questions and schedule

A) Basic outline of interview schedule

Part 1 – Introduction of the project, of the researcher, of FRA and of the procedure.

Part 2 – Vertical issues relating to proceedings and how children are heard and informed:

- Area 1: right to be heard
- Area 2: right to be informed
- Area 3: right to protection and safety.

Part 3 – Horizontal issues on overall assessment of child-friendliness of justice proceedings:

- child-friendliness
- best interest of the child (optional)
- non-discrimination (optional)
- ideas and suggestions.

Part 4 – Closing the interview

B) Interview schedule

Part 1: Introduction

Instruction: Try to explain briefly what we mean with the term ‘research’ and what researchers’/your work consists of (example: “Our objective is to know more about particular issues, in order to identify what is done well and what needs to be changed”).

- Carefully explain the aim and the objectives of the research, briefly mentioning the previous phases of interviewing professionals and children.
- Engage the child in a conversation on motivations and expectations, not only to make sure that the child is participating voluntarily but also to help the child understand the concept and context of his/her right to participation (e.g. How/by whom were you informed about this research? What made you decide to take part in this research and share with us your experiences?).
- Read and carefully explain orally information from the children’s informed consent letter, if not done in a previous meeting, and assent form.

- Ask for agreement to audiotape and explain reasons for audiotaping. In case they do not agree you will need to take notes and explain this. This may be also a good reason that another professional is present at the interview (social worker, psychologist).
- Signature of respondent consent forms by child.
- Start audio recording.

Check:

- Introduce yourself and FRA (hand out information sheet about FRA).
- Hand out and read the children informed consent letter.
- Ask for approval to audio record the interview.
- Explain the possibility to review and amend transcripts prior to analysis and reporting.
- Signature of respondent consent form.
- Start audio recording.

Part 2 – Vertical issues relating to proceedings and how children are informed and heard

Instruction: (please adapt for cases when children did not go to court but were, for example, interviewed by social workers, police officers, psychologists... at different settings):

*“If you agree we can start talking about what you remember and want to tell us about your experience, when you were in court, or met a judge, a lawyer, a social worker. We would like to learn more about the hearings and how you felt when you were there. We would also like to know how you were **told** about what is going on, and who else was there. Don’t worry, we are not asking you to answer everything at once. We can go step by step. We are mainly interested in learning about your experience and your feelings.”*

Note: We suggest first letting the child talk a bit about proceedings, what s/he remembers and finds important to talk about (or also does not want to talk about) to get a first idea of his/her experiences as well as to be able to see how much the child understood (e.g. is s/he able to give concrete information of who was involved and why, which terms does s/he use, how vague are her/his descriptions). It may be good to start with the hearings, as they may be the most concrete events that the child remembers and can talk about. You can also start using the cards with key terms and definitions as well as drawings.

Area 1: Right to be heard

Note: In cases of multiple hearings (as checked beforehand and validated by the child), ask: – which one they felt most comfortable/uncomfortable about and why, – which one they would be okay to talk about in more detail and continue with that one. If possible ask about similarities and differences between the hearings. Here the cards with key terms and drawings may be used to clarify which hearing (part of criminal or civil proceeding) the child is referring to, which role the child had (victim or witness), by whom they were conducted (police officer, judge, social worker).

Use of material:

Please use the cards and drawings on proceedings and hearing to explain and visualize the ‘right to be heard’”, as well as the persons who were involved in the hearings the child and the role the child had. Please only introduce the right to be heard after the child has already described some of his/her experiences.

Could you please tell us what you remember about your hearing(s) (section A/card 9)? How did it go? Who was listening to you?

Note: Please check⁷ that the interviewee provides information on:

- length, frequency and time of hearing
- waiting periods and the child-friendliness of the venue
- type of professional(s) hearing the child
- other professionals involved
- other people present
- material used (e.g. booklets, pictures shown)
- physical settings (rooms for child hearings, environment, etc.)
- measures taken to ensure a child-friendly and protective environment.

