CHILD FRIENDLY JUSTICE
AND INTEGRATED CHILD PROTECTION SYSTEMS –
LESSONS LEARNED FROM EU PROJECTS

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REPORT
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Opening plenary session

**Olivia Lind Haldorsson**, master of ceremonies and co-founder of Child Circle, welcomed speakers and participants, and gave the floor to Commissioner Věra Jourová.

**Věra Jourová, Commissioner for Justice, Consumers and Gender Equality**, remarked that the child population of the countries represented at the event exceeded 100 million. She stressed that any child could potentially come into contact with the justice system. She said that a child might be a victim or a witness of crime, or the subject of child-custody or care proceedings. She also highlighted that a child might be in conflict with the law or be involved in immigration proceedings. She recalled that, in addition to the children involved in the criminal justice system, many more children come into contact with child-protection systems, and that in both, the justice and the child-protection context, violence is often present. The Commissioner argued that it therefore made sense to consider both the justice and child-protection systems in parallel.

Commissioner Jourová said that it was important to bear in mind that access to justice was not yet guaranteed for all children. In particular, violence against children was still under-detected, under-reported and under-prosecuted. She stressed that when children come into contact with the justice and child-protection systems, we must ensure that this contact is respectful of their rights and dignity. We must also ensure that decisions and judgments are rights-based, compassionate and clear.

Commissioner Jourová argued that we must aim to ensure that the child’s contact with these systems is an opportunity and not a threat. This contact must be a positive turning point for children even when they are in conflict with the law.

She said that one administrative or legal system should not be a negative pipeline towards the other, and that this was often the case when, for example, children in state care are over-represented in the juvenile justice system.

Briefly recalling the broad legal and policy framework, Commissioner Jourová noted that the United Nations Convention on the Rights of the Child (UNCRC) would reach the relatively mature age of 30 in 2019. She said that this Convention was complemented by general comments providing guidance to states on how to implement it. She said the fact that the Convention had been in existence for so long meant we were now aware of children’s right to be heard, and that children’s best interests must be a primary consideration in all actions and decisions affecting children.

The Commissioner said that the Council of Europe Guidelines on Child-Friendly Justice defined child-friendly justice as a justice system that guarantees the respect and the effective implementation of all children’s rights at the highest attainable level. This definition requires justice to be accessible, age appropriate, speedy, and adapted to and focused on the needs and rights of the child. This child-friendly justice upholds the rights of the child, including the right to due process; the right to participate in and understand proceedings; the right to private and family life; and the right to integrity and dignity.

Ms Jourová said that, within the European Union, the Charter of Fundamental Rights reflected key principles of the UNCRC, and that EU secondary law increasingly reflected the rights of the child.
She recalled that, seven years ago, the EU agenda for the rights of the child committed to making justice systems more child friendly in Europe. She said that the EU had powers to promote the rights of the child through EU legislation. It could set minimum standards and promote mutual trust among Member States. The Commissioner said that this had been achieved through two particularly relevant directives: the Victims’ Rights Directive and the Directive on procedural safeguards for children who are suspects or accused in criminal proceedings.

Commissioner Jourová recalled that the Victims’ Rights Directive sets out binding rights for victims of crime and obligations for Member States. These include the right to be recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner. The Directive applies to all victims of all crimes, and it has a special focus on child victims. The child’s best interests must be a primary consideration in application of the Directive. She said that the Victims’ Rights Directive includes the right to specialised support services that take into account the specific needs of victims, such as the different vulnerabilities of very young children or children with disabilities.

The Commissioner went on to outline some of the key provisions of the second directive on procedural safeguards for children who are suspects or accused in criminal proceedings. The directive aims to facilitate access to justice, in particular by providing for mandatory assistance by a lawyer. It sets out common minimal rules, including on deprivation of liberty, alternatives to detention, and the timely and diligent treatment of cases involving children. The deadline for transposing this directive is 11 June 2019. This broad framework is supplemented by policy and practice in national legislation.

The Commissioner also said that we needed to improve cross-border procedures to protect children and families. She argued that we needed to prevent children from being involved in long legal disputes in cross-border cases, and that we needed to simplify procedures for families by various means, including by reducing their length and cost. She said that the proposal to revise the Brussels IIa Regulation included rules meant to help resolve real cases where children and their parents suffer from cross-border parental child abduction, or custody disputes that last several years. The Commissioner said that these situations were untenable and that we had to address them urgently with strong, consistent and effective measures. She therefore called on justice ministers in Member States to speed up negotiations and adoption so that improved child-related procedures would be reached without further delay. She expressed her frustration at the pace of negotiations on Brussels IIa, which had not made progress over the previous two years. She called on participants to exert any influence they had on negotiators in the Member States to get them to focus on the main purpose of the proposal, and not get mired in nitty-gritty details. She said that her call was made in full knowledge of the fact that often the devil was in the detail and that the devil was sometimes in the implementation.

Commissioner Jourová said that the European Union Agency for Fundamental Rights had carried out primary research on child-friendly justice. The first research project it carried out was to gather judicial and other professionals’ perspectives on children’s involvement as victims, witnesses and subjects of care proceedings. The Agency subsequently carried out a project on how the children themselves testified. She said that reading these two reports could cause despair one minute at how badly children are treated, and then restore faith in humanity in the next minute, with heartening examples of rights-based, respectful and caring practice.
The Commissioner said that EU funding was a ‘flanking’ measure to assist in correct implementation and support the achievement of the EU’s objectives. The EU had prioritised capacity building in child-friendly justice and integrated child-protection systems. The EU had allocated at least EUR 28 million to 78 such projects in recent years.

Commissioner Jourová said that, in November 2017, at the 11th European Forum on the Rights of the Child, she announced this conference would be held. The conference focus would be on what had been achieved thanks to funding, what had worked well, and what had not worked. She said that we should reflect on: (i) how we can best use EU funds to ensure that children’s contact with the justice and child-protection systems protects their rights and dignity, and (ii) how we can best support judicial and other practitioners in their work. She wished participants fruitful discussions on these and other questions, the results of which should help to inform policy.

Plenary Session I – Introduction

In this session, the panellists set the scene and gave an overview of EU work on child friendly justice.

Tiina Astola, Director General for Justice and Consumers, welcomed all participants on behalf of the Commission. She noted that, in addition to the very distinguished speakers, Deputy Minister Stoyanov, and the Honourable Mr Justice Hayden, participants represented 25 EU Member States and 10 non-EU countries. She said that these participants included judges, prosecutors, judicial trainers, social workers, national authorities, forensic interviewers, ombudspersons, psychologists, police officers, lawyers, civil-society advocates, international organisations and project coordinators.

Ms Astola said that, although there were no children present, she would invite those who work directly with children to make their expertise heard in discussions and reflect the child’s perspective as much as possible. She said that Commissioner Jourová had described the legal and policy framework for today’s discussions, and said that she would reflect on the scale of the issues and numbers of children in contact with these systems. Ms Astola also said that she would focus on three main points: communicating with children, specialisations for judicial and other practitioners, and capacity building that also supports professionals in their work.

Ms Astola began by exploring data to measure the impact of the EU’s commitment to making child-friendly justice a reality. She said that the Commission had carried out a major EU study on children’s involvement in civil, criminal, and administrative judicial proceedings, looking at legislation and policy in the 28 Member States of the EU. This study collected all available data and gathered it in one place.

Ms Astola said that around one million children per year are estimated to come into conflict with the law. She noted that there was an absence of comparable data on children who are victims of crime, but asked participants to keep in mind some of the estimates of child sexual abuse. For example, the Council of Europe estimated that one in five children is a victim of child sexual abuse. Some countries used even higher estimates, such as one in four. Ms Astola said that if we used methodologies and data measuring child sexual abuse from countries with a robust system of reporting, investigation, and prosecution, we might arrive at an estimate of something like 320,000 investigations of child sexual abuse per year in Europe. She underlined that this was only the figure for child sexual abuse cases, and she compared it to data available in 2010 for nine EU Member
States where there were around 74 000 child victims of all crime.

Ms Astola said that we did not have comparable figures for children affected by parental divorce. However, a rough estimate based on limited data for 2010 would indicate around 900 000 children in Europe were affected by divorce every year. Extrapolations for foster care and residential care placements would indicate around 16 000 cases a year in Europe. She recalled that 189 000 unaccompanied children applied for asylum in the EU in the three years of 2015, 2016 and 2017. She said that the large numbers of other cases involving children that come before the courts for a variety of reasons meant it was essential for these systems to be child friendly.

Ms Astola also raised the issue of undetected crimes against children, and said that we needed to consider the impact of these crimes. These are crimes for which we have no data, where justice was not served, where treatment and therapy were not provided to the victims, and where perpetrators were free to continue offending. She stressed there was a need to consider the impact of these crimes on children’s development, undiagnosed and untreated anxiety, stress, depression, and post-traumatic stress disorder.

She said that we needed to break cycles of violence and address adverse childhood experiences. Ms Astola said that Iceland’s Barnahus1 had reported cases of parents not responding to regular support or therapy because the parents themselves had been victims of undetected and unprocessed abuse. She stressed that therapy of course played a role in providing justice to victims.

Ms Astola argued that we should think about how the justice system was measured in terms of quality of services for children. For the first time ever, the sixth edition of the EU Justice Scoreboard (May 2018) included a component of child-friendly justice in measuring the quality of the justice system. In this Scoreboard, only 11 EU Member States reported that targeted information for children about justice systems was available online. Against this background, Ms Astola briefly raised three issues.

The first issue was about communicating with children. She said that children needed to be able to understand decisions and actions that concerned them, especially for their effective participation in judicial proceedings. She said it was up to the systems (and to the adults who run them and work with them) to adapt so that the messages and procedures become understandable for children. Ms Astola said that the conference should be an opportunity to discuss this, and to discuss how to involve children in EU projects concerning them. She said that recent examples of good practice included judgments drafted so that the children concerned could understand them (see references at the end of the conference background paper).

The second issue Ms Astola focused on was specialisations for judicial and other practitioners. She noted that many people attending the conference specialised in communicating with children. These included specialist child forensic interviewers, children’s judges, child psychologists, and people who worked in integrated services for child victims of violence (better known as Barnahus). Ms Astola urged practitioners not to use language

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1 Barnahus model (Children’s house) was first adopted in the US in 1980s. In Europe, Iceland set up the first Barnahus in 1998. It is a place where children, victims and witnesses of violence can be interviewed, examined and received a therapeutic support in a child friendly way.
and jargon that alienated children and their families, and said we should avoid bad practices such as these.

The third issue was capacity building in relation to children providing evidence in court. Ms Astola said that she hoped participants would be inspired by some of the practices that would be presented at the conference. She invited participants to think outside the box to address gaps and build capacity. She stressed that capacity building was necessary for judicial and other practitioners to correctly apply law and policy. She said that European judicial training for judges and prosecutors was integral in building a European area of justice based on judicial cooperation and trust. She said that some of the projects represented at the conference had sought to build the capacity of lawyers or implement Barnahus models.

Ms Astola said that discussions on child-friendly justice and integrated child-protection systems over the last seven years at the annual European Forum on the rights of the child had also helped to build capacity and to reach shared understandings. However, she stressed that there was still a need to better connect judicial training and the rights of the child.

Both the Directive on procedural safeguards for children suspected or accused in criminal proceedings and the Victims’ Rights Directive ensured the child would benefit from an individual assessment so that their specific protection and other needs are taken into account. Ms Astola underlined that we needed to reflect on how to build capacity in this area, and that we also needed to ensure stronger partnerships between Member State authorities and civil society.

Ms Astola asked participants to think about the support provided for professionals and practitioners. She wondered whether all those who had to process traumatic and difficult cases involving children (for example, judges, prosecutors, and lawyers) were getting the support they needed.

To conclude, Ms Astola said that the justice and child-protection systems were bound together in many ways and needed to be better coordinated. She echoed Commissioner Jourová’s comment that gaps in one system had an impact on other systems. She urged the conference participants representing both these systems to work together to bridge the gaps.

She said that EU funding in the future must ultimately ensure better outcomes for children. Projects should adhere to high standards and be built on the right partnerships. All these projects should strengthen systems. She wished participants very fruitful discussions that could inform policy development and implementation, both at the European and national level.

Evgeni Stoyanov, the Bulgarian deputy minister of justice, said that studies showed that around 2.5 million children within the EU were involved each year in court proceedings as victims, witnesses, or parties. These proceedings could be disputes for custody in divorce cases, or they could be cases of sexual violence or sexual exploitation. He said that court proceedings could place children in an unnecessarily stressful situation, making them feel insecure and threatened. Mr Stoyanov said that children often emphasised the importance of being heard in court proceedings, and wanted full respect of their dignity within the proceedings. They also wanted to be informed throughout the often-long procedure about the progress of the case, and about their own rights. He said that this confirmed the need to provide age-appropriate information to children before, during and after the trial. It also confirmed the need to train all professionals who have contact with children. It was therefore vital to ensure effective participation of children in court proceedings to
improve the administration of justice in the EU.

Mr Stoyanov said that all policy-makers and practitioners needed to ensure that children’s concerns were taken seriously and addressed. He said we must give clear guidance so that children’s voices were really heard, and so that they felt safe and secure. He said that the EU had given priority to child-friendly justice in recent years. Studies on the subject had been carried out, and a number of consistent and coordinated actions had been taken to meet the challenges. He said that a number of European instruments had been developed that provided procedural guarantees that met the needs of children, including in cases of domestic or sexual violence, and in custody cases.

These guarantees included the creation of places that are appropriate for child-friendly hearings, making allowances for video links or pre-recorded testimonies, and protecting the personal data of children from the media and the public. Individual Member States had also taken measures to improve the protection of children’s rights in their judicial systems. Mr Stoyanov said that Bulgaria, as President of the Council of the EU, paid due attention to this topic by hosting a conference entitled ‘The national judicial system as part of the European legal order: juvenile justice challenges, and possible solutions’. The conference was held on 12 April 2018 in Sofia, and discussed issues related to the introduction of specialised child justice; criminal law aspects of justice for children at national, European and international level; and European and international best practice.

Mr Stoyanov said that Bulgaria’s policy in juvenile justice aimed to prevent children from being in conflict with the law, while at the same time ensuring effective, high-level protection of their rights and legitimate interests. The policy included corrective measures addressing behaviour that are tailored to the best interests of the child in terms of the legal certainty and sustainable legal order.

Mr Stoyanov said that the continued participation of children in criminal justice systems throughout the EU continued to raise some concerns. These concerns remained in spite of the considerable experience gained in this area and the efforts made by the European institutions and individual Member States. However, he also said that the adopted legislation were a cornerstone for the rights of children involved in the court proceedings. Echoing comments made by other speakers, he said it was important that these rights be effective in practice and not only on paper. Efforts should be directed towards improving the practical application of these rights in every EU Member State. Mr Stoyanov stated that the deficiencies and shortcomings identified in the EU-level research should also be taken into account and remedied. To achieve this, better coordination of EU policies in juvenile justice, the exchange of good practices, and the promotion of cooperation between Member States, should continue. Mr Stoyanov voiced his confidence that the conference would help lead to concrete steps to build on the efforts made. He also said he was confident that the conference would prove that the rights and protection of children involved in legal proceedings would remain a priority at political and institutional level, and would also be a priority for civil society representatives. He said that these efforts would allow us to ensure that a child-friendly justice system would be an integral part of the judicial system of each Member State.

The Honourable Mr Justice Hayden, High Court of England and Wales, Family Division, was the third speaker in the first plenary session. He said that the last 30 years had taught us that child protection could only be effective when information was shared among the individuals and bodies who have the information to share. He remarked that, as a society, we seem to have become more mobile and that this was unlikely to change. For this reason, an integrated child-protection system throughout Europe was merely an extension of the simple principle that when protecting children we have to speak to each other. He said that the conference should be all about effective communication, whether that be with children or with judges from different countries operating different systems. This communication would make it possible to learn from each other in an
atmosphere of mutual respect and intellectual/professional inquiry. He said that regardless of what our politicians might decide, the conference participants should emphasise their communication.

He said this communication was a moral imperative for those determined to protect children, and noted that the term ‘child-friendly justice’ was deceptively challenging. Mr Justice Hayden said that the term comprised the fundamental belief that systems designed to protect children should be: (i) accessible to children, and (ii) used by them in a way which minimises distress or harm to them and ultimately enables them to have a more effective voice in the process. He said that these all sounded like easily realisable objectives, but that — as previous speakers had already argued — they could be deceptively challenging.

He said that there were certain practical measures we could put into place. When he started to sit permanently as a judge in the United Kingdom in the Royal Courts of Justice, he said he was somewhat surprised to find that there was no protocol or special provision for the treatment of children and vulnerable witnesses in the family courts. He said that, with the zeal of the newly appointed judge, he complained about this volubly to the President of the Family Division, and was as a result invited to chair a committee and to issue guidance. He said that the guidance that was issued was available online as of May 2015, and that it helped to structure and remedy the challenges.

However, Mr Justice Hayden said that the real advances he had identified over the years could be illustrated in a remarkable event from 2018. As part of his responsibility for the north of England family justice system, Mr Justice Hayden had been travelling around the region, and he came across a court clerk who had an idea to improve this system. The clerk thought it would be a good idea to give a virtual-reality headset to children to help them understand what goes on in the courtroom. The clerk managed to obtain a modest grant from a local university to build a prototype, and she asked everybody at the court to help. This gave Mr Justice Hayden the opportunity to see what this virtual-reality experience was like. Firstly, a mobile phone is inserted into a headset. Seated, the headset wearer is taken through the process of coming to court: the security staff speaking as if to a visiting child, and taking bags off the child; the women who work at the canteen offering fruit juice and coffee; the lifts going up along the outside of the court; the ushers introducing themselves; going into the courtroom and seeing the lawyers lined up. The lawyers gave up their time to create a sample case for the virtual-reality programme, and a real judge came in and heard the case. Using the virtual-reality tool, the child could see what each of the lawyers in the case did and what their involvement was. Mr Justice Hayden said he thought the virtual-reality headset was infinitely more useful than the 18 months spent putting the protocols together. This was because it communicated to children in their terms, and with technology and concepts that they were comfortable with. Most importantly, it enabled the child to absorb what would happen at court without ever having to leave their bedroom because the set could be brought to them. Mr Justice Hayden said this was amazingly simple, and he considered it one of the most significant breakthroughs for children involved in the system that he had seen in 30 years. Mr Justice Hayden said he could not overemphasise the value of this, and urged participants in their different systems to think about how useful it could be.

Mr Justice Hayden went on to say that a child-friendly court involved far more than the simple practical arrangements, important as these might be. For a court to be properly friendly, every child who comes through the system must have equality of opportunity of outcome.
He recognised — as he said everyone else would — that the circumstances of every child differ. Every child is unique. Every child’s circumstances were inevitably unique, and what was practically achievable in each child’s case would depend on the circumstances of that case.

Mr Justice Hayden underlined that the outcome of court proceedings should not vary according to a child’s social background. This was something he believed that the conference participants must be alert to, whatever their role in the family justice system. He briefly illustrated his point with an example that seemed appropriate for the conference because it involved the Hague Convention and Brussels IIa.

The case concerned an Italian father and a Latvian mother. The child was born in Latvia and the parents moved to live in Italy on a permanent basis in September 2010. Sadly, they had not been in Italy very long before the marriage broke down. The mother abducted the child to the north of Italy, 450 kilometres away. She was identified and the child was returned. The Italian courts sentenced her to a suspended sentence of one year in prison. She subsequently appealed against this initial judgment and the initial judgment was dismissed. A little while later, she abducted the child again, this time taking her to the United Kingdom. It took some considerable time to discover her whereabouts. By the time the case came before Mr Justice Hayden, the child was much older.

Under Article 13(b) of the Hague Convention, the defence argued that returning the child to Italy would be intolerable and create a grave risk of harm. The defence also stated that the child herself had strong objections to returning to Italy. Mr Justice Hayden said that, in the United Kingdom, as variously throughout the Member States, the child was represented by what British law calls a guardian. The child was clear she did not want to return to Italy, but it was also clear to Mr Justice Hayden that her mother’s influence had been very strong in enabling her to come to this conclusion. The child asked to see the judge, which is not commonplace in Hague Convention cases. Even though she was only 10, and had been in the United Kingdom for just under two years, she spoke fluent English without an accent, in addition to Italian and Latvian. She was very clear about what she had come to tell the judge. However, she said that she knew that this was not the purpose of the meeting. The judge asked her about Italy, and as her father came from an area that the judge knew, they had a good discussion. The discussion enabled Mr Justice Hayden to understand how important Italy was to her, and how incredibly important her paternal family was. He also realised that the child also knew that money was tight in the paternal family in Italy. Mr Justice Hayden said that it was difficult to find circumstances amounting to a ‘soft landing’ required for her to return to Italy, find accommodation, send payments to the mother, and so forth. However, Mr Justice Hayden took the view that, one way or another, she would be fine if she returned to Italy, even without the necessary conditions for a ‘soft landing’. His judgment was overturned by the Court of Appeal. The Court of Appeal decided that the paternal family simply did not have enough money for a soft landing. The father could not find accommodation or make provisions for the mother and daughter to live separately. The case was reheard and mediators stepped in.

In the meantime, the father had concluded that the child had settled in England, that she was doing well and that what was important was to ensure that the relationship was kept open with the two
different sides of the family. The case went to mediation, which resulted in a residence order. The child has since been going regularly to see her family in Italy.

Mr Justice Hayden said that the message from this case was that there sometimes comes a time when lawyers and judges should step back and try to identify what their clients really want, as opposed to the positions they take in litigation. He said the case showed that mediation could sometimes offer the child the best circumstances for their voice to be fully heard.

Mr Justice Hayden then briefly referred to another case he recently heard that involved the very sad circumstances of an infant at the end of his life called Alfie Evans. He noted that, as medicine advances, each of us in our different spheres would potentially have to confront these difficult end-of-life cases. He said that modern medicine made decision-making very difficult, and that he knew there were different views about his judgment in the Alfie Evans case. He underlined that it was essential that the judge visits all children in end-of-life cases, as this was nothing more than a simple courtesy. He said it matters enormously to the family, and has an enormous impact upon the judge.

In the Alfie Evans case, the guardian appointed for the child considered that the destruction of the child’s brain had been so absolute that his life no longer had dignity. Mr Justice Hayden said that those who had read the judgment may have seen that Mr Justice Hayden himself disagreed with the guardian’s view. While it was true that that little baby could no longer feel the presence of his mother or father, communicate, sense, touch, hear, smell, or taste, he was a very much loved little baby. He was in a hospital that was a centre of excellence. He was surrounded by people who loved and cared for him. Mr Justice Hayden said that their care, their compassion, and the determination of all involved to do what was right for him gave Alfie Evans’ life dignity to the very end.

Mr Justice Hayden concluded by stating that all of us should look very carefully at individual circumstances and try to understand what true dignity meant in these difficult cases.

**Plenary Session II – Inspiring practices**

In this sessions, the panellists shared some good practices in child friendly justice and integrated child protection systems.

**Ellen O’Neill Stephens of the Courthouse Dogs Foundation** explained that she was the founder of the Courthouse Dogs Foundation. She had been a deputy prosecuting attorney for 26 years in the City of Seattle, a job she loved. Ms O’Neill Stephens said that, over the course of her 26-year career, she saw unimaginable emotional trauma. This trauma was not only experienced by victims and witnesses but also by the prosecutors, judges, and others whose job it was to help victims and witnesses. She said that her disabled son’s experience with a service dog inspired her to include professionally trained assistance dogs called ‘facility dogs’ in the investigation and prosecution of crimes. This practice has now spread to family court proceedings.

**Celeste Walsen of the Courthouse Dogs Foundation** explained that she was a veterinarian. She said that, in the Foundation’s non-profit work, they often say that Ellen is the ‘courthouse’ part of the foundation and Celeste is the ‘dogs’ part. She invited conference participants to address any
Ms O’Neill Stephens said that more complete information than could be covered in the time allocated was available on their website, and explained that they would often take one of the dogs with them for an event like the conference so people could better understand how comforting the dog’s presence was and how well behaved they were. She said that this good behaviour allowed dogs to be involved in the investigation and prosecution of crimes without creating any problems. The aim of their organisation’s work was to make the court system much more humane for vulnerable people. Ms O’Neill Stephens said that these dogs should be available to anyone that is feeling stressed as soon as they walk through a police department’s door or a courthouse door. She gave the example of Molly, a black Labrador who had been specially trained to be on her best behaviour around children. Molly had an amazing ability to cuddle up with anybody. Ms O’Neill Stephens explained that she started working with dogs in 2003 and that Celeste joined her in 2008. She said that there were now 195 of these dogs working in the United States and Canada. The dogs were handled by legal professionals, such as victim advocates, prosecutors, forensic interviewers, and some administrators. The dogs were graduates from assistance dog organisations that are members of Assistance Dogs International. This means there was always a professional handler and a professionally trained dog providing this service.

Ms Walsen stressed that dogs reduce stress in humans. She said that dogs and humans have lived together for many thousands of years, and that we counted on them to tell us if there was a danger around. Ms Walsen said that, in an internet search for gas fireplaces, half of the search results feature a dog sleeping in front of the gas fireplace. The presence of a dog makes the fireplace feel more homelike. She said that this feeling of comfort created by the presence of dogs also worked in the courtroom. Scientific research shows that people who can see a relaxed dog have lower heart rates and lower cortisol levels. Ms Walsen said that one judge maintained that even the lawyers behaved much better on the days the dog was present in the courtroom. She said that the neurophysiological impact that dogs have on humans is much greater when people are allowed to touch a dog. When judicial practitioners talk to children they often wish it were possible to have the child’s mother, father, or an aunt with them, but they cannot be there. She said that, in the US system, a child talks with a detective that they have never seen before in their life about the worst thing that they could ever talk about.

Ms Walsen said her organisation could provide a dog as a legally permissible way to ensure that rising oxytocin and serotonin kept the child calm and allowed them to talk instead of lying down on the floor and clamming up. She then showed some examples of how dogs are used.

Ms Walsen said that, in the courthouse dog programme, the dogs graduate from an accredited assistance-dog school. The handler is someone who is already working in the system (a detective, an attorney, or somebody that understands confidentiality and legal processes). The dog is used in a way that ensures it never distracts or disrupts the legal process. She said that these ‘facility’ dogs, as they are called in the assistance dog industry, are used for the safety of the child. The dogs are purpose-bred, with two years of expert training before they start work. They undergo the same amount of training as a guide dog for a blind person. Ms Walsen clarified that her organisation was not proposing to bring pet dogs in to legal processes. She said that Assistance Dogs International
was the worldwide network of accredited assistance-dogs schools, and that there were dozens of these schools in the EU that would be keen to provide these kinds of dogs for similar purposes in Europe.

Ms Walsten said that she visited the gendarmerie campus in France a couple of months previously, and saw that all of the dogs there were Belgian Malinois. The French gendarmerie had decided that this was the right breed to train for its work. She said that the dogs used by the Courthouse Dogs Foundation were mostly Labradors or Golden Retrievers, and that they have been purpose-bred for generations to be assistance dogs that are calm and biddable. The dogs are carefully identified at birth, and their behaviour and health are tracked throughout their entire life. The dogs are raised in homes and in prison programmes.

Ms Walsen explained that there is a specific period of time in dogs’ lives when they can be socialised correctly. She said that if an adult dog is rescued from a shelter and is afraid of brooms, that does not mean the dog has been hit with a broom; it means the dog has never seen a broom. A dog has to be socialised early in life. She said there was an ever-changing variety of stimuli at weekly puppy classes held to socialise assistance dogs. For example, there might be pigs or chickens, or school children, or young boys playing with tennis balls. The puppies have to learn not to be distracted by this and to watch their handler consistently.

She said the most important part of socialisation involved children. Children under 12 are the most likely to be seriously bitten by dogs. The only way to truly prevent this is to socialise the dogs throughout early life with children, and have the ones who are not positively responsive to children selected out of the breeding population.

She also said that the dogs are treated very gently when they are being trained, but that they are taught from an early age that they have a job. They are working dogs, not pets. Training continues for about 18 months, after which the dogs go back to a professional assistance-dog campus for advanced training, where they are taught tasks.

Ms Walsen said that trained dogs usually respond to somewhere between 50 and 70 commands that professional dog trainers have taught them. This takes between six and nine months to learn. In the US, many of these dogs have worked part of that time in prisons. She said that when a prisoner gives back to the criminal justice system by training a dog to help children they are creating a ‘full circle’. After two years of training, the designated handler will be called to spend two weeks in expert training on how to handle the dog.

Ms O’Neill Stephens went on to explain how these dogs can be used in the investigation of crimes with children. She said that, in the United States, Barnahus are known as child advocacy centres. Even though these places are designed to be child friendly, they are still a very scary place for a child to go to. They can be especially scary when the child knows that he or she is going to talk to a complete stranger and that their parent cannot be there. Although there may be nice paintings on the wall and toys to play with, the child advocacy centres can still cause anxiety. Ms O’Neill Stephens said that these centres have found that including a dog in this process from the beginning can change a child’s psychological status from anxiety to excitement about a fun experience. After determining whether or not the child and the family members want to have the dog included in this process, and that there are no allergies or fear of dogs, the child is introduced to the dog. The introductions establish rapport and make the dog available to play with. Child psychologists found that the act of playing with the dog reduces a lot of anxiety and makes the child feel calm. It also makes the child feel empowered. For example, some dogs are trained to turn pages for a child, and a four-year-old child can give commands to a dog. This feeling of empowerment that comes from being in control of a dog can be very exciting for these children, who have not been in control from the moment they walked into the centre.
Ms O’Neill Stephens said that, after this initial interaction, it is much easier for the child to separate from the adult who brought them there. For example, when the forensic interviewer asks ‘would you like for Jeeter to be in the interview session with you?’ most of the children say yes. She said that the dogs are so well-trained that they know they should be playful when they are in the lobby area. However, the dogs understand that once they cross the threshold into the forensic interview, their job is to just lie there on a couch, snuggle up against the child, and not distract the child at all. Ms O’Neill Stephens said that when the interview is over, many of the forensic interviewers ask the children to write a note to the dog. She said that lawyers who wish to have a dog accompany a child in court are often required to prove that the child would benefit from the presence of the dog. The notes children write to the dogs constitute great evidence to that effect. She produced one example of these notes that read: ‘Daze, thank you for being here and sleeping on my leg. You made it a lot easier to talk about what happened. You gave me comfort and made it more comfortable to talk. Thank you.’

Ms O’Neill Stephens also described what happens during a forensic interview. When dogs were first introduced in forensic interviews, the practice used to be that dogs would lie on the floor. She said the organisation realised that this did not work very well, because the child would lean over and pet the dog, or get on the floor with the dog and cuddle with it, putting the child out of range of the video camera. She therefore recommended that the dog and the child be snuggled up together on a couch during the interview process. They saw that, when a child describes how they were assaulted, petting the dog at the same time seemed to help them talk about what happened and provide an extra source of contact. In child advocacy centres, dogs are also present during therapy sessions. Ms O’Neill Stephens showed a photo of how the dogs help the child during a forensic medical examination, by making the process more comfortable for them. During the examination, the dog lies on the floor, while the child holds the dog’s leash. Medical practitioners said that having the dog present during the medical examination had cut the examination time in half and had made it a more pleasant experience for the child.

Ms O’Neill Stephens said that the American Academy of Paediatrics had issued a white paper policy statement in the previous year, stating that it was emotionally traumatising for children to go through cross-examination in the US system. The statement also said that the impact of cross examination can have a lifelong impact by creating acute emotional trauma in children’s lives.

She pointed out that the dogs were trained to lie down in the witness box out of sight of the jury and that the child holds on to the dog’s leash when giving evidence. This child and the dog already have a bond. The dog’s presence makes the child feel more safe and better able to focus on the court process. She said that not only did these dogs provide comfort to the child, they also facilitated the fact-finding process because a calm person is better able to describe what happened to them. If children get so anxious that they are unable to speak, then the jury cannot hear what the children have to say.

Ms O’Neill Stephens showed another video documenting the case of an adult man with the developmental age of a 6-to-12 year old. In the video, he described what it was like to have a dog assisting him in giving testimony age. She said that her organisation showed this video because it provided a child’s perspective on what it was like to participate in the judiciary proceeding. She said that the courthouse dog helped to empower him.
To conclude, Ms O’Neill Stephens gave an overview of some developments in Europe. Aside from participating in a victims’ rights conference in Dublin a few months previously, the Courthouse Dogs Foundation also visited the French gendarmerie and stayed at the campus where they trained their dogs. This is the same campus where the gendarmerie were planning to get special assistance dogs to help crime victims and witnesses, and to train dogs to provide support at scenes of mass casualties. In Italy, the organisation met with a very small assistance-dog organisation in Busseto. This organisation was planning to have a dog working at a domestic violence shelter to help women and their children through the process. In Canterbury in England, they met two professors at the University of Canterbury in Christ Church who were handlers for a facility dog. The professors hoped to provide assistance-dog services in the town, and also to conduct research on assistance dogs. However, the UK professors said that they had faced resistance from judges, who did not want dogs in the courtroom.

Ella Selak Bagarić of the Zagreb Child and Youth Protection Centre described how the centre works. She said it was an interdisciplinary centre that drew on the expertise of a variety of professionals to deal with all kinds of child abuse. It also deals with divorce cases where there is a high level of conflict (a third of all cases the centre deals with).

She said that the centre’s work begins by interviewing and diagnosing the children. The centre aims to involve all relevant systems for dealing with children, and make sure that nobody asks questions to children in a way that could traumatised them.

Ms Bagarić noted that children are often traumatised by the experience of appearing before the courts. She said that seeing the courage of these children inspired the centre’s employees to be creative and develop new ideas to better help children. This had led to the centre using support dogs to comfort children who were being treated and to aid in diagnosis.

Ms Bagarić explained that they currently had seven support dogs at the centre, having started with two. The dogs were trained to work specifically with children who have been abused. As a trained psychologist, she said her clinical experience confirmed that the dogs had greatly helped. She said that, when working with abused children, it is very difficult to establish trust and a relationship of confidence between a child and an adult. This was because it was often adults who had committed the abuse.

Ms Bagarić underlined the importance of doing everything possible to place the child in a situation of trust. She said the dogs had acted as a kind of catalyst in creating this trust: the child sees the psychiatrist playing with the dog on the floor and starts trusting the psychiatrist. She said that children feel at ease in their premises, which had been adapted to the needs of children with dogs and toys present. She said that most of the children they dealt with in the centre – for example victims of family violence – often lacked social skills. The dog helped to create a link between the child and the team dealing with the child.

Ms Bagarić said that teenage victims of sexual violence had sometimes dropped out of therapy because they found it too difficult. However, she said that the centre had noted that, in the groups where dogs are used, teenagers felt better supported and had continued their therapy. Very often, these teenagers said that they felt safe in the clinic, because it was where their best friends - the dogs - are.

Ms Bagarić said that they had found that when therapy dogs were present, the children’s levels of
fear, anxiety, depression, anger and PTSD fell. Therapy dogs were especially helpful in group therapy sessions. She gave an example of a little girl who lost her brother in very traumatic circumstances, and soon after lost her father in an accident. She and her mother were very isolated. The centre did not get the information about the death of her father for a month. During this time, the child had been drawing pictures of her family without her father. Ms Bagarić subsequently included a dog in the therapy session, who acted as a bridge between the therapist and the child. The dog cuddled up to the child, who then started opened up and started crying. The child was soon able to start talking about her father.

She said that in high-conflict divorces, children were often victims and forgot what it is to be a child. The child in these divorces can be treated like an adult and given too much responsibility. Dogs helped these children to act like children again.

Monika Horna-Cieślak of the Empowering Children Foundation in Poland presented a project that Poland implemented together with Lithuania and Latvia, thanks to EU funds for the promotion of children’s rights. She said that the Empowering Children Foundation was the largest foundation of this kind in Poland, and was established 27 years ago to support child victims and child witnesses, and promote good parenting practices. It also works on child protection online. The project implemented in Poland had four objectives. The first objective was to set up a child support centre based on experiences from Scandinavia and the US, namely the Barnahus concept and child advocacy centres. The second objective was to promote child-friendly justice. She said that the foundation cooperated with the Ministry of Justice in Poland by providing training for people who interview children. The foundation also runs a programme that prepares children for interviews. The fourth objective was to provide immediate support, whether legal or psychological, to child victims and child witnesses.

Ms Horna-Cieślak said that the foundation ran a child support centre, which followed the same standards used in Barnahus and child advocacy centres. Ms Horna-Cieślak said that, by the end of 2018, there would be four such centres in Poland, spread throughout the country. The centres are based on comprehensive assistance for children and families. This means that a child victim, when they arrive at the centre, receives psychological support, legal assistance, social assistance, long-term therapy if consultations are insufficient, and medical assistance. The team includes a psychiatrist, a paediatrician, and an education specialist. Ms Horna-Cieślak underlined the importance of interdisciplinary cooperation in this work. She said that, as a lawyer, she could not imagine representing children without the support of a psychologist or a psychiatrist. The team met regularly to consider how best to help the individual child. Working with the parents and specialists helped lawyers to better represent children in court.

Ms Horna-Cieślak highlighted that the centre was a well-located and child-friendly space. Its interior was designed following a consultation with children to better serve their needs. The waiting room includes a chalkboard, and there is a kitchen where meals can be eaten. Biscuits are always available. Following a specific request by children, there is a space for children to do their homework. There are also many sockets, as children said they needed to be able to charge their phones. Therapy rooms are adapted to different needs, whether for younger or older children or for adults.