Example questions for follow-up:

- *Who was listening to you? When and how many times did they ask you questions? Where did they ask the questions? How long did the **hearing(s)** last?*
- *Did they give/show you any material? Did they play games or use books or drawings during the **hearing(s)**?*

- *Did you feel nervous and stressed or not during the hearing?*
- *How long did you have to wait between being told you would go to court and the actual **hearing**? On the day of the hearing, how much time did you have to wait? Was the hearing moved to another **time or day**?*
- *Did someone show you where you were going to be heard? Was the room where you waited **child-friendly**? Was water/food provided?*
- *While waiting did you meet other people (e.g. the **accused**)?*
- *Did you have to travel for your **hearing**? For how long?*
- *Is there something important that you would like to add?*

1. How did you feel about the hearing? Please tell us how well you understood what you were asked?

- *What do you remember about the way that he/she/they was/were talking to you?*
- *Do you think that the **words** they used were too hard to understand for interviewing children like you? Was it hard to understand what he/she was telling you?*
- *Did anyone check if you had understood?*
- *How you were feeling or what were you thinking during the **hearing(s)**?*
- *Could you tell us if you felt that you didn't understand/that you felt uncomfortable? What happened?*
- *Did you ever feel that you wanted to stop or did not want to answer certain questions? What happened?*
- *Was there anything that really helped you during the **hearing** to better understand?*
- *Could you tell us if anything helped you to feel well, more comfortable during the **hearing**?*
- *What did you like and what didn't you like in this **hearing**?*
- *What did you think about the questions? Do you think that they were asking you the right questions?*
- *Were there things that you would like to talk about but you didn't say during the **hearing**?*
- *Is there something important that you would like to add?*

⁷ The idea of the checklist is not to directly ask the child on this particular information, but for the researcher to extract this information from the answers provided by the child.



2. Do you think that people listened to what you said and took it seriously? How?

- How much importance was given to what you said? Do you think it made a difference to the judge's decision?
- Did anyone tell you how you did after the hearing?
- Did anyone tell you what happened and what was decided by the court?
- Did you feel that you were really listened to by the judge/social worker, etc.?
- Do you believe that what you said made a difference to your situation or the decision made?
- Do you think that if you hadn't been heard things would have ended up differently? What makes you think that?
- Using scenarios: If something similar to you happened to a friend, would you tell them it is a good idea to also go to the hearing?
- Is there something important that you would like to add?

3. Based on your experience, could you suggest some things that could help a child when he/she has to be in a hearing?

- What did you particularly like in the way they listened to you (if anything) (section B/ card 15)?
- What did you particularly not like about the way they listened to you?
- Using scenarios: If a friend of yours, your age, had to go before a court what would you tell him/her? How do you think s/he should be listened to? Please use the same gender as the child is.
- What do you think could help a child to feel comfortable in a hearing?
- What do you think about the room of the hearing, and the words used by the judge or others..., the number of hearings, and the other people there, ...?
- Is there something important that you would like to add?

4. How important was it for you to be heard?

- Do you think it is important for you to say what you experienced/saw/knew?
- Do you know/are you aware that this is also one of your rights?
- Is there something important that you would like to add?

Area 2: Right to be informed (before and after the proceeding)

Use of material: Please use the cards and drawings on proceedings, evidence and information to explain and visualize the 'right to be informed' as well as the persons who informed the child. Please only introduce the right to information after the child has already described some of his/her experiences.

1. Could you please tell us what people told you before asking you questions/listening to you? What did you know about the hearings and the proceedings as such? Who gave you this information (judges, social workers, parents, psychologists, police ...)?

Note: Please check⁸ that the interviewee provides information on:

- type, format, content and amount of information/material used and received
- access to information
- people providing information
- other people involved
- when and where information was given (pre-trial proceedings, post-trial follow-up, monitoring arrangements)
- a detailed description of measures to ensure a child-friendly and protective environment (with regard to material, setting, language used, forms of communication, profile of the communicator).

Example questions for follow-up:

- How did you get information about the proceedings?
- Who told you that you had to go to the court/ to be involved in proceedings? How? What did they tell you? Do you remember where and when?
- Did you feel like you would have liked to have more or less information?
- Did you want to take part or did you have to? Who told you that you had to or that you can/ you have the right to take part in court proceedings? Did you know that you could decide not to take part? Who told you that? Do you remember if and how you were first informed about the hearing? What do you remember that they (judges, social workers, parents, psychologists ...), told you about the hearing?
- Did you feel that you wanted to know more about it?

⁸ The idea of the checklist is not to directly ask the child on this particular information, but for the researcher to extract this information from the answers provided by the child.

- Do you think that you should have been given more **information** and had a better explanation about the **hearing**?
- Do you remember someone explaining to you how the **hearing** was going to be (i.e. the place, the time, who is going to hear you, how many people will be there, if you can ask when you don't understand something, if you have to answer all the questions, etc.)? How did the people providing information treat you (friendly, rude, in a rush, carefully ...)? Did they give/show you any other material to help children?
- Is there something important that you would like to add?

Note: The above information might be gathered throughout all the questions addressed to the child under the Area 1: the right to be heard, and not limited to answers provided under a specific question.

2. How did you feel about the **information** you received?

Example questions for follow-up:

- What helped you understand, what didn't? Was there anything you wanted to know and they didn't tell you? Was there anything that you didn't need/want to know and they told you? Do you remember how much time before the **hearing** you were told about the hearing? Was it ok like this or should it have been earlier/later? Would you have preferred someone else to tell you?
- Do you remember if anyone checked if you had understood everything or not, and explained it again if you did not understand?
- Was there a point when you said or tried to show that you did not understand the information given? If yes, what happened?
- Do you remember how you felt? (Please help the child, maybe providing him/her with a range of possible emotional reactions, or with examples (e.g. methods to qualify feelings using colours or a numeric scale, drawings of emotions, emoticons ...))
- Did you talk to anyone about feeling happy or unhappy?
- Were you able to ask for **information** yourself?
- Is there something important that you would like to add?

3. Based on your experience, what do you think would be the best way to **inform** a child when he/she is going to be at a **hearing**?

Example questions for follow-up:

- What did you particularly like in the way they **informed** you (if anything)? Here one could give examples of specific elements like the **room**, the language used by **people involved**, the number of **hearings**, accompanying persons.
- What did you particularly not like about the way they informed you?
- Who do you think should tell the child? When? Do you think that is helpful to use information leaflets?
- Using scenarios: If a friend of yours, your age, had to go to **court**/was involved in **proceedings**, how would you **inform** him/her? Please use the same gender as the child.
- Is there something important that you would like to add?

4. How important was it for you to be **informed**, for example that you were going to **court** or you were going to be heard by somebody?

Example questions for follow-up:

- Do you think it is important that adults who listen to you **inform** you first?
- Do you think it was important to be informed in the same way that they did with you? Or you didn't need that information? Do you know/are you aware that this is also one of your **rights**?
- What specifically do you think is important? Why?
- In your case, do you remember if you felt that it was important for you to have information about the **hearing**?
- Do you think, when a child receives **information** and knows what the hearing is about and how it will be like, this helps him/her to feel more comfortable and less stressed or makes him/her to worry more about it?
- What do you think is important for a child to be told when he/she has to take part in judicial **proceedings** and have a **hearing**?
- Is there something important that you would like to add?



Area 3: Right to protection

Use of material: Please use the cards and drawings on protection and safety to explain and visualize the 'right to protection' as well as the people who supported the child. Here you could for example do a ranking exercise about who was the most important support person. The children can sort the cards accordingly. Please only introduce the right to protection after the child has already described some of his/her experiences.

1. Can you tell us whether you remember if you and/or your family received any help/support during the proceedings and the hearing/s (e.g. by a lawyer, psychologist ...)?

Example questions for follow-up:

- Who helped you? E.g. by a legal guardian/legal representative/support person/lawyer?
- When did they help you?
- When did he/she contact you and who asked him/her to contact you? What kind of help did you receive? Did you talk to this person before and/or after the hearings? Was s/he helpful for you? Do you think s/he knew what to do/ was prepared?
- Do you think it was the right person for you? Would you have preferred somebody else?
- In case of several **people involved**: Who do you think was the most helpful person for you? Here one could ask the child to draw him/herself on a white page and to place the persons the most helpful for them very close to him/her (and inversely), noting down the functions/ gender/roles for the different persons.
- Did anybody tell you about the possibility to receive help/support? Do you remember who and when?
- Do you know/are you aware that this is also one of your **rights**?
- For children who did not receive any support: Do you think it would have been and would be useful for you?
- Is there something important that you would like to add?