Ms Horna-Cieślak said that Poland had two modes of interviews for children: a regular mode,
where children testify before a court, a prosecutor, or at a police station; and a so-called protective mode. In the protective mode, testimony is recorded and the children are required to talk only once about their experience. They are interviewed by a judge in the presence of a forensic psychologist. There is a strictly limited list of persons, specified by law, who are allowed to participate in protected mode interviews. She said that another important feature of protected-mode interviews was that children were interviewed in child-friendly interview rooms. The lawyer or prosecutor can observe the interview from the technical room. There are legal specifications on how such interview rooms must be decorated, e.g. the colours on the walls must not be too bright. Protected-mode interviews can be used by children who are victims of specific types of crimes, namely crimes involving violence or threats, sexual crimes, crimes against family or freedom, and crimes against children below 15 years of age. However, she said that if a child was 15 years old he or she would have to prove that an interview at a police station would be too much of an emotional burden for the child. If this is accepted, then the protected-mode interview can be used.

Ms Horna-Cieślak said that, if a child witness is between 15 and 18 years old, then the witness testifies via video conference. Polish law does not provide for any arrangements to prepare a child before they give evidence. The child is subpoenaed to testify, with specifications of time and place. For criminal proceedings, a text copied from an official document is given to witnesses describing the rights and obligations of a witness. Because this process is not child-friendly, the foundation set up a programme to prepare children for an interview. Ms Horna-Cieślak noted that the interview was always a very new situation for a child — he or she meets strangers, whom they probably will only meet there and never again. The child is obliged to tell the truth and has no influence over how the interview will go, when it starts, and when it finishes. Children are often very stressed by this experience. They are also fearful of the perpetrator. They are afraid that the interview will go wrong, and that something will not work. This confusion on the part of the child stands in marked contrast to the certainty that exists within the legal system, which is well prepared to interview children. Child interviews occur regularly within the justice system. Representatives of the justice system say when and where the child needs to appear, and they are all well-versed in the legal language. The difference in positions between the child and the legal professionals is enormous.

Ms Horna-Cieślak said that this difference in positions inspired the foundation to create an educational programme to prepare children for interviews. The foundation’s preparation programme is based on three basic stages.

In the first stage, the child is prepared to be a witness. The foundation explains what a witness is, what their role is, and how the interview will be conducted. The programme includes playful techniques to help prepare children for interviews. One such technique involves recognising words. For example, children are introduced to new words and concepts such as ‘judge’, ‘psychologist’ and ‘prosecutor’. These terms are explained, and children are educated on how to address a judge.

Ms Horna-Cieślak pointed out that a central tenet of the programme is not to interfere with the substance of the child’s testimony, or the crime. For example, staff at the foundation must never say ‘oh, say this, because this is important,’ or ‘don’t mention this because it is not important’. The
foundation also refrains from coaching children. For example, staff at the foundation must never say ‘when you speak about this, it is best if you cry, because this will be very impressive’. However, the teaching does include preparing children to say ‘I don’t know, I do not understand, I don’t remember’. She said this allowed children to be comfortable that they can say this without being penalised or punished as they might be at school. For example, the trainers ask questions such as ‘what did you eat for breakfast today? What did you do five years ago at the same time?’. The trainers also ask things that are completely incomprehensible to children such as ‘what are your preferences regarding spontaneous activities?’ Ms Horna-Cieślak said that children have a lot of fun with these questions and laugh at the trainers. The point of this training is for children to learn to cope with a situation where they do not understand something in an interview. This means they can be comfortable when, for example, they have to ask for the question to be rephrased.

She said that in the second stage of the interview preparation, the foundation’s staff teach children to narrate. For example, they teach the children to talk about something fun or something pleasant that happened to them. The person preparing the child for an interview then asks the child more specific questions, such as: ‘Where did this take place? Who was with you? What did you wear? How did you feel?’ After an exercise like this, they explain to the child that this is what the interview will be like, saying ‘You will have a meeting with a judge who will ask you to tell you about something important, about something important that happened to you. Then you will get specific questions about this event.’

In the third stage of the interview preparation, the trainers teach relaxation techniques, breathing techniques and how to cope with stress. For example, they teach the children to take a toy with them as a mascot into the interview, or to think about something pleasant and a nice place they visited, or to think about something difficult that ended very positively.

Ms Horna-Cieślak said the programme was successful and gave very practical help to children by preparing them for the rules of the interview and who they will talk to. She said that the better a child was prepared for something, the more likely it was that he or she would be able to talk about it. She said that this benefits the justice system, which gets much better and much more detailed evidence.

Sébastien Renaud of the European Commission’s Structural Reform Support Service (SRSS) presented the Structural Reform Support Programme (SRSP), which can provide support for child-friendly justice and child protection systems. He explained that the SRSS was created in 2015, making it a relatively new service within the European Commission. Originally, the SRSS comprised a task force for Greece and a support group for Cyprus. These two services were set up to help these two Member States through their structural reform programmes. He said that Cyprus was already out of its structural reform programme and that Greece was now coming out of the programme.

Mr Renaud said that the task forces were set up to do some work on the ground in the Member States, but that the two services were merged to form the SRSS in 2015. He said the role of the SRSS was now to carry out similar work to that done in Cyprus and Greece, but with a wider focus. The SRSS is available to all Member States, not just countries under a recovery programme.

Mr Renaud said that the Commission made the SRSS available in response to a request by Member States. The SRSS could make recommendations about reforms in a given Member State, which
Member States are free to take on board or reject. He said that a key component of the SRSS was the support the Commission gave on the ground. The SRSS has an office in Brussels, in Nicosia, Cyprus, and in Athens, Greece to ensure that Member States receive on-the-ground assistance and support.

Mr Renaud said that the SRSP had a EUR 143 million budget to spend over approximately four years. The SRSP could cover all areas of expertise and all types of reform that might take place in a Member State, including in a ministry of justice. Mr Renaud then went on to explain how the SRSS could help in the area of child-friendly justice.

He said that the first important point about the SRSP was that there was no co-financing requirement. A lot of the financing available in the EU requires Member States to find some of the money for a project themselves, and this is often a stumbling block.

Secondly, Mr Renaud stressed that the SRSP was demand driven. The Member State should first make known its interest or need and then approach the Commission with an idea. He said that the SRSS would then assist in the elaboration of that idea and ensure that a viable project results. However, the Member State must always make the first request.

Thirdly, Mr Renaud said that the SRSP aimed to ensure that the administrative burden for Member States was very low. Typically, a Member State seeking SRSP aid was required to complete a four-page Word document, outlining the project. This document includes a question on budget, which is then further worked on with the SRSS. When the four-page document is completed, the SRSS asks about the impact of the reforms, and the Member State’s administrative capacity to carry out the reforms.

He said that the SRSS could intervene at all stages of a reform. Mr Renaud said that, if Member States want to look at how they could develop a Barnahus in their country, the SRSS could help them to develop the necessary strategy. He said that the SRSS could look at all of the operational stages of the Barnahus, including contracts. He said that the SRSS could also help a Member State with staffing or with making a case for the reform to various ministries. The SRSS has a good mix of expertise among its staff. For some projects supported by the SRSS, the best stakeholders are the private sector. The SRSS could also draw on the Council of Europe’s expertise or the OECD’s expertise.

Mr Renaud said that the SRSS would consider any request for help from a Member State seeking to focus on children in the justice system. Mr Renaud also gave an overview of the different parts of the SRSS, including his own unit, which deals with governance and public administration. This unit focuses on judicial reform, for example reducing the time it takes for cases to go through the court system. Mr Renaud’s unit is also working on a project to make one country’s judicial system better suited to children. The SRSS also has staff members who focus on health and social services, another area where children’s needs can be focused on.

Mr Renaud said that, in his experience, ministries of justice usually had more power to implement reforms than other ministries. They also often had more money and could carry out projects more independently.

Mr Renaud said that the SRSS could finance studies, strategies, action plans, implementation plans,
and comparisons between and among Member States (i.e. reviews). They could also finance specifications and business-requirement documents. For Member States wishing to set up Barnahus-type measures, the SRSS could organise workshops, exchange visits between Member States, and coaching for the implementation of reforms.

Mr Renaud said that although the SRSS funds were dispersed by the Commission, they were managed directly by the SRSS. If the SRSS approves a project, the SRSS can manage all the subsequent contracting. The burden on the Member State was very low: they simply had to provide the four-page document and then the SRSS would manage and monitor the rest of the work. However, he said that the SRSP could not finance the purchase of hardware and software, or the development of infrastructure. The SRSP also could not pay for the purchase or renovation of a building, although Mr Renaud said that other EU funds could possibly be used to do this.

Mr Renaud briefly described work the SRSS had done in supporting and implementing the design of a Barnahus in Slovenia. They worked with the Council of Europe to support Slovenia’s Ministry of Justice in deciding how the Barnahus would be set up in Slovenia. The SRSS worked on the organisation of the Barnahus, staffing, recruitment, user population, interdisciplinary and interagency cooperation, assessment of the equipment needed, contracting specifications, sharing of resources, and financing among ministries. Because the SRSS could not finance the building, Slovenia decided to look to the Norway Fund for the building finance. He said the SRSS was now assisting in this process. The funding from the SRSS to Slovenia was relatively small at EUR 150 000, but despite its small size the project had generated momentum and a high level of expertise. It is also very well run.

Mr Renaud suggested that it could be beneficial to involve several Member States simultaneously to jointly promote a project, for example on creating a Barnahus. He invited Member States to contact the SRSS with their ideas, and reminded the audience that the SRSP budget was due to increase in the future. He said that the next deadline for submissions by Member States would be in October 2018. He said that it could be useful for Member States to submit a concept by then. He said that even if Member State projects did not succeed in the next call for proposals, they would stand a better chance of succeeding in subsequent rounds.

To conclude, Mr Renaud said that requests should be submitted through the designated centralising ministry for the SRSP in each Member State, via the designated contact point (who would submit all requests for that country). He said that this might require a little internal advocacy in the Member States via the ministry of justice or ministry of health (these are the two most commonly chosen designated centralising ministries for the SRSP in Member States) to submit the request.

Mr Renaud recommended that Member States not wait until the last minute to draw up a concept, and invited them instead to contact him as soon as possible to discuss draft projects, even if they were in their very early stages.

He also drew conference participants’ attention to the selection process. He said that, once the request was submitted in October, they would be analysed in November when the selection decisions would be made. He said that he hoped the projects could then be launched in March 2019.

Olivia Lind Haldorsson, who was involved in the SRSP process in Slovenia, said that the SRSP project had been tremendously helpful. She encouraged Member States to use the funding, especially given the low administrative burden.
Discussion points

Turid Heiberg, the representative of the Council of Baltic Sea States (CBSS), which is the lead partner in PROMISE I and PROMISE II, noted with satisfaction that Barnahus was now a well-known concept in Europe. She said that the Barnahus concept was inspired by Iceland and drew on the EU-funded PROMISE project and the Council of Europe’s work. She said that although the Nordic countries were early adopters of the concept, there were now almost 20 countries in Europe with a Barnahus or on the verge of setting one up. She urged Member States to take up the funding possibilities offered by the SRSP. Ms Heiberg said that often the challenge for a Barnahus was how to communicate with the rest of the system (e.g. on following up treatment in the municipality or on what’s happening in the court).

Jana Hainsworth, the secretary general of Eurochild, welcomed the presentations and the links to current projects. She also welcomed the presentation by the SRSS on how child-friendly justice could be scaled up using the SRSP, which she considered had great potential. She asked the SRSS to clarify who could be potential project promoters and how they would work with national authorities. She also enquired about the level of competition in accessing SRSP resources, and about how to ensure that child-friendly justice was prioritised in reform programmes.

Sébastien Renaud of the SRSS replied that the application had to come from a Member State body. Coordinating authorities varied according to the Member State. For example, they could be the ministry of justice or the prime minister’s office. As for lobbying or advocating for a particular project, he said that projects are indeed in competition. For example, when it is known that a ministry of the interior already has a problem in recruiting police officers, a project to improve HR management for the police force could come into competition with child-friendly justice. However, he stressed that a lot depended on the scope and the impact of the project, and that early submissions were especially welcome and improved a project’s chances of success. To scale up the Barnahus system, Mr Renaud saw a couple of options. For example, rather than carrying out a study on the feasibility of a Barnahus, he said that the funds could be used instead to fully design the system in all its aspects, including location, operations, scope, and signature of contracts with all relevant ministries. He said that another option for scaling up smaller Barnahus projects would be for several Member States to make a similar request so that a single project could cover the design of a Barnahus in several different Member States. He remarked that good projects were clearly defined, involved a committed team on the ground, and had already cleared some of the political and legal hurdles. For example, securing the agreement of all the ministers involved was a good starting point. Mr Renaud said that even if a project was not initially promising, the SRSS could commit some seed financing to Member States to try to convince the stakeholders of the merit of the project. He said that this had been the approach taken in Slovenia, where some funding was spent on advocacy with major national stakeholders.

Ines Cerovic, from the Serbia Child Rights Centre, who also represented the network of NGOs that deal with child rights in Serbia, shared one example of a project developed with EU funding through the Instrument for Pre-Accession Assistance (IPA). Serbia had created four regional child-protection centres focused on the protection of child victims. She said this was an important example, because these regional units had mobile equipment and a car, so they could go to any premises most suited to the needs of the child.

She said the regional child protection centres could be called by a judge, a prosecutor, or by the
police in the earliest phase of the investigation to avoid the secondary victimisation of children. She noted that this was a good example of how Serbia connected the child-protection system and the justice system. She said that the centres used professionals trained in working with children to do forensic interviewing, to prepare children for court proceedings, and to provide psychosocial therapy after the proceedings. She said that Serbia was very grateful to Professor Gordana Buljan Flander from the Zagreb Child Protection Centre, who had trained the professionals working in the centres.

Professor Helen Stalford from the University of Liverpool European Children’s Rights Unit raised the issue of Brexit. She noted that there was a strong coalition of children’s rights organisations and experts across the UK jurisdictions who were looking at the impact of Brexit on children. Their assessment was that it would have a dramatic impact on children’s access to justice and child protection. She asked to what extent UK partners would have access to all of these new forms of funding and to ongoing collaborations after Brexit. She also asked whether the European Commission had any plans to continue to support efforts to shield children from the adverse effects of Brexit.

Sébastien Renaud of the SRSS said that the SRSP was only available to EU Member States. He said that they had never had a request from the UK because the programme came into effect after the referendum. However, he said that UK experts were involved in some projects, for example in Cyprus, which had a legal system aligned to that of the UK.

George Nikolaidis from the Institute of Child Health in Greece, and current chair of the Lanzarote Committee of the Council of Europe, gave a brief recap of the history of the Barnahus model in Europe. He said this model was largely inspired by the child advocacy centres in the US. He noted that there were differences between different Barnahus and between different child advocacy centres. Some of them addressed only sexual abuse victims; while some addressed all kinds of physical abuse, sexual abuse, neglect, and psychological abuse. Some of them offered only short-term treatment for one-off events of victimisation; while others offered long-term treatment. Some outsourced operations to private companies, while some did not. Some were set up without altering the allocation of responsibilities among the authorities involved in providing services; while others were set up with their own unique unit of public administration. Mr Nikolaidis suggested that, given the differences in models, it could be useful to discuss assessment and evaluation to see which models worked best. He then asked whether such discussions were underway.

Turid Heiberg of the PROMISE projects noted that were indeed differences between European Barnahus-style centres and the child advocacy centres in the US. She said that although the US standards had guided Europeans on many of the technical issues (for example on forensic interviewing) there remained a lot of diversity in practices in Europe. She said that the PROMISE project had developed quality standards to encourage and inspire all countries to adhere to those standards, and to gradually expand the target group beyond victims of child sexual abuse to other cases where children were traumatised or exposed to violence. She noted that differences between countries were also due to country-specific laws, policies, and structures, and that we should not try to harmonise or control these differences. She argued that authorities should instead try to build on
existing foundations, including the quality standards, to improve overall quality.

**Plenary Session III – Capacity building and judicial training**

Olivia Lind Haldorsson, the master of ceremonies, introduced the five speakers in plenary session III, which dealt with capacity building and judicial training.

Diana Ungureanu of DG Justice and Consumers (criminal justice and judicial training) said that she would share some of her experience as a Romanian judge and in judicial training. Ms Ungureanu worked for more than 12 years in the National Institute of Magistracy in Romania. She said that the role of judicial and other professionals (for example judges, prosecutors, police officers, and any other people involved in cases with children or for children) was to try to make the child better able to cope with the judicial system.

Ms Ungureanu then told participants a story called ‘the lady with blue shoes’. In this story, a judge in a family law case had to rule on a mother’s access to her son. When the judge tried to deal with the case in the usual way (i.e. in accordance with the Romanian civil procedural code and in compliance with the normal civil procedural rules) the judge got the usual answers from the mother, which were not necessarily true. When she interviewed the child in the case, the child said: ‘I don’t want to see my mother; I don’t want her to visit me’. The judge, wearing blue shoes, suspended the hearing for 15 minutes and stepped down from her judge’s chair. She chatted to the boy about her blue shoes and about the courthouse, and then invited the boy to make a tour of the building with her. Fifteen minutes later, they returned to the courtroom. The child was happy and at ease, and shared sweets with his parents. He said to his mother: ‘I want you to visit me; I want to stay more with you’. The judge issued a judgment for a visiting programme in accordance with the wishes of the mother and of the son. It was the lawyer in this case who told everybody the story and spread it on social media. It soon became a model for how to deal with these kinds of very sensitive cases in a manner that diverged from the strict civil procedural rules.

Ms Ungureanu said that a professor of civil procedural law in Romania might strongly disagree with this approach. But she argued that this model should be a source of inspiration when finding the truth is more important than strictly following the rules, particularly in very sensitive cases. She said that, to perform a very sensitive job of this type in a way that delivers a result in the best interests of the child, we had to ensure that justice professionals were well equipped and well trained. She said that the role of judicial training was not only to share knowledge, but also to equip professionals with skills and tools, to meet the particular needs of children and respect their rights in court.

Ms Ungureanu then turned to discuss the European Commission’s actions on child-friendly justice, in particular the policy brief on children’s involvement in criminal, civil, and administrative judicial proceedings in the 28 Member States of the EU. This policy brief also makes recommendations on training. She said that the first piece of advice in the brief was that Member States should ensure that all professionals working with children receive interdisciplinary training on the rights and needs of children. Such training could cover issues such as children’s legal and other rights; standards; pedagogical skills; child and adolescent development; child psychology; and how to communicate with children. She underlined that training should cover the different ages and development stages of children, vulnerability factors,
and the child’s individual circumstances. Where appropriate, it would be helpful for training to cover the social and other causes of young offending, and measures for dealing with children in conflict with the law.

She pointed to a number of recommendations in the policy brief on the type and content of training and on the importance of initial and ongoing training. At the time of the Commission’s study, 17 countries had initial, mandatory training for judiciary professionals before taking up office.

Ms Ungureanu also underlined the importance of an evaluation cycle to assess the level of knowledge and skills at the end of training. She said this evaluation should also assess the change in behaviour of judicial professionals after training, which was more difficult to measure. This type of evaluation takes time.

Ms Ungureanu shared examples of good practice, such as the French Bar Association, which created a group of specialised lawyers dealing with this type of training. She also cited the multidisciplinary approach to training the police in Luxembourg, which involved teaching modules on criminal law, child psychology, communication with children, social questions, crime prevention, and forensics. She said that this multidisciplinary training took place over five weeks.