2. During the proceeding did you ever feel unsafe/unprotected? Can you remember why you had this feeling?

Example questions for follow-up:

- Did you feel afraid about something during the proceedings? Before the hearing? During the hearing? Afterwards? During the whole proceedings? About what?
- Did people from your neighbourhood, school-mates, teachers or others seem to know about your story even though you/your family didn't speak to them about it?
- Was your story published in newspapers or on the TV? How did you feel about that?
- Is there something important that you would like to add?

Part 3: Questions concerning overarching issues relating to the best interest of the child – horizontal issues

Instruction: "Finally, we would like you to think of few other questions, related to your feelings about child hearings and on how you think it could be possible to make things better for a child of your age and younger".

Note: Most of the questions in part 3 may only be able to be answered by some of the children.

Overall assessment of child-friendliness

1. Overall, how did you feel about the proceedings?

Example questions for follow-up:

- Overall, from your experience, do you think the people you met during these proceedings pay attention to children and know how to treat and talk to them?
- Or do you feel that the justice system/the people you met during the proceedings acted as if you were an adult?
- What do you think was positive? (Related to the people involved, their attitudes, the rooms, the questions, the length, etc.)
- What do you think was negative and should not be repeated? Here supporting material may be particularly useful such as smiley figures, format depending on age of child...
- What would you tell another child who is about to go to court?
- Would you say that the proceedings were '**child-friendly**'? Why/why not?
- Is there something important that you would like to add?

Non-discrimination

1. Do you think the experience was fair? Why/why not? What makes you think that it was unfair?

Example questions for follow-up:

- Do you think the experience would be different for a boy/girl, younger/older person, a person coming from a poor or rich family, from a different country, with disabilities ...?
- Do you think that because of your age/condition ... you were treated better compared to people who are older/not in the same situation? Additional support/facilities based on the particular child i.e. in cases with children with disability (to facilitate access to information/physical access), unaccompanied children (appointment of guardian), translation services when necessary (not only during the hearing, throughout the judicial procedures, at all stages).
- Is there something important that you would like to add?

Best interest of the child

1. Overall, how do you feel about the court's decision?

- Do you think that when they made their decision they thought of what is best for you? Or do you think they thought what is best for others?
- Do you think that your presence in court was in your **best interest**?
- Do you know/are you aware that this is also one of your **rights**?
- Is there something important that you would like to add?

Ideas and suggestions

2. To conclude, what do you think should be done to make things better?

- Since many children like you have to go to court, what do you think needs to be improved? What works well? What would you mostly change because it was particularly bad? Do you think that something will change/happen in the way things are done?
- Is there something important that you would like to add?

Part 4: Closing the interview

Now we would like to finish the interview. Is there something important that you would like to add?

- Is there any important question that we didn't ask?
- May we contact you once more in case we have some additional questions?
- Now that the interview is over, how do you feel about it?

Note: At this point the researcher should thank the child for his/her participation and remind the child of the purpose of this research, inform them about the way they will receive feedback on the research findings and whom they can contact if they feel the need and give them the 'thank you' certificate and T-shirts.



Annex 5: Indicator overview tables

Overview of outcome indicators




To provide an overview of the findings, FRA created tables showing the structural, process and outcome indicators used in the analysis of the evidence collected through research (see Annex 2, 'Overview of outcome indicators'). The information contained in the overview tables relates to FRA's analysis of the child participant interviews.

Where indicators are populated using results from qualitative research they should be read as indicative of a situation. In this respect, the table identifies as 'usually implemented' legal provisions (structural indicators) or practises (process indicators) for which most respondents indicated that they were implemented. When respondents considered that these were only partly implemented, the table identifies them as 'partly implemented'. When respondents considered that provisions were only rarely or not at all implemented and no systematic practices could be identified, the table identifies them as 'not implemented'.

To provide an overview of the research findings by Member State, FRA created tables showing the outcome indicators used to analyse the evidence collected.

Where indicators are populated using results from qualitative research they should be read as indicative of a situation. In this respect, the overview tables below identify results as 'usually implemented', 'partly implemented' or 'usually not implemented', reflecting how the child participants interviewed reported their specific experiences of judicial proceedings.

The overview tables use the following colours to indicate whether children considered practices usually, partly or usually not implemented, based on quantitative analysis of the data (see also Annex 1).