**Sara Sipos of the European Judicial Training Network (EJTN)** said that the EJTN was a Brussels-based NGO, funded by the European Commission. She said that they had received EUR 10 million to date for providing judicial training to judges and prosecutors. The EJTN serves more than 120 000 judges, prosecutors, and judicial trainers throughout Europe. She said that the aim of the network was to help foster a common legal and judicial culture across Europe, bringing together judicial training institutions from every Member State in Europe, developing partnerships, enhancing cooperation, and fostering trust.

Ms Sipos said that the EJTN programme developed mutual trust and provided an exceptional opportunity for the European judiciary to exchange experience and practices. Training seminars included civil, criminal, EU, and administrative law. The seminars also included legal language training and instruction for judicial trainers.

She said that EJTN training on civil justice cooperation only covered cross-border aspects. The EJTN did not deal with domestic or national law. However, she said that it did deal with cross-border aspects of child-friendly justice in the area of family law. The training courses ranged from a half-day to 2 days in duration. Training was usually organised in a European capital city, and judges and prosecutors from all Member States were welcome to participate. EJTN training is provided by national judicial training schools. Ms Sipos presented some figures on participation in training and on the 2020 targets set by the Commission.

Ms Sipos also explained the rationale for providing such training, pointing out that there were now 18 million binational marriages in the European Union, and that this had a clear impact on cross-border issues in family law. She said that training in family law was part of the EJTN’s annual training calendar. This training in family law covered: cross-border divorce; case studies and practical examples concerning divorce; recognition and enforcement of judgments; parental responsibility; parental child abduction; dealing with the interface between the Brussels Ia Regulation and the Hague Convention; and cooperation between courts and central authorities. Ms Sipos gave an example of a training module delivered by a psychologist on how to identify what a child’s opinion was, a module that is much appreciated by judges. She said that participants in the
training courses had an opportunity to exchange experience, and discuss how they interviewed or heard evidence from children.

Ms Sipos said that the EJTN also cooperated with GEMME and the European Association of Judges for Mediation. They also cooperated with the International Association of Youth and Family Judges and Magistrates, with whom they were planning to organise webinars on unaccompanied children in 2019. They also provided language training to judges and prosecutors, including specialised language training on the vocabulary of family law.

Next to speak was Laurence Bégon-Bordreuil, the vice-president responsible for training children’s judges at the École Nationale de la Magistrature (French National Judicial Training School). She described how training was carried out, and she also listed some recent innovations in training. Ms Bégon-Bordreuil said she had been the coordinator of the institute for training children’s judges for the past two years, and focused on providing continuous training for those who were currently in service. Before her current job, she had worked as a children’s judge for 15 years. She subsequently gave a joint presentation together with her colleague, Sonia Benbelaïd-Cazenave, a police commander responsible for the prevention of juvenile delinquency in Bordeaux-Mérignac and a teaching psychologist at the National Judicial Training School in Bordeaux. Both Ms Bégon-Bordreuil and Ms Benbelaïd-Cazenave shared the conviction that psychology and the legal process needed to work in tandem. The two speakers stressed that children’s judges required specific skills to do their job, and they said that they ran special training for these judges. Initial training took four months, after which judges also had to complete a practical training period, followed by ongoing training of one month. The speakers said that all of this training was mandatory. They also stressed that the training took a multidisciplinary approach to better suit the needs of children and families.

Ms Bégon-Bordreuil said the training was directly inspired by the Council of Europe’s recommendation on children’s rights and social services friendly to children. She urged participants to take note of this recommendation, which contained guidance on recognising situations of violence, mistreatment and negligence. She also stressed the importance of being trained in participatory working methods when working with families and children, and the need to create conditions that fostered confidence, confidentiality, and mutual respect. She said that the training provided at the National Judicial Training School aimed to achieve these goals by learning to recognise abuse or incest, and the distress of infants or toddlers. The National Judicial Training School also examined certain behavioural risk patterns in adolescents. She said these topics were embedded in children’s judges’ training.

Ms Bégon-Bordreuil said that a new programme would begin in 2019 with an intensive study period for all judges who dealt with children. The programme would also be targeted at specialised investigating magistrates. She said that this training already existed to a certain extent for fighting terrorism and organised crime, but was now being adapted to cover children. This specialised training would lead to a diploma.

Ms Bégon-Bordreuil said that France focused on very specific skills for dealing with children. These skills focused on child psychology; training on abuse, negligence and delinquency; and compulsory training on interview techniques and child protection. Inspired by approaches to mediation in Quebec, France introduced a training course on how to conduct mediation with
children in 2017 as part of the continuous training programme. The French training programme on mediation drew on the work of Pierrette Brisson and Michèle Sirois, who have written at length on transposing family mediation practices to the protection of children.

Ms Bégon-Bordreuil said it was important to value and recognise the skills of the parents concerned. She said that even if their parenting skills were not very high, recognition would help improve the parents’ feeling of self-esteem and enhance their ability to change. She said this approach was essential to avoid passing moral judgements, which was obviously very counterproductive when working with families.

Ms Bégon-Bordreuil and Ms Benbelaïd-Cazenave said that they also looked at the needs of parents and professionals so that both parents and professionals could be receptive to the needs of their children and feel safe and heard. This helped the parents themselves to recognise the needs of their children. The two speakers said it was also essential to look at the needs of the child, especially priority needs that had not been met in the family unit, and then to work together to find a solution. They said that the process involved reflection on potential solutions, with the very close involvement of the family, to stimulate them to want to make changes. Ms Bégon-Bordreuil and Ms Benbelaïd-Cazenave said that the use of very active listening skills helped to reduce tensions that typically occurred during hearings.

The two speakers said that successfully assessing the needs and the skills of the parents, and making every effort to guarantee the respect of the needs of the children, were at the heart of these exchanges. They said they took this insight from the Quebec model. Both speakers considered that there was a great need to show respect for the family.

Sonia Benbelaïd-Cazenave, police commander responsible for the prevention of juvenile delinquency in Bordeaux-Mérignac and teaching psychologist at the National Judicial Training School, subsequently gave an individual presentation. She said that she had worked for the National Judicial Training School in Bordeaux for the last three years, and would present examples of good practice since 2015 in the training of judges already in service (i.e. continuous training) and working on cases involving children.

She said that she also worked frequently in Paris, and remarked that Ms Bégon-Bordreuil epitomised the spirit of openness of the French judiciary and maintained a clear focus on the need for judges to work together with other professionals, particularly psychologists. She said that judges, in addition to being legal experts, also wanted to be able to understand the background of people who appear in the courts, and that this constituted a major step forward. Ms Benbelaïd-Cazenave said that she chose to combine working in law and psychology, and that for the last 20 years, she had dealt every day with children who had been victims of abuse and sexual violence. She said that she also worked with children in conflict with the law.

Ms Benbelaïd-Cazenave said that in her daily work she found the marriage between the two fields of law and psychology to be rich and necessary. She noted that professionals, in general, were not very comfortable when they started to communicate with children. She noted that judges were not exempt from this discomfort and said that it was for this reason that children were not heard in court in the past. She said that the etymology of the word ‘enfant’ (‘child’ in French) connotes somebody who does not speak. This was because it was felt that a child’s words were not reliable, or that children were not useful in dealing with cases that affect them.
Ms Benbelaïd-Cazenave noted that this has now changed, and that greater account had been taken in recent years of what children say. She noted that it was difficult to adapt to an interlocutor who did not have the same cognitive, emotional, and social capacities as an adult, and that this adaptation could be even more complex when children were victims of violence. She said that whether the discussion with children was about physical abuse, emotional abuse or sexual abuse, the subject directly related to someone’s own childhood experience and could cause discomfort because these subjects are often taboo. She said it was therefore important that people who interviewed children were prepared and trained, a point made repeatedly by all preceding speakers.

She said that the aim of her work was to absorb the theoretical approaches of psychology and put them to the service of the practical work of judges. These judges had to take a child-protection decision that was in the best interests of the child, another recurrent theme in the conference. She briefly outlined several modules that were an integral part of training in France at the National Judicial Training School, either for initial and ongoing training. The training focused on how to talk to a child, and how to take account of the child’s capacities by using an appropriate methodology (while at the same time listening to one’s own feelings) to take a reasoned decision that was in the best interests of the child.

She said the first module was the foundation. This module involved integrating knowledge on the psycho-emotional and socio-psychological development of children and adolescents. She stressed that it was essential to realise that a child is not an adult in miniature. She said that this insight meant one had to adapt to the child’s particular stage of development. For example, one should not talk in the same way to a five-year old child as with a pre-adolescent of 11, or the same way one would talk to a 17-year-old on the cusp of adulthood. She said that when a child is heard before a civil or criminal court, they are heard either in their capacity as victim, witness, or the accused. In all those cases, the child would be asked to produce a testimony, and therefore to speak to describe an experience. For that to happen, the child would have to draw on memories, and would therefore have to use their language and memory skills. Ms Benbelaïd-Cazenave noted that verbal communication might not be a young child’s favourite form of communication. They may prefer to express themselves through games, playing, or drawing. She said that we should wait until a child was at least 10 or 11 before they would be sufficiently at ease to communicate with others. It was therefore important to find other ways of establishing contact with young children.

As the child would need to draw on their memories, she said that we must find ways to get the child’s memory to work. It was therefore important that judges and other professionals working with children understood how a child’s memory works differently to that of an adult. She noted that,
when we talk about memory, we should also talk about the concept of suggestibility. A child is more suggestible than an adult. She also stressed the importance of trauma, saying that we must take account of the suffering and fears of the children being heard. She said that the training provided in the National Judicial Training School also dealt with the issue of truth. She said that the ‘truth’ discussed in the justice system was linked to an objective truth based on facts. However, the ‘truth’ expressed by the subject, the interviewee, did not always overlap with the objective reality of the facts. This does not mean that this entails a lie or false allegations being made by children. She noted that both France and Belgium had had their share of unfortunate court cases, and cited the example from 2004 of the Outreau case. This case prompted France to draw major lessons on the various flaws in its legal system. In particular, following the Outreau case, France decided it would no longer allow expert psychologists to be called upon to pronounce on the credibility of witness statements.

Ms Benbelaïd-Cazenave said that talking to children involved an exchange. For this exchange to take place, the judges and other professionals must learn to listen actively. They must use empathy and goodwill to learn to reformulate what the child is saying and what the child feels. She said that the National Judicial Training School taught a number of useful and appropriate techniques for communication. She said that the school taught assertive or nonviolent communication in particular, which could also be called ‘well-meaning communication’. This type of communication made it possible to communicate while respecting the rights of the person you are communicating with — a child in this case. She remarked that the precision and quality of the response given by the child depended on the quality of the exchange the child had with the judge and the quality of the questions that the judge asked. She said that France had learned a lot from Canada and Belgium in this area. Ms Benbelaïd-Cazenave said that the law of 17 June 1998 was a watershed in collecting witness statements from a child victim of sexual abuse. The law provided for a video-recorded procedure, the ‘Mélanie’ procedure. The first objective of the law and this procedure was to limit the number of hearings a child had to undergo, because making children repeatedly talk about their experiences forces them to relive the experience and could trigger trauma. The second objective of this law was to take into account verbal and non-verbal communication, paying attention to the suffering of the child.

Ms Benbelaïd-Cazenave remarked that she taught a methodology for interviewing children that drew on a Canadian methodology, created by John Yuille. She said that the methodology was initially designed for investigators but could also be taught to judges. The methodology involved a non-suggestive and structured interview using progressive stages. The first step was to welcome the child, present the judge, and explain the judge’s task. This created confidence and fostered an alliance between the child and the judge. This is followed by a ‘free narrative’ phase where the judge listens to the child, who gives their version of the facts. There is then a phase of so-called open questions, where the judge picks up on the various parts of what the child said in the order given by the child. The judge then moves towards guided or ‘closed’ questions, containing words such as: who, what, how, where, why, how many times, and with whom. Once this is complete, the judge closes the interview. In Belgium, the equivalent of this method is the stepwise interview technique. Ms Benbelaïd-Cazenave said that France had now also integrated another evidence-based interview protocol into its training: the French protocol of NICHD, the National Institute of Child Health and Human Development.

In conclusion, Ms Benbelaïd-Cazenave said that judicial training would not be complete if it were restricted to knowledge of child psychology and interview techniques. This was because know-how should also be supplemented by insight. Cases involving children could be emotive, but judges often tried to protect themselves by using technical language to avoid feeling emotions. These
judges wrongly believed that feeling emotion could undermine their impartiality. She said that in Bordeaux, the National Judicial Training School had been working on a training course for emotion management. She said that the school sought to address prejudices, and to help people identify emotions, name them, and understand them. This helped legal professionals to deal with their emotions rather than try to repress them. Judges could then use those emotions, without being overwhelmed by them, and this benefits their work as judges. Ms Benbelaid-Cazenave illustrated the point by sharing the emotions she was currently feeling. She said she was very touched to be able to address a European conference, and was motivated by a desire to facilitate exchange so that everyone could develop their own good practices.

Natalia García, a project manager at the International Juvenile Justice Observatory, presented one of the International Juvenile Justice Observatory’s child-friendly justice projects. She said that the Observatory was a Belgian public-entity foundation, which worked on the rights of children and young people at risk of social exclusion. In particular, it worked with children in conflict with the law. She said that one of its main objectives was to improve juvenile justice systems by conducting various activities such as training, research, or action projects, such as the one she was presenting on using training courses to improve juvenile justice systems in Europe. This was a two-year project, which began in March 2015 and finished in February 2017. It was led by the Observatory and was carried out with funding from the EU’s Fundamental Rights and Citizenship programme (under the rights of the child strand).

The main objective of the project was to improve youth-justice systems and to understand which parts of these systems could be made more efficient and more child-friendly. The project focused on better implementation of the Council of Europe guidelines on child-friendly justice and international standards. The project had partners from 12 EU Member States, including ministries, academic institutes and NGOs. The project also received notable support from the University of Leiden.

She said that the project was organised in four phases: (i) development of an expert-led training manual, (ii) training-the-trainer, (iii) implementation of the toolkit via national workshops, and (iv) dissemination of the project results. Ms García presented one of the project outputs, a manual entitled ‘Can Anyone Hear Me?’ This manual was compiled by Professor Ton Liefaard, Dr Stephanie Rap and Apollonia Bolscher from the Department of Child Law of Leiden University. She said that the manual was available in 11 languages and provided information to professionals working with children in conflict with the law, specifically to improve their communication skills with children. Ms García noted that EU Directive 2016/800 on procedural safeguards for children who are suspects or accused in criminal proceedings was adopted during the lifespan of the project, and said that this Directive was taken into account in the manual. The manual also addressed: international and European standards in juvenile justice and adolescent development; criminal proceedings; the role of the lawyer; the role of the child’s parents; the effective participation of children in court proceedings; communication skills; follow up to judicial decisions; and support to children in conflict with the law.

The training package was also supplemented by input from children and young people on their experience with the police. This was produced by Include Youth, a Northern Ireland partner.

The project also included training for trainers. In addition, project partners conducted national seminars in the 12 participating countries. These seminars benefited 1 364 professionals involved in juvenile justice. Finally, the training package was turned into an online course and made available via the International School of Judicial Training.
Discussion points

Christine Hope of Terre des Hommes welcomed the breadth and scope of presentations and resources. She enquired whether there was any monitoring, including via indicators, of the materials presented, and how resulting changes in practice could be monitored. She also enquired whether the views of children who were in contact with trained justice professionals were gathered, to assess the impact of the training from children’s perspective.

Ms Ungureanu gave some information on European judicial training tools in follow up to the 2011 strategy on European judicial training, which will expire in 2020. She explained that the Commission was currently evaluating the 2011 strategy, on which there was a public consultation. She said that the Commission’s evaluation was looking at how the tools it funded were used, whether the projects funded were sustainable, how they were replicated at national level, and what national follow-up was given to those projects. She said that earlier in June 2018, the Commission had organised a final conference on the evaluation process. At this conference, there were a number of questions about monitoring. She said that it was of course quite easy to count the number of participants in training and other events. However, it was more difficult to assess the sustainability of a project, how information was kept up to date, or how a tool was used. And evaluating changes in behaviour that were the result of training or tools became almost impossible. Ms Ungureanu said that the Commission was now looking at how best to improve evaluation forms to help monitor the results of projects. One possibility was to have not only an evaluation at the end of each project, but to repeat this evaluation six months later. Furthermore, she said that there were a number of issues that had to be addressed with regard to monitoring practices and culture changes in court and within administrations.

Ms Bégon-Bordreuil added that the question raised was excellent, because it talked about the impact of training and real circumstances on the skills and behaviour of judges. She said there were assessment forms for those who participated in the training at the French National Judicial Training School. On these self-assessment forms, people who participated in training were asked what impact the training had on their subsequent work. She said this self-assessment was very subjective and carried out immediately after the training. She said there was also a later evaluation, which was more reflective and asked how the training informed the judge’s work over time. Ms Bégon-Bordreuil said that the French National Judicial Training School was aware of the imperfections in the system. However, she said the School had not sought to measure the satisfaction of children who came in contact with professionals, and that they were not aware of any such measurements, even though such measurements would be very interesting. She said that her colleagues were working on another method, based on work carried out in the Netherlands. This method was a sort of peer review, where two judges reflected on the situation and assessed the capacity of their colleague to react in hearings with children. She said this method was being introduced in France and was still under development.

Professor Maria Roth of Romania underlined the importance of training judges and others who worked in the justice system. She said that she particularly appreciated the focus on child psychology, and suggested that extending training material to cover restorative justice could be beneficial, given the lack of focus on restorative justice at present. She said that when we spoke about child protection, child abuse, and neglect or violence against children, we should work in a restorative manner and ensure justice for the children who were victims of violence. She said that if the children were victims of violence in public settings in the child-protection systems, then we needed to do even more to ensure justice was served, even if the children had grown up and left the system.

She also said that, because child-friendly justice is in its infancy, she would like to know which
professionals had an awareness of child justice issues. This would then facilitate better networking, more improvements, better collaboration, and greater sustainability.

Ms Bégon-Bordreuil said that the French National Judicial Training School ran training courses on restorative justice, which had been enshrined in French law since 2014. However, she acknowledged that restorative justice was an entire subject that merited further study. She said it was also important to ensure that specific modules and structures were in place.

Ellen O’Neill Stephens of the Courthouse Dogs Foundation remarked that many people were interested in implementing programmes to involve dogs in the justice system in their countries. However, these participants described opposition from judges who felt that having a dog provide this service in the courtroom would be unseemly. She wondered how best to convey to judges that it was far more important to reduce emotional trauma for children by having these dogs present under the best circumstances possible than to have an appearance of solemn propriety in the courtroom.

Sara Sipos of the EJTN said that during the EJTN’s European Family Law seminar, they had invited psychologists to join the trainers, because trainers are usually academics, judges or practitioners. The participants welcomed this participation of psychologists.