Usually implemented	
Partly implemented	
Usually not implemented	

These categorisations (as outlined below) are based either on the calculations of *means* per country, in cases of interval-scaled variables measuring time and frequencies (e.g. the number of hearings) or ordinal scales-based individual assessments of an experience (e.g. the child-friendliness of a hearing location), or on the calculations of *median* per country for ordinal-scaled

variables measuring the existence or non-existence of a practice (e.g. having received psychological support or not). In the case of Likert-scale measurements, we additionally took the distribution of a 'no' answer into account to consider the distribution of practices (standard deviation) by acknowledging that a practice may often be in place but also not in place for a critical number of children (the cut-off point was defined as 25 % of 'no' answers, meaning that one quarter of the children interviewed had a negative experience with a specific practice).

Based on the type of measurements, three types of indications are used depending on the scales and conditions.

1. Indication based on value mean based on frequencies as measures

Mean	Number of hearings
≤ 2	Usually implemented
2.1-3.0	Partly implemented
> 3	Usually not implemented

2. Indication based on value mean and distribution by percentage based on Likert scales as measures

Measure	Children's assessment of a practice
1	Children assessed a practice positively
2	Children assessed a practice ambivalently, addressing positive and negative aspects
3	Children assessed a practice negatively

Indication by mean of assessments

Mean	Categorisation of a practice
1-1.5	Usually implemented
1.6-2.5	Partly implemented
2.6-3	Usually not implemented

In addition to the value means, the distribution of answers indicated by percentages of negative answers was considered (measured by 3):

% of 'no' answers	Categorisation of a practice
< 15 %	Usually implemented
15-25 %	Partly implemented
≥ 25 %	Usually not implemented

3. Indication based on value median

Measure	Implementation of a practice
1	Children report experience of a practice
2	Children report that they did not experience a practice

Median	Categorisation of a practice
1	Practice is implemented
2	Practice is not implemented

Chapter 1: Right to be heard

Table A10: Populating outcome indicators on the right to be heard

Outcome indicator	Variable	BG	DE	EE	ES	FR	HR	PL	RO	UK	Mean 1-3 (SD)*
Reducing the length of the proceedings	Average number of hearings per proceeding	2.03	1.40	3.86	3.58	2.39	1.45	1.35	1.19	1.00	2.07 (2.42)
	<i>Categorisation</i>										
	Total number of hearings	2.61	2.37	4.64	4.48	3.00	1.79	1.61	1.77	1.13	2.61 (2.73)
	<i>Categorisation</i>										
The extent to which children who were heard were able to express their views and participate effectively (%)	Assessment of child-friendliness of the proceedings	2.28 (47)	1.97 (32)	1.72 (19)	2.47 (38)	2.15 (33)	2.09 (17)	2.20 (23)	2.27 (36)	2.21 (32)	2.16 (0.70)
	<i>Categorisation</i>										
	General assessment	2.38 (53)	2.17 (50)	1.97 (28)	2.21 (50)	2.12 (35)	2.03 (20)	2.02 (23)	2.35 (50)	2.13 (36)	2.16 (0.72)
	<i>Categorisation</i>										
The extent to which children were assisted by a competent professional during court proceeding (%)	Assessment of the support received	1.56 (23)	1.67 (19)	1.50 (16)	1.17 (4)	1.37 (1)	1.19 (5)	1.65 (31)	1.62 (20)	1.23 (8)	1.44 (0.70)
	<i>Categorisation</i>										
The extent to which children were satisfied with the way their right to be heard was respected (%)	Assessment of importance of participation	1.83 (27)	1.47 (14)	1.27 (6)	1.68 (25)	1.79 (25)	1.37 (10)	1.29 (0)	1.57 (21)	1.60 (18)	1.54 (0.75)
	<i>Categorisation</i>										
	Content with outcome (%)	1.92 (23)	1.43 (0)	1.77 (19)	2.12 (28)	2.18 (18)	1.88 (17)	1.47 (3)	1.61 (24)	1.67 (9)	1.78 (0.86)
	<i>Categorisation</i>										