Nuala Mole of the AIRE Centre said that the AIRE Centre had just completed a project assisted and supported by the European Commission on separated children in judicial proceedings. In that project, they looked at lessons that could be learned and shared by legal practitioners. The AIRE Centre was particularly interested in lessons that could be shared by the judiciary in national courts, the judiciary in European courts, and the quasi-judiciary who sit on the UN Committee of the Rights of the Child. The project found that practitioners who worked in areas concerning children were often extremely expert in their own area of law (private family law, public family law, asylum law, relocation, abduction, children of prisoners, education law, etc.). However, the project discovered that the practitioners knew very little about the other areas of law affecting children, or about lessons that could be learned from the standards applied in those areas. The AIRE Centre project sought to bring the different fields and learning together. Ms Mole said that as a direct result of the project, they now had nine cases pending in national and European courts, and one case that had been brought together with the ICJ before the Committee on the Rights of the Child. She said that one of the striking findings from the AIRE Centre project was the differences in results and treatment for the same phenomenon if it was looked at in different areas of law. For example, different standards were being applied under immigration and asylum law, and returns under the Returns Directive and returns under child abduction cases, particularly with regard to Brussels IIa Article 13(b). Another finding of the project was that all judges who worked on cases that concerned the fate of children (not just judges who did ‘children’s cases’) should have specialist training on child-centred justice. She asked the panel whether their experience had been that judges who dealt with the fate of children in – for example – immigration and asylum cases had to have the same children’s rights training as judges involved in classic children’s law cases.

Ms Ungureanu referred again to data from the Commission study on children’s involvement in justice. For example, the study showed that 20 Member States had continuous training courses (including in all areas of law: from family law to criminal justice and administrative law) for those likely to encounter children in their work. In some Member States, training was mandatory while in others it was voluntary. Another issue revealed by the Commission study was that training for judges in contact with children was not always part of a structured training programme. Instead, this training focused on manners and good behaviour rather than a well-structured and ongoing process of professional development that integrated all types of knowledge from the different areas mentioned.

Yuliya Andonova of the PULSE Foundation in Bulgaria said that her organisation had 20 years
of experience in working directly with children affected by violence. She shared the case of a 12-year-old girl who suffered very serious child abuse, but who had been denied access to justice for a year and eight months. The authorities had refused to provide her with adapted interview arrangements (i.e. an interrogation in the specialised ‘blue’ interrogation room). Ms Andonova stressed that it was important to remember that behind the conferences, statistics, and training, there were children who were real victims of violence. She said there were many children like this particular girl, who were deprived of child-friendly justice and could not get our help. She remarked that, by definition, two-year projects could not be sustained in the long term, and asked what was being done to ensure joint, multidisciplinary approaches in training.

**Ms Lind Haldorsson** said that sustainability would be discussed the following day.

**Ms Ungureanu** recalled that the European Commission did not seek to replace national training, but rather to complement it. She said it was a shared responsibility to ensure sustainability. She also said that professionals, particularly judges, might be reluctant to engage in multidisciplinary training involving judges and other practitioners.

**Plenary Session IV – Inspiring practices – part 2**

In this plenary session, five speakers will present outcomes of some inspiring EU co-funded projects in the area of child-friendly justice and integrated child protection systems.

**Anne Siv Åvistland** was the first to speak in plenary session IV. She is the assistant chief of police in Oslo, and responsible for overseeing the implementation of Barnahus in Norway. She explained that she had qualified as a social worker and lawyer, an unusual combination of qualifications. Within the National Police Directorate, Ms Åvistland has specific responsibility for criminal cases where children are involved, and especially for the Barnahus and forensic facilitated interviews.

She said that Norway maintained a high-level focus on domestic violence and sexual abuse against children. That meant that all politicians were in agreement that this was an important topic and that Norwegian society should prioritise these cases. She said that acknowledging this responsibility to prevent abuse of children meant there had to be cooperation between the Norwegian police force, public prosecutors, the child-protection service and the healthcare system. She said that Norway had developed a new plan on domestic violence and sexual abuse against children. The plan proposed further work to improve knowledge, capacity and cooperation within and among all the services concerned. These improvements had led to results that were visible in the data. For example, facilitated interviews of children had risen dramatically: in 2013, there were about 2,600 forensic facilitated interviews; in 2016 that rose to over 6,300.

Ms Åvistland outlined some police tools that played a role in child-friendly justice. Starting in 2014-2015, a police reform took place in Norway. During that reform, the police set up specific functions to deal with domestic violence and sexual abuse cases where children were involved. She said that in each of Norway’s 12 police districts, there were now specialised teams working on these cases, and on more specialised police work covering forensic facilitated interviews and the Barnahus. In addition, each police district now had a domestic violence coordinator, which had helped to gather and disseminate knowledge. Ms Åvistland remarked that children were increasingly involved in most
domestic violence cases. She said that the Norwegian police had 120 days to investigate and prosecute any such cases and make sure that the case was either presented to the courts or closed. She said that the time spent by a family waiting for either the court or a closure was as short as possible.

In 2010, the law in Norway changed so that child witnesses of family violence were accorded the status of victim. She said that this was important for children’s rights, such as the right to counselling.

Ms Åvistland said that the Barnahus was the icing on the cake of Norwegian child-centred justice. She said that what sets the Norwegian Barnahus apart from other Barnahus systems was that the Barnahus was a part of the Norwegian police. The first Barnahus in Norway was opened as a pilot project in Bergen in 2007. This quickly led to the establishment of a national Barnahus network. The last Barnahus in Norway was established in November 2016. She said that Barnahus were now spread throughout the country, in each and every police district, building on the initiatives in Iceland and the US child advocacy centres. She said that the responsibility for the Barnahus was divided between the Ministry of Justice, the Ministry of Health, and the Ministry of Children and Social Services.

Ms Åvistland said the mission of the Barnahus was first and foremost to provide proper care and greater legal protection for abused children. Mentally impaired adults also came under the remit of the Barnahus system. The Barnahus system aimed to ensure consistency in case handling; develop cooperation; ensure a good exchange of information between the professional bodies involved in the work at the Barnahus; and make sure that the child’s forensic interview was initiated and conducted without delay. She said that the Barnahus aimed to provide further assistance and follow up, and that it was important to promote greater knowledge and research on children exposed to domestic violence and sexual abuse.

Ms Åvistland underlined that Norway had worked hard to set up a common professional platform in the Barnahus. That meant that the child got the same service at the Barnahus regardless of whether the child lived in Oslo in the south or in Tromsø in the north. However, the Norwegian authorities allowed local variations because Norway was a differentiated country with many local powers. But she said that, regardless of any local variations, the Barnahus always provided a safe environment, healthcare, and legal protection for abused children.

Ms Åvistland said that the Barnahus target group was mainly children between 3 and 16 years of age. This meant that children under 3 were excluded, as they had to be able to speak and follow through on a forensic interview. Access to the Barnahus was decided on by the police, who issued a police report for children that they believed could benefit from the Barnahus. The prosecutor then had to decide whether the child should be interviewed or not. If the child needed to be interviewed, then the case went to the Barnahus.

Ms Åvistland said that the Barnahus’ in-house activities covered the forensic interview of the child, followed by medical and dental examinations. Over the last two years, a mandate for dental
examinations had been implemented, which she said was quite important for the investigation of these cases. The Barnahus also made a trauma assessment and provided short-term trauma treatment. Other in-house activities included cooperation between the police, the health system, the child welfare service and the Barnahus. She said that the Barnahus always shared its knowledge of child-friendly approaches to promote the best interests of the child at all times. The Barnahus also provided information and advice to professional partners, a task she said was not to be underestimated. She said that the main goal of the Barnahus was to ensure that all help for children was provided under one roof.

Conor O’Mahony was next to speak. He is a senior lecturer at the School of Law in University College Cork in Ireland. He is also a coordinator on the IDEA project (Improving Decisions through Empowerment and Advocacy: building children’s rights capacity in child-protection systems). Mr O’Mahony introduced this five-country project (Ireland, Hungary, Finland, Sweden, and Estonia), which was funded by the Rights Equality and Citizenship Programme of DG Justice. The idea behind the project was to ensure that professionals working in child-protection systems were able to perform their duties in a way that was compliant with children’s-rights best practice. He said that the project began by trying to establish what the training needs of those professionals were. The project participants then built networks of professionals to bring people together, and then develop and deliver training on a variety of topics. He said the participants in the IDEA project focused on interdisciplinary training (a common theme at the conference) and the importance of an interdisciplinary approach to child protection. The participants also emphasised that no single group of professionals – whether lawyer, social worker, psychologist, or doctor – had all the answers in the area of child protection. Mr O’Mahony pointed out that many different people from different backgrounds came together to work on child protection. This meant it was incredibly important to try to encourage those people to speak each other’s language, to understand each other’s roles, and to work together to the best possible effect.

The IDEA project coordinators designed the project to promote this sort of interdisciplinary exchange. All five partner-countries were represented by project members working in both law and social work. He said that all the training events organised by the IDEA project were deliberately designed to simultaneously address both law and social work. He remarked that there was sometimes a value in bringing people into a room for an all day and leaving them there to talk to each other. He said this helps people to interact and to better understand and trust each other, which is important for their work with children. He said that the IDEA project contained some training sessions that might have emphasised one discipline more than the other (i.e. law more than social work in one session or social work more than law in another), but that in all the sessions the project coordinators tried as far as possible to have content covering both disciplines. He noted that, when you bring people from different disciplines into a room for a day, some discussion topics would be more relevant than others for each person in the room, but that there should always be something for everybody. He said that participants in the training sessions were also learning about things that were not a core part of their job but which helped them to form a broader understanding of the surrounding context. Social workers could learn more about law, and lawyers learn more about child development and child welfare. He stressed that a lawyer was less likely to trust what a social worker is saying if the lawyer does not understand how the social worker does their job.

Mr O’Mahony said that professionals from the five countries had been giving very consistent messages in the survey conducted at the beginning and in feedback post-training. Project participants from Ireland were especially emphatic in stressing one message in particular: the
importance of professionals understanding each other’s roles more effectively. He gave an example of child attachment theory, which seemed to play a very significant role in child-protection court proceedings in Ireland, although judges and lawyers did not know very much about it. He said that not knowing about attachment theory meant judges and lawyers might not be able to effectively interpret some of the evidence that was presented in a court. He said that Professor Shemmings from the University of Kent, who was a leading expert in the field, travelled to each of the five countries and delivered a daylong workshop on child attachment theory to help participants better understand it.

He said that another message that the project team received from participants in Ireland was how difficult it was for lawyers, social workers, judges and others who were exposed to very serious cases of child neglect or child abuse in their work. He said that our primary concern should obviously be for the children, but he stressed that it was also very difficult for staff working in this area. He said that if we are going to properly care for children, we should also care for the staff who work with children. Mr O’Mahony said that if staff suffered burnout and left the profession - as was the case in many countries - all their expertise was lost. This meant that children would find themselves dealing with constantly changing social workers, an experience that has many negative consequences. Mr O’Mahony gave three examples of the training content from the IDEA project. These three examples focused on three different subjects: legal knowledge, communicating with children and staff welfare. He said that he chose these three examples to show the combination of methods the project used: (i) detailed training sessions; (ii) daylong training sessions with detailed lectures and detailed discussion sessions; and (iii) working materials that the participants took away with them. In recognition of the fact that child-protection professionals were very busy, he said that the project focused on developing practice tools to help them understand the key points of those materials and integrate them into their everyday practice.

The first example Mr O’Mahony gave was the example of legal knowledge. In this area, he said there was a consistent message from IDEA project participants from all five countries. This message was that legal professionals working in child protection tended to have a much better understanding of national laws on child protection and children’s rights than they had of international law. However, he said that there was a very rich vein of international law, whether the UN Convention on the Rights of the Child or the extensive case law of the European Court of Human Rights, which was potentially of great benefit in the area of child protection. The project found that many lawyers in different countries were not as familiar with that body of law as they would like to be. These lawyers did not always have time to keep up with the latest judgments coming from Strasbourg and other international courts.

This lack of familiarity with international law led the IDEA project to focus on international law in its training material, all of which was available on the project website. This training material summarised key judgments in the area of child protection from courts such as the European Court of Human Rights. Mr O’Mahony said that because more than 80 % of applications to the European Court of Human Rights were declared inadmissible, the project also compiled a very clear and accessible checklist for practitioners. Mr O’Mahony said that lawyers could attach this checklist to the files they were working on. This would remind the lawyers that while they may not be thinking of taking the case they are currently working on to the European Court of Human Rights, the case might contain a children’s rights issue. If lawyers lost in domestic litigation, they might wish to subsequently appeal to the European Court of Human Rights, so they needed to keep this option open. Mr O’Mahony said that there were six simple things that a lawyer must do under domestic litigation to ensure that the case would not be struck out when they subsequently apply to the European Court of Human Rights.
The second example addressed by Mr O’Mahony was communicating with children. He said one consistent message in the IDEA training was that it was much easier to pass a law that said children should be heard in court proceedings than it was to implement that law in practice. To implement such a law in practice requires a variety of things like building child-friendly courtrooms. It also requires professionals to be trained so that they have the skills they need. He said that feedback from Irish practitioners in particular was that they had lacked communication training, and that this had prevented them from communicating effectively with children. As part of the project, the IDEA project team developed training courses to address this issue from a number of different angles. Professor Laura Lundy of Queens University Belfast, who developed the Lundy Model, delivered a training session to the IDEA project team. Mr O’Mahony said that this session was now on the project website, subtitled in five languages. In the session, Professor Lundy set out the Lundy Model for enabling children to participate in court proceedings. Triangle, a UK-based company specialising in communicating with very young children who are victims of sexual abuse, also gave an engaging training session. The aim of this training was to teach lawyers the skills that they were missing so that they felt more comfortable and better qualified to help children participate in court proceedings.

The third and final example given by Mr O’Mahony dealt with staff welfare. He said that the feedback from the five partner countries was very clear that staff working in child welfare had a very difficult job. Repeated exposure to the serious trauma of abuse and neglect cases had a negative impact on the staff. He said that this would have a damaging long-term ‘trickle down’ impact on the children that staff worked with. Mr O’Mahony underlined that there was a limit to what a project like the IDEA project could do to alleviate these impacts on staff, partly because these impacts were just the nature of the work. To help staff become more resilient so they could continue doing this kind of work without jeopardising their own welfare, the IDEA project developed the SPARK software application.

SPARK is a software application that professionals complete by filling in answers to a series of questions. The application allows professionals working on cases involving children to reflect on the problems that are making their job more difficult, and to reflect on what can they do to remedy those problems. The goal of SPARK is to bring self-care into the daily practice of child-protection professionals in a way that will benefit them individually. He said this would hopefully also benefit the children who they are working with.

In closing, Mr O’Mahony underlined that the tools were all open-access material, and he invited conference participants to use them and disseminate them.
Ólöf Ásta Farestveit, a forensic interviewer and therapist at the Icelandic Barnahus, was next to speak. She said she would focus on the child and on the interviewer, because that was very important for the judges and the police. She noted that the Icelandic Barnahus system was similar to the Norwegian one, except that in Iceland a judge is involved in the Barnahus. She said that, even when a case is still in pre-investigation, judges were involved, because the Barnahus aimed to only conduct one interview of the child. Children under the age of 15 in Iceland do not need to go to court. They make their disclosure in the very early stages of the case. She said that this meant that the child no longer had to worry about an interview looming ahead. Ms Farestveit explained that the aim of the Barnahus was to have all services under one roof, i.e. the forensic interviewer, the judge in charge of the interview, the prosecutor, the defence lawyer, the child’s lawyer, the child-protection service, and the police. She said it was very important to involve all those people, and that the child’s disclosure was very important.

She explained that the Barnahus in Iceland was located in a residential area. It looks like a family home, even though it is an institution run by the government. She said the reason the Barnahus had a non-disclosed address, was because it was very important for both the families and the child to feel safe, because they already feel they are stigmatised. With a non-disclosed address, children and families could feel that they were anonymous when they go to the Barnahus. The Barnahus always offers juice to children, and strives to be hospitable and convey the message that it is a house for children. Ms Farestveit said that they also used the Barnahus environment to reduce anxiety in children, because children were often very anxious when they arrived at the Barnahus. Waiting rooms in the Barnahus were specially designed and comfortable. She said there were no dogs in the Barnahus, but there was a turtle. Ms Farestveit said that the Barnahus environment was neutral and safe, and that children should be able to feel that. She said that the Barnahus rooms contained a camera, which was visible to children. Staff at the Barnahus explain to the child why the camera is there and where the microphone is located (it is in the lamp). They also tell the child about the people who are watching the video recording. Ms Farestveit said that the children had often been lied to, so it was important that they know that the judge was in charge and watching. If the child is very young, the Barnahus adapts the standard explanations. In these cases, the staff do not talk about judges, prosecutors and lawyers, because children do not understand those terms. They instead tell the children that the people watching work with children. Those watching through the camera can address the interviewer through an earpiece worn in the interviewer’s ear. The forensic interviewers were specially trained in the USA in forensic interviewing, and everyone else watches from a monitoring room.

Ms Farestveit said that they only used evidence-based protocols for forensic interviewing, such as the NICHD or NCAC protocols. She said they made particular use of the NCAC protocol as they were advanced forensic interviewers. Ms Farestveit said that the NCAC protocol was non-judgmental and ‘truth seeking’. She stressed that interviews had to be conducted in the best way possible and not harm the child, because if the interview was conducted in a child-friendly way it would produce different outcomes. Ms Farestveit said that the protocol was accurate and credible and fully gathered all the most important information. When they have interviewed the child, a DVD recording is made. The judge gets one copy of the recording, the police gets one copy, and one copy is retained at the Barnahus. The goal of the interview is to get as much information as possible from the child, while minimising any negative impacts of the interview on the child. She said it was also important to minimise the ‘contamination effect’ (i.e. interference with) on the
child’s memory. She said that if many people asked a child the same question, the child may not remember if they had already told you the answer or if they had told the answer to someone else.

Ms Farestveit recalled the case of a young five-year-old girl she was interviewing. When Ms Farestveit started to talk about why the child was at the Barnahus, the child said: ‘Oh, don’t ask me this question again – I have told my mom everything, so ask her’. Ms Farestveit said that it was very important to see a child’s memory as resembling new-fallen snow: it was important not to trample on it. Ms Farestveit explained how to draw on the recall memory. The forensic interviewer can trigger access to the recall memory by asking non-direct, open-ended questions. She said that was very important, because when the child tells their story they use their own language. They use both their body language and spoken words. Ms Farestveit said that it was only when this happens that children will share their story. She said the forensic interviewer only used open-ended prompts, such as: ‘tell me everything about that…’, ‘you mentioned this earlier, tell me more about that….’, or ‘what happened next?’.

Ms Farestveit said that the interviewer sometimes had to give consideration to recognitional memory later in the interview. This was because if the child had not mentioned everything, or had not recalled everything, they sometimes used recognitional memory, which was triggered by specific, focused questions. These are usually yes-or-no questions, and it was very important that such questions are posed in the later stages of the interview, as there were some risks attached to posing these questions. There can be a ‘contamination’ risk for younger children, and the answers given can contain poor-quality information. For example, the child may already have disclosed that they were abused, but they may not have disclosed during the interview that they were abused in a red-coloured car. To find out more information about the car, the forensic interviewer might ask: ‘tell me about the car’. The interviewer is thus giving the child some information about the car, but follows this with open-ended questions and asks the child: ‘tell me everything about the red car’.