Outcome indicator	Variable	BG	DE	EE	ES	FR	HR	PL	RO	UK	Mean 1-3 (SD)*
The extent to which children received legal representation and free legal aid	Provision of legal support	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	1.85 (0.36)
	Categorisation										
The extent to which children feel that professionals were adequately equipped to work with children (%)	Assessment of the professional who heard the child (%)	1.81 (40)	1.71 (44)	1.46 (24)	1.79 (42)	1.97 (29)	1.52 (18)	1.81 (37)	1.37 (26)	1.80 (30)	1.69 (0.82)
	Categorisation										
The extent to which children feel that child-friendly facilities including screens, separate rooms and technological equipment were provided (%)	Assessment of the location of the hearing	2.29 (58)	1.88 (30)	1.64 (21)	1.78 (56)	2.25 (37)	2.06 (42)	1.66 (31)	1.68 (23)	2.31 (35)	1.93 (0.84)
	Categorisation										

Note: *SD=standard deviation.

Source: FRA, 2016

Chapter 2: Right to information and advice

Table A11: Populating outcome indicators on the right to information and advice

Outcome indicator	Variable	BG	DE	EE	ES	FR	HR	PL	RO	UK	Mean 1-3 (SD)*
Evidence of children's understanding of their rights and the procedures (%)	Evaluator's assessment of child's understanding of proceedings	1.97 (33)	1.39 (4)	1.74 (19)	1.18 (0)	1.79 (10)	1.40 (3)	1.62 (18)	2.27 (43)	1.68 (18)	1.69 (0.80)
	Categorisation										
Evidence of children's assessment of the child-friendly character of information/material provided (%)	Child-friendliness of information	2.05 (36)	1.89 (8)	1.97 (16)	2.03 (11)	1.89 (25)	1.57 (4)	1.84 (10)	2.37 (31)	1.81 (16)	1.96 (0.79)
	Categorisation										

Note: *SD= standard deviation.

Source: FRA, 2016

Chapter 3: Right to protection and privacy

Table A12: Populating outcome indicators on the right to protection and safety

Outcome indicator	Variable	BG	DE	EE	ES	FR	HR	PL	RO	UK	Mean 1-3/ Median 1 or 2 (SD)*
Evidence for the extent of children who felt protected and safe during the proceedings (%)	Feeling of safety (%)	2.22 (47)	2.13 (39)	1.94 (25)	2.26 (42)	2.21 (43)	1.89 (30)	1.79 (20)	1.91 (21)	2.05 (36)	2.04 (0.81)
	Categorisation										
Evidence for the extent of children who have been supported by specialists/ services during court proceedings	Provision of social support	2.00	2.00	2.00	2.00	1.00	2.00	2.00	2.00	1.00	2.00 (0.46)
	Categorisation										
	Provision of psychological support	2.00	1.50	1.00	1.00	2.00	1.00	2.00	1.00	2.00	2.00 (0.50)
	Categorisation										
Evidence for the extent of cases where police, other officials, judges and legal practitioners working with children have not breached the data protection policy (%)	Respect for privacy	2.25 (3)	1.43 (4)	1.19 (6)	1.75 (11)	1.80 (10)	1.64 (23)	1.76 (20)	1.82 (14)	2.13 (41)	1.64 (0.87)
Evidence for the extent of cases where children have had no contact with alleged offender/ perpetrator	Categorisation										

Note: *SD=standard deviation.

Source: FRA, 2016



Chapter 4: Right to non-discrimination

Table A13: Populating outcome indicators on the right to non-discrimination

Outcome indicator	Variable	BG	DE	EE	ES	FR	HR	PL	RO	UK	Mean 1-3 (SD)*
Evidence for the extent to which children feel they have been treated fairly during proceedings (%)	Feeling of fair treatment	1.27 (0)	2.0 (29)	1.29 (6)	1.28 (6)	1.45 (20)	1.26 (7)	1.68 (15)	1.34 (12)	1.91 (23)	1.49 (0.80)
	Categorisation										

Note: * SD=standard deviation.

Source: FRA, 2016

Chapter 5: The principle of the best interests of the child

Table A14: Populating outcome indicators on the principle of the best interests of the child

Outcome indicator	Variable	BG	DE	EE	ES	FR	HR	PL	RO	UK	Median 1 or 2 (SD)*
Evidence of the extent of children who feel that their best interests were met	Assessment of best interests	2.00	1.00	2.00	1.00	2.00	1.00	1.00	2.00	2.00	2.00 (1.08)
	Categorisation										

Note: * SD=standard deviation.