Ms Farestveit said that research showed that using open-ended questions and this evidence-based protocol on children who are only four or five years old gives twice as much information than asking children closed yes-or-no questions. She said that yes-or-no questions were leading questions. She also said that eight- or nine-year-old children could provide as much information as a four- or five-year old if they were asked yes-or-no questions, but they could provide four times more information using open-ended questions and the evidence-based protocol.

Ms Farestveit also emphasised the issue of timing. She said it was is essential to think about the child’s natural rhythms: Is the child tired? Is it the child’s birthday? Is it before lunch or after lunch? Are they hungry? She said that this information was necessary to know before the child is interviewed. She said that when the judges ask for a date and time for an interview to be held, the Barnahus usually recommended particular times of day as being most conducive for encouraging a child to disclose information. The interviewers in Iceland are all educated in child development. Most of them are psychologists, and they pay close attention to the child’s verbal and bodily expressions, monitoring how the child behaves and shows their feelings. She said interviewers must draw on these skills and knowledge in the interview, because if they pushed a child too much when the child is not feeling well, it could close a possible window for the child to disclose information. She said that sometimes this window only opens once. Ms Farestveit said that forensic interviewers had to use their own body language to show that they were an active listener, and to show the child that the forensic interviewer was there to listen to the child’s story. She underlined this point, saying how difficult the interview could be for the child and how the child was always focused on the interviewer. The interviewer must constantly monitor how the child is feeling and how the child is coping with their disclosure, and must always focus on not harming the child.

Ms Farestveit noted that the Barnahus had been in operation for almost 20 years, but that it had
been a challenge in the early years to gain the trust of judges, defence lawyers and the police. She said that a high level of trust was now embedded in the system. Ms Farestveit noted that this trust was maintained by using well-trained people, including forensic interviewers, to demonstrate that evidence-based protocols are effective. She said the Barnahus forensic interviewers were experienced, and that experienced interviewers were more relaxed. It is easier for a child to disclose what happened when they are faced with a relaxed interviewer. She said that well-trained and experienced interviewers were more skilled in working with reluctant children, with children with disabilities, etc. She said that if there was a child with autism, or a child with a disability, interviewers could better explore the possibilities to help that child to disclose what happened to them. Ms Farestveit noted that the forensic interviewer must enable the child to explain in any way they can. She gave an example of a three-and-a-half-year-old girl, who was the only one to explain what happened to her. She showed on her body, with body language, what happened to her. She had limited verbal skills, but in the relaxed environment of the Barnahus she used the language of a toddler to show what happened.

Ms Farestveit went on to note the challenging role of interpreters. Interpreters may not always have the necessary skills to interpret for children. Ms Farestveit said that forensic interviewers sometimes felt that interpreters started talking to the child, and did not frame the questions in the open manner that was used by the forensic interviewer.

Ms Farestveit shared some insights from lessons learned in her 20 years of working with children. She said it took time to prove the effectiveness of this method and it took time to convince everybody involved in children’s justice. She stressed that not everyone could be a good interviewer, even though it was possible to learn forensic interview skills. She said that good interviewers must use their personality. She said interviewers should be active listeners, nod, keep their eyes open and show the child that they could listen to the children.

Ms Farestveit also underlined the value of the multidisciplinary meetings with the prosecutor, the police and the child protection service. These multidisciplinary meetings occur before the child is interviewed and they provide a lot of information, including information needed by the police. They also provide information that may not have been written down. She said that another important factor was the role of the judge, their level of training and their degree of involvement. Good judges understood the protocol and understood why questions are framed in a particular way.

In closing, Ms Farestveit shared some good practices for interviewing children with disabilities. When a child with disabilities is to be interviewed, the Barnahus makes sure to bring in a psychologist who knows that child to explain how the child behaves and the child’s ability to disclose. She gave an example of a 16-year-old boy with Downs syndrome, who was hyperactive and autistic. She said it was important in that case for her to know that when the boy said ‘yes’ and nodded his head, what he meant was in fact: ‘I don’t understand’.

**Steven Allen, the campaign director for Validity (formerly MDAC),** spoke next. He presented an EU co-funded project that was specifically focused on strengthening the legal representation of children with mental disabilities. He said he was very interested in how the Barnahus model could be used for such children. He said that the Validity project focused on strengthening the legal representation for children with mental disabilities who were especially vulnerable to particular forms of human rights violations and to specific barriers in accessing justice systems. On behalf of Validity, he thanked the rights-of-the-child team of the European Commission for their support in organising the conference and connected initiatives. He noted that the legal representation of children with mental disabilities was a highly complex and specialised area of both law and interdisciplinary practice. He also noted that, as an international non-governmental organisation currently based in Budapest, Validity had real concerns about the situation in Hungary. He said that
Validity believed there was a real erosion of access to justice for vulnerable groups across the spectrum in the country. He said that judicial guarantees in particular were being reduced for the fundamental rights of children and adults with disabilities in the country, and he expressed his hope that this erosion could be stopped. He also said that, as was well known, civil society groups more broadly were having a difficult time in the country at present and hoped that this erosion could also be stopped.

Mr Allen explained that his organisation was formally called the Mental Disability Advocacy Centre, and was based in Budapest. He noted that Validity did not work for all people with disabilities as it was a specialist legal advocacy organisation. Instead, they focused specifically on the rights of children with ‘mental disabilities,’ and within this area there were three particular subgroups that they mostly worked with. These subgroups were: (i) people with intellectual, cognitive, or developmental disabilities; (ii) people with psychosocial or mental health disabilities, and (iii) children and adults with multiple, complex, and profound disabilities, or those with high support needs. He said that in addition to the capacity building that Validity provided with their partners in a number of countries, the organisation was also particularly focused on initiating strategic litigation and prompting law reform to better protect the rights of these groups. He said they adopted a human rights-based approach in all of their programming.

Mr Allen noted that there was a lot of conference focus on the need for interdisciplinarity, and said that this need was obviously very clear in the case of children with mental disabilities who were often the victims of multiple and intersecting forms of discrimination. He stressed that legal concepts in this field were deeply problematic and challenging. He said that issues such as mental capacity and competence, which were fundamental to the legal process, came into sharp relief in the situation of children with disabilities who may have experienced human rights violations. These issues were particularly troublesome when they involved the capacity or presumed capacity of such children to participate in the judicial process. He said that multidisciplinary approaches were absolutely essential at the practice level and at the legal level. It was essential to address the multiple and intersecting forms of discrimination that these children faced and to understand that these children’s cases could be affected by a variety of different legal disciplines: disability law, human rights law, and child-protection law. He said that this creates massive complexities for legal professionals involved in this work.

Mr Allen then gave an overview of the situation of children with mental disabilities in Europe, and especially their situation in the 10 EU Member States that Validity dealt with. Of course, children with mental disabilities, much like other children, face systematic barriers to accessing the judicial system. He said that children with disabilities faced particular barriers due to the general inaccessibility of justice systems. This inaccessibility included the problem of information not necessarily being available in alternative formats. Children with disabilities could also face disabling attitudes from professionals – including justice professionals – throughout the justice process.

Mr Allen said that in many of the countries focused on by Validity (around central and eastern Europe) there was a lack of specialist support and facilities to interview such children and to support them throughout the judicial process. He said that, often, children with mental disabilities in institutions were not supported by the classic monitoring mandates of national institutions whose obligations were to monitor fundamental rights. He said that this was a very important finding from
one of Validity’s previous projects.

Mr Allen said that most conference participants would not be surprised to know that there was a serious lack of disaggregated data on children with disabilities that encountered justice systems. He said there was also virtually no comparable data on the particular accommodations that were provided to such children during justice processes. He said that Validity’s research clearly uncovered that the ‘best interests’ principle was frequently used in an exclusionary manner, particularly for children with disabilities. In such cases, it is sometimes considered that involving children in the justice process can bring more harm than good for the children and that’s why they are excluded at all. He said that Validity’s partnerships in central and eastern Europe showed that children with mental disabilities were most vulnerable to human rights violations if they were living in large-scale (and often long-term) institutional care. He said that despite a move to promote community-based living arrangements for children with mental disabilities, large-scale residential institutions continued to exist. In fact, children with disabilities, including those with multiple profound disabilities, were sometimes excluded from schemes such as foster-care programmes. Educational segregation, i.e. the use of special schools, remained the dominant form of education provision for children with disabilities. This denied children a chance at social inclusion from a very young age.

Mr Allen underlined the problem of exploitation, violence and abuse, particularly in institutional settings. He said that this was a real problem when children fell between monitoring mandates, and were therefore not covered by either mandate. He said that one of the real barriers preventing access to justice is the fact that directors of institutions were often the legal guardians of those children. These directors therefore had the lawful authority to represent the child in legal proceedings. Of course, if the child was suffering abuse and exploitation in the same institution, that was an automatic barrier to accessing redress for human rights violations.

Mr Allen briefly referred to another project that was also supported by the rights-of-the-child team and the European Commission. In that project, Validity examined how to (i) analyse the situation for children with disabilities in institutions, and (ii) identify forms of abuse, particularly in children who lacked verbal communication skills.

Mr Allen then went on to describe another project that focused on tackling some of those barriers to accessing justice. He said that the goal of the project was simple: to increase access to justice for these children. He said that the project also had more specific objectives, such as to focus on legal practitioners and their role in representing children in such proceedings. The project took place in eight European Union Member States. He noted that while Validity made no claims about the project being representative of the picture across Europe, these countries shared similar challenges. For example, lawyers in many of the countries said that they did not even know where to start when representing children with such disabilities.

Mr Allen said that they did not want the project just to be a capacity-building project. They also
wanted to identify the key strategic barriers to justice for children in those countries and to develop legal strategies to overcome them. He said that strategic litigation could be used as one such legal strategy. He noted that the EU could not fund the litigation, but said that Validity had follow-up plans in place for this project to pursue such litigation if necessary.

Briefly, the project was centred around a three-day training course for lawyers identified in each of the countries. These were all lawyers who were either already involved with child-protection work, working on human rights, on family rights, or in related fields. Mr Allen said that, in all of the countries, they did not find many individual legal professionals who had experience in working in all of those areas. He said the project also sought to involve organisations of persons with disabilities. In a couple of countries, children with disabilities themselves took part in the training for lawyers, but were not present for the whole three days.

The design of the course, which was developed in a multidisciplinary partnership involving social workers, child psychologists, human rights lawyers and others, covered five main issues. Firstly, it looked at the complexity of the international human rights law framework as it applied to the specific situation of children with mental disabilities. Secondly, it looked at the substantive human rights issues, that the evidence base showed were some of the most systematic human rights violations faced by those children. The third issue to be addressed in the training was the technical jurisprudence from the European Court of Human Rights, an issue discussed by Conor O’Mahony earlier in the conference.

The training spent a whole day focusing on improving lawyers’ ability to represent children with mental disabilities. This day focused on the practicalities of coming into contact with these children. The lawyers being trained had the opportunity to practice using specialised alternative and augmentative communication methods with children. These methods came from the CHARM toolkit (an interview methodology developed in a previous project) and focused on the specific types of abuse that these children faced and on how to interview children in judicial proceedings.

The fourth issue in the training course was disability rights. Countries that have ratified the CRPD, the Convention on the Rights of Persons with Disabilities, are legally obliged to make specific changes to their justice system to ensure the participation of children with disabilities. This is a much stronger obligation than is contained in many other agreements in international law. The obligation requires everyone involved with the justice process to move away from inflexible approaches towards more inclusive approaches when dealing with people with disabilities. Mr Allen remarked that previous conference speakers had given interesting examples of how both truth and the rights of the child could be accommodated in inclusive justice systems.

The fifth and final issue addressed by Validity was a ten-step process for initiating and pursuing strategic reform in strengthening the legal representation of children with mental disabilities. This ten-step process also addressed the subject of taking cases to regional and international fora.

Mr Allen then moved on to discuss the outcomes of the project. He said that more than 150 legal practitioners had been trained by the project. Another outcome of the project was that each of the eight countries that participated developed a legal strategy that identified the key legal issues for future development. However, Mr Allen highlighted a problem lawyers faced when they sought to go on training courses: NGOs in the countries Validity works in said that it was difficult to get training leave for three days, let alone for three-week programmes. This made it difficult to participate in the longer training programmes offered by the European Judicial Training Network.

Mr Allen highlighted some of the benefits of the training course that were identified during the evaluation of the course. One of the benefits was that a special network of lawyers interested in representing children with disabilities had now been established in Bulgaria. And in Belgium, a new
method of pursuing strategic change was identified: pursuing collective complaints under the European Social Charter. In Ireland, it was decided, in conjunction with the Ombudsman’s Office, that there was a real need to tackle the detention of children with mental health issues who were subsequently sent to Scotland, a cross-border matter that involved EU law. In Lithuania, the threat of litigation prompted law reform on inclusive education. He said that in Poland, where there was a developing culture of pro-bono legal assistance, Validity was able to find lawyers ready to represent children in institutional settings. Some of these lawyers working pro-bono may even have been corporate lawyers, but they did not work on their own. They were put in partnership with NGOs and specialists on the ground, and Mr Allen said that this had been a real positive development.

Stephanie Rap, assistant professor in the Department of Child Law at Leiden University Law School, spoke next. She gave an academic’s perspective on the development of child-friendly justice to date and shared some reflections on the way forward. She said the conference showed that a tremendous amount of work and effort was being put into promoting and enhancing child-friendly justice systems across Europe. Ms Rap said she had been involved in two funded projects: the IJJO project that was presented in plenary session III, and a project led by Fair Trials International.

Ms Rap said that everyone knew that the UN Convention on the Rights of the Child was the core legal instrument for the rights of children. She stressed that Article 12 of the Convention, the right to be heard, was of critical importance to child-friendly justice. She said that the right to be heard meant that children had the possibility to exercise and to claim their rights, and that children were seen as rights bearers according to the Convention. She said that the Convention also specifically obliged states to make the voices of children heard in judicial proceedings. The concept of ‘evolving capacities’ contained in the Convention meant that the more children’s capacities developed, the greater their voice should be. Children should be able to decide with professionals the choices they must take in their lives.

Ms Rap said that the European Court of Human Rights had also played an important role in promoting child-friendly justice, particularly juvenile justice. In the landmark decision in the Bulger case, the Court of Human Rights first explained the concept of effective participation, which was needed to have a fair trial under the European Convention. A fair trial meant that those participating should be able to understand what happens, and that the age and the development of the child was taken into account in judicial proceedings.

She said that the UN Committee on the Rights of the Child had further developed this notion of effective participation and child-friendly justice in its general comments, specifically comment No 10 on juvenile justice and comment No 12 on the right to be heard. She said that the Committee advocated for closed court hearings, for example. The Committee also advocated that the design of courtrooms should be child friendly. For example, the Committee promoted the creation of separate waiting areas for children, and advocated that children should be heard by means of a dialogue and not by means of an interrogation – regardless of where they were in the judicial system.

Ms Rap briefly outlined the Council of Europe guidelines on child friendly justice. The guidelines on child-friendly justice said that we should respect the rights of children, that decisions should be made quickly, that the child’s age and needs should be taken into account, that their views should be taken seriously, and that their privacy should be protected. Ms Rap recalled that the guidelines were developed and drafted in cooperation with young people. She said the drafting process was informed by the views of young people and children. These views were gathered in a survey in
which 3,800 young people across Europe participated. She said that the guidelines were a non-binding legal instrument, also known as soft law. However, Ms Rap said that the guidelines were successful in that the European Court, for example, used them in its interpretation of the European Convention. She said that other aspects of child-friendly justice could also be found in the latest EU directive on procedural safeguards for children in conflict with the law (Directive 2016/800). She said there was a focus in Directive 2016/800 on the right to information, so that young people who were in conflict with the law were informed about their rights. She said that the Directive also focused on procedures in general, who the authorities were, and what children could expect of the procedures. The Directive also covers the child’s right to be present and to be heard at the trial.

Ms Rap said the Council of Europe’s guidelines had prompted other organisations to issue guidelines on child-friendly justice. As an example, she cited the guidelines issued by the International Association of Youth and Family Judges and Magistrates. She also cited other examples: guidelines from the United States, specifically for welfare and child-protection cases; the 2011 guidelines for Africa; and guidelines developed in South America. She also referenced studies on child-friendly justice that had been carried out by the European Commission, the EU’s Fundamental Rights Agency, and other EU-funded projects. Ms Rap said that there was sometimes an overlap in these projects, but that these organisations and projects cooperated to be more effective.

She said there had been many studies on how children experienced judicial proceedings in family court cases, child protection cases, the juvenile justice system, and administrative law (notably asylum and migration). What all these studies showed was that most young people and children would like to be involved in the decisions that are taken in their lives. They would like to speak directly to the decision maker, usually the judge, to make sure that their voice was heard and that the right decision was taken in the case. She said that it had also been shown that when children feel that professionals treat them fairly and with respect, they also feel that the proceedings are more child-friendly and fair. Other research showed that, in institutions where children feel that they are treated fairly, they felt less anxious and less afraid. This can have knock-on benefits, such as reducing violence in these institutions.

Ms Rap also said that the following points emerged in research on the experience of children in the justice system.

- Many children said they would like to have more information on their rights.
- Children also said they have not always been treated with respect.
- Children have said that they would like to be heard in a more informal way with people they trust, rather than in the formal court setting. They would also prefer fewer people to be present in a hearing, so that they can really engage with the process, ask their own questions, give their own views and tell their story.

In considering how Europe can promote child-friendly justice, Ms Rap said that more research on the involvement of children was needed. She said there was also a need for research on
implementing specific child-friendly justice principles that focused on specific legal contexts and specific situations of children. For example, research could be conducted on children who were deprived of liberty in an institution, children who were undergoing migration procedures, children in the care system, and children in the health care system.

On the question of balancing protection against participation, Ms Rap asked whether participation was always in the best interests of the child, or if a child should be protected against involvement in a certain procedure. She was of the view that this question deserved further research and that this research should be informed by the views of children themselves.

Ms Rap said that the principles of child-friendly justice already existed in theory and on paper. The challenge was how to implement these principles in practice and how to assist countries in their implementation. She said there was a need for better understanding of how judicial decision making works in practice, how the voices of children were taken into account, and how the views of children were assessed in judicial decision making. She also said there was a need to make decisions transparent for children.

Following up on the example cited by Director General Astola earlier, Ms Rap also cited the good-practice example of judges who drafted their judgments in child-friendly language. There had been examples of this practice in the Netherlands and in the UK, but Ms Rap said there had been difficulties in further promoting this practice. This was because judges, at least in the Netherlands, were required to use a strict legal format for judicial decisions, and judges still used a lot of legal terminology. Ms Rap wondered if there should be more focus on oral explanations of judgments to children.