Source: FRA, 2016

Annex 6: Table of national studies

Country	Title	Link	Availability
Germany	Fastie, F. (ed.) (2002), <i>Opferschutz im Strafverfahren – Sozialpädagogische Prozessbegleitung bei Sexualdelikten, Ein interdisziplinäres Handbuch</i> , Opladen, Leske und Budrich Verlag		Only in German
Germany	Marquardt, C. and Lossen, J. (2002), <i>Sexuell missbrauchte Kinder in Gerichtsverfahren – Juristische Möglichkeiten zum Schutz sexuell missbrauchter Kinder in Gerichtsverfahren</i> , Münster, Votum Verlag		Only in German
Germany	Rohman, J.A. and Karle, M. (2010), 'Die Anhörung des Kindes aus kinderpsychologischer und kinderpsychiatrischer Sicht', <i>Zeitschrift für Kindschaftsrecht und Jugendhilfe</i> , Vol. 12, pp. 434-436		Only in German
Germany	Stötzel, M. (2005), <i>Wie erlebt das Kind die Verfahrenspflegschaft? Studie zum Qualitätsstand der Institution Verfahrenspflegschaft (gemäß § 50 FGG) unter Berücksichtigung der Perspektive des Kindes</i> , New York, Springer		Only in German
Germany	Zitlmann, M. (2011), 'Kindesschutz durch Inobhutnahme', <i>Zeitschrift für Kindschaftsrecht und Jugendhilfe</i> , Vol. 7, pp. 236-243		
Estonia	Kask, K. (2008), <i>Trying to improve child and young adult witnesses' performance</i> , Ann Arbor, MI, UMI Dissertations Publishing		
Estonia	Toros, K. (2011), <i>Lapse heaolu hindamisest Eesti lastekaitsetöö praktikas</i> , Tallinn, Institute of Social Work at Tallinn University	http://lastekaitsetoomeetodidpae-vaope.blogspot.co.at/2012/08/lapse-heaolu-hindamisest-eesti.html	Only in Estonian
Estonia	Kask, K., Bull, R., Heinla, I. and Davies, G. (2007), 'The Effect of a Standard to Children's Person Descriptions', <i>Journal of Police and Criminal Psychology</i> , Vol. 22, No. 2, pp. 77-83	http://link.springer.com/article/10.1007/s11896-007-9008-1	
Finland	Finnilä-Tuohimaa, K. (2009), <i>Expertise and decision making among clinicians in investigations of alleged child sexual abuse</i> , Turku, Turun Yliopisto	www.doria.fi/handle/10024/44612	
Finland	Korkman, J., Laajasalo, T., Finnilä, K. and Oksanen, M. (2012), 'Investigations of child sexual abuse allegations in Finland', <i>Finnish Medical Journal</i> , Vol. 67, No. 158, pp. 1-7	www.laakarilehti.fi/e/summary.html?opcode=show/news_id=12071/type=4	
Finland	de Godzinsky, V-M. (2012), <i>Taking a child into care</i> , Helsinki, National Research Institute of Legal Policy	helda.helsinki.fi/bitstream/handle/10138/152485/6_260_virve_summary.pdf?sequence=2	
Spain	Save the Children (2012), <i>La Justicia Española frente al abuso sexual infantil en el entorno familiar</i> , Madrid	www.savethechildren.es/sites/default/files/imce/docs/informe_justicia_esp_abuso_sexual_infantil_vok-2.pdf	Only in Spanish