In closing, Ms Rap echoed the comments of previous speakers, stressing that professionals needed more training on an ongoing basis. She said that research showed that professionals did not always talk with children because the professionals were insecure about their own abilities. Ms Rap said that professionals needed training on both the theory and practice of how to effectively communicate with children of different ages, including very young children and adolescents.

**Discussion points**

**Reingard Riener-Hofer of the Ludwig Boltzmann Institute for Clinical Forensic Imaging in Austria** said that her institute’s research focused on clinical forensic imaging in clinical forensic examinations, cases of child abuse, and child-friendly clinical forensic examinations. She had a question about the Barnahus system about medical examinations, and asked if these examinations were clinical, forensic or both? If they were clinical forensic examinations, she asked whether the examination was conducted by a medico-legal person, a doctor, or a clinical physician.

**Anne Siv Åvistland** said that Norway had both forensic and clinical medical examinations. She said that when a forensic medical examination was conducted, a report was produced that could be shown to the judge. She said that medically trained staff performed the examination in the Barnahus. However, the examinations could also be performed at the hospital, if they were performed outside the usual operating hours of the Barnahus or if the necessary medical instruments were not available at the Barnahus. She said that usually the medical examination always took place immediately after the forensic interview.
Ólöf Ásta Farestveit responded that in Iceland they performed medical examinations for children under the age of 14. She said that when a child is examined in the Barnahus, it is always by a team of three people: a nurse, a paediatrician and a gynaecologist. The nurse carries out urine tests. The paediatrician takes the child’s history, and checks whether they have had any problems earlier in their life. The gynaecologist carries out the gynaecological examination. She said that it was usually the gynaecologist who testified in court. The gynaecologist can also use pictures to explain their findings as evidence in court. If the child has acute medical needs, the child then needs to go to the children’s hospital to gather DNA evidence.

Mick Goronan, a conference participant from Finland, said that he worked as an expert member in the administrative court in child-protection cases. He said he had also been involved in IDEA project training in Finland. He said that the role of ‘experts by experience’ in developing services and programmes had not been much discussed during the conference. He said that experts by experience were those people with personal experience of being a client within the justice system or in the child-protection system. He asked the conference how we could best use the information these experts by experience had about our systems and our ways of working. He said that in Finland they had found the information provided by experts by experience to be very valuable, as it gave a totally different perspective to that provided by professionals. He asked the panel what their experience had been in using these experts, and what the challenges and benefits were.

Conor O’Mahony responded to Mick Goronan’s question and noted that the Finnish partners were making good progress in using these experts by experience. He said that legal rules in Ireland made it difficult to involve children who were in the care system in a discussion about how to reform the care system. He said that the in-camera legal rules dealing with court proceedings affecting children were very rigid in Ireland. This made it extremely difficult for children who were the subject of care proceedings to speak about their experience of those proceedings. Mr O’Mahony said these rules limited the extent to which children could be involved in research projects and other discussions around reform. He said that, as part of the IDEA project, the project team had communicated with the relevant government ministries to say that these rules were a real problem, and that although the in-camera rule was designed to protect children, it limited their ability to contribute to discussions about how the process could be improved.
Anne Siv Åvistland responded to Mr Goronan’s question and said that Norway had good experience with expert comments on the system. She said that Norway changed its law in 2015. Before the law was changed in 2015, professionals working with vulnerable children raised questions about the role of the judge in forensic interviews. These experts questioned whether the judge should be present in the interview. They also questioned whether the judge was properly investigating each case and ensuring that the child was heard properly. She said that asking people how they felt, and about how they are dealt with in an investigation and court system, always resulted in an account of the personal experience of that person. She said it was not easy to design a legal system on the basis of these personal experiences. She said there was always a danger of putting more pressure and stress on a child, but stressed that workers in the Norwegian Barnahus tried to listen to children as much as possible. These workers needed to balance child friendliness with the upholding of criminal-investigation standards, which are two very different worlds.

Ólöf Ásta Farestveit responded to Mr Goronan’s question and said that an expert group of the sort he mentioned existed in Iceland. This expert group comprised teenagers who went through the child-protection system after having been abused sexually. She said that the expert group had been set up in cooperation with the UN in Iceland, and did excellent work. She gave the example of the role played by experts by experience when the Barnahus was fighting to move to a new location. The experts by experience talked to all the ministers in the meeting, and explained that they needed specific waiting rooms for teenagers and equipment adapted to their needs. Their request was heard and the Barnahus ended up being moved to new and larger premises.

Steven Allen, the campaign director for Validity, responded to Mr Goronan’s question and said that involving the experts by experience was a very important issue. He said that Validity had some experience in the development of the monitoring methodology, the CHARM toolkit. This development work involved training interdisciplinary teams of human rights monitors. He said that everyone became a human rights monitor during this development work, but that participants retained their previous specialism to go and visit children’s institutions and carry out monitoring visits. He said it was essential in most of those teams to have an expert by experience that was a full member of the team, and who was also able to assess the findings of the monitoring work. He said it had been more challenging to get children with mental disabilities involved in some of these programmes. He mentioned that experts by experience had participated in some training seminars, and lawyers had told workers from Validity that this had been the most useful part of the training. The lawyers felt this because they received an opportunity to practise in real life how to talk to such children or how to communicate with them using alternative methods. Mr Allen noted that this training required significant investment in time and resources. He said that involving children in the design of child-protection services must be planned from the beginning. This planning should cover money, timing, and specific details of how the children would be involved. He said that involving children in this process could only improve outcomes.
A conference participant recommended consulting Raoul Nolen, Director of the Young in Prison organisation, which is based in the Netherlands. This organisation conducts training sessions for judges and lawyers. The participant said that these training sessions involved young people who had been involved in the justice system. During roleplay training, judges received direct feedback on their work and on their behaviour from young people who had been trained to carry out those role-plays and who had also been previously involved in the justice system.

Turid Heiberg from the Council of Baltic Sea States asked about the number of forensic interviews that were conducted for each case. She was particularly interested in Norway, and asked what the rationale was for holding more than one forensic interview. She also asked if there were data on the number of childcare cases, not necessarily criminal cases, that proceeded through the Barnahus.

Anne Siv Åvistland responded to Ms Heiberg and said that, for a forensic interview to be conducted in Norway, a police report must first be issued in a criminal case, and the prosecutor must also decide that the child will be interviewed for the criminal case. However, the child protective service could also ask for the video of the child’s forensic interview to be used in a civil case. The information that the child gave in the forensic interview could be shared with the child protective service.

Plenary Session V – Introduction to parallel sessions

In this short plenary session, Ms Haldorsson summarised discussions from the first day and Ms Tuite introduced topics for discussion in four parallel working sessions.

At the start of this plenary session, Ms Lind Haldorsson briefly summarised the discussions of day one as an introduction to the four parallel sessions. She said that a whole series of speakers had made presentations, and that the legal and policy framework had been clearly and firmly set out. She also said that challenges and good practice in making decisions in the best interests of the child had been discussed. She recalled that there had been a lot of focus on multidisciplinarity, and the positive impact it could have if it works well. However, she also stressed that there had been discussion of some of the negative impacts that multidisciplinarity could have on children’s wellbeing, their right to be heard, and access to support when multidisciplinarity does not work.

Ms Lind Haldorsson said there had been a lot of emphasis in the discussions on training and capacity-building, and that there had also been a welcome emphasis on preventing staff burnout and staff turnaround. She also noted that children’s involvement had been discussed, with a focus on challenges and solutions, and she said that discussion on those topics would continue on day two.

She said that day one discussions had also covered support mechanisms and good practice that had been developed or that was being developed in various projects. She also emphasised that support mechanisms and good practice had to go hand in hand with systemic change. She said that the essential point of these discussions was the importance of finding good ways of working together across sectors to make sure that all interventions had a real and sustainable impact on the lives of children. Ms Lind Haldorsson said that finding these ways of working together would be the focus of the day two discussions, and invited participants to bear presentations and discussions from day one in mind.

She then outlined the following questions, which would be addressed in the parallel sessions.
• How do we ensure that our projects have a real and sustainable impact on the lives of children?
• How do we involve children in our work from project design through to project evaluation? How do we ensure that we keep children safe in our work and in our projects?
• What kind of partnerships are really helpful to our cause? Who should we really be working with?
• Finally, how do we ensure that our projects contribute to systemic change and ensure that these systems become engines to drive forward the progress that we want to see?

Ms Lind Haldorsson explained that there would be four parallel sessions, and that each of the sessions would address all of the same four topics.

**Margaret Tuite, European Commission Coordinator for the rights of the child.** spoke next. She highlighted the role of EU funding, namely to fund projects to help achieve EU objectives. She said that the specific objective of the EU was to promote the protection of the rights of the child. She said that funds were relatively limited and that it was important to ensure everything the EU did really helped to achieve that objective. She said that annual EU funding in this area comprised about EUR 4 000 000, and roughly another EUR 4 000 000 was provided by the Commission under the Daphne programme to protect children from all forms of violence. Most of the projects funded by the Commission had a budget of around EUR 300 000 - 500 000. She said that this was the price of a house, and that it was helpful to focus on ensuring there was something to show for the money spent.

On the question of sustainability, she reminded participants that EU funding in itself was not intended to be sustainable; EU project co-funding was always limited in time. Projects were time-bound and intended to run for one or two years. However, if projects were not designed to improve and change the system, they could not be sustainable. Ms Tuite said that this was why calls for proposals always asked potential applicants to consider and tackle gaps in the system. She counselled against NGOs doing something in isolation and then expecting the Commission to continue that work, saying that this was not the Commission’s role.

Ms Tuite said that the Commission particularly wanted to support projects that also embedded good partnerships with Member State authorities. She said that Member States were the ones that owned and ran the child-protection and justice systems, as child protection is generally a national competence. She echoed the views of previous speakers that people needed to work together. She said EU funding was available to support Member States and NGOs, but that there had to be a focus on outputs. She said that if a grant applicant requested EUR 400 000 and said they would reach 50 people, or train 50 people, that would be a pathetic output for almost half a million euro. Ms Tuite said one aim of the conference was to focus on outcomes for children and on things that work.

Ms Tuite recalled that 26 June 2018 was a very important day, as it was the day that all countries in the world were supposed to take a census on the number of children deprived of their liberty in all settings, as part of the UN global study on children deprived of their liberty. To counter the issue of ‘no data, no problem’, she said she hoped that all countries would contribute to the study, noting that data were absent or lacking in many areas concerning children’s rights. She said EU-funded projects could help to identify gaps and problems.
Finally, Ms Tuite underlined that EU taxpayers’ money was not a charitable fund and that projects had to make a difference. She said that if projects did not make a difference, or if EU money was only used as a source of funding for NGOs and did not improve children’s rights, then those projects were failing, the Commission was failing, and the NGOs were failing.

**Plenary Session VI Closing session**

In this plenary session, four rapporteurs presented results of the discussions in the working groups. Concluding remarks were given by Ms Tuite.

**Delphine Moralis, chair of parallel session I,** began plenary session VI. She reported that the group had gone through the four topics that were outlined in the conference background paper, and then she summarised the discussion.

The discussion participants first addressed outcomes for children. She said that this issue concerned everyone who was involved in child protection, including law enforcement officials, guardians, interpreters, judges, court experts, etc. Ms Moralis said that projects could contribute to good outcomes for children through capacity-building, transfer of good practice, European networking that allows projects to achieve a certain scale, and the creation of places for practitioners to come together online. She said it was also relevant for children who were going through migration or asylum situations, or children with disabilities. The group discussed the fact that ensuring good outcomes for children also required societal thinking and societal change. The participants concluded that, eventually, it would be much better for all child-protection projects to focus on preventing children from coming into contact with the law and the trauma this can cause.

Ms Moralis said that solutions were needed at all levels, and that although countries could learn a lot from one other, there was a need to be mindful of the specific cultural differences across the different countries that benefit from EU funding. She said that her the discussion group then moved on to a conversation around child participation, where they talked quite a bit about the ‘how’ of child participation. They specifically looked at peer-to-peer models of child participation, and at how that could make child participation possible. They discussed ‘gamification’ – using video games and computer programmes to encourage participation, because children are increasingly comfortable with these methods. She said that these methods were here to stay, and that projects should engage more actively in this area. She also said that they discussed good practice from Nidos in the Netherlands, where trusted children were given a say in how projects are developed, designed, and implemented. In Nidos, project managers also visit some of the projects so that they understand and learn from what the children see in their daily lives. The group also discussed how children needed to be part of the design of a project, and also give feedback on the material that was being produced. However, the discussion group recognised that this was a significant challenge for project managers to implement. She said the discussion group recognised that it was especially challenging to include in this design-and-feedback process the children who are often the target audience of their projects and work. These target-group children included children from a non-national background, children who go missing, or children who have been victims of sexual exploitation. They discussed the need to balance child safeguarding with child participation. In involving children, they said it was essential to build a rapport with children, something that was particularly important for people in the justice system who dealt with children. Ms Moralis said that child participation had to come with safeguarding, and must at all costs avoid
the instrumentalisation of children.

On child safeguarding, she said the group had had some thoughts about how it could sometimes be difficult to involve children who had gone through traumatic experiences, but noted that there were some good examples and research to help guide practitioners. She also said there was a body of research that could help child-protection workers to give children the choice to participate even if they had undergone trauma².

She said that the discussion group had discussed the risks of re-traumatisation within the justice system. The group thought that efforts should be made to avoid re-traumatising children, and that these efforts should include: legislation on procedures for dealing with children; making sure that staff are registered; working with trained psychologists to interview children; and making sure that these efforts are made for all children in contact with the law. Ms Moralis said the discussion group noted it was a challenge to give professionals the opportunity to open up about a situation that they had seen. She said that European projects could help to improve safeguarding policies and practices by taking stock of existing safeguarding policies, vetting policies, reporting procedures, codes of conducts, privacy policies, and more. Having taken stock of these issues, projects could then suggest improvements. She said that one of the best practices that was mentioned was for project managers to appoint a child safeguarding coordinator from the first kick-off meeting with their project implementation partners. This person would be specially tasked with ensuring that safeguarding received sufficient attention throughout the project.

Ms Moralis then moved on to the issue of project partnerships and design. She said the discussion group talked about how European projects could be an opportunity to engage with communities that were not usually part of daily interactions. The group also talked about and how these projects helped to build trust at a multidisciplinary level, involving practitioners, specialists, ministries, NGOs, academics, and others who could add expertise to the project organisations.

Ms Moralis said that, to some extent, the issue of engaging non-traditional audiences was also relevant to the point on sustainable change. This was because working with the right people is what helps to create coalitions that can last beyond the life cycle of the project. She gave the example of some best practices in Bulgaria, which included the development of a lawyers’ network, and joint law-enforcement training provided by NGOs. Even though the project itself was not funded by the

² For example: ‘Ethical principles, dilemma’s and risks in collecting data on violence against children — A review of literature’ Child protection monitoring & evaluation reference group, 2012 and Ethical research involving children-ERIC.
European Commission, the NGO was funded by the European Commission, so the Commission had indirectly fostered this change.

System change was the last point discussed by Ms Moralis. She said that projects often measured outcomes, but that it was difficult to assess and evaluate the impact of short-term projects. She said the discussion group believed that creating a lasting impact - and measuring this lasting impact - would require them to listen to the views of the people that they worked with. It would also require them to agree on the changes they wished to make for children, and require them to build indicators that were sufficiently realistic and flexible to help them progress. Finally, it would require them to recognise the roles of the different stakeholders involved. Ms Moralis said the discussion group also discussed the various authorities, (for example ombudsmen) and the importance of involving these authorities. In addition, the discussion group talked about NGOs, and creating national coalitions that could bring people together and multiply the impact of projects. They also talked about involving people from the outset, and asking them about what they wished the project to do, so that they could eventually take some form of ownership of the project outcomes and project standards, and replicate these in their own work.

Lastly, Ms Moralis passed on positive feedback from some of the partners. These partners said that having a project that was funded by the EU was like giving the project a stamp of approval or a quality mark. This allowed the partners to potentially have a greater impact than they would usually have, and this too can help create lasting change.

Don O’Leary, the chair of parallel session II, said his group represented a good cross-section of people who were working directly with children and people working in a more indirect way on children’s rights.

The first issue dealt with in Mr O’Leary’s group was outcomes for children. He said that participants in the discussion group spoke about how training programmes for professionals helped to ensure that the right people were available to work with young people in helping them to access their rights. Participants also spoke about the challenges of providing these programmes, and said they sometimes felt it was too early to tell what the outcomes would be, especially in capacity building with professionals.

Mr O’Leary said that when working with and for professionals (i.e. not directly working with children), it could be more difficult to stay focused on direct outcomes for children. He said that participants felt that when they worked directly with children, they could quite simply identify clear outcomes for children by asking the children directly. A good example of this was shared from a project in Italy that was focused on unaccompanied children. This project compared the responses of children with access to a volunteer guardian, and those without access to a volunteer guardian. He said that those working directly with children also indicated that youth committees and panel advisory groups also made it easier to clearly chart outcomes.

Mr O’Leary said that participants agreed that the best practice was to build child participation into
the project from the earliest stage of the project, starting in the design stage. He said the participants in the discussion group identified as key outcomes the empowerment and education of children to protect their own rights. He said that one participant had eloquently explained the goal of child participation by saying ‘we are not giving children a voice; we are making it possible that they can speak for themselves’. Participants in the discussion group said that they would have liked to hear from children directly at the conference. Participants also spoke of film as a powerful way to demonstrate impacts and outcomes. Mr O’Leary said participants noted that there could be problems in getting children permitted to be involved – or willing to be involved – with such film projects.

The second issue discussed by the group was embedded child safeguarding and participation. Mr O’Leary said that participants had spoken about analysis of children’s needs forming the basis of project design. The participants had emphasised the importance of flexible design that allowed for changes to be made based on the needs of children. He said that participants also strongly highlighted that participation which was misunderstood and not properly implemented was tokenistic, and sometimes worse than no participation at all. The participants in the discussion agreed that it should be standard practice to involve children and young people at committee level, from before inception of the project all the way to the conclusion of the project (including assessments). He said that the discussion group noted a powerful example of child participation: designating days when children were allowed to take on the roles of professionals. One of the projects discussed by the group had a mobile phone app in planning stages, which would allow children to rate professionals they were working with according to how good the professionals were at supporting their rights. Participants also spoke about the challenge of building participation into a project from the design stage, and felt some tools and guidance on this would be helpful. Mr O’Leary said that participants from NUI Galway University were able to confirm such tools did exist, and these tools included Lundy’s model of participation. The participants said that people did not always know how to use these tools, or recognise the need to implement the tools, even in the pre-design stage. Mr O’Leary said that this led to further discussion of how meaningful participation needed to be multi-faceted and continuous: it was not good enough to have a good idea, and then ask children if it was a good idea.