Country	Title	Link	Availability
Spain	Defensor del Pueblo (2014), <i>Estudio sobre la escucha y el interés superior del menor – Revisión judicial de medidas de protección y procesos de familia</i> , Madrid	www.defensordelpueblo.es/es/Documentacion/Publicaciones/monografico/Documentacion/menores_justicia_2014.pdf	Only in Spanish
Finland	Korkman, J. (2006), <i>How (not) to interview children: interviews with young children in sexual abuse investigations in Finland</i> , Åbo, Åbo akademi		
Finland	Terveyden ja hyvinvoinnin laitos (The National Institute for Health and Welfare) (2012), <i>Selvitys perhe- ja lapsensurmien taustosta vuosilta 2003-2012</i> , Helsinki, Ministry of the Interior	www.intermin.fi/julkaisu/352012?docID=36314	Only in Finnish
France	Commission Nationale Consultative des Droits de l'Homme (National Consultative Human Rights Commission), 'Avis sur les conditions de recueil de la parole de l'enfant victime', (<i>Opinion on the hearing of the child victim</i>), Paris, National Consultative Human Rights Commission	www.cncdh.fr/fr/publications/avis-sur-les-conditions-de-recueil-de-la-parole-de-lenfant-victime	Only in French
France	Favre-Lanfray, G. and Al Kadiry, I. (2009), <i>La représentation ad hoc du mineur</i> , Strasbourg, Federation Nationale des Administrateurs Ad Hoc	www.reforme-enfance.fr/images/documents/rapportfenaah.pdf	Only in French
France	Berthet G. and Monnot, C. (2007), 'L'audition du mineur victime', <i>Enfances et Psy</i> , Vol. 36, No. 3, pp. 80–92	www.cairn.info/revue-enfances-et-psy-2007-3-page-80.htm	Only in French
Croatia	Ajduković, M. and Majdak, M. (2005), 'Položaj zlostavljane djece u kaznenom postupku u svjetlu konvencije o pravima djeteta', <i>Napredak</i> , Vol. 146, No. 3, pp. 314–327		
Croatia	Buljan-Flander, G. and Zarevski, P. (2010), <i>Moji se roditelji razvode: priručnik za pomoć djeci i mladima čiji su roditelji razvedeni ili su u postupku razvoda braka</i> , Zagreb, MarkoM		
Croatia	Kocijan-Hercigonja, D., Kozarić-Kovačić, D. and Hercigonja-Novković, V. (2003), 'Zlostavljanje djece tijekom brakorazvoda', <i>Paediatrica Croatica</i> , Vol. 47, No. 3, pp. 165–167		
Croatia	Lalić Lukač, D. and Damjanović, N. (2007), 'Socijalnopedagoški pristup kaznenopravnoj zaštiti djece i maloljetnika', <i>Criminology and Social Integration Journal</i> , Vol. 15, No. 1, pp. 67–74		
Romania	Romania, The Superior Council of Magistracy (2012), Nominal evidence and sections repartition – January 2012, (<i>Evidenta nominala si repartizare pe sectii – ianuarie 2012</i>), online database	www.csm1909.ro/csm/index.php?cmd=080101	Only in Romanian
Romania	Asociația Salvați Copiii Filiala Iași, Asociația Magistraților din Iași (2008), <i>Justiția pentru minori în interesul superior al copilului – practici de lucru cu copilul victim</i> , Bucharest		Only in Romanian



Country	Title	Link	Availability
Romania	Romania, Ministry of Justice, <i>Raport Final sur le Jumelage RO03/IB/JH09</i> , Bucharest		Only in Romanian
Romania	Smarandache, C. and Vădan, A. (2008), <i>Ghid practic pentru grefieri. Dreptul familiei și protecția minorilor</i> , Bucharest, Școala națională de grefieri	www.grefieri.ro/docs/200802/20080215GHID-Dreptul%20Familiei.pdf	Only in Romanian
UK	Whitehead, I., Hanson, L. and Henderson, G. (2011), <i>The children's hearings system: understood and making a difference – young people's views</i> , Stirling, Scottish Children's Reporter Administration		
UK	Scottish Children's Reporter Administration (2011), <i>Fit for us: making our system fit for children and young people</i> , Stirling	www.scra.gov.uk/wp-content/uploads/2016/07/Fit-For-Us.pdf	
UK	Creagan, C., Henderson, G. and King, C. (2006), <i>Big words and big tables</i> , Edinburgh, Scottish Executive	www.gov.scot/resource/doc/113343/0027458.pdf	
UK	Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Constabulary (2012), <i>A joint thematic inspection of the experience of young victims and witnesses in the criminal justice system</i> , London		
UK	Mckay, K. (2012), <i>The child's voice in contact disputes: genuine participation in private law court actions</i> , Saarbrücken, Lambert Academic Publishing		

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HELPING TO MAKE FUNDAMENTAL RIGHTS A REALITY FOR EVERYONE IN THE EUROPEAN UNION

FRA's report on children's experiences with judicial proceedings presents their views on what can be done to make justice more child-friendly. These Annexes provide a detailed overview of the research methods used to prepare the report.

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