Mr O’Leary said that projects should originate from focus groups with children. Participants said that youth boards and panels, which were not based on the school council model, were also needed. He said that participants were also of the view that children should be participating in projects and research, rather than objects of research. The group also identified a challenge raised by child participation: if child participation is done right, young people who have had difficult life...
experiences, generally flourish, develop, and want to stay involved with the group. But should project managers continue to work with these children instead of seeking out new children for participation opportunities? Mr O’Lary said that there was a conflict there in relation to working long term with one group of children, or giving opportunities to a larger number of children. One participant noted that EU funding did not allow children sitting on youth panels to be recognised or rewarded, for example by gift vouchers. Participants felt strongly that, like adults, children deserved recognition for their work and commitment.

Mr O’Leary also said that participants recognised a variety of barriers to children’s participation. These barriers are listed below.

- For example, not all countries were open to the idea of child participation. And even within countries, there were differences in people’s receptiveness to child participation depending on local geography and cultural background. Different cultural backgrounds, and different countries and areas, were identified as a possible barrier to child participation.

- Other barriers identified were a lack of understanding of what does the child participation mean, and an expectation that children and young people should be involved in issues and activities not relevant to their needs.

- Another key barrier identified to child participation was being brave enough to let children decide what they want, and balancing this with their need to be safe and protected.

- Another barrier identified was reconciling the need for ongoing child participation with the limited lifetime of the project. Participants said that effectively reconciling this tension would depend in part on how embedded child participation already was in the lead organisation.

Mr O’Leary then turned to the issue of embedding child safeguarding, and said that this issue should be considered from the design stage of a project. He said it could be challenging to work with partners who had not got good child-safeguarding measures in place, or to ensure that pro-child protections and protocols were in place when policies differed between organisations. He said the participants pointed out that about rolling out programmes to children that might cause problems that the organisation did not have the policies to deal with. Some participants identified difficulties in getting the organisations they worked with to ensure zero tolerance for anything that could be abusive to children, e.g. shouting. This caused a dilemma, and prompted participants to wonder if they should stop working with such organisations or instead try to train that organisation. Participants also said that in research work, there could be issues breach of trust built with children due to mandatory reporting. He said this was especially true in Ireland, where certain professionals must now report, and this mandatory reporting can have significant ethical and moral implications.

The participants also said that, due to rules on child protection, it could be difficult to share children’s stories or experiences. For example, children in care cannot be filmed.

On project design and partnership, Mr O’Leary reported that participants reported difficulties in finding the right project partners, for example partners with expertise in international law. Many partnerships are based on personal contacts. Sometimes these partnerships can be based on random encounters, for example as a result of meeting someone at a conference. The participants said that this could also cause problems, because it might result in working with someone who was not the leader in the subject area in their own country. Participants suggested that it was good practice to always keep track of projects and have a ‘bank’ of projects waiting for calls, rather than thinking up a new project idea when the call is made. Participants said that being part of an umbrella group helps, as it was slightly less informal, creating more ways for partners to make connections and know the people they may get involved in partnerships with. Participants noted that staff turnover was a big problem in project design. Balancing long-term relationships with the need to create a
relationship to meet a funding call was also an issue. On finding partners for system change, participants said it was necessary to involve national authorities where possible, while also trying to maintain independence as an organisation.

Mr O’Leary said that the final question discussed by the participants was the longevity of projects. Participants said that two-year projects were too short to work with partners to develop a strong evidence base for system changes that could be presented to policy-makers. Some participants said that three years would probably be a better length for projects. Mr O’Leary said that timeframes should be considered in the context of the objectives of the project, for example the necessity to build relationships with partners to change the law. Mr O’Leary said that the Commission should consider how many projects had asked for extensions. Participants considered that while direct support for children or training could be delivered in 18 or 24 months, sustainable change took longer than that. Mr O’Leary finished the presentation by relaying a message from a participant, who asked that we all remember to consider young people as agents of change and not objects of intervention.

Helen Stalford, the chair of parallel session III, said that there were key challenges facing the issue of outcomes for children, but that there was also lots of evidence of success.

Ms Stalford said that it was fair to say that the projects funded by the EU REC programmes had far exceeded the expectations of many observers in terms of what an EU funding call could achieve. However, she said that when it came to measuring and evidencing, participants felt that short periods of time were not conducive to monitoring and evaluation. They felt that not everything could be measured, in particular the attitudinal shifts that were needed in the professionals working with children and with policy-makers. Participants said that these attitudinal shifts could take years.

Participants also discussed the issue of quantifiers, saying that not everything could be reduced to a number. For example, a project could impact 6 000 children, but the quality of those impacts and their sustainability mattered more than the sheer number of children affected. Equally, participants asked whether they were reaching the children who most needed help or whether they were just reaching a smaller subset of those children. Ms Stalford said that another point about outcomes was that good outcomes were the product of good project design, and that one could not really be achieved without the other. She said it was worth investing in strong participatory project design, even if that required creativity and courageousness in departing from the original proposals. She said this was worthwhile even if it required hard discussions between project partners, who might not be amenable or who might not have the resources to depart from a very restrictively designed schedule.

Ms Stalford said there were many good examples of good project design. These included training police officers on gender-based violence, training care professionals that work with care leavers to help them transition out of care, training the French judiciary, and training the UK judiciary. She said there was a lot of evidence and presumptions about the trickle-down effects of these projects in achieving outcomes for children. She said that another point was that good and sustainable outcomes took a significant amount of time. She said that legal and policy change was obviously an important way of achieving sustainable outcomes. Creating outcomes through strategic litigation took an enormous amount of time and additional resources. She stressed that many of these projects were about planting seeds for longer-term changes.

On safeguarding and child participation, Ms Stalford said we needed to create a culture of
participation rather than seeing child participation as just one stage in a project. She said that children needed to be engaged in projects in a meaningful way, and that their participation had to have a genuine purpose. She said there was no point in just saying ‘what do you think about these young people?’ and showing no evidence that anything will happen with the consultation. She said it was important to commit to acting on what young people said, even if it required child-protection professionals to say: ‘We tried this and that didn’t work. Where should we go next?’.

Ms Stalford said that there were many examples of good participation. For example, in Finland there was a national network of young people that was routinely consulted about projects. This network had become much more embedded in the administrative culture. She also said that there were many examples within the projects discussed by participants of the substantive obligations under Article 12, and how practitioners could be encouraged to properly engage with these obligations in their litigation.

On project design and partnerships, Ms Stalford said that participants in the discussion group considered that both project design and partnerships were onerous administrative tasks. However, the participants felt that these tasks were still necessary for good project management and project integrity. Participants said that the selection of project partners required careful strategic planning. Participants noted that project design and partnerships were not the kinds of things that could be left until the night before the call deadline expires. Participants in this group noted that project design and management was less about meeting the targets and aims of the research project, and more about ethical team collaboration, treating each other with respect, and having lots of opportunity to talk about the findings of the work in a collaborative, co-produced, co-owned and non-hierarchical way. Participants also noted that poor communication between different projects led to waste and duplication of effort. They said that these projects should be complementary. They said that there should be projects tasked with finding out what other projects were about. These projects should seek to learn lessons about how to promote other people’s work as well as their own. These projects should also seek to make the most of the connections they made by advancing work in a constructive, resource-efficient way.

On aims and outputs, participants discussed whether, at times, the aims and outputs had been over-ambitious and unnecessarily transnational, and whether they should instead consider how best to focus their work (e.g. to focus on issues in one country or two countries rather than six or seven countries).

Finally, Ms Stalford said that system building and project legacy seemed to be the weak link in all of the projects discussed. Co-funding was identified as a significant problem, not only for sustaining projects into the future and tying up loose ends, but also for the necessary investment of effort and staff resources into finding additional funding to match the EU funding proportion. Ms Stalford noted that the Commission representatives in the group had reported that they are proposing changes to the co-funding requirements, for example with regard to contributions in kind.

Levent Altan, the chair of parallel session IV, noted that there had been a lot of focus on outcomes, particularly on the challenges related to those outcomes. He said that these outcomes were not necessarily visible or measurable within the two-year period of a project, but only visible after six or seven years. He added that there was a whole range of different variables that could also be factors to take into account, which made measurement complex. Mr Altan said that the Commission itself had pointed out that the outcomes did not have to be measured within the period of a two-year project. What needed to be shown were the results; the outcomes must be identified within a project application, but they did not need to be measured. He said that one of the solutions that was discussed was the creation of follow-up projects, which could have as their goal to assess outcomes later on; perhaps two, three or four years later. Another idea discussed was to extrapolate
data from other research where outcomes had been identified, and then break down those outcomes and results into smaller, more easily measurable pieces. For example, we know that children are harmed by long decision-making processes or lengthy proceedings. And measures and activities aim at reducing the length of proceedings. If what was being measured was the length of proceedings, other research could then be used to make assumptions and extrapolations about what the outcomes were likely to be. He said it was essential to remember that these outcomes referred to children as individuals. When applying the same variables to measure outcomes, the outcome for every single child could be different.

Mr Altan said that data were also discussed by the group. Data are critical to measuring these outcomes but data are very difficult to acquire, requiring a lot of time. However, the group suggested that data developed in other projects could also be used. On participation and safeguards, there were many good examples of projects where organisations had involved children in a meaningful and non-tokenistic way. He said that an interesting example was raised of a project in the Netherlands where young people were involved as advisers. The project was to train prison workers, and involved young people who had been in prison giving advice as to whether the training was effective, whether it met their experiences, and whether it reflected their experiences. He said this project had meaningful input from children, which was greatly valued by the practitioners themselves. Other examples discussed were of children being actively involved in boards, and consistently participating over a more prolonged period. The group also discussed incentivisation. Examples were given of projects where children were incentivised in different ways, including financially. The group noted that Commission rules did not currently allow this. The group also discussed other organisations that had discovered creative ways of incentivising children, such as the organisation that works with a famous actor. Children were very excited to be involved with this organisation, because they got to make YouTube clips with the actor. Other organisations involved the children in dissemination processes, and this helped them to feel part of the project and see the benefits and the value of being involved.

Mr Altan noted that access to children was a major challenge for a number of the organisations. Organisations that were particularly successful in involving children were the ones who are already working with children. These successful organisations often spent many years developing strong relationships with the gatekeepers to accessing children in different authorities, institutions, etc. Participants said it would not work to start a project involving children without having already established those relationships. This could mean four or five years of careful and close work with organisations to develop the trust needed to be able to get access to children. Participants said that access to children was sometimes limited for what they considered unfair reasons. They said that when involving children, it was important to be aware of what the impacts could be on the children themselves (and the children’s relationship with the authorities) of being involved in acts of speaking out.
On project design and partnerships, the group took 2-3 minutes to talk about the application process, and agreed that this reflected quite positively on the Commission. Mr Altan said that a Commission representative present had given some useful updates to the group on how the process would be changed in the coming years to make the application and funding processes easier. There was one concern noted about the limited word length for sections, but there was a very positive response on the application process itself. The issue of partnerships was a major focus of discussion in the group. Mr Altan noted there was a tendency for people to work with known and trusted organisations, which was reasonable and to be expected. Participants said it could be very time consuming and risky to join up with new and unknown partners. New and unknown partners could have an impact on the entire success of the project, including on delivery times. He said there had been a lot of discussion about how organisations could be supported in finding new, trusted and trustworthy partners. Participants considered that the Commission could play a significant role in that. It was pointed out that projects could be found on the EC website, but not everyone was aware of this so the Commission could raise awareness of it. Participants also felt that the Commission could raise awareness on how to find out which organisations had led projects, filtering by topic, skill and groups.

Mr Altan said there had been a lot of discussion throughout the three hours around engagement with authorities. The participants focused on how they could get authorities engaged with a project from the beginning. Some participants considered that it could be helpful to get the Commission to support that process. The participants also raised questions about how to help organisations to secure the engagement of the different authorities, and make it easier for organisations to engage with authorities at the start of the project design. The participants said this was because a lot of time was spent trying to get authorities to sign up to a project. They said that the question of engagement with authorities also posed difficulties for grant applications and project delivery.

Mr Altan reported that some interesting and useful ideas had been discussed about how to engage with, for example, the judiciary. An example was given of a project that raised great interest among judges and court workers, which was implemented over several years. Part of the reason for the success of the project was that judges from different countries were involved in it. This peer-led work was also particularly successful in giving those judges and other court workers the opportunity to talk about their concerns. This experience of several years of engagement resulted in a significant level of interest when the next project was being designed.
On project legacy, there had been a lot of focus in the discussions on training and on getting the different national authorities involved. It was pointed out that it was important to engage with governments well before the end of projects so that governments could already start their own budget planning. Participants also underlined the importance of dissemination and promotion. One example of good practice that was identified was to engage a communication officer within the project. On accreditation, participants mentioned different incentives for practitioners to be involved in the training process.

Participants said that, even though it might be difficult or almost impossible to measure impact within a project period, it was important not to lose sight of it in project planning, choosing project partners, implementation and evaluation.

In closing, Mr Altan said that the last point discussed was project duration, and whether two years was too long. The response from participants was a categorical ‘no’. Participants considered that two years was not long enough. They acknowledged that there might be exceptions for projects that were follow-ups to previous projects or where there had been previous pilot projects (in which case the delivery and implementation times would be much quicker, and there would be no long set-up time or engagement time with the different organisations).

Discussion points

Célia Chamiça, of Portugal’s National Commission for the Promotion of Rights and the Protection of Children and Young People, thanked the European Commission, all the participating organisations, speakers and participants. She noted that, although her organisation had existed for 20 years, they had been working almost alone during that time. She said that they had tried to apply for funding in 2018 for the first time, but ran into timing deadlines and difficulties in identifying partners. She said the conference was most useful in enabling her organisation to meet with others that faced and/or overcame similar challenges.

Turid Heiberg of the Council for Baltic Sea States thanked the European Union and the Commission for having supported the PROMISE Barnahus project for two editions of the project. She also noted that discussions with Child Circle on a putative project for a Barnahus started in the margins of the 2013 European Forum on the Rights of the Child. There were now more than 20 countries in Europe that either had established a Barnahus or were in the process of establishing one. She said that Barnahus was a well-known concept and a good practice that was universally recommended. She said that this was an example of how seed funding could really grow and make an impact. She encouraged any country not already participating in the PROMISE project to contact Olivia Lind Haldorsson, Rebecca O’Donnell or herself if they were interested in gaining support for a Barnahus.

George Nikolaidis of Greece’s Institute for Child Health also thanked the European Commission and DG Justice for all its support over the years. He said that EU funding meant his organisation had been able to develop a unified system of data collection for child abuse and neglect (CAN) cases, and he also took note of the lack-of-data issue raised by Levent Altan. He said his comments were made in the context of a project called CAN MDS, which was a minimum data set that could be held by all relevant sectors of public administration in all EU Member States. He said that, as of 1 September 2018, work would begin on CAN-MDS II, a project to implement the results of the first CAN MDS project and pilot the installation of a system of surveillance. This system of surveillance could constitute a common system of data collection on child abuse and neglect cases in seven European countries. He said that the CAN-MDS II team was also in discussions with other countries of geographical Europe that were not Member States of the EU to help them implement the same system. He said CAN-MDS II hoped to achieve compatible and comparable data among Member States. He said that the system was freely available to any country or organisation that
might be interested in using it. The software was ready, the operational manuals were available, and he invited any interested parties to contact him or consult the CAN-MDS website.

Maximilian Ullrich spoke next. He said he represented FISA Austria and the national Austrian section of FISA international, a worldwide network of organisations and experts working with children in alternative care. Mr Ullrich welcomed the discussions, saying he had learned a lot, but wanted to mention two topics deserving of more attention in the context of equality and citizenship programmes. The first topic concerned care leavers. This topic involved (i) programmes to train social pedagogues to support youngsters in care on the transition process to an independent life, and (ii) another programme to create new opportunities of foster care for unaccompanied children. He said there had been a lot of focus on special training for judges and prosecutors and others for dealing with children, and asked about unaccompanied children. He said that unaccompanied children were a particularly vulnerable group that were often subject to ill-treatment, not only from judges and prosecutors but also from government officials that treated human beings and children very inhumanely. He said the scale of expertise present in the room was most impressive, and wondered how everyone could better cooperate to make this world a better place, looking at the current situations of people refused safe harbour and drowning in the Mediterranean Sea.

Professor Vasiliki Artinopoulou, of the European Public Law Organisation in Greece, thanked the organisers and all speakers. She said she would leave with clear messages on collaboration, synergies and the strengthening of interdisciplinarity in projects. She said that one more key message she would take away from the conference was to strengthen how we listen to children in project design and project implementation. She said that in the workshops, and especially on the second day, there had been an opportunity to share views and exchange experiences in a critical way, from a positive and a constructive point of view. She said that all these viewpoints, and all the challenges in project implementation, had been addressed properly and critically.

Closing Session

In closing, Olivia Lind Haldorsson thanked Margaret Tuite, who was leaving the role of European Commission coordinator for the rights of the child in mid-July 2018, for all her work in promoting the protection of the rights of the child over the previous seven years.

Margaret Tuite noted that anything she had done had been thanks to the work of many people, and underlined the collective nature of any results achieved. She then made some closing remarks on behalf of Emmanuel Crabit, the Director for fundamental rights and the rule of law, who had been called to the Council and could not be present. She said that he would have liked to say a word in closing, to reiterate in particular that the role of EU funding was to help achieve EU policy objectives and specifically to promote the protection of the rights of the child. She said he was very concerned that we should
always focus on implementation and enforcement. She cited a recent example, when the Commission gave a grant to Nidos, the Dutch guardianship authority, to set up and coordinate a European network on guardianship for unaccompanied children. She said this was because guardians were a very strong, albeit not the only, procedural safeguard for unaccompanied children. She said that the Commission considered it very practical to have a network at European level that could help ensure procedural safeguards for unaccompanied children. She also said that the Commission placed a lot of emphasis on practical projects and did not actually fund a lot of research. Most of the projects funded by the Commission were supposed to be practical in nature and most of their content was practical.

She said that Mr Crabit would have underlined the importance of strong partnerships between those who worked for and with children, and the need to work with Member State authorities in particular. Ms Tuite said that earlier in the day, during a roll-call show of hands of the different practitioners and experts present, there was one group not mentioned: Member State authorities. However, she said there were at least 30 representatives of Member State authorities present, because any discussion about the system required them to be involved. She reiterated that these system-building projects required there to be a partnership with Member State authorities.

In response to requests for the Commission to support projects, Ms Tuite pointed out that if a project gets an EU grant, the EU supports that project. She invited projects to better occupy their space. She said that if the people who worked for and with children did not occupy the space, others would. In terms of follow-up to the conference, she urged participants to build on the opportunities presented, and use contacts they had made with other participants to network and take things further, to forge strong partnerships, and to continue to promote children’s rights. She recalled that the PROMISE Barnahus project originated during a conference such as this one.

She also invited participants to always keep in mind children’s-rights standards in their work to ensure compliance. On child participation, she expressed frustration at the discussions. She said that child participation should not be something rare or something separate. She argued that if we were doing anything concerning children, then children should be involved and that this happens systematically among adults, while participation by children is being over-complicated.
In closing, on behalf of the Commission, she thanked all speakers, participants, and session chairs for their generous and active participation. She also thanked all colleagues who had worked on organising the conference, in particular Marta Kuljon, the main conference organiser, and Olivia Lind Haldorsson, the master of ceremonies